

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

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

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

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

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

12
13 WHEREAS, Representative Jerry G. Melvin has served in
14 the Florida House of Representatives for 18 years, from
15 1968-1978 and 1995-2002, and is the current Dean of this great
16 institution, and

17 WHEREAS, Representative Jerry G. Melvin served for many
18 years on the Education Appropriations Committee, chaired the
19 Education Innovation Committee from 1997 through 2000, and has
20 chaired the Council for Lifelong Learning from 2000 through
21 2002, and

22 WHEREAS, in his many years of education chairmanship,
23 Representative Jerry G. Melvin has fought tirelessly to
24 achieve the public policy goals of the House leadership, and

25 WHEREAS, in his final year of service to this House,
26 Representative Jerry G. Melvin has accomplished his crowning
27 achievement by bringing before this body, as required in last
28 year's education governance legislation, a new, clear, concise
29 revision of the entire education code that reflects the new
30 governance structure, and

31

1 WHEREAS, this new education code is the largest, most
2 comprehensive piece of legislation ever brought before this
3 Legislature and epitomizes the dedication and hard work of
4 Representative Jerry G. Melvin, NOW, THEREFORE,

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Chapter 1000, Florida Statutes, shall be
9 entitled "K-20 General Provisions" and shall consist of ss.
10 1000.01-1000.21.

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

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

16 1000.01 The Florida K-20 Education System; technical
17 provisions.--

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

20 (2) LIBERAL CONSTRUCTION.--The provisions of the
21 Florida K-20 Education Code shall be liberally construed to
22 the end that its objectives may be effected. It is the
23 legislative intent that if any section, subsection, sentence,
24 clause, or provision of the Florida K-20 Education Code is
25 held invalid, the remainder of the code shall not be affected.

26 (3) PURPOSE.--The purpose of the Florida K-20
27 Education Code is to provide by law for a state system of
28 schools, courses, classes, and educational institutions and
29 services adequate to allow, for all Florida's students, the
30 opportunity to obtain a high quality education. The Florida
31 K-20 education system is established to accomplish this

1 purpose; however, nothing in this code shall be construed to
2 require the provision of free public education beyond grade
3 12.

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

18 (5) EDUCATION GOVERNANCE TRANSFERS.--

19 (a) Effective July 1, 2001:

20 1. The Board of Regents is abolished.

21 2. All of the powers, duties, functions, records,
22 personnel, and property; unexpended balances of
23 appropriations, allocations, and other funds; administrative
24 authority; administrative rules; pending issues; and existing
25 contracts of the Board of Regents are transferred by a type
26 two transfer, pursuant to s. 20.06(2), to the Florida Board of
27 Education.

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

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

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

6 5. The Postsecondary Education Planning Commission is
7 abolished.

8 6. The Council for Education Policy Research and
9 Improvement is created as an independent office under the
10 Office of Legislative Services.

11 7. All personnel, unexpended balances of
12 appropriations, and allocations of the Postsecondary Education
13 Planning Commission are transferred to the Council for
14 Education Policy Research and Improvement.

15 8. The Articulation Coordinating Committee and the
16 Education Standards Commission are transferred by a type two
17 transfer, pursuant to s. 20.06(2), from the Department of
18 Education to the Florida Board of Education.

19 (b) All rules of the State Board of Education, the
20 Commissioner of Education, and the Department of Education,
21 and all rules of the district school boards, the community
22 college boards of trustees, and the state university boards of
23 trustees, in effect on January 2, 2003, remain in effect until
24 specifically amended or repealed in the manner provided by
25 law.

26 (c) Effective January 7, 2003:

27 1. The administrative rules of the Department of
28 Education and the Commissioner of Education shall become the
29 rules of the State Board of Education.

30
31

1 2. The administrative rules of the State Board of
2 Education shall become the rules of the appointed State Board
3 of Education.

4 (d) All administrative rules of the State Board of
5 Education, the Commissioner of Education, and the Department
6 of Education are transferred by a type two transfer, as
7 defined in s. 20.06(2), Florida Statutes, to the appointed
8 State Board of Education.

9 (e) This act creating the Florida K-20 Education Code
10 shall not affect the validity of any judicial or
11 administrative action involving the Department of Education,
12 pending on January 7, 2003. This act shall not affect the
13 validity of any judicial or administrative action involving
14 the Commissioner of Education or the State Board of Education,
15 pending on January 7, 2003, and the appointed State Board of
16 Education shall be substituted as a party of interest in any
17 such action.

18 Section 4. Section 1000.02, Florida Statutes, is
19 created to read:

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

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

23 (a) To achieve within existing resources a seamless
24 academic educational system that fosters an integrated
25 continuum of kindergarten through graduate school education
26 for Florida's students.

27 (b) To promote enhanced academic success and funding
28 efficiency of educational delivery systems by aligning
29 responsibility with accountability.

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

1 (d) To provide substantially improved articulation
2 across all educational delivery systems.

3 (e) To provide for the decentralization of authority
4 to the schools, community colleges, universities, and other
5 education institutions that deliver educational services to
6 the public.

7 (f) To ensure that independent education institutions
8 and home education programs maintain their independence,
9 autonomy, and nongovernmental status.

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

12 (a) A coordinated, seamless system for kindergarten
13 through graduate school education.

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

15 (c) A system that maximizes education access and
16 allows the opportunity for a high quality education for all
17 Floridians.

18 (d) A system that safeguards equity and supports
19 academic excellence.

20 (e) A system that provides for local operational
21 flexibility while promoting accountability for student
22 achievement and improvement.

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

25 1000.03 Function, mission, and goals of the Florida
26 K-20 education system.--

27 (1) Florida's K-20 education system shall be a
28 decentralized system without excess layers of bureaucracy. The
29 State Board of Education may appoint on an ad hoc basis a
30 committee or committees to assist it on any and all issues
31 within the K-20 education system. Florida's K-20 education

1 system shall maintain a systemwide technology plan based on a
2 common set of data definitions.

3 (2)(a) The Legislature shall establish education
4 policy, enact education laws, and appropriate and allocate
5 education resources.

6 (b) The State Board of Education shall oversee the
7 enforcement of all laws and rules, and the timely provision of
8 direction, resources, assistance, intervention when needed,
9 and strong incentives and disincentives to force
10 accountability for results.

11 (c) The Commissioner of Education shall serve as chief
12 executive officer of the K-20 education system. The
13 commissioner shall be responsible for enforcing compliance
14 with the mission and goals of the K-20 education system. The
15 commissioner's office shall operate all statewide functions
16 necessary to support the State Board of Education and the K-20
17 education system.

18 (3) Public education is a cooperative function of the
19 state and local educational authorities. The state retains
20 responsibility for establishing a system of public education
21 through laws, standards, and rules to assure efficient
22 operation of a K-20 system of public education and adequate
23 educational opportunities for all individuals. Local
24 educational authorities have a duty to fully and faithfully
25 comply with state laws, standards, and rules and to
26 efficiently use the resources available to them to assist the
27 state in allowing adequate educational opportunities.

28 (4) The mission of Florida's K-20 education system is
29 to allow its students to increase their proficiency by
30 allowing them the opportunity to expand their knowledge and
31 skills through adequate learning opportunities, in accordance

1 with the mission statement and accountability requirements of
2 s. 1008.31.

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

5 (a) Learning and completion at all levels, including
6 increased high school graduation rate and readiness for
7 postsecondary education without remediation.--All students
8 demonstrate increased learning and completion at all levels,
9 graduate from high school, and are prepared to enter
10 postsecondary education without remediation.

11 (b) Student performance.--Students demonstrate that
12 they meet the expected academic standards consistently at all
13 levels of their education.

14 (c) Alignment of standards and resources.--Academic
15 standards for every level of the K-20 education system are
16 aligned, and education financial resources are aligned with
17 student performance expectations at each level of the K-20
18 education system.

19 (d) Educational leadership.--The quality of
20 educational leadership at all levels of K-20 education is
21 improved.

22 (e) Workforce education.--Workforce education is
23 appropriately aligned with the skills required by the new
24 global economy.

25 (f) Parental, student, family, educational
26 institution, and community involvement.--Parents, students,
27 families, educational institutions, and communities are
28 collaborative partners in education, and each plays an
29 important role in the success of individual students.

30 Therefore, the State of Florida cannot be the guarantor of
31 each individual student's success. The goals of Florida's K-20

1 education system are not guarantees that each individual
2 student will succeed or that each individual school will
3 perform at the level indicated in the goals.

4 Section 6. Section 1000.04, Florida Statutes, is
5 created to read:

6 1000.04 Components for the delivery of public
7 education within the Florida K-20 education system.--Florida's
8 K-20 education system provides for the delivery of public
9 education through publicly supported and controlled K-12
10 schools, community colleges, state universities and other
11 postsecondary educational institutions, other educational
12 institutions, and other educational services as provided or
13 authorized by the Constitution and laws of the state.

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

22 (2) PUBLIC POSTSECONDARY EDUCATIONAL
23 INSTITUTIONS.--Public postsecondary educational institutions
24 include workforce development education; community colleges;
25 colleges; state universities; and all other state-supported
26 postsecondary educational institutions that are authorized and
27 established by law.

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

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

4 Section 7. Section 1000.05, Florida Statutes, is
5 created to read:

6 1000.05 Discrimination against students and employees
7 in the Florida K-20 public education system prohibited;
8 equality of access required.--

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

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

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

26 (c) All public K-20 education classes shall be
27 available to all students without regard to race, ethnicity,
28 national origin, gender, disability, or marital status;
29 however, this is not intended to eliminate the provision of
30 programs designed to meet the needs of students with limited
31 proficiency in English, gifted students, or students with

1 disabilities or programs tailored to students with specialized
2 talents or skills.

3 (d) Students may be separated by gender for any
4 portion of a class that deals with human reproduction or
5 during participation in bodily contact sports. For the
6 purpose of this section, bodily contact sports include
7 wrestling, boxing, rugby, ice hockey, football, basketball,
8 and other sports in which the purpose or major activity
9 involves bodily contact.

10 (e) Guidance services, counseling services, and
11 financial assistance services in the state public K-20
12 education system shall be available to students equally.
13 Guidance and counseling services, materials, and promotional
14 events shall stress access to academic, career and technical
15 opportunities for students without regard to race, ethnicity,
16 national origin, gender, disability, or marital status.

17 (3)(a) No person shall, on the basis of gender, be
18 excluded from participating in, be denied the benefits of, or
19 be treated differently from another person or otherwise be
20 discriminated against in any interscholastic, intercollegiate,
21 club, or intramural athletics offered by a public K-20
22 educational institution; and no public K-20 educational
23 institution shall provide athletics separately on such basis.

24 (b) Notwithstanding the requirements of paragraph (a),
25 a public K-20 educational institution may operate or sponsor
26 separate teams for members of each gender if the selection for
27 such teams is based upon competitive skill or the activity
28 involved is a bodily contact sport. However, when a public
29 K-20 educational institution operates or sponsors a team in a
30 particular sport for members of one gender but does not
31 operate or sponsor such a team for members of the other

1 gender, and athletic opportunities for that gender have
2 previously been limited, members of the excluded gender must
3 be allowed to try out for the team offered.

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

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

18 1. Whether the selection of sports and levels of
19 competition effectively accommodate the interests and
20 abilities of members of both genders.

21 2. The provision of equipment and supplies.

22 3. Scheduling of games and practice times.

23 4. Travel and per diem allowances.

24 5. Opportunities to receive coaching and academic
25 tutoring.

26 6. Assignment and compensation of coaches and tutors.

27 7. Provision of locker room, practice, and competitive
28 facilities.

29 8. Provision of medical and training facilities and
30 services.

31

1 9. Provision of housing and dining facilities and
2 services.

3 10. Publicity.

4
5 Unequal aggregate expenditures for members of each gender or
6 unequal expenditures for male and female teams if a public
7 K-20 educational institution operates or sponsors separate
8 teams do not constitute nonimplementation of this subsection,
9 but the Commissioner of Education shall consider the failure
10 to provide necessary funds for teams for one gender in
11 assessing equality of opportunity for members of each gender.

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

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

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

28 (6) The functions of the Office of Equal Educational
29 Opportunity of the Department of Education shall include, but
30 are not limited to:

31

1 (a) Requiring all district school boards, community
2 college boards of trustees, and state university boards of
3 trustees to develop and submit plans for the implementation of
4 this section to the Department of Education.

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

11 (c) Providing technical assistance, including
12 assisting public K-20 educational agencies in identifying
13 unlawful discrimination and instructing them in remedies for
14 correction and prevention of such discrimination and
15 performing followup monitoring.

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

24 (e) Requiring all district school boards, community
25 college boards of trustees, and state university boards of
26 trustees to submit data and information necessary to determine
27 compliance with this section. The Commissioner of Education
28 shall prescribe the format and the date for submission of such
29 data and any other educational equity data. If any board does
30 not submit the required compliance data or other required
31 educational equity data by the prescribed date, the

1 commissioner shall notify the board of this fact and, if the
2 board does not take appropriate action to immediately submit
3 the required report, the State Board of Education shall impose
4 monetary sanctions.

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

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

25 1. Declare the educational agency ineligible for
26 competitive state grants.

27 2. Notwithstanding the provisions of s. 216.192,
28 direct the Comptroller to withhold general revenue funds
29 sufficient to obtain compliance from the educational agency.
30
31

1 The educational agency shall remain ineligible and the funds
2 shall not be paid until the agency comes into compliance or
3 the State Board of Education approves a plan for compliance.

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

9 Section 8. Section 1000.06, Florida Statutes, is
10 created to read:

11 1000.06 Display of flags.--Every public K-20
12 educational institution that is provided or authorized by the
13 Constitution and laws of Florida shall display daily the flag
14 of the United States and the official flag of Florida when the
15 weather permits upon one building or on a suitable flagstaff
16 upon the grounds of each public postsecondary educational
17 institution and upon every district school board building or
18 grounds except when the institution or school is closed for
19 vacation, provided that, if two or more buildings are located
20 on the same or on adjacent sites, one flag may be displayed
21 for the entire group of buildings.

22 Section 9. Part II of chapter 1000, Florida Statutes,
23 shall be entitled "Systemwide Definitions" and shall consist
24 of s. 1000.21.

25 Section 10. Section 1000.21, Florida Statutes, is
26 created to read:

27 1000.21 Systemwide definitions.--As used in the
28 Florida K-20 Education Code:

29 (1) "Articulation" is the systematic coordination that
30 provides the means by which students proceed toward their
31 educational objectives in as rapid and student-friendly manner

- 1 as their circumstances permit, from grade level to grade
2 level, from elementary to middle to high school, to and
3 through postsecondary education, and when transferring from
4 one educational institution or program to another.
- 5 (2) "Commissioner" is the Commissioner of Education.
- 6 (3) "Community college," except as otherwise
7 specifically provided, includes the following institutions and
8 any branch campuses, centers, or other affiliates of the
9 institution:
- 10 (a) Brevard Community College.
11 (b) Broward Community College.
12 (c) Central Florida Community College.
13 (d) Chipola Junior College.
14 (e) Daytona Beach Community College.
15 (f) Edison Community College.
16 (g) Florida Community College at Jacksonville.
17 (h) Florida Keys Community College.
18 (i) Gulf Coast Community College.
19 (j) Hillsborough Community College.
20 (k) Indian River Community College.
21 (l) Lake City Community College.
22 (m) Lake-Sumter Community College.
23 (n) Manatee Community College.
24 (o) Miami-Dade Community College.
25 (p) North Florida Community College.
26 (q) Okaloosa-Walton Community College.
27 (r) Palm Beach Community College.
28 (s) Pasco-Hernando Community College.
29 (t) Pensacola Junior College.
30 (u) Polk Community College.
31 (v) St. Johns River Community College.

- 1 (w) St. Petersburg College.
2 (x) Santa Fe Community College.
3 (y) Seminole Community College.
4 (z) South Florida Community College.
5 (aa) Tallahassee Community College.
6 (bb) Valencia Community College.
7 (4) "Department" is the Department of Education.
8 (5) "Parent" is either or both parents of a student,
9 any guardian of a student, any person in a parental
10 relationship to a student, or any person exercising
11 supervisory authority over a student in place of the parent.
12 (6) "State university," except as otherwise
13 specifically provided, includes the following institutions and
14 any branch campuses, centers, or other affiliates of the
15 institution:
16 (a) The University of Florida.
17 (b) The Florida State University.
18 (c) The Florida Agricultural and Mechanical
19 University.
20 (d) The University of South Florida.
21 (e) The Florida Atlantic University.
22 (f) The University of West Florida.
23 (g) The University of Central Florida.
24 (h) The University of North Florida.
25 (i) The Florida International University.
26 (j) The Florida Gulf Coast University.
27 (k) New College of Florida.
28 (7) "Sunshine State Standards" are standards that
29 identify what public school students should know and be able
30 to do. These standards delineate the academic achievement of
31 students for which the state will hold its public schools

1 accountable in grades K-2, 3-5, 6-8, and 9-12, in the subjects
2 of language arts, mathematics, science, social studies, the
3 arts, health and physical education, foreign languages,
4 reading, writing, history, government, geography, economics,
5 and computer literacy.

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

9 Section 12. Section 1000.31, Florida Statutes, is
10 created to read:

11 1000.31 Regional education; state policy.--It is
12 hereby declared to be the policy of the state to promote the
13 development and maintenance of regional education services and
14 facilities in the Southern States in the professional,
15 technological, scientific, literary and other fields so as to
16 provide greater educational advantages for the citizens of the
17 state and the citizens in the several states in said region;
18 and it is found and determined by the Legislature of the state
19 that greater educational advantages and facilities for the
20 citizens of the state in certain phases of the professional,
21 technological, scientific, literary and other fields in
22 education can best be accomplished by the development and
23 maintenance of regional educational services and facilities,
24 under the plan embodied in "The Regional Pact" hereinafter
25 adopted; and this law shall be liberally construed to
26 accomplish such purposes.

27 Section 13. Section 1000.32, Florida Statutes, is
28 created to read:

29 1000.32 Regional compact.--The compact entered into by
30 the state and other Southern States by and through their
31 respective governors on February 8, 1948, as amended, relative

1 to the development and maintenance of regional education
2 services and schools in the Southern States in the
3 professional, technological, scientific, literary and other
4 fields so as to promote greater educational facilities for the
5 citizens of the several states who reside in said region, a
6 copy of said compact, as amended, being as follows:

7
8 THE REGIONAL COMPACT
9 (as amended)

10
11 WHEREAS, The States who are parties hereto have during
12 the past several years conducted careful investigation looking
13 toward the establishment and maintenance of jointly owned and
14 operated regional educational institutions in the Southern
15 States in the professional, technological, scientific,
16 literary, and other fields, so as to provide greater
17 educational advantages and facilities for the citizens of the
18 several states who reside within such region; and

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

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

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

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

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

25 It shall be the duty of the board to submit plans and
26 recommendations to the states from time to time for their
27 approval and adoption by appropriate legislative action for
28 the development, establishment, acquisition, operation and
29 maintenance of educational schools and institutions within the
30 geographical limits of the regional area of the states, of
31 such character and type and for such educational purposes,

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

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

24 Any two or more states who are parties of this compact
25 shall have the right to enter into supplemental agreements
26 providing for the establishment, financing and operation of
27 regional educational institutions for the benefit of citizens
28 residing within an area which constitutes a portion of the
29 general region herein created, such institutions to be
30 financed exclusively by such states and to be controlled
31 exclusively by the members of the board representing such

1 states provided such agreement is submitted to and approved by
2 the board prior to the establishment of such institutions.

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

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

1 hereof, upon such conditions as may be agreed upon at the
2 time. Provided, however, that with respect to any state whose
3 constitution may require amendment in order to permit
4 legislative approval of the compact, such state or states
5 shall become parties hereto upon approval of this compact by
6 legislative action within seven years from the date hereof,
7 upon such conditions as may be agreed upon at the time.

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

22 If any state shall at any time become in default in the
23 performance of any of its obligations assumed herein or with
24 respect to any obligation imposed upon said state as
25 authorized by and in compliance with the terms and provisions
26 of this compact, all rights, privileges and benefits of such
27 defaulting state, its members on the board and its citizens
28 shall ipso facto be and become suspended from and after the
29 date of such default. Unless such default shall be remedied
30 and made good within a period of one year immediately
31 following the date of such default this compact may be

1 terminated with respect to such defaulting state by an
2 affirmative vote of three-fourths of the members of the board
3 (exclusive of the members representing the state in default),
4 from and after which time such state shall cease to be a party
5 to this compact and shall have no further claim to or
6 ownership of any of the property held by or vested in the
7 board or to any of the funds of the board held under the terms
8 of this compact, but such termination shall in no manner
9 release such defaulting state from any accrued obligation or
10 otherwise affect this compact or the rights, duties,
11 privileges or obligations of the remaining states thereunder.

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

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

28
29 be and the same is hereby approved and the State of Florida is
30 hereby declared to be a party to said compact and the
31

1 agreements, covenants and obligations contained therein are
2 hereby declared to be binding upon the State of Florida.

3 Section 14. Section 1000.33, Florida Statutes, is
4 created to read:

5 1000.33 Copies to other states approving.--After the
6 effective date of this law the Secretary of State of Florida
7 shall furnish to each of the states approving the said compact
8 an engrossed copy of this bill.

9 Section 15. Section 1000.34, Florida Statutes, is
10 created to read:

11 1000.34 Member jurisdictions.--The compact for
12 education is entered into with all jurisdictions legally
13 joining therein and enacted into law in the following form:

14
15 COMPACT FOR EDUCATION

16
17 ARTICLE I

18
19 PURPOSE AND POLICY.--

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

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

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

28 3. Provide a clearinghouse of information on matters
29 relating to educational problems and how they are being met in
30 different places throughout the nation, so that the executive
31 and legislative branches of state government and of local

1 communities may have ready access to the experience and record
2 of the entire country, and so that both lay and professional
3 groups in the field of education may have additional avenues
4 for the sharing of experience and the interchange of ideas in
5 the formation of public policy in education.

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

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

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

25
26 ARTICLE II

27
28 STATE DEFINED.--

29 As used in this compact, "state" means a state,
30 territory, or possession of the United States, the District of
31 Columbia, or the Commonwealth of Puerto Rico.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ARTICLE III

THE COMMISSION.--

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

B. The members of the commission shall be entitled to one vote each on the commission. No action of the commission shall be binding unless taken at a meeting at which a majority

1 of the total number of votes on the commission are cast in
2 favor thereof. Action of the commission shall be only at a
3 meeting at which a majority of the commissioners are present.
4 The commission shall meet at least once a year. In its
5 bylaws, and subject to such directions and limitations as may
6 be contained therein, the commission may delegate the exercise
7 of any of its powers to the steering committee or the
8 executive director, except for the power to approve budgets or
9 requests for appropriations, the power to make policy
10 recommendations pursuant to Article IV and adoption of the
11 annual report pursuant to Article III, J.

12 C. The commission shall have a seal.

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

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

29 F. The commission may borrow, accept or contract for
30 the services of personnel from any party jurisdiction, the
31 United States, or any subdivision or agency of the

1 aforementioned governments, or from any agency of two or more
2 of the party jurisdictions or their subdivisions.

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

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

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

26 J. The commission annually shall make to the governor
27 and legislature of each party state a report covering the
28 activities of the commission for the preceding year. The
29 commission may make such additional reports as it may deem
30 desirable.

31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

ARTICLE V

COOPERATION WITH FEDERAL GOVERNMENT.--

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

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

ARTICLE VI

COMMITTEES.--

A. To assist in the expeditious conduct of its business when the full commission is not meeting, the commission shall elect a steering committee of thirty-two members which, subject to the provisions of this compact and consistent with the policies of the commission, shall be constituted and function as provided in the bylaws of the commission. One-fourth of the voting membership of the

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

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

27 C. The commission may establish such additional
28 committees as its bylaws may provide.

30 ARTICLE VII

31

1 FINANCE.--

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

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

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

25 D. The commission shall keep accurate accounts of all
26 receipts and disbursements. The receipts and disbursements of
27 the commission shall be subject to the audit and accounting
28 procedures established by its bylaws. However, all receipts
29 and disbursements of funds handled by the commission shall be
30 audited yearly by a qualified public accountant, and the

31

1 report of the audit shall be included in and become part of
2 the annual reports of the commission.

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

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

11
12 ARTICLE VIII

13
14 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

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

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

26 C. Adoption of the compact may be either by enactment
27 thereof or by adherence thereto by the governor; provided that
28 in the absence of enactment, adherence by the governor shall
29 be sufficient to make his or her state a party only until
30 December 31, 1967. During any period when a state is
31 participating in this compact through gubernatorial action,

1 the governor shall appoint those persons who, in addition to
2 himself or herself, shall serve as the members of the
3 commission from his or her state, and shall provide to the
4 commission an equitable share of the financial support of the
5 commission from any source available to him or her.

6 D. Except for a withdrawal effective on December 31,
7 1967, in accordance with paragraph C of this article, any
8 party state may withdraw from this compact by enacting a
9 statute repealing the same, but no such withdrawal shall take
10 effect until one year after the governor of the withdrawing
11 state has given notice in writing of the withdrawal to the
12 governors of all other party states. No withdrawal shall
13 affect any liability already incurred by or chargeable to a
14 party state prior to the time of such withdrawal.

15
16 ARTICLE IX

17
18 CONSTRUCTION AND SEVERABILITY.--

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

1 Section 16. Chapter 1001, Florida Statutes, shall be
2 entitled "K-20 Governance" and shall consist of ss.
3 1001.01-1001.75.
4 Section 17. Part I of chapter 1001, Florida Statutes,
5 shall be entitled "State-Level Governance" and shall consist
6 of ss. 1001.01-1001.28.
7 Section 18. Part I.a. of chapter 1001, Florida
8 Statutes, shall be entitled "State Board of Education" and
9 shall consist of ss. 1001.01-1001.03.
10 Section 19. Section 1001.01, Florida Statutes, is
11 created to read:
12 1001.01 State Board of Education generally.--
13 (1) The State Board of Education is established as a
14 body corporate. The state board shall be a citizen board
15 consisting of seven members who are residents of the state
16 appointed by the Governor to staggered 4-year terms, subject
17 to confirmation by the Senate. Members of the state board
18 shall serve without compensation but shall be entitled to
19 reimbursement of travel and per diem expenses in accordance
20 with s. 112.061. Members may be reappointed by the Governor
21 for additional terms not to exceed 8 years of consecutive
22 service.
23 (2) The State Board of Education shall select a chair
24 and a vice chair from its appointed members. The chair shall
25 serve a 2-year term and may be reselected for one additional
26 consecutive term.
27 (3) Four members of the State Board of Education shall
28 constitute a quorum. No business may be transacted at any
29 meeting unless a quorum is present.
30 Section 20. Section 1001.02, Florida Statutes, is
31 created to read:

1 1001.02 General powers of State Board of Education.--
2 (1) The State Board of Education is the chief
3 implementing and coordinating body of public education in
4 Florida, and it shall focus on high-level policy decisions. It
5 has authority to adopt rules pursuant to ss. 120.536(1) and
6 120.54 to implement the provisions of law conferring duties
7 upon it for the improvement of the state system of K-20 public
8 education. Except as otherwise provided herein, it may, as it
9 finds appropriate, delegate its general powers to the
10 Commissioner of Education or the directors of the divisions of
11 the department.
12 (2) The State Board of Education has the following
13 duties:
14 (a) To adopt comprehensive educational objectives for
15 public education.
16 (b) To adopt comprehensive long-range plans and
17 short-range programs for the development of the state system
18 of public education.
19 (c) To exercise general supervision over the divisions
20 of the Department of Education as necessary to ensure
21 coordination of educational plans and programs and resolve
22 controversies and to minimize problems of articulation and
23 student transfers, to ensure that students moving from one
24 level of education to the next have acquired competencies
25 necessary for satisfactory performance at that level, and to
26 ensure maximum utilization of facilities.
27 (d) To adopt for state universities and community
28 colleges, and from time to time modify, minimum and uniform
29 standards of college-level communication and computation
30 skills generally associated with successful performance and
31 progression through the baccalaureate level and to identify

1 college-preparatory high school coursework and
2 postsecondary-level coursework that prepares students with the
3 academic skills necessary to succeed in postsecondary
4 education.

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

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

20 (g) To approve plans for cooperating with the Federal
21 Government.

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

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

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

- 1 (k) To constitute any education bodies or other
2 structures as required by federal law.
- 3 (l) To assist in the economic development of the state
4 by developing a state-level planning process to identify
5 future training needs for industry, especially high-technology
6 industry.
- 7 (m) To assist in the planning and economic development
8 of the state by establishing a clearinghouse for information
9 on educational programs of value to economic development.
- 10 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
11 and 120.54, within statutory authority, for education
12 systemwide issues.
- 13 (o) To authorize the allocation of resources in
14 accordance with law and rule.
- 15 (p) To contract with independent institutions
16 accredited by an agency whose standards are comparable to the
17 minimum standards required to operate a postsecondary
18 educational institution at that level in the state. The
19 purpose of the contract is to provide those educational
20 programs and facilities which will meet needs unfulfilled by
21 the state system of public postsecondary education.
- 22 (q) To recommend that a district school board take
23 action consistent with the state board's decision relating to
24 an appeal of a charter school application.
- 25 (r) To enforce systemwide education goals and
26 policies.
- 27 (s) To establish a detailed procedure for the
28 implementation and operation of a systemwide K-20 technology
29 plan that is based on a common set of data definitions.
- 30 (t) To establish accountability standards for existing
31 legislative performance goals, standards, and measures, and

1 order the development of mechanisms to implement new
2 legislative goals, standards, and measures.
3 (u) To adopt criteria and implementation plans for
4 future growth issues, such as new colleges and universities
5 and campus mergers, and to provide for cooperative agreements
6 between and within public and private education sectors.
7 (v) To develop, and periodically review for
8 adjustment, a coordinated 5-year plan for postsecondary
9 enrollment and annually submit the plan to the Legislature.
10 (w) To approve a new program at the professional level
11 or doctoral level, if:
12 1. The university has taken into account the need and
13 demand for the program, the university's mission, and similar
14 program offerings by public and nonpublic counterparts.
15 2. The addition of the program will not alter the
16 university's emphasis on undergraduate education.
17 (x) To review, and approve or disapprove, degree
18 programs identified as unique pursuant to s. 1007.25.
19 (y) To recommend to the Legislature a plan for
20 implementing block tuition programs and providing other
21 incentives to encourage students to graduate within 4 years.
22 (3) The State Board of Education shall adopt rules to
23 establish the criteria for assigning, reviewing, and removing
24 limited-access status to an educational program. The State
25 Board of Education shall monitor the extent of limited-access
26 programs within the state universities and report to the
27 Legislature admissions and enrollment data for limited-access
28 programs. Such report shall be submitted annually by December
29 1 and shall assist in determining the potential need for
30 academic program contracts with independent institutions
31 pursuant to paragraph (2)(p). The report must specify, for

1 each limited-access program within each institution, the
2 following categories, by race and gender:
3 (a) The number of applicants.
4 (b) The number of applicants granted admission.
5 (c) The number of applicants who are granted admission
6 and enroll.
7 (d) The number of applicants denied admission.
8 (e) The number of applicants neither granted admission
9 nor denied admission.
10
11 Each category must be reported for each term. Each category
12 must be reported by type of student, including the following
13 subcategories: native students, community college associate in
14 arts degree transfer students, and other students. Each
15 category and subcategory must further be reported according to
16 the number of students who meet or exceed the minimum
17 eligibility requirements for admission to the program and the
18 number of students who do not meet or exceed the minimum
19 eligibility requirements for admission to the program.
20 (4) The State Board of Education shall review, and
21 approve or disapprove, baccalaureate-degree programs that
22 exceed 120 semester hours, after considering accreditation
23 requirements, employment and earnings of graduates,
24 comparative program lengths nationally, and comparisons with
25 similar programs offered by independent institutions. By
26 December 31 of each year, the State Board of Education must
27 report to the Legislature any degrees in the state
28 universities that require more than 120 hours, along with
29 appropriate evidence of need. At least every 5 years, the
30 State Board of Education must determine whether the programs
31 still require more than the standard length of 120 hours.

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

23 (b) The State Board of Education shall develop
24 long-range plans and annual reports for financial aid in this
25 state. The long-range plans shall establish goals and
26 objectives for a comprehensive program of financial aid for
27 Florida students and shall be updated every 5 years. The
28 annual report shall include an assessment of progress made in
29 achieving goals and objectives established in the long-range
30 plans and recommendations for repealing or modifying existing
31 financial aid programs or establishing new programs. A

1 long-range plan shall be submitted by January 1, 2004, and
2 every 5 years thereafter. An annual report shall be submitted
3 on January 1, 2004, and in each successive year that a
4 long-range plan is not submitted, to the President of the
5 Senate and the Speaker of the House of Representatives.

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

18 (7) The State Board of Education shall:

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

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

26 (c) Establish an effective information system that
27 will provide composite data concerning the community colleges
28 and state universities and ensure that special analyses and
29 studies concerning the institutions are conducted, as
30 necessary, for provision of accurate and cost-effective
31 information concerning the institutions.

- 1 (d) Establish criteria for making recommendations for
2 modifying district boundary lines for community colleges.
- 3 (e) Establish criteria for making recommendations
4 concerning all proposals for the establishment of additional
5 centers or campuses for community colleges and state
6 universities.
- 7 (f) Examine the annual administrative review of each
8 community college and state university.
- 9 (g) Specify, by rule, the degree program courses that
10 may be taken by students concurrently enrolled in
11 college-preparatory instruction.
- 12 (h) Adopt and submit to the Legislature a 3-year list
13 of priorities for fixed-capital-outlay projects.
- 14 (8) The State Board of Education is responsible for
15 reviewing and administering the state program of support for
16 the community colleges and, subject to existing law, shall
17 establish the tuition and out-of-state fees for
18 college-preparatory instruction and for credit instruction
19 that may be counted toward an associate in arts degree, an
20 associate in applied science degree, or an associate in
21 science degree.
- 22 (9) The State Board of Education shall prescribe
23 minimum standards, definitions, and guidelines for community
24 colleges and state universities that will ensure the quality
25 of education, coordination among the community colleges and
26 state universities, and efficient progress toward
27 accomplishing the community college and state university
28 mission. At a minimum, these rules must address:
- 29 (a) Personnel.
- 30 (b) Contracting.
- 31

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

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

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

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

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

22
23 The rules should encourage community colleges to enter into
24 agreements with state universities that allow community
25 college students to complete upper-division-level courses at a
26 community college. An agreement may provide for concurrent
27 enrollment at the community college and the state university
28 and may authorize the community college to offer an
29 upper-division-level course or distance learning.

30 (e) Student admissions, conduct and discipline,
31 nonclassroom activities, and fees.

- 1 (f) Budgeting.
2 (g) Business and financial matters.
3 (h) Student services.
4 (i) Reports, surveys, and information systems,
5 including forms and dates of submission.

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

8 1001.03 Specific powers of State Board of Education.--

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

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

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

30 (4) PROFESSIONAL TEACHER ASSOCIATIONS.--The State
31 Board of Education shall ensure that not-for-profit,

1 professional teacher associations that offer membership to all
2 teachers, noninstructional personnel, and administrators, and
3 that offer teacher training and staff development at no fee to
4 the district, shall be given equal access to voluntary teacher
5 meetings, be provided access to teacher mailboxes for
6 distribution of professional literature, and be authorized to
7 collect voluntary membership fees through payroll deduction.

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

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

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

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

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

31

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.

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 (1) To appoint staff necessary to carry out his or her
2 powers and duties.
- 3 (2) To advise and counsel with the State Board of
4 Education on all matters pertaining to education; to recommend
5 to the State Board of Education actions and policies as, in
6 the commissioner's opinion, should be acted upon or adopted;
7 and to execute or provide for the execution of all acts and
8 policies as are approved.
- 9 (3) To keep such records as are necessary to set forth
10 clearly all acts and proceedings of the State Board of
11 Education.
- 12 (4) To have a seal for his or her office with which,
13 in connection with his or her own signature, the commissioner
14 shall authenticate true copies of decisions, acts, or
15 documents.
- 16 (5) To recommend to the State Board of Education
17 policies and steps designed to protect and preserve the
18 principal of the State School Fund; to provide an assured and
19 stable income from the fund; to execute such policies and
20 actions as are approved; and to administer the State School
21 Fund.
- 22 (6) To take action on the release of mineral rights
23 based upon the recommendations of the Board of Trustees of the
24 Internal Improvement Trust Fund.
- 25 (7) To submit to the State Board of Education, on or
26 before August 1 of each year, recommendations for a
27 coordinated K-20 education budget that estimates the
28 expenditures for the State Board of Education, including the
29 Department of Education, the Commissioner of Education, and
30 all of the boards, institutions, agencies, and services under
31 the general supervision of the State Board of Education for

1 the ensuing fiscal year. Any program recommended to the State
2 Board of Education that will require increases in state
3 funding for more than 1 year must be presented in a multiyear
4 budget plan.

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

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

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

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

30
31

- 1 (a) The State Board of Education is the body corporate
2 responsible for the supervision of the system of public
3 education.
- 4 (b) The district school board is responsible for
5 school and student performance.
- 6 (c) The individual school is the unit for education
7 accountability.
- 8 (d) The community college board of trustees is
9 responsible for community college performance and student
10 performance.
- 11 (e) The university board of trustees is responsible
12 for university performance and student performance.
- 13 (12) To establish a Citizen Information Center
14 responsible for the preparation, publication, and distribution
15 of materials relating to the state system of seamless K-20
16 public education.
- 17 (13) To prepare and publish annually reports giving
18 statistics and other useful information pertaining to the
19 Opportunity Scholarship Program.
- 20 (14) To have printed or electronic copies of school
21 laws, forms, instruments, instructions, and rules of the State
22 Board of Education and provide for their distribution.
- 23 (15) To develop criteria for use by state
24 instructional materials committees in evaluating materials
25 submitted for adoption consideration. The criteria shall, as
26 appropriate, be based on instructional expectations reflected
27 in curriculum frameworks and student performance standards.
28 The criteria for each subject or course shall be made
29 available to publishers of instructional materials pursuant to
30 the requirements of chapter 1006.
31

1 (16) To prescribe procedures for evaluating
2 instructional materials submitted by publishers and
3 manufacturers in each adoption.

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

10 Section 24. Section 1001.11, Florida Statutes, is
11 created to read:

12 1001.11 Commissioner of Education; other duties.--

13 (1) The Commissioner of Education must independently
14 perform the following duties:

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

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

21 (c) Develop and implement a process for receiving and
22 processing requests, in conjunction with the Legislature, for
23 the allocation of PECO funds for qualified postsecondary
24 education projects.

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

27 (e) Monitor the activities of the State Board of
28 Education and provide information related to current and
29 pending policies to the members of the boards of trustees of
30 the community colleges and state universities.

31

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

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

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

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

1 (a) Growth at the institutions.

2 (b) Need for specific skills statewide.

3 (c) Need for maintaining and repairing existing
4 facilities.

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

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

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

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

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

24 1001.20 Department under direction of state board.--

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

29 (2) The department is to be located in the offices of
30 the Commissioner of Education and shall assist in providing
31 professional leadership and guidance and in carrying out the

1 policies, procedures, and duties authorized by law or by the
2 State Board of Education or found necessary by it to attain
3 the purposes and objectives of this code.

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

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

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

28 (b) Office of Workforce and Economic
29 Development.--Responsible for evaluating the role of each
30 sector of education in Florida's workforce and economic
31 development, assessing the specific work skills and variety of

1 careers provided, and reporting to the State Board of
2 Education the effectiveness of each sector.

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

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

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

31

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

3 1001.21 Office of Private Schools and Home Education
4 Programs.--The state recognizes the contributions of private
5 schools and home education programs in providing alternatives
6 to public school education. These nongovernmental educational
7 systems serve the public, but are not considered to be a part
8 of the public system of education.

9 (1) The Office of Private Schools and Home Education
10 Programs is established within the Department of Education.
11 The Department of Education and the Commissioner of Education
12 have no authority over the institutions or students served by
13 the office. The office shall:

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

16 (b) Serve the interests of private institutions.

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

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

21 (a) Serve as a source of communication between private
22 schools, home education programs, the Commissioner of
23 Education, and the State Board of Education.

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

27 (c) Establish a clearinghouse of information for the
28 public.

29 (d) Foster a collaborative spirit and working
30 relationship among private schools, home education programs,
31 and the public sector.

1 (e) Identify and convey the best practices of private
2 schools and home education programs for the benefit of the
3 public and private education delivery sectors.

4 (f) Represent issues and concerns relating to home
5 education programs and private schools on all applicable ad
6 hoc advisory bodies.

7 Section 28. Section 1001.22, Florida Statutes, is
8 created to read:

9 1001.22 Commission for Independent Education.--The
10 Commission for Independent Education shall authorize granting
11 of certificates, diplomas, and degrees for independent
12 postsecondary educational institutions pursuant to chapter
13 1005.

14 Section 29. Section 1001.23, Florida Statutes, is
15 created to read:

16 1001.23 Specific powers and duties of the Department
17 of Education.--In addition to all other duties assigned to it
18 by law or by rule of the State Board of Education, the
19 department shall:

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

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

26 (3) Identify the needs of the state system of public
27 education as they relate to the development and production of
28 materials used in instruction, in accordance with the
29 requirements of chapter 1006.

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

1 (a) Photograph, microphotograph, or reproduce on film
2 or prints, documents, records, data, and information of a
3 permanent character and destroy any of the documents after
4 they have been photographed and after audit of the department
5 has been completed for the period embracing the dates of the
6 instruments. Photographs or microphotographs in the form of
7 film or prints made in compliance with the provisions of this
8 subsection shall have the same force and effect as the
9 originals would have, and shall be treated as originals for
10 the purpose of their admissibility in evidence. Duly certified
11 or authenticated reproductions of such photographs or
12 microphotographs shall be admitted in evidence equally with
13 the original photographs or microphotographs.

14 (b) Destroy general correspondence that is over 3
15 years old; records of bills, accounts, vouchers, and
16 requisitions that are over 5 years old and copies of which
17 have been filed with the Comptroller; and other records,
18 papers, and documents over 3 years old that do not serve as
19 part of an agreement or understanding and do not have value as
20 permanent records.

21 Section 30. Section 1001.24, Florida Statutes, is
22 created to read:

23 1001.24 Direct-support organization; use of property;
24 board of directors; audit.--

25 (1) DEFINITIONS.--For the purposes of this section,
26 the term:

27 (a) "Department of Education direct-support
28 organization" means an organization:

29 1. That is a corporation not for profit that is
30 incorporated under the provisions of chapter 617 and approved
31 by the Department of State.

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

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

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

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

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

14 (b) Shall prescribe by rule conditions with which the
15 direct-support organization must comply in order to use
16 property, facilities, or personal services of the department.
17 Such rules shall provide for budget and audit review and for
18 oversight by the department.

19 (c) Shall not permit the use of property, facilities,
20 or personal services of the direct-support organization if
21 such organization does not provide equal employment
22 opportunities to all persons, regardless of race, color,
23 national origin, gender, age, or religion.

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

28 (4) ANNUAL AUDIT.--Each direct-support organization
29 shall provide for an annual financial audit in accordance with
30 s. 215.981. The identity of donors who desire to remain
31 anonymous shall be protected, and that anonymity shall be

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

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

9 1001.25 Educational television.--

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

1 (2) POWERS OF DEPARTMENT.--
2 (a) The department may encourage:
3 1. The extension of educational television network
4 facilities.
5 2. The coordination of Florida's educational
6 television with that of other states and with the Federal
7 Government.
8 3. The further development of educational television
9 within the state.
10 (b) The department shall provide through educational
11 television and other electronic media a means of extending
12 educational services to all the state system of public
13 education, except the state universities, which provision by
14 the department is limited by paragraph (c) and by s.
15 1006.26(1). The department shall recommend to the State Board
16 of Education rules necessary to provide such services.
17 (c) The department may provide equipment, funds, and
18 other services to extend and update both the existing and the
19 proposed educational television and radio systems of
20 tax-supported and nonprofit, corporate-owned facilities. All
21 stations funded must be qualified by the Corporation for
22 Public Broadcasting. New stations eligible for funding shall
23 provide a first service to an audience that is not currently
24 receiving a broadcast signal or provide a significant new
25 program service as defined by State Board of Education rules.
26 Funds appropriated to the department for educational
27 television and funds appropriated to the department for
28 educational radio may be used by the department for either
29 educational television or educational radio, or both.
30 (3) PROHIBITED USE, PENALTY.--
31

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

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

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

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

30 1001.26 Public broadcasting program system.--
31

1 (1) There is created a public broadcasting program
2 system for the state. The department shall administer this
3 program system pursuant to rules adopted by the State Board of
4 Education. This program system must complement and share
5 resources with the instructional programming service of the
6 Department of Education and educational UHF, VHF, ITFS, and FM
7 stations in the state. The program system must include:
8 (a) Support for existing Corporation for Public
9 Broadcasting qualified program system educational radio and
10 television stations and new stations meeting Corporation for
11 Public Broadcasting qualifications and providing a first
12 service to an audience that does not currently receive a
13 broadcast signal or providing a significant new program
14 service as defined by rule by the State Board of Education.
15 (b) Maintenance of quality broadcast capability for
16 educational stations that are part of the program system.
17 (c) Interconnection of all educational stations that
18 are part of the program system for simultaneous broadcast and
19 of such stations with all universities and other institutions
20 as necessary for sharing of resources and delivery of
21 programming.
22 (d) Establishment and maintenance of a capability for
23 statewide program distribution with facilities and staff,
24 provided such facilities and staff complement and strengthen
25 existing or future educational television and radio stations
26 in accordance with paragraph (a) and s. 1001.25(2)(c).
27 (e) Provision of both statewide programming funds and
28 station programming support for educational television and
29 educational radio to meet statewide priorities. Priorities for
30 station programming need not be the same as priorities for
31 programming to be used statewide. Station programming may

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

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

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

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

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

31

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

3 1001.27 State satellite network.--

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

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

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

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

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

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

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

- 1 2. Demonstrated institutional commitment to support
2 and encourage use of the network both within the region and
3 statewide.
- 4 3. Willingness to complement state support with
5 matching institutional resources.
- 6 4. Evidence of cooperation and coordinated planning
7 with other postsecondary educational institutions in the
8 region.
- 9 5. Availability of existing telecommunications
10 equipment which is compatible or adaptable for use in the
11 network.
- 12 (d) Identify additional sites for inclusion in the
13 network in the event that demand exceeds the capacity of the
14 initial network.
- 15 (e) Coordinate scheduling and encourage use of the
16 network.
- 17 (f) Develop operating procedures for the system and
18 recommend fee schedules for both public and private entities
19 wishing to transmit or receive programming through the
20 network. Scheduling procedures shall assign the highest
21 priority to educational programming.
- 22 (g) Provide training for institutional, state agency,
23 and other personnel in effective techniques for the use of the
24 network.
- 25 (h) Provide initial startup support for operations,
26 maintenance, and publicity costs of the network. Continuation
27 costs in these areas shall be recovered through user fees and
28 local resources.
- 29 (4) All audio components of this system that are not
30 transmitted simultaneously with video to a domestic satellite
31

1 shall be transmitted through common carriers regulated
2 pursuant to chapter 364.

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

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

7 Section 34. Section 1001.28, Florida Statutes, is
8 created to read:

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

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

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

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

30 (4) Seek the assistance and cooperation of Florida's
31 cable television providers in the implementation of the

1 statewide advanced telecommunications services and distance
2 learning network.
3 (5) Seek the assistance and cooperation of Florida's
4 telecommunications carriers to provide affordable student
5 access to advanced telecommunications services and to distance
6 learning.
7 (6) Coordinate partnerships for development,
8 acquisition, use, and distribution of distance learning.
9 (7) Secure and administer funding for programs and
10 activities for distance learning from federal, state, local,
11 and private sources and from fees derived from services and
12 materials.
13 (8) Manage the state's satellite transponder resources
14 and enter into lease agreements to maximize the use of
15 available transponder time. All net revenue realized through
16 the leasing of available transponder time, after deducting the
17 costs of performing the management function, shall be recycled
18 to support the public education distance learning in this
19 state based upon an allocation formula of one-third to the
20 Department of Education, one-third to community colleges, and
21 one-third to state universities.
22 (9) Hire appropriate staff which may include a
23 position that shall be exempt from part II of chapter 110 and
24 is included in the Senior Management Service in accordance
25 with s. 110.205.
26
27 Nothing in this section shall be construed to abrogate,
28 supersede, alter, or amend the powers and duties of any state
29 agency, district school board, community college board of
30 trustees, university board of trustees, or the State Board of
31 Education.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 determine whether five of the seven district school board
2 members of said district shall be elected from single-member
3 residence areas by electors residing in each of those areas
4 only, with the two remaining members being elected at large."
5

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

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

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

1 (8) No special election may be called for the sole
2 purpose of presenting the proposition to the vote of the
3 electors.
4 (9) Any district adopting any of the propositions set
5 forth in this section may thereafter return to the procedures
6 otherwise provided by law by following the same procedure
7 outlined in subsection (3).
8 (10) No district school board member elected prior to
9 or at the election that approves any revision as permitted
10 herein shall be affected in his or her term of office. The
11 resolution adopted by the district school board under
12 paragraph (3)(a) or subsection (7) which presents the proposed
13 revision to the electorate for approval shall specify an
14 orderly method and procedure for implementing the revision
15 contemplated in the resolution.
16 Section 46. Section 1001.363, Florida Statutes, is
17 created to read:
18 1001.363 District school board members to represent
19 entire district.--Each district school board of each district
20 shall represent the entire district. Each member of the
21 district school board shall serve as the representative of the
22 entire district, rather than as the representative of a
23 district school board member residence area.
24 Section 47. Section 1001.37, Florida Statutes, is
25 created to read:
26 1001.37 District school board members shall
27 qualify.--Before entering upon the duties of office after
28 being elected, or, if appointed, within 10 days after
29 receiving notice of appointment, each member of the district
30 school board shall take the prescribed oath of office.
31

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

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

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

21 1001.372 District school board meetings.--
22 (1) REGULAR AND SPECIAL MEETINGS.--The district school
23 board shall hold not less than one regular meeting each month
24 for the transaction of business according to a schedule
25 arranged by the district school board and shall convene in
26 special sessions when called by the district school
27 superintendent or by the district school superintendent on
28 request of the chair of the district school board, or on
29 request of a majority of the members of the district school
30 board; provided that actions taken at special meetings shall
31 have the same force and effect as if taken at a regular

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

13 (2) PLACE OF MEETINGS.--

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (1) Each district school board shall annually
19 determine the salary of its members at the first regular
20 meeting following the organizational meeting held pursuant to
21 s. 1001.371. The proposed salary to be adopted shall be
22 noticed at the time of the meeting notice and shall not be
23 increased during the meeting. The salary adopted by the
24 district school board shall be in effect during the succeeding
25 12 months.

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

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

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

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

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

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

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

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

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

31

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

7 (6) Assign students to schools.

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

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

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

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

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

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

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

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

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

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

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

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

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

31

1 (d) Cooperate with school boards of adjoining
2 districts in maintaining schools.--Approve plans for
3 cooperating with school boards of adjoining districts in this
4 state or in adjoining states for establishing school
5 attendance areas composed of territory lying within the
6 districts and for the joint maintenance of district-line
7 schools or other schools which are to serve those attendance
8 areas. The conditions of such cooperation shall be as
9 follows:
10 1. Establishment.--The establishment of a school to
11 serve attendance areas lying in more than one district and the
12 plans for maintaining the school and providing educational
13 services to students shall be effected by annual resolutions
14 spread upon the minutes of each district school board
15 concerned, which resolutions shall set out the territorial
16 limits of the areas from which children are to attend the
17 school and the plan to be followed in maintaining and
18 operating the school.
19 2. Control.--Control of the school or schools involved
20 shall be vested in the district school board of the district
21 in which the school or schools are located unless otherwise
22 agreed by the district school boards.
23 3. Settlement of disagreements.--In the event an
24 agreement cannot be reached relating to such attendance areas
25 or to the school or schools therein, the matter may be
26 referred jointly by the cooperating district school boards or
27 by either district school board to the Department of Education
28 for decision under rules of the State Board of Education, and
29 its decision shall be binding on both school boards.
30
31

- 1 (e) Classification and standardization of
2 schools.--Provide for the classification and standardization
3 of schools.
- 4 (f) Opening and closing of schools; fixing uniform
5 date.--Adopt policies for the opening and closing of schools
6 and fix uniform dates.
- 7 (g) Observance of school holidays and vacation
8 periods.--Designate the observance of school holidays and
9 vacation periods.
- 10 (h) Career and technical classes and schools.--Provide
11 for the establishment and maintenance of career and technical
12 schools, departments, or classes, giving instruction in career
13 and technical education as defined by rules of the State Board
14 of Education, and use any moneys raised by public taxation in
15 the same manner as moneys for other school purposes are used
16 for the maintenance and support of public schools or classes.
- 17 (i) District school boards may establish public
18 evening schools.--Have the authority to establish public
19 evening schools.
- 20 (j) Cooperate with other agencies in joint
21 projects.--Cooperate with other agencies in joint projects.
- 22 (k) Planning time for teachers.--May adopt rules for
23 planning time for teachers in accordance with the provisions
24 of chapter 1012.
- 25 (l) Exceptional students.--Provide for an appropriate
26 program of special instruction, facilities, and services for
27 exceptional students as prescribed by the State Board of
28 Education as acceptable in accordance with the provisions of
29 s. 1003.57.
- 30 (m) Alternative education programs for students in
31 residential care facilities.--Provide, in accordance with the

1 provisions of chapter 1006, educational programs according to
2 rules of the State Board of Education to students who reside
3 in residential care facilities operated by the Department of
4 Children and Family Services.

5 (n) Educational services in detention facilities.--In
6 accordance with the provisions of chapter 1006, offer services
7 to students in detention facilities.

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

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

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

26 (8) TRANSPORTATION OF STUDENTS.--After considering
27 recommendations of the district school superintendent, make
28 provision for the transportation of students to the public
29 schools or school activities they are required or expected to
30 attend; authorize transportation routes arranged efficiently
31 and economically; provide the necessary transportation

1 facilities, and, when authorized under rules of the State
2 Board of Education and if more economical to do so, provide
3 limited subsistence in lieu thereof; and adopt the necessary
4 rules and regulations to ensure safety, economy, and
5 efficiency in the operation of all buses, as prescribed in
6 chapter 1006.
7 (9) SCHOOL PLANT.--Approve plans for locating,
8 planning, constructing, sanitating, insuring, maintaining,
9 protecting, and condemning school property as prescribed in
10 chapter 1013 and as follows:
11 (a) School building program.--Approve and adopt a
12 districtwide school building program.
13 (b) Sites, buildings, and equipment.--
14 1. Select and purchase school sites, playgrounds, and
15 recreational areas located at centers at which schools are to
16 be constructed, of adequate size to meet the needs of
17 projected students to be accommodated.
18 2. Approve the proposed purchase of any site,
19 playground, or recreational area for which district funds are
20 to be used.
21 3. Expand existing sites.
22 4. Rent buildings when necessary.
23 5. Enter into leases or lease-purchase arrangements,
24 in accordance with the requirements and conditions provided in
25 s. 1013.15(2), with private individuals or corporations for
26 the rental of necessary grounds and educational facilities for
27 school purposes or of educational facilities to be erected for
28 school purposes. Current or other funds authorized by law may
29 be used to make payments under a lease-purchase agreement.
30 Notwithstanding any other statutes, if the rental is to be
31 paid from funds received from ad valorem taxation and the

1 agreement is for a period greater than 12 months, an approving
2 referendum must be held. The provisions of such contracts,
3 including building plans, shall be subject to approval by the
4 Department of Education, and no such contract shall be entered
5 into without such approval. As used in this section,
6 "educational facilities" means the buildings and equipment
7 that are built, installed, or established to serve educational
8 purposes and that may lawfully be used. The State Board of
9 Education may adopt such rules as are necessary to implement
10 these provisions.

11 6. Provide for the proper supervision of construction.

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

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

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

23 (d) Insurance of school property.--Carry insurance on
24 every school building in all school plants including contents,
25 boilers, and machinery, except buildings of three classrooms
26 or less that are of frame construction and located in a tenth
27 class public protection zone as defined by the Florida
28 Inspection and Rating Bureau, and on all school buses and
29 other property under the control of the district school board
30 or title to which is vested in the district school board,

31

1 except as exceptions may be authorized under rules of the
2 State Board of Education.

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

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

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

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

26 (c) Tax levies.--Adopt and spread on its minutes a
27 resolution fixing the district school tax levy, provided for
28 under s. 9, Art. VII of the State Constitution, necessary to
29 carry on the school program adopted for the district for the
30 next ensuing fiscal year as required by law, and fixing the
31 district bond interest and sinking fund tax levy necessary for

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

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

12 (e) Borrow money.--Borrow money, as prescribed in ss.
13 1011.12-1011.16, when necessary in anticipation of funds
14 reasonably to be expected during the year as shown by the
15 budget.

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

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

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

30 (i) Contracts for materials, supplies, and
31 services.--Contract for materials, supplies, and services

1 needed for the district school system. No contract for
2 supplying these needs shall be made with any member of the
3 district school board, with the district school
4 superintendent, or with any business organization in which any
5 district school board member or the district school
6 superintendent has any financial interest whatsoever.

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

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

1 by an independent certified public accountant of all receipts
2 and disbursements.

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

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

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

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

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

1 department, if it deems necessary, may require the report to
2 be prepared by a member of its staff, and the district school
3 board shall pay all expenses connected therewith. Any member
4 of the district school board who is responsible for the
5 violation of this provision is subject to suspension and
6 removal.

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

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

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

23 (14) SCHOOL LUNCH PROGRAM.--Assume such
24 responsibilities and exercise such powers and perform such
25 duties as may be assigned to it by law or as may be required
26 by rules of the State Board of Education or, as in the opinion
27 of the district school board, are necessary to ensure school
28 lunch services, consistent with needs of students; effective
29 and efficient operation of the program; and the proper
30 articulation of the school lunch program with other phases of
31 education in the district.

1 (15) PUBLIC INFORMATION AND PARENTAL INVOLVEMENT
2 PROGRAM.--

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

8 (b) Encourage teachers and administrators to keep
9 parents informed of student progress, student programs,
10 student attendance requirements pursuant to ss. 1003.26,
11 1003.27, 414.1251, and 984.151, and availability of resources
12 for academic assistance.

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

23 (a) School improvement plans.--Annually approve and
24 require implementation of a new, amended, or continuation
25 school improvement plan for each school in the district,
26 except that a district school board may establish a district
27 school improvement plan that includes all schools in the
28 district operating for the purpose of providing educational
29 services to youth in Department of Juvenile Justice programs.
30 Such plan shall be designed to achieve the state education
31 priorities pursuant to s. 1000.03(5) and student performance

1 standards. Each plan shall also address issues relative to
2 budget, training, instructional materials, technology,
3 staffing, student support services, specific school safety and
4 discipline strategies, and other matters of resource
5 allocation, as determined by district school board policy, and
6 shall be based on an analysis of student achievement and other
7 school performance data.

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

14 (c) Assistance and intervention.--

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

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

24 3. Develop a plan to encourage teachers with
25 demonstrated mastery in improving student performance to
26 remain at or transfer to a school designated as performance
27 grade category "D" or "F" or to an alternative school that
28 serves disruptive or violent youths. If a classroom teacher,
29 as defined by s. 1012.01(2)(a), who meets the definition of
30 teaching mastery developed according to the provisions of this
31 paragraph, requests assignment to a school designated as

1 performance grade category "D" or "F" or to an alternative
2 school that serves disruptive or violent youths, the district
3 school board shall make every practical effort to grant the
4 request.

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

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

20 (e) Public disclosure.--Provide information regarding
21 performance of students and educational programs as required
22 pursuant to ss. 1008.385 and 1008.22 and implement a system of
23 school reports as required by statute and State Board of
24 Education rule that shall include schools operating for the
25 purpose of providing educational services to youth in
26 Department of Juvenile Justice programs, and for those
27 schools, report on the elements specified in s. 1003.52(20).
28 Annual public disclosure reports shall be in an easy-to-read
29 report card format and shall include the school's student and
30 school performance grade category designation and performance
31 data as specified in state board rule.

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

5 (17) LOCAL-LEVEL DECISIONMAKING.--

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

13 (b) Adopt waiver process policies to enable all
14 schools to exercise maximum flexibility and notify advisory
15 councils of processes to waive school district and state
16 policies.

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

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

25 (18) OPPORTUNITY SCHOLARSHIPS.--Adopt policies
26 allowing students attending schools that have been designated
27 as performance grade category "F," failing to make adequate
28 progress, for 2 school years in a 4-year period to attend a
29 higher performing school in the district or an adjoining
30 district or be granted a state opportunity scholarship to a

31

1 private school, in conformance with s. 1002.38 and State Board
2 of Education rule.

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

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

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

23 (22) ADOPT RULES.--Adopt rules pursuant to ss.
24 120.536(1) and 120.54 to implement this section.

25 Section 56. Section 1001.43, Florida Statutes, is
26 created to read:

27 1001.43 Supplemental powers and duties of district
28 school board.--The district school board may exercise the
29 following supplemental powers and duties as authorized by this
30 code or State Board of Education rule.

31

1 (1) STUDENT MANAGEMENT.--The district school board may
2 adopt programs and policies to ensure the safety and welfare
3 of individuals, the student body, and school personnel, which
4 programs and policies may:
5 (a) Prohibit the possession of weapons and drugs on
6 campus, student hazing, and other activities that could
7 threaten the operation of the school or the safety and welfare
8 of the student body or school personnel.
9 (b) Require uniforms to be worn by the student body,
10 or impose other dress-related requirements, if the district
11 school board finds that those requirements are necessary for
12 the safety or welfare of the student body or school personnel.
13 (c) Provide procedures for student dismissal
14 precautions and for granting permission for students to leave
15 school grounds during school hours, including releasing a
16 student from school upon request by a parent or for public
17 appearances of school groups.
18 (d) Provide procedures for managing protests,
19 demonstrations, sit-ins, walk-outs, or other acts of civil
20 disobedience.
21 (e) Provide procedures for detaining students and for
22 readmission of students after expulsion.
23 (f) Regulate student automobile use and parking.
24 (2) FISCAL MANAGEMENT.--The district school board may
25 adopt policies providing for fiscal management of the school
26 district with respect to school purchasing, facilities,
27 nonstate revenue sources, budgeting, fundraising, and other
28 activities relating to the fiscal management of district
29 resources, including, but not limited to, the policies
30 governing:
31

- 1 (a) Sales calls and demonstrations by agents,
2 solicitors, salespersons, and vendors on campus; local
3 preference criteria for vendors; specifications for quantity
4 purchasing; prioritization of awards for bids; declining bid
5 awards; and purchase requisitions, approvals, and routing.
6 (b) Sales by booster clubs; marathon fundraisers; and
7 student sales of candy, paper products, or other goods
8 authorized by the district school board.
9 (c) Inventory and disposal of district property; use
10 of safe-deposit boxes; and selection of real estate
11 appraisers.
12 (d) Payment of contractors and other service
13 providers.
14 (e) Accounting systems; petty cash accounts procedures
15 and reporting; school activities funds procedures and
16 reporting; management and reporting of grants from private
17 sources; and management of funds, including auxiliary
18 enterprise funds.
19 (f) District budgeting system, including setting
20 budget deadlines and schedules, budget planning, and
21 implementation and determination of budget priorities.
22 (3) INSTRUCTIONAL AIDS.--The district school board may
23 adopt policies providing for innovative teaching techniques,
24 teaching programs and methods, instructional aids and
25 objectives, extracurricular and interscholastic activities,
26 and supplemental programs including, but not limited to,
27 policies providing for:
28 (a) Use of technology, including appropriate use of
29 the Internet as a tool for learning.
30
31

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

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

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

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

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

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

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

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

14 (b) The provision of school safety patrol.

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

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

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

24 (f) Student insurance programs.

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

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

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

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

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

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

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

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

12 1001.44 Technical centers.--

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

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

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

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

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

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

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

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

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

31

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

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

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

13 1001.452 District and school advisory councils.--

14 (1) ESTABLISHMENT.--

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

1 School advisory councils of technical and adult education
2 centers are not required to include parents as members.
3 Council members representing teachers, education support
4 employees, students, and parents shall be elected by their
5 respective peer groups at the school in a fair and equitable
6 manner as follows:
7 1. Teachers shall be elected by teachers.
8 2. Education support employees shall be elected by
9 education support employees.
10 3. Students shall be elected by students.
11 4. Parents shall be elected by parents.
12
13 The district school board shall establish procedures for use
14 by schools in selecting business and community members that
15 include means of ensuring wide notice of vacancies and of
16 taking input on possible members from local business, chambers
17 of commerce, community and civic organizations and groups, and
18 the public at large. The district school board shall review
19 the membership composition of each advisory council. If the
20 district school board determines that the membership elected
21 by the school is not representative of the ethnic, racial, and
22 economic community served by the school, the district school
23 board shall appoint additional members to achieve proper
24 representation. The commissioner shall determine if schools
25 have maximized their efforts to include on their advisory
26 councils minority persons and persons of lower socioeconomic
27 status. Although schools are strongly encouraged to establish
28 school advisory councils, the district school board of any
29 school district that has a student population of 10,000 or
30 fewer may establish a district advisory council which shall
31 include at least one duly elected teacher from each school in

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

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

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

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

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

5 Section 60. Section 1001.453, Florida Statutes, is
6 created to read:

7 1001.453 Direct-support organization; use of property;
8 board of directors; audit.--

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

11 (a) "District school board direct-support
12 organization" means an organization that:

13 1. Is approved by the district school board;

14 2. Is a Florida corporation not for profit,
15 incorporated under the provisions of chapter 617 and approved
16 by the Department of State; and

17 3. Is organized and operated exclusively to receive,
18 hold, invest, and administer property and to make expenditures
19 to or for the benefit of public kindergarten through 12th
20 grade education and adult career and technical and community
21 education programs in this state.

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

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

25 (a) Is authorized to permit the use of property,
26 facilities, and personal services of the district by a
27 direct-support organization, subject to the provisions of this
28 section.

29 (b) Shall prescribe by rule conditions with which a
30 district school board direct-support organization must comply
31 in order to use property, facilities, or personal services of

1 the district. Adoption of such rules shall be coordinated with
2 the Department of Education. The rules shall provide for
3 budget and audit review and oversight by the district school
4 board and the department.

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

10 (3) BOARD OF DIRECTORS.--The board of directors of the
11 district school board direct-support organization shall be
12 approved by the district school board.

13 (4) ANNUAL AUDIT.--Each direct-support organization
14 with more than \$100,000 in expenditures or expenses shall
15 provide for an annual financial audit of its accounts and
16 records, to be conducted by an independent certified public
17 accountant in accordance with rules adopted by the Auditor
18 General pursuant to s. 11.45(8) and the Commissioner of
19 Education. The annual audit report shall be submitted within 9
20 months after the fiscal year's end to the district school
21 board and the Auditor General. The Commissioner of Education,
22 the Auditor General, and the Office of Program Policy Analysis
23 and Government Accountability have the authority to require
24 and receive from the organization or the district auditor any
25 records relative to the operation of the organization. The
26 identity of donors and all information identifying donors and
27 prospective donors are confidential and exempt from the
28 provisions of s. 119.07(1), and that anonymity shall be
29 maintained in the auditor's report. All other records and
30 information shall be considered public records for the
31 purposes of chapter 119.

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

4 Section 62. Section 1001.46, Florida Statutes, is
5 created to read:

6 1001.46 District school superintendent; election and
7 term of office.--The district school superintendent shall be
8 elected for a term of 4 years or until the election or
9 appointment and qualification of his or her successor.

10 Section 63. Section 1001.461, Florida Statutes, is
11 created to read:

12 1001.461 District school superintendent; procedures
13 for making office appointive.--

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

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

28 (3) Any district adopting the appointive method for
29 its district school superintendent may after 4 years return to
30 its former status and reject the provisions of this section by
31

1 following the same procedure outlined in subsection (2) for
2 adopting the provisions thereof.

3 Section 64. Section 1001.462, Florida Statutes, is
4 created to read:

5 1001.462 Oath of district school
6 superintendent.--Before entering upon the duties of his or her
7 office, the district school superintendent shall take the oath
8 of office prescribed by the State Constitution.

9 Section 65. Section 1001.463, Florida Statutes, is
10 created to read:

11 1001.463 Vacancy in office of district school
12 superintendent.--The office of district school superintendent
13 in any district shall be vacant when the district school
14 superintendent removes his or her residence from the district.

15 Section 66. Section 1001.464, Florida Statutes, is
16 created to read:

17 1001.464 District school superintendent to devote full
18 time to office.--The position of district school
19 superintendent shall be considered a full-time position.

20 Section 67. Section 1001.47, Florida Statutes, is
21 created to read:

22 1001.47 District school superintendent; salary.--

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

28 (2) Notwithstanding the provisions of chapter 145 to
29 the contrary, the annual salaries of elected district school
30 superintendents for 1993 and each year thereafter shall be
31 established at the same amounts as the district school

1 superintendents were paid for fiscal year 1991-1992, adjusted
2 by each annual increase provided for in chapter 145.

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

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

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

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

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

28 1. A content-knowledge-and-skills phase consisting of:
29 creative leadership models and theory, demonstration of
30 effective practice, simulation exercises and personal skills
31 practice, and assessment with feedback, taught in a

1 professional training setting under the direction of
2 experienced, successful trainers.

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

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

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

22 Section 68. Section 1001.48, Florida Statutes, is
23 created to read:

24 1001.48 Secretary and executive officer of the
25 district school board.--The district school superintendent
26 shall be the secretary and executive officer of the district
27 school board, provided that when the district school
28 superintendent is required to be absent on account of
29 performing services in the volunteer forces of the United
30 States or in the National Guard of the state or in the regular
31 Army or Navy of the United States, when said district school

1 superintendent shall be called into active training or service
2 of the United States under an Act of Congress or pursuant to a
3 proclamation by the President of the United States, the
4 district school superintendent shall then be entitled to a
5 leave of absence not to exceed the remaining portion of the
6 term for which he or she was elected.

7 Section 69. Section 1001.49, Florida Statutes, is
8 created to read:

9 1001.49 General powers of district school
10 superintendent.--The district school superintendent shall have
11 the authority, and when necessary for the more efficient and
12 adequate operation of the district school system, the district
13 school superintendent shall exercise the following powers:

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

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

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

25 (4) RECOMMEND AND EXECUTE RULES.--Prepare and organize
26 by subjects and submit to the district school board for
27 adoption such rules to supplement those adopted by the State
28 Board of Education as, in the district school superintendent's
29 opinion, will contribute to the efficient operation of any
30 aspect of education in the district. When rules have been

31

1 adopted, the district school superintendent shall see that
2 they are executed.

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

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

17 Section 70. Section 1001.50, Florida Statutes, is
18 created to read:

19 1001.50 Superintendents employed under Art. IX of the
20 State Constitution.--

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

30 (2) The district school board of each of such
31 districts shall enter into contracts of employment with the

1 district school superintendent and shall adopt rules relating
2 to his or her appointment.

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

7 (a) The population of the district.

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

9 (c) The size and composition of the student body to be
10 served.

11 (d) The geographic extent of the district.

12 (e) The number and character of the schools to be
13 supervised.

14 (f) The educational qualifications, professional
15 experience, and age of the candidate for the position of
16 district school superintendent.

17 Section 71. Section 1001.51, Florida Statutes, is
18 created to read:

19 1001.51 Duties and responsibilities of district school
20 superintendent.--The district school superintendent shall
21 exercise all powers and perform all duties listed below and
22 elsewhere in the law, provided that, in so doing, he or she
23 shall advise and counsel with the district school board. The
24 district school superintendent shall perform all tasks
25 necessary to make sound recommendations, nominations,
26 proposals, and reports required by law to be acted upon by the
27 district school board. All such recommendations, nominations,
28 proposals, and reports by the district school superintendent
29 shall be either recorded in the minutes or shall be made in
30 writing, noted in the minutes, and filed in the public records
31 of the district school board. It shall be presumed that, in

1 the absence of the record required in this section, the
2 recommendations, nominations, and proposals required of the
3 district school superintendent were not contrary to the action
4 taken by the district school board in such matters.

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

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

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

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

24 (5) SCHOOL PROGRAM; PREPARE PLANS.--Supervise the
25 assembling of data and sponsor studies and surveys essential
26 to the development of a planned school program for the entire
27 district and prepare and recommend such a program to the
28 district school board as the basis for operating the district
29 school system.

30 (6) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
31 SCHOOLS, CLASSES, AND SERVICES.--Recommend the establishment,

1 organization, and operation of such schools, classes, and
2 services as are needed to provide adequate educational
3 opportunities for all children in the district.
4 (7) PERSONNEL.--Be responsible, as required herein,
5 for directing the work of the personnel, subject to the
6 requirements of chapter 1012.
7 (8) COURSES OF STUDY AND OTHER INSTRUCTIONAL
8 AIDS.--Recommend such plans for improving, providing,
9 distributing, accounting for, and caring for textbooks and
10 other instructional aids as will result in general improvement
11 of the district school system, as prescribed in chapter 1006.
12 (9) TRANSPORTATION OF STUDENTS.--Provide for student
13 transportation as prescribed in s. 1006.21.
14 (10) SCHOOL PLANT.--Recommend plans, and execute such
15 plans as are approved, regarding all phases of the school
16 plant program, as prescribed in chapter 1013.
17 (11) FINANCE.--Recommend measures to the district
18 school board to assure adequate educational facilities
19 throughout the district, in accordance with the financial
20 procedure authorized in chapters 1010 and 1011 and as
21 prescribed below:
22 (a) Plan for operating all schools for minimum
23 term.--Determine and recommend district funds necessary in
24 addition to state funds to provide for at least a 180-day
25 school term or the equivalent on an hourly basis as specified
26 by rules adopted by the State Board of Education and recommend
27 plans for ensuring the operation of all schools for the term
28 authorized by the district school board.
29 (b) Annual budget.--Prepare the annual school budget
30 to be submitted to the district school board for adoption
31 according to law and submit this budget, when adopted by the

1 district school board, to the Department of Education on or
2 before the date required by rules of the State Board of
3 Education.
4 (c) Tax levies.--Recommend to the district school
5 board, on the basis of the needs shown by the budget, the
6 amount of district school tax levy necessary to provide the
7 district school funds needed for the maintenance of the public
8 schools; recommend to the district school board the tax levy
9 required on the basis of the needs shown in the budget for the
10 district bond interest and sinking fund of each district; and
11 recommend to the district school board to be included on the
12 ballot at each district millage election the school district
13 tax levies necessary to carry on the school program.
14 (d) School funds.--Keep an accurate account of all
15 funds that should be transmitted to the district school board
16 for school purposes at various periods during the year and
17 ensure, insofar as possible, that these funds are transmitted
18 promptly and report promptly to the district school board any
19 delinquencies or delays that occur in making available any
20 funds that should be made available for school purposes.
21 (e) Borrowing money.--Recommend when necessary the
22 borrowing of money as prescribed by law.
23 (f) Financial records and accounting.--Keep or have
24 kept accurate records of all financial transactions.
25 (g) Payrolls and accounts.--Maintain accurate and
26 current statements of accounts due to be paid by the district
27 school board; certify these statements as correct; liquidate
28 district school board obligations in accordance with the
29 official budget and rules of the district school board; and
30 prepare periodic reports as required by rules of the State
31 Board of Education, showing receipts, balances, and

1 disbursements to date, and file copies of such periodic
2 reports with the Department of Education.

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

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

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

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

27 (l) Millage elections.--Recommend plans and procedures
28 for holding and supervising all school district millage
29 elections.

30 (m) Budgets and expenditures.--Prepare, after
31 consulting with the principals of the various schools,

1 tentative annual budgets for the expenditure of district funds
2 for the benefit of public school students of the district.

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

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

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

25 (b) Reports to the department.--Prepare, for the
26 approval of the district school board, all reports that may be
27 required by law or rules of the State Board of Education to be
28 made to the department and transmit promptly all such reports,
29 when approved, to the department, as required by law. If any
30 such reports are not transmitted at the time and in the manner
31 prescribed by law or by State Board of Education rules, the

1 salary of the district school superintendent must be withheld
2 until the report has been properly submitted. Unless otherwise
3 provided by rules of the State Board of Education, the annual
4 report on attendance and personnel is due on or before July 1,
5 and the annual school budget and the report on finance are due
6 on the date prescribed by the commissioner.

7
8 Any district school superintendent who knowingly signs and
9 transmits to any state official a false or incorrect report
10 shall forfeit his or her right to any salary for the period of
11 1 year from that date.

12 (13) COOPERATION WITH OTHER AGENCIES.--

13 (a) Cooperation with governmental agencies in
14 enforcement of laws and rules.--Recommend plans for
15 cooperating with, and, on the basis of approved plans,
16 cooperate with federal, state, county, and municipal agencies
17 in the enforcement of laws and rules pertaining to all matters
18 relating to education and child welfare.

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

26 (14) ENFORCEMENT OF LAWS AND RULES.--Require that all
27 laws and rules of the State Board of Education, as well as
28 supplementary rules of the district school board, are properly
29 observed and report to the district school board any violation
30 that the district school superintendent does not succeed in
31 having corrected.

- 1 (15) COOPERATE WITH DISTRICT SCHOOL BOARD.--Cooperate
2 with the district school board in every manner practicable to
3 the end that the district school system may continuously be
4 improved.
- 5 (16) VISITATION OF SCHOOLS.--Visit the schools;
6 observe the management and instruction; give suggestions for
7 improvement; and advise supervisors, principals, teachers,
8 patrons, and other citizens with the view of promoting
9 interest in education and improving the school conditions of
10 the district.
- 11 (17) CONFERENCES, INSTITUTES, AND STUDY COURSES.--Call
12 and conduct institutes and conferences with employees of the
13 district school board, school patrons, and other interested
14 citizens; organize and direct study and extension courses for
15 employees, advising them as to their professional studies; and
16 assist patrons and people generally in acquiring knowledge of
17 the aims, services, and needs of the schools.
- 18 (18) PROFESSIONAL AND GENERAL IMPROVEMENT.--Attend
19 such conferences for district school superintendents as may be
20 called or scheduled by the Department of Education and avail
21 himself or herself of means of professional and general
22 improvement so that he or she may function most efficiently.
- 23 (19) RECOMMEND REVOKING CERTIFICATES.--Recommend in
24 writing to the Department of Education the revoking of any
25 certificate for good cause, including a full statement of the
26 reason for the district school superintendent's
27 recommendation.
- 28 (20) MAKE RECORDS AVAILABLE TO SUCCESSOR.--Leave with
29 the district school board and make available to his or her
30 successor, upon retiring from office, a complete inventory of
31 school equipment and other property, together with all

1 official records and such other records as may be needed in
2 supervising instruction and in administering the district
3 school system.

4 (21) RECOMMEND PROCEDURES FOR INFORMING GENERAL
5 PUBLIC.--Recommend to the district school board procedures
6 whereby the general public can be adequately informed of the
7 educational programs, needs, and objectives of public
8 education within the district.

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

13 (23) OTHER DUTIES AND RESPONSIBILITIES.--Perform such
14 other duties as are assigned to the district school
15 superintendent by law or by rules of the State Board of
16 Education.

17 Section 72. Section 1001.52, Florida Statutes, is
18 created to read:

19 1001.52 Reproduction and destruction of district
20 school records.--

21 (1) The purpose of this section is to reduce the
22 present space required by the district school systems for the
23 storage of their records and to permit the district school
24 superintendent to administer the affairs of the district
25 school system more efficiently.

26 (2) After complying with the provisions of s. 257.37,
27 the district school superintendent may photograph,
28 microphotograph, or reproduce documents, records, data, and
29 information of a permanent character which in his or her
30 discretion he or she may select, and the district school
31 superintendent may destroy any of the said documents after

1 they have been reproduced and after audit of the district
2 school superintendent's office has been completed for the
3 period embracing the dates of said instruments. Information
4 made in compliance with the provisions of this section shall
5 have the same force and effect as the originals thereof would
6 have, and shall be treated as originals for the purpose of
7 their admissibility into evidence. Duly certified or
8 authenticated reproductions shall be admitted into evidence
9 equally with the originals.

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

16 Section 73. Section 1001.53, Florida Statutes, is
17 created to read:

18 1001.53 District school superintendent responsible for
19 enforcement of attendance.--The district school superintendent
20 shall be responsible for the enforcement of the attendance
21 provisions of chapters 1003 and 1006. In a district in which
22 no attendance assistant is employed, the district school
23 superintendent shall have those duties and responsibilities
24 and exercise those powers assigned by law to attendance
25 assistants.

26 Section 74. Part II.c. of chapter 1001, Florida
27 Statutes, shall be entitled "School Principals" and shall
28 consist of s. 1001.54.

29 Section 75. Section 1001.54, Florida Statutes, is
30 created to read:

31 1001.54 Duties of school principals.--

1 (1) A district school board shall employ, through
2 written contract, public school principals. The school
3 principal has authority over school district personnel in
4 accordance with s. 1012.28.

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

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

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

17 Section 76. Part III of chapter 1001, Florida
18 Statutes, shall be entitled "Community Colleges" and shall
19 consist of ss. 1001.61-1001.65.

20 Section 77. Section 1001.61, Florida Statutes, is
21 created to read:

22 1001.61 Community college boards of trustees;
23 membership.--

24 (1) Community college boards of trustees shall be
25 comprised of five members when a community college district is
26 confined to one school board district; seven members when a
27 community college district is confined to one school board
28 district and the board of trustees so elects; and not more
29 than nine members when the district contains two or more
30 school board districts, as provided by rules of the State
31

1 Board of Education. However, Florida Community College at
2 Jacksonville shall have an odd number of trustees.

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

5 (3) Members of the board of trustees shall receive no
6 compensation but may receive reimbursement for expenses as
7 provided in s. 112.061.

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

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

28 Section 78. Section 1001.62, Florida Statutes, is
29 created to read:

30 1001.62 Transfer of benefits arising under local or
31 special acts.--All local or special acts in force on July 1,

1 1968, that provide benefits for a community college through a
2 district school board shall continue in full force and effect,
3 and such benefits shall be transmitted to the community
4 college board of trustees.

5 Section 79. Section 1001.63, Florida Statutes, is
6 created to read:

7 1001.63 Community college board of trustees; board of
8 trustees to constitute a corporation.--Each community college
9 board of trustees is constituted a body corporate by the name
10 of "The District Board of Trustees of ...(name of community
11 college)..., Florida" with all the powers and duties of a body
12 corporate, including the power to adopt a corporate seal, to
13 contract and be contracted with, to sue or be sued, to plead
14 and be impleaded in all courts of law or equity, and to give
15 and receive donations. In all suits against a board of
16 trustees, service of process shall be made on the chair of the
17 board of trustees or, in the absence of the chair, the
18 corporate secretary or designee of the chair.

19 Section 80. Section 1001.64, Florida Statutes, is
20 created to read:

21 1001.64 Community college boards of trustees; powers
22 and duties.--

23 (1) The boards of trustees shall be responsible for
24 cost-effective policy decisions appropriate to the community
25 college's mission, the implementation and maintenance of
26 high-quality education programs within law and rules of the
27 State Board of Education, the measurement of performance, the
28 reporting of information, and the provision of input regarding
29 state policy, budgeting, and education standards.

30 (2) Each board of trustees is vested with the
31 responsibility to govern its respective community college and

1 with such necessary authority as is needed for the proper
2 operation and improvement thereof in accordance with rules of
3 the State Board of Education.

4 (3) A board of trustees shall have the power to take
5 action without a recommendation from the president and shall
6 have the power to require the president to deliver to the
7 board of trustees all data and information required by the
8 board of trustees in the performance of its duties.

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

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

24 (5) Each board of trustees shall have responsibility
25 for the use, maintenance, protection, and control of community
26 college owned or community college controlled buildings and
27 grounds, property and equipment, name, trademarks and other
28 proprietary marks, and the financial and other resources of
29 the community college. Such authority may include placing
30 restrictions on activities and on access to facilities,
31 firearms, food, tobacco, alcoholic beverages, distribution of

1 printed materials, commercial solicitation, animals, and
2 sound.

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

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

22 (8) Each board of trustees has authority for policies
23 related to students, enrollment of students, student records,
24 student activities, financial assistance, and other student
25 services.

26 (a) Each board of trustees shall govern admission of
27 students pursuant to s. 1007.263 and rules of the State Board
28 of Education. A board of trustees may establish additional
29 admissions criteria, which shall be included in the district
30 interinstitutional articulation agreement developed according
31 to s. 1007.235, to ensure student readiness for postsecondary

1 instruction. Each board of trustees may consider the past
2 actions of any person applying for admission or enrollment and
3 may deny admission or enrollment to an applicant because of
4 misconduct if determined to be in the best interest of the
5 community college.

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

9 (c) Boards of trustees are authorized to establish
10 intrainstitutional and interinstitutional programs to maximize
11 articulation pursuant to s. 1007.22.

12 (d) Boards of trustees shall identify their core
13 curricula, which shall include courses required by the State
14 Board of Education, pursuant to the provisions of s.
15 1007.25(6).

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

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

28 (g) Each board of trustees pursuant to s. 1006.53
29 shall adopt a policy in accordance with rules of the State
30 Board of Education that reasonably accommodates the religious
31 observance, practice, and belief of individual students in

1 regard to admissions, class attendance, and the scheduling of
2 examinations and work assignments.

3 (9) A board of trustees may contract with the board of
4 trustees of a state university for the community college to
5 provide college-preparatory instruction on the state
6 university campus.

7 (10) Each board of trustees shall establish fees
8 pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and
9 1009.27.

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

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

18 (13) Each board of trustees is responsible for the
19 uses for the proceeds of academic improvement trust funds
20 pursuant to s. 1011.85.

21 (14) Each board of trustees shall develop a strategic
22 plan specifying institutional goals and objectives for the
23 community college for recommendation to the State Board of
24 Education.

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

27 (16) Each board of trustees must expend performance
28 funds provided for workforce development education pursuant to
29 the provisions of s. 1011.80.

30
31

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

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

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

30 (20) Each board of trustees is authorized to enter
31 into contracts to provide a State Community College System

1 Optional Retirement Program pursuant to s. 1012.875 and to
2 enter into consortia with other boards of trustees for this
3 purpose.

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

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

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

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

31

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

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

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

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

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

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

9 (31) Each board of trustees may establish economic
10 development centers for the purpose of serving as liaisons
11 between community colleges and the business sector pursuant to
12 the provisions of s. 1004.80.

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

15 (33) Each board of trustees is authorized to develop
16 and produce work products relating to educational endeavors
17 that are subject to trademark, copyright, or patent statutes
18 pursuant to chapter 1004.

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

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

30 (36) Each board of trustees may enter into
31 lease-purchase arrangements with private individuals or

1 corporations for necessary grounds and buildings for community
2 college purposes, other than dormitories, or for buildings
3 other than dormitories to be erected for community college
4 purposes. Such arrangements shall be paid from capital outlay
5 and debt service funds as provided by s. 1011.84(2), with
6 terms not to exceed 30 years at a stipulated rate. The
7 provisions of such contracts, including building plans, are
8 subject to approval by the Department of Education, and no
9 such contract may be entered into without such approval.

10 (37) Each board of trustees may purchase, acquire,
11 receive, hold, own, manage, lease, sell, dispose of, and
12 convey title to real property, in the best interests of the
13 community college.

14 (38) Each board of trustees is authorized to borrow
15 funds and incur debt, including entering into lease-purchase
16 agreements and the issuance of revenue bonds as specifically
17 authorized and only for the purposes authorized in ss.
18 1009.22(6) and (9) and 1009.23(11) and (12). At the option of
19 the board of trustees, bonds may be issued which are secured
20 by a combination of revenues authorized to be pledged to bonds
21 pursuant to ss. 1009.22(6) and 1009.23(11) or ss. 1009.22(9)
22 and 1009.23(12). Lease-purchase agreements may be secured by a
23 combination of revenues as specifically authorized pursuant to
24 ss. 1009.22(7) and 1009.23(10).

25 (39) Each board of trustees shall prescribe conditions
26 for direct-support organizations to be certified and to use
27 community college property and services. Conditions relating
28 to certification must provide for audit review and oversight
29 by the board of trustees.

30 (40) Each board of trustees may adopt policies
31 pursuant to s. 1010.02 that provide procedures for

1 transferring to the direct-support organization of that
2 community college for administration by such organization
3 contributions made to the community college.
4 (41) The board of trustees shall exert every effort to
5 collect all delinquent accounts pursuant to s. 1010.03.
6 (42) Each board of trustees shall implement a plan, in
7 accordance with guidelines of the State Board of Education,
8 for working on a regular basis with the other community
9 college boards of trustees, representatives of the university
10 boards of trustees, and representatives of the district school
11 boards to achieve the goals of the seamless education system.
12 (43) Each board of trustees has responsibility for
13 compliance with state and federal laws, rules, regulations,
14 and requirements.
15 (44) Each board of trustees may adopt rules,
16 procedures, and policies related to institutional governance,
17 administration, and management in order to promote orderly and
18 efficient operation, including, but not limited to, financial
19 management, budget management, physical plant management, and
20 property management.
21 (45) Each board of trustees may adopt rules and
22 procedures related to data or technology, including, but not
23 limited to, information systems, communications systems,
24 computer hardware and software, and networks.
25 (46) Each board of trustees may consider the past
26 actions of any person applying for employment and may deny
27 employment to a person because of misconduct if determined to
28 be in the best interest of the community college.

29 Section 81. Section 1001.65, Florida Statutes, is
30 created to read:

31

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

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.

- 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

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

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

1 Section 84. Section 1001.72, Florida Statutes, is
2 created to read:

3 1001.72 University boards of trustees; boards to
4 constitute a corporation.--

5 (1) Each board of trustees shall be a public body
6 corporate by the name of "The (name of university) Board of
7 Trustees," with all the powers of a body corporate, including
8 the power to adopt a corporate seal, to contract and be
9 contracted with, to sue and be sued, to plead and be impleaded
10 in all courts of law or equity, and to give and receive
11 donations. In all suits against a board of trustees, service
12 of process shall be made on the chair of the board of trustees
13 or, in the absence of the chair, on the corporate secretary or
14 designee.

15 (2) It is the intent of the Legislature that the
16 university boards of trustees are not departments of the
17 executive branch of state government within the scope and
18 meaning of s. 6, Art. IV of the State Constitution.

19 (3) The corporation is constituted as a public
20 instrumentality, and the exercise by the corporation of the
21 power conferred by this section is considered to be the
22 performance of an essential public function. The corporation
23 shall constitute an agency for the purposes of s. 120.52. The
24 corporation is subject to chapter 119, subject to exceptions
25 applicable to the corporation, and to the provisions of
26 chapter 286; however, the corporation shall be entitled to
27 provide notice of internal review committee meetings for
28 competitive proposals or procurement to applicants by mail or
29 facsimile rather than by means of publication. The corporation
30 is not governed by chapter 607, but by the provisions of this
31 part.

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

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

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

1 assigned by law or by rule of the State Board of Education or
2 the Commissioner of Education.

3 (3) A board of trustees shall have the power to take
4 action without a recommendation from the president and shall
5 have the power to require the president to deliver to the
6 board of trustees all data and information required by the
7 board of trustees in the performance of its duties.

8 (4) Each board of trustees may adopt rules pursuant to
9 ss. 120.536(1) and 120.54 to implement the provisions of law
10 conferring duties upon it. Such rules must be consistent with
11 rules of the State Board of Education.

12 (5) Each board of trustees shall have the authority to
13 acquire real and personal property and contract for the sale
14 and disposal of same and approve and execute contracts for the
15 purchase, sale, lease, license, or acquisition of commodities,
16 goods, equipment, contractual services, leases of real and
17 personal property, and construction. The acquisition may
18 include purchase by installment or lease-purchase. Such
19 contracts may provide for payment of interest on the unpaid
20 portion of the purchase price. Title to all real property
21 acquired prior to January 7, 2003, and to all real property
22 acquired with funds appropriated by the Legislature shall be
23 vested in the Board of Trustees of the Internal Improvement
24 Trust Fund and shall be transferred and conveyed by it.
25 Notwithstanding any other provisions of this subsection, each
26 board of trustees shall comply with the provisions of s.
27 287.055 for the procurement of professional services as
28 defined therein.

29 (6) Each board of trustees shall have responsibility
30 for the use, maintenance, protection, and control of
31 university-owned or university-controlled buildings and

1 grounds, property and equipment, name, trademarks and other
2 proprietary marks, and the financial and other resources of
3 the university. Such authority may include placing
4 restrictions on activities and on access to facilities,
5 firearms, food, tobacco, alcoholic beverages, distribution of
6 printed materials, commercial solicitation, animals, and
7 sound. The authority vested in the board of trustees in this
8 subsection includes the prioritization of the use of space,
9 property, equipment, and resources and the imposition of
10 charges for those items.

11 (7) Each board of trustees has responsibility for the
12 establishment and discontinuance of degree programs up to and
13 including the master's degree level; the establishment and
14 discontinuance of course offerings; provision of credit and
15 noncredit educational offerings; location of classes; services
16 provided; and dissemination of information concerning such
17 programs and services. Approval of new programs must be
18 pursuant to criteria established by the State Board of
19 Education.

20 (8) Each board of trustees is authorized to create
21 divisions of sponsored research pursuant to the provisions of
22 s. 1011.411 to serve the function of administration and
23 promotion of the programs of research.

24 (9) Each board of trustees has responsibility for:
25 ensuring that students have access to general education
26 courses as identified in rule and requiring no more than 120
27 semester hours of coursework for baccalaureate degree programs
28 unless approved by the State Board of Education. At least half
29 of the required coursework for any baccalaureate degree must
30 be offered at the lower-division level, except in program
31 areas approved by the State Board of Education.

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

5 (a) Each board of trustees shall govern admission of
6 students pursuant to s. 1007.261 and rules of the State Board
7 of Education. Each board of trustees may consider the past
8 actions of any person applying for admission or enrollment and
9 may deny admission or enrollment to an applicant because of
10 misconduct if determined to be in the best interest of the
11 university.

12 (b) Each board of trustees shall establish student
13 performance standards for the award of degrees and
14 certificates.

15 (c) Each board of trustees must identify its core
16 curricula and work with school districts to ensure that its
17 curricula coordinate with the core curricula and prepare
18 students for college-level work.

19 (d) Each board of trustees must adopt a written
20 antihazing policy, appropriate penalties for violations of
21 such policy, and a program for enforcing such policy.

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

30 (f) Each board of trustees shall establish a
31 committee, at least one-half of the members of which shall be

1 students appointed by the student body president, to
2 periodically review and evaluate the student judicial system.
3 (g) Each board of trustees must adopt a policy
4 pursuant to s. 1006.53 that reasonably accommodates the
5 religious observance, practice, and belief of individual
6 students in regard to admissions, class attendance, and the
7 scheduling of examinations and work assignments.
8 (h) A board of trustees may establish
9 intrainstitutional and interinstitutional programs to maximize
10 articulation pursuant to s. 1007.22.
11 (i) Each board of trustees shall approve the internal
12 procedures of student government organizations.
13 (11) Each board of trustees shall establish fees
14 pursuant to ss. 1009.24 and 1009.26.
15 (12) Each board of trustees shall submit an
16 institutional budget request, including a request for fixed
17 capital outlay, and an operating budget to the State Board of
18 Education for approval in accordance with guidelines
19 established by the State Board of Education.
20 (13) Each board of trustees shall account for
21 expenditures of all state, local, federal, and other funds in
22 the manner described by the Department of Education.
23 (14) Each board of trustees shall develop a strategic
24 plan specifying institutional goals and objectives for the
25 university for recommendation to the State Board of Education.
26 (15) Each board of trustees shall develop an
27 accountability plan pursuant to guidelines established by the
28 State Board of Education.
29 (16) Each board of trustees shall maintain an
30 effective information system to provide accurate, timely, and
31 cost-effective information about the university.

1 (17) Each board of trustees is authorized to secure
2 comprehensive general liability insurance pursuant to s.
3 1004.24.

4 (18) Each board of trustees may provide for payment of
5 the costs of civil actions against officers, employees, or
6 agents of the board pursuant to s. 1012.965.

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

22 (20) Each board of trustees may consider the past
23 actions of any person applying for employment and may deny
24 employment to a person because of misconduct if determined to
25 be in the best interest of the university.

26 (21) Each board of trustees shall appoint a
27 presidential search committee to make recommendations to the
28 full board of trustees, from which the board of trustees may
29 select a candidate for ratification by the State Board of
30 Education.

31

1 (22) Each board of trustees shall conduct an annual
2 evaluation of the president in accordance with rules of the
3 State Board of Education and submit such evaluations to the
4 State Board of Education for review. The evaluation must
5 address the achievement of the performance goals established
6 by the accountability process implemented pursuant to s.
7 1008.46 and the performance of the president in achieving the
8 annual and long-term goals and objectives established in the
9 institution's employment equity accountability program
10 implemented pursuant to s. 1012.95.

11 (23) Each board of trustees constitutes the
12 contracting agent of the university.

13 (24) Each board of trustees may enter into agreements
14 for, and accept, credit card payments as compensation for
15 goods, services, tuition, and fees.

16 (25) Each board of trustees may establish educational
17 research centers for child development pursuant to s. 1011.48.

18 (26) Each board of trustees may develop and produce
19 work products relating to educational endeavors that are
20 subject to trademark, copyright, or patent statutes pursuant
21 to s. 1004.23.

22 (27) Each board of trustees shall submit to the State
23 Board of Education, for approval, all new campuses and
24 instructional centers.

25 (28) Each board of trustees shall administer a program
26 for the maintenance and construction of facilities pursuant to
27 chapter 1013.

28 (29) Each board of trustees shall ensure compliance
29 with the provisions of s. 287.09451 for all procurement and
30 ss. 255.101 and 255.102 for construction contracts, and rules
31 adopted pursuant thereto, relating to the utilization of

1 minority business enterprises, except that procurements
2 costing less than the amount provided for in CATEGORY FIVE as
3 provided in s. 287.017 shall not be subject to s. 287.09451.
4 (30) Each board of trustees may exercise the right of
5 eminent domain pursuant to the provisions of chapter 1013. Any
6 suits or actions brought by the board of trustees shall be
7 brought in the name of the board of trustees, and the
8 Department of Legal Affairs shall conduct the proceedings for,
9 and act as the counsel of, the board of trustees.
10 (31) Notwithstanding the provisions of s. 253.025,
11 each board of trustees may, with the consent of the Board of
12 Trustees of the Internal Improvement Trust Fund, sell, convey,
13 transfer, exchange, trade, or purchase real property and
14 related improvements necessary and desirable to serve the
15 needs and purposes of the university.
16 (a) The board of trustees may secure appraisals and
17 surveys. The board of trustees shall comply with the rules of
18 the Board of Trustees of the Internal Improvement Trust Fund
19 in securing appraisals. Whenever the board of trustees finds
20 it necessary for timely property acquisition, it may contract,
21 without the need for competitive selection, with one or more
22 appraisers whose names are contained on the list of approved
23 appraisers maintained by the Division of State Lands in the
24 Department of Environmental Protection.
25 (b) The board of trustees may negotiate and enter into
26 an option contract before an appraisal is obtained. The option
27 contract must state that the final purchase price may not
28 exceed the maximum value allowed by law. The consideration for
29 such an option contract may not exceed 10 percent of the
30 estimate obtained by the board of trustees or 10 percent of
31

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

1 (38) Each board of trustees shall actively implement a
2 plan, in accordance with guidelines of the State Board of
3 Education, for working on a regular basis with the other
4 university boards of trustees, representatives of the
5 community college boards of trustees, and representatives of
6 the district school boards, to achieve the goals of the
7 seamless education system.

8 (39) Notwithstanding the provisions of s. 216.351, a
9 board of trustees may authorize the rent or lease of parking
10 facilities, provided that such facilities are funded through
11 parking fees or parking fines imposed by a university. A board
12 of trustees may authorize a university to charge fees for
13 parking at such rented or leased parking facilities.

14 (40) Each board of trustees may adopt rules and
15 procedures related to data and technology, including
16 information systems, communications systems, computer hardware
17 and software, and networks.

18 (41) A board of trustees shall perform such other
19 duties as are provided by law or rule of the State Board of
20 Education.

21 Section 87. Section 1001.75, Florida Statutes, is
22 created to read:

23 1001.75 University presidents; powers and duties.--The
24 president is the chief executive officer of the state
25 university, shall be corporate secretary of the university
26 board of trustees, and is responsible for the operation and
27 administration of the university. Each state university
28 president shall:

29 (1) Recommend the adoption of rules, as appropriate,
30 to the university board of trustees to implement provisions of
31 law governing the operation and administration of the

1 university, which shall include the specific powers and duties
2 enumerated in this section. Such rules shall be consistent
3 with the mission of the university and the rules and policies
4 of the State Board of Education.

5 (2) Prepare a budget request and an operating budget
6 for approval by the university board of trustees.

7 (3) Establish and implement policies and procedures to
8 recruit, appoint, transfer, promote, compensate, evaluate,
9 reward, demote, discipline, and remove personnel, within law
10 and rules of the State Board of Education and in accordance
11 with rules or policies approved by the university board of
12 trustees.

13 (4) Govern admissions, subject to law and rules or
14 policies of the university board of trustees and the State
15 Board of Education.

16 (5) Approve, execute, and administer contracts for and
17 on behalf of the university board of trustees for licenses;
18 the acquisition or provision of commodities, goods, equipment,
19 and services; leases of real and personal property; and
20 planning and construction to be rendered to or by the
21 university, provided such contracts are within law and rules
22 of the State Board of Education and in conformance with
23 policies of the university board of trustees, and are for the
24 implementation of approved programs of the university.

25 University presidents shall comply with the provisions of s.
26 287.055 for the procurement of professional services and may
27 approve and execute all contracts on behalf of the board of
28 trustees for planning, construction, and equipment. For the
29 purposes of a university president's contracting authority, a
30 "continuing contract" for professional services under the
31 provisions of s. 287.055 is one in which construction costs do

- 1 not exceed \$1 million or the fee for study activity does not
2 exceed \$100,000.
- 3 (6) Act for the university board of trustees as
4 custodian of all university property.
- 5 (7) Establish the internal academic calendar of the
6 university within general guidelines of the State Board of
7 Education.
- 8 (8) Administer the university's program of
9 intercollegiate athletics.
- 10 (9) Recommend to the board of trustees the
11 establishment and termination of undergraduate and
12 master's-level degree programs within the approved role and
13 scope of the university.
- 14 (10) Award degrees.
- 15 (11) Recommend to the board of trustees a schedule of
16 tuition and fees to be charged by the university, within law
17 and rules of the State Board of Education.
- 18 (12) Organize the university to efficiently and
19 effectively achieve the goals of the university.
- 20 (13) Review periodically the operations of the
21 university in order to determine how effectively and
22 efficiently the university is being administered and whether
23 it is meeting the goals of its strategic plan adopted by the
24 State Board of Education.
- 25 (14) Enter into agreements for student exchange
26 programs that involve students at the university and students
27 in other postsecondary educational institutions.
- 28 (15) Provide purchasing, contracting, and budgetary
29 review processes for student government organizations.
30
31

1 (16) Ensure compliance with federal and state laws,
2 rules, regulations, and other requirements that are applicable
3 to the university.

4 (17) Maintain all data and information pertaining to
5 the operation of the university, and report on the attainment
6 by the university of institutional and statewide performance
7 accountability goals.

8 (18) Adjust property records and dispose of
9 state-owned tangible personal property in the university's
10 custody in accordance with procedures established by the
11 university board of trustees. Notwithstanding the provisions
12 of s. 273.055(5), all moneys received from the disposition of
13 state-owned tangible personal property shall be retained by
14 the university and disbursed for the acquisition of tangible
15 personal property and for all necessary operating
16 expenditures. The university shall maintain records of the
17 accounts into which such moneys are deposited.

18 (19) Have vested with the president or the president's
19 designee the powers, duties, and authority that is vested with
20 the university.

21 Section 88. Chapter 1002, Florida Statutes, shall be
22 entitled "Student and Parental Rights and Educational Choices"
23 and shall consist of ss. 1002.01-1002.44.

24 Section 89. Part I of chapter 1002, Florida Statutes,
25 shall be entitled "General Provisions" and shall consist of s.
26 1002.01.

27 Section 90. Section 1002.01, Florida Statutes, is
28 created to read:

29 1002.01 Definitions.--

30 (1) A "home education program" means the sequentially
31 progressive instruction of a student directed by his or her

1 parent in order to satisfy the attendance requirements of ss.
2 1002.41, 1003.01(4), and 1003.21(1).

3 (2) A "private school" is a nonpublic school defined
4 as an individual, association, copartnership, or corporation,
5 or department, division, or section of such organizations,
6 that designates itself as an educational center that includes
7 kindergarten or a higher grade or as an elementary, secondary,
8 business, technical, or trade school below college level or
9 any organization that provides instructional services that
10 meet the intent of s. 1003.01(14) or that gives preemployment
11 or supplementary training in technology or in fields of trade
12 or industry or that offers academic, literary, or career and
13 technical training below college level, or any combination of
14 the above, including an institution that performs the
15 functions of the above schools through correspondence or
16 extension, except those licensed under the provisions of
17 chapter 1005. A private school may be a parochial, religious,
18 denominational, for-profit, or nonprofit school. This
19 definition does not include home education programs conducted
20 in accordance with s. 1002.41.

21 Section 91. Part II of chapter 1002, Florida Statutes,
22 shall be entitled "Student and Parental Rights" and shall
23 consist of ss. 1002.20-1002.22.

24 Section 92. Section 1002.20, Florida Statutes, is
25 created to read:

26 1002.20 K-12 student and parent rights.--K-12 students
27 and their parents are afforded numerous statutory rights
28 including, but not limited to, the following:

29 (1) SYSTEM OF EDUCATION.--In accordance with s. 1,
30 Art. IX of the State Constitution, all K-12 public school
31 students are entitled to a uniform, safe, secure, efficient,

1 and high quality system of education, one that allows students
2 the opportunity to obtain a high quality education. Parents
3 are responsible to ready their children for school; however,
4 the State of Florida cannot be the guarantor of each
5 individual student's success.

6 (2) ATTENDANCE.--

7 (a) Compulsory school attendance.--The compulsory
8 school attendance laws apply to all children between the ages
9 of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a),
10 and, in accordance with the provisions of s. 1003.21(1) and
11 (2)(a):

12 1. A student who attains the age of 16 years during
13 the school year has the right to file a formal declaration of
14 intent to terminate school enrollment if the declaration is
15 signed by the parent. The parent has the right to be notified
16 by the school district of the district's receipt of the
17 student's declaration of intent to terminate school
18 enrollment.

19 2. Students who become or have become married or who
20 are pregnant and parenting have the right to attend school and
21 receive the same or equivalent educational instruction as
22 other students.

23 (b) Regular school attendance.--Parents of students
24 who have attained the age of 6 years by February 1 of any
25 school year but who have not attained the age of 16 years must
26 comply with the compulsory school attendance laws. Parents
27 have the option to comply with the school attendance laws by
28 attendance of the student in a public school; a parochial,
29 religious, or denominational school; a private school; a home
30 education program; or a private tutoring program, in
31 accordance with the provisions of s. 1003.01(14).

1 (c) Absence for religious purposes.--A parent of a
2 public school student may request and be granted permission
3 for absence of the student from school for religious
4 instruction or religious holidays, in accordance with the
5 provisions of s. 1003.21(2)(b).
6 (d) Dropout prevention and academic intervention
7 programs.--The parent of a public school student has the right
8 to receive written notice by certified mail prior to placement
9 of the student in a dropout prevention and academic
10 intervention program and shall be notified in writing and
11 entitled to an administrative review of any action by school
12 personnel relating to the student's placement, in accordance
13 with the provisions of s. 1003.53(5).
14 (3) HEALTH ISSUES.--
15 (a) School-entry health examinations.--The parent of
16 any child attending a public or private school shall be exempt
17 from the requirement of a health examination upon written
18 request stating objections on religious grounds in accordance
19 with the provisions of s. 1003.22(1) and (2).
20 (b) Immunizations.--The parent of any child attending
21 a public or private school shall be exempt from the school
22 immunization requirements upon meeting any of the exemptions
23 in accordance with the provisions of s. 1003.22(5).
24 (c) Biological experiments.--Parents may request that
25 their child be excused from performing surgery or dissection
26 in biological science classes in accordance with the
27 provisions of s. 1003.47.
28 (d) Reproductive health and disease education.--A
29 public school student whose parent makes written request to
30 the school principal shall be exempted from the teaching of
31

1 reproductive health or any disease, including HIV/AIDS, in
2 accordance with the provisions of s. 1003.42(3).

3 (e) Contraceptive services to public school
4 students.--In accordance with the provisions of s.
5 1006.062(7), students may not be referred to or offered
6 contraceptive services at school facilities without the
7 parent's consent.

8 (f) Career and technical education courses involving
9 hazardous substances.--High school students must be given
10 plano safety glasses or devices in career and technical
11 education courses involving the use of hazardous substances
12 likely to cause eye injury, in accordance with the provisions
13 of s. 1006.65.

14 (g) Substance abuse reports.--The parent of a public
15 school student must be timely notified of any verified report
16 of a substance abuse violation by the student, in accordance
17 with the provisions of s. 1006.09(8).

18 (h) Inhaler use.--Asthmatic students whose parent and
19 physician provide their approval to the school principal may
20 carry a metered dose inhaler on their person while in school.
21 The school principal shall be provided a copy of the parent's
22 and physician's approval.

23 (4) DISCIPLINE.--

24 (a) Suspension of public school student.--In
25 accordance with the provisions of s. 1006.09(1)-(4):

26 1. A student may be suspended only as provided by rule
27 of the district school board. A good faith effort must be made
28 to immediately inform the parent by telephone of the student's
29 suspension and the reason. Each suspension and the reason
30 must be reported in writing within 24 hours to the parent by
31 U.S. mail. A good faith effort must be made to use parental

1 assistance before suspension unless the situation requires
2 immediate suspension.

3 2. A student with a disability may only be recommended
4 for suspension or expulsion in accordance with State Board of
5 Education rules.

6 (b) Expulsion.--Public school students and their
7 parents have the right to written notice of a recommendation
8 of expulsion, including the charges against the student and a
9 statement of the right of the student to due process, in
10 accordance with the provisions of s. 1001.51(8).

11 (c) Corporal punishment.--In accordance with the
12 provisions of s. 1003.32, corporal punishment of a public
13 school student may only be administered by a teacher or school
14 principal within guidelines of the school principal and
15 according to district school board policy. Another adult must
16 be present and must be informed in the student's presence of
17 the reason for the punishment. Upon request, the teacher or
18 school principal must provide the parent with a written
19 explanation of the reason for the punishment and the name of
20 the other adult who was present.

21 (5) SAFETY.--In accordance with the provisions of s.
22 1006.13(5), students who have been victims of certain felony
23 offenses by other students, as well as the siblings of the
24 student victims, have the right to be kept separated from the
25 student offender both at school and during school
26 transportation.

27 (6) EDUCATIONAL CHOICE.--

28 (a) Public school choices.--Parents of public school
29 students may seek whatever public school choice options that
30 are applicable to their students and are available to students
31 in their school districts. These options may include

1 controlled open enrollment, lab schools, charter schools,
2 charter technical career centers, magnet schools, alternative
3 schools, special programs, advanced placement, dual
4 enrollment, International Baccalaureate, early admissions,
5 credit by examination or demonstration of competency, the New
6 World School of the Arts, the Florida School for the Deaf and
7 the Blind, and the Florida Virtual School. These options may
8 also include the public school choice options of the
9 Opportunity Scholarship Program and the McKay Scholarships for
10 Students with Disabilities Program.

11 (b) Private school choices.--Parents of public school
12 students may seek private school choice options under certain
13 programs.

14 1. Under the Opportunity Scholarship Program, the
15 parent of a student in a failing public school may request and
16 receive an opportunity scholarship for the student to attend a
17 private school in accordance with the provisions of s.
18 1002.38.

19 2. Under the McKay Scholarships for Students with
20 Disabilities Program, the parent of a public school student
21 with a disability who is dissatisfied with the student's
22 progress may request and receive a McKay Scholarship for the
23 student to attend a private school in accordance with the
24 provisions of s. 1002.39.

25 3. Under the corporate income tax credit scholarship
26 program, the parent of a student who qualifies for free or
27 reduced-price school lunch may seek a scholarship from an
28 eligible nonprofit scholarship-funding organization in
29 accordance with the provisions of s. 220.187.

30
31

1 (c) Home education.--The parent of a student may
2 choose to place the student in a home education program in
3 accordance with the provisions of s. 1002.41.
4 (d) Private tutoring.--The parent of a student may
5 choose to place the student in a private tutoring program in
6 accordance with the provisions of s. 1002.43(1).
7 (7) NONDISCRIMINATION.--All education programs,
8 activities, and opportunities offered by public educational
9 institutions must be made available without discrimination on
10 the basis of race, ethnicity, national origin, gender,
11 disability, or marital status, in accordance with the
12 provisions of s. 1000.05.
13 (8) STUDENTS WITH DISABILITIES.--Parents of public
14 school students with disabilities and parents of public school
15 students in residential care facilities are entitled to notice
16 and due process in accordance with the provisions of ss.
17 1003.57 and 1003.58. Public school students with disabilities
18 must be provided the opportunity to meet the graduation
19 requirements for a standard high school diploma in accordance
20 with the provisions of s. 1003.43(4). Certain public school
21 students with disabilities may be awarded a special diploma
22 upon high school graduation.
23 (9) BLIND STUDENTS.--Blind students have the right to
24 an individualized written education program and appropriate
25 instructional materials to attain literacy, in accordance with
26 provisions of s. 1003.55.
27 (10) LIMITED ENGLISH PROFICIENT STUDENTS.--In
28 accordance with the provisions of s. 1003.56, limited English
29 proficient students have the right to receive ESOL (English
30 for Speakers of Other Languages) instruction designed to
31 develop the student's mastery of listening, speaking, reading,

1 and writing in English as rapidly as possible, and the
2 students' parents have the right of parental involvement in
3 the ESOL program.
4 (11) BASIC RELIGIOUS FREEDOMS.--In accordance with the
5 joint statement of current case law by the American Jewish
6 Congress, the ACLU, the Anti-Defamation League, and others:
7 (a) Right to pray.--Students have the right to pray
8 individually or in groups or to discuss their religious views
9 with their peers so long as they are not disruptive.
10 (b) Right to express.--Students may express their
11 religious beliefs in the form of reports, homework, and
12 artwork, and such expressions are constitutionally protected.
13 Teachers may not reject or correct such submissions simply
14 because they include a religious symbol or address religious
15 themes.
16 (c) Right to distribute.--Students have the right to
17 distribute religious literature to their schoolmates, subject
18 to those reasonable time, place, and manner or other
19 constitutionally acceptable restrictions imposed on the
20 distribution of all nonschool literature.
21 (d) Right to participate.--Student participation in
22 before-school or after-school events, such as "See you at the
23 pole," is permissible.
24 (e) Right to speak.--Students have the right to speak
25 to, and attempt to persuade, their peers about religious
26 topics just as they do with regard to political topics.
27 (f) Right to meet.--Student religious clubs in
28 secondary schools must be permitted to meet and to have equal
29 access to campus media to announce their meetings if a school
30 receives federal funds and permits any student noncurricular
31 club to meet during noninstructional time.

1 (12) PLEDGE OF ALLEGIANCE.--A public school student
2 must be excused from reciting the pledge of allegiance upon
3 written request by the student's parent, in accordance with
4 the provisions of s. 1003.44.
5 (13) STUDENT RECORDS.--
6 (a) Parent rights.--Parents have rights regarding the
7 student records of their children, including right of access,
8 right of waiver of access, right to challenge and hearing, and
9 right of privacy, in accordance with the provisions of s.
10 1002.22.
11 (b) Student rights.--In accordance with the provisions
12 of s. 1008.386, a student is not required to provide his or
13 her social security number as a condition for enrollment or
14 graduation.
15 (14) STUDENT REPORT CARDS.--Students and their parents
16 have the right to receive student report cards on a regular
17 basis that clearly depict and grade the student's academic
18 performance in each class or course, the student's conduct,
19 and the student's attendance, in accordance with the
20 provisions of s. 1003.33.
21 (15) STUDENT PROGRESS REPORTS.--Parents of public
22 school students shall be apprised at regular intervals of the
23 academic progress and other needed information regarding their
24 child, in accordance with the provisions of s. 1003.02(1)(h)2.
25 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT
26 RATING REPORTS.--Parents of public school students are
27 entitled to an easy-to-read report card about the grade
28 designation, school accountability including the school
29 financial report, and school improvement rating of their
30 child's school in accordance with the provisions of ss.
31 1008.22, 1003.02(3), and 1010.215(5).

1 (17) ATHLETICS; PUBLIC HIGH SCHOOL.--

2 (a) Eligibility.--Eligibility requirements for all
3 students participating in high school athletic competition
4 must allow a student to be eligible in the school in which he
5 or she first enrolls each school year, or makes himself or
6 herself a candidate for an athletic team by engaging in
7 practice before enrolling, in accordance with the provisions
8 of s. 1006.20(2)(a).

9 (b) Medical evaluation.--Students must satisfactorily
10 pass a medical evaluation each year before participating in
11 athletics, unless the parent objects in writing based on
12 religious tenets or practices, in accordance with the
13 provisions of s. 1006.20(2)(d).

14 (18) EXTRACURRICULAR ACTIVITIES.--In accordance with
15 the provisions of s. 1006.15:

16 (a) Eligibility.--Students who meet specified academic
17 and conduct requirements are eligible to participate in
18 extracurricular activities.

19 (b) Home education students.--Home education students
20 who meet specified academic and conduct requirements are
21 eligible to participate in extracurricular activities at the
22 public school to which the student would be assigned or could
23 choose to attend according to district school board policies,
24 or may develop an agreement to participate at a private
25 school.

26 (c) Charter school students.--Charter school students
27 who meet specified academic and conduct requirements are
28 eligible to participate in extracurricular activities at the
29 public school to which the student would be assigned or could
30 choose to attend according to district school board policies,

31

1 unless such activity is provided by the student's charter
2 school.
3 (d) Discrimination prohibited.--Organizations that
4 regulate or govern extracurricular activities of public
5 schools shall not discriminate against any eligible student
6 based on an educational choice of public, private, or home
7 education.
8 (19) INSTRUCTIONAL MATERIALS.--
9 (a) Core courses.--Each public school student is
10 entitled to sufficient instructional materials in the core
11 courses of mathematics, language arts, social studies,
12 science, reading, and literature, in accordance with the
13 provisions of ss. 1003.02(1)(d) and 1006.40(2).
14 (b) Curricular objectives.--The parent of each public
15 school student has the right to receive effective
16 communication from the school principal as to the manner in
17 which instructional materials are used to implement the
18 school's curricular objectives, in accordance with the
19 provisions of s. 1006.28(3)(a).
20 (c) Sale of instructional materials.--Upon request of
21 the parent of a public school student, the school principal
22 must sell to the parent any instructional materials used in
23 the school, in accordance with the provisions of s.
24 1006.28(3)(c).
25 (d) Dual enrollment students.--Instructional materials
26 purchased by a district school board or community college
27 board of trustees on behalf of public school dual enrollment
28 students shall be made available to the dual enrollment
29 students free of charge, in accordance with the provisions of
30 s. 1007.271(14) and (15).
31

1 (20) JUVENILE JUSTICE PROGRAMS.--Students who are in
2 juvenile justice programs have the right to receive
3 educational programs and services in accordance with the
4 provisions of s. 1003.52.
5 (21) PARENTAL INPUT AND MEETINGS.--
6 (a) Meetings with school district personnel.--Parents
7 of public school students may be accompanied by another adult
8 of their choice at any meeting with school district personnel.
9 (b) School district best financial management practice
10 reviews.--Public school students and their parents may provide
11 input regarding their concerns about the operations and
12 management of the school district both during and after the
13 conduct of a school district best financial management
14 practices review, in accordance with the provisions of s.
15 1008.35.
16 (c) District school board educational facilities
17 programs.--Parents of public school students and other members
18 of the public have the right to receive proper public notice
19 and opportunity for public comment regarding the district
20 school board's educational facilities work program, in
21 accordance with the provisions of s. 1013.35.
22 (22) TRANSPORTATION.--
23 (a) Transportation to school.--Public school students
24 shall be provided transportation to school, in accordance with
25 the provisions of s. 1006.21(3)(a).
26 (b) Hazardous walking conditions.--K-6 public school
27 students shall be provided transportation if they are
28 subjected to hazardous walking conditions, in accordance with
29 the provisions of ss. 1006.21(3)(b) and 1006.23.
30 (c) Parental consent.--Each parent of a public school
31 student must be notified in writing and give written consent

1 before the student may be transported in a privately owned
2 motor vehicle to a school function, in accordance with the
3 provisions of s. 1006.22(2)(b).

4 Section 93. Section 1002.21, Florida Statutes, is
5 created to read:

6 1002.21 Postsecondary student and parent rights.--

7 (1) STUDENT RECORDS.--Parents have rights regarding
8 the student records of their children, and students 18 years
9 of age and older have rights regarding their student records,
10 including right of access, right of waiver of access, right to
11 challenge and hearing, and right of privacy, in accordance
12 with the provisions of ss. 1002.22, 1005.36, and 1006.52.

13 (2) LEARNING DISABLED STUDENTS.--Impaired and learning
14 disabled students may be eligible for reasonable substitution
15 for admission, graduation, and upper-level division
16 requirements of public postsecondary educational institutions,
17 in accordance with the provisions of s. 1007.264.

18 (3) EXPULSION, SUSPENSION, DISCIPLINE.--Public
19 postsecondary education students may be expelled, suspended,
20 or otherwise disciplined by the president of a public
21 postsecondary educational institution after notice to the
22 student of the charges and a hearing on the charges, in
23 accordance with the provisions of s. 1006.62.

24 (4) RELIGIOUS BELIEFS.--Public postsecondary
25 educational institutions must provide reasonable
26 accommodations for the religious practices and beliefs of
27 individual students in regard to admissions, class attendance,
28 and the scheduling of examinations and work assignments, in
29 accordance with the provisions of s. 1006.53, and must provide
30 and describe in the student handbook a grievance procedure for
31 students to seek redress when they feel they have been

1 unreasonably denied an educational benefit due to their
2 religious beliefs or practices.

3 (5) STUDENT HANDBOOKS.--Each state university and
4 community college shall provide its students with an
5 up-to-date student handbook that includes student rights and
6 responsibilities, appeals processes available to students,
7 contact persons available to help students, student conduct
8 code, and information regarding HIV and AIDS, in accordance
9 with the provisions of s. 1006.50.

10 (6) STUDENT OMBUDSMAN OFFICE.--Each state university
11 and community college shall maintain a student ombudsman
12 office and established procedures for students to appeal to
13 the office regarding decisions about the student's access to
14 courses and credit granted toward the student's degree, in
15 accordance with the provisions of s. 1006.51.

16 Section 94. Section 1002.22, Florida Statutes, is
17 created to read:

18 1002.22 Student records and reports; rights of parents
19 and students; notification; penalty.--

20 (1) PURPOSE.--The purpose of this section is to
21 protect the rights of students and their parents with respect
22 to student records and reports as created, maintained, and
23 used by public educational institutions in the state. The
24 intent of the Legislature is that students and their parents
25 shall have rights of access, rights of challenge, and rights
26 of privacy with respect to such records and reports, and that
27 rules shall be available for the exercise of these rights.

28 (2) DEFINITIONS.--As used in this section:

29 (a) "Chief executive officer" means that person,
30 whether elected or appointed, who is responsible for the
31 management and administration of any public educational body

1 or unit, or the chief executive officer's designee for student
2 records; that is, the district school superintendent, the
3 director of an area technical center, the president of a
4 public postsecondary educational institution, or their
5 designees.

6 (b) "Directory information" includes the student's
7 name, address, telephone number if it is a listed number, date
8 and place of birth, major field of study, participation in
9 officially recognized activities and sports, weight and height
10 of members of athletic teams, dates of attendance, degrees and
11 awards received, and the most recent previous educational
12 agency or institution attended by the student.

13 (c) "Records" and "reports" mean official records,
14 files, and data directly related to students that are created,
15 maintained, and used by public educational institutions,
16 including all material that is incorporated into each
17 student's cumulative record folder and intended for school use
18 or to be available to parties outside the school or school
19 system for legitimate educational or research purposes.

20 Materials that shall be considered as part of a student's
21 record include, but are not necessarily limited to:
22 identifying data, including a student's social security
23 number; academic work completed; level of achievement records,
24 including grades and standardized achievement test scores;
25 attendance data; scores on standardized intelligence,
26 aptitude, and psychological tests; interest inventory results;
27 health data; family background information; teacher or
28 counselor ratings and observations; verified reports of
29 serious or recurrent behavior patterns; and any other
30 evidence, knowledge, or information recorded in any medium,
31 including, but not limited to, handwriting, typewriting,

1 print, magnetic tapes, film, microfilm, and microfiche, and
2 maintained and used by an educational agency or institution or
3 by a person acting for such agency or institution. However,
4 the terms "records" and "reports" do not include:

5 1. Records of instructional, supervisory, and
6 administrative personnel, and educational personnel ancillary
7 to those persons, that are kept in the sole possession of the
8 maker of the record and are not accessible or revealed to any
9 other person except a substitute for any of such persons. An
10 example of records of this type is instructor's grade books.

11 2. Records of law enforcement units of the institution
12 that are maintained solely for law enforcement purposes and
13 that are not available to persons other than officials of the
14 institution or law enforcement officials of the same
15 jurisdiction in the exercise of that jurisdiction.

16 3. Records made and maintained by the institution in
17 the normal course of business that relate exclusively to a
18 student in his or her capacity as an employee and that are not
19 available for use for any other purpose.

20 4. Records created or maintained by a physician,
21 psychiatrist, psychologist, or other recognized professional
22 or paraprofessional acting in his or her professional or
23 paraprofessional capacity, or assisting in that capacity, that
24 are created, maintained, or used only in connection with the
25 provision of treatment to the student and that are not
26 available to anyone other than persons providing such
27 treatment. However, such records shall be open to a physician
28 or other appropriate professional of the student's choice.

29 5. Directory information as defined in this section.

30 6. Other information, files, or data that do not
31 permit the personal identification of a student.

1 7. Letters or statements of recommendation or
2 evaluation that were confidential under Florida law and that
3 were received and made a part of the student's educational
4 records prior to July 1, 1977.

5 8. Copies of the student's fingerprints. No public
6 educational institution shall maintain any report or record
7 relative to a student that includes a copy of the student's
8 fingerprints.

9 (d) "Student" means any child or adult who is enrolled
10 or who has been enrolled in any instructional program or
11 activity conducted under the authority and direction of an
12 institution comprising a part of the state system of public
13 education and with respect to whom an educational institution
14 maintains educational records and reports or personally
15 identifiable information, but does not include a person who
16 has not been in attendance as an enrollee at such institution.

17 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
18 student who attends or has attended any public school, area
19 technical center, or public postsecondary educational
20 institution shall have the following rights with respect to
21 any records or reports created, maintained, and used by any
22 public educational institution in the state. However,
23 whenever a student has attained 18 years of age, or is
24 attending a postsecondary educational institution, the
25 permission or consent required of, and the rights accorded to,
26 the parents of the student shall thereafter be required of and
27 accorded to the student only, unless the student is a
28 dependent student of such parents as defined in 26 U.S.C. s.
29 152 (s. 152 of the Internal Revenue Code of 1954). The State
30 Board of Education shall adopt rules whereby parents or
31 students may exercise these rights:

1 (a) Right of access.--
2 1. Such parent or student shall have the right, upon
3 request directed to the appropriate school official, to be
4 provided with a list of the types of records and reports,
5 directly related to students, as maintained by the institution
6 that the student attends or has attended.
7 2. Such parent or student shall have the right, upon
8 request, to be shown any record or report relating to such
9 student maintained by any public educational institution.
10 When the record or report includes information on more than
11 one student, the parent or student shall be entitled to
12 receive, or be informed of, only that part of the record or
13 report that pertains to the student who is the subject of the
14 request. Upon a reasonable request therefor, the institution
15 shall furnish such parent or student with an explanation or
16 interpretation of any such record or report.
17 3. Copies of any list, record, or report requested
18 under the provisions of this paragraph shall be furnished to
19 the parent or student upon request.
20 4. The State Board of Education shall adopt rules to
21 be followed by all public educational institutions in granting
22 requests for lists, or for access to reports and records or
23 for copies or explanations thereof under this paragraph.
24 However, access to any report or record requested under the
25 provisions of subparagraph 2. shall be granted within 30 days
26 after receipt of such request by the institution. Fees may be
27 charged for furnishing any copies of reports or records
28 requested under subparagraph 3., but such fees shall not
29 exceed the actual cost to the institution of producing such
30 copies.
31

1 (b) Right of waiver of access to confidential letters
2 or statements.--A parent or student shall have the right to
3 waive the right of access to letters or statements of
4 recommendation or evaluation, except that such waiver shall
5 apply to recommendations or evaluations only if:
6 1. The parent or student is, upon request, notified of
7 the names of all persons submitting confidential letters or
8 statements.
9 2. Such recommendations or evaluations are used solely
10 for the purpose for which they were specifically intended.
11
12 Such waivers may not be required as a condition for admission
13 to, receipt of financial aid from, or receipt of any other
14 services or benefits from, any public agency or public
15 educational institution in this state.
16 (c) Right to challenge and hearing.--A parent or
17 student shall have the right to challenge the content of any
18 record or report to which such person is granted access under
19 paragraph (a), in order to ensure that the record or report is
20 not inaccurate, misleading, or otherwise in violation of the
21 privacy or other rights of the student and to provide an
22 opportunity for the correction, deletion, or expunction of any
23 inaccurate, misleading, or otherwise inappropriate data or
24 material contained therein. Any challenge arising under the
25 provisions of this paragraph may be settled through informal
26 meetings or discussions between the parent or student and
27 appropriate officials of the educational institution. If the
28 parties at such a meeting agree to make corrections, to make
29 deletions, to expunge material, or to add a statement of
30 explanation or rebuttal to the file, such agreement shall be
31 reduced to writing and signed by the parties; and the

1 appropriate school officials shall take the necessary actions
2 to implement the agreement. If the parties cannot reach an
3 agreement, upon the request of either party, a hearing shall
4 be held on such challenge under rules adopted by the State
5 Board of Education. Upon the request of the parent or student,
6 the hearing shall be exempt from the requirements of s.
7 286.011. Such rules shall include at least the following
8 provisions:

9 1. The hearing shall be conducted within a reasonable
10 period of time following the request for the hearing.

11 2. The hearing shall be conducted, and the decision
12 rendered, by an official of the educational institution or
13 other party who does not have a direct interest in the outcome
14 of the hearing.

15 3. The parent or student shall be afforded a full and
16 fair opportunity to present evidence relevant to the issues
17 raised under this paragraph.

18 4. The decision shall be rendered in writing within a
19 reasonable period of time after the conclusion of the hearing.

20 5. The appropriate school officials shall take the
21 necessary actions to implement the decision.

22 (d) Right of privacy.--Every student shall have a
23 right of privacy with respect to the educational records kept
24 on him or her. Personally identifiable records or reports of a
25 student, and any personal information contained therein, are
26 confidential and exempt from the provisions of s. 119.07(1).
27 No state or local educational agency, board, public school,
28 technical center, or public postsecondary educational
29 institution shall permit the release of such records, reports,
30 or information without the written consent of the student's
31 parent, or of the student himself or herself if he or she is

1 qualified as provided in this subsection, to any individual,
2 agency, or organization. However, personally identifiable
3 records or reports of a student may be released to the
4 following persons or organizations without the consent of the
5 student or the student's parent:

6 1. Officials of schools, school systems, technical
7 centers, or public postsecondary educational institutions in
8 which the student seeks or intends to enroll; and a copy of
9 such records or reports shall be furnished to the parent or
10 student upon request.

11 2. Other school officials, including teachers within
12 the educational institution or agency, who have legitimate
13 educational interests in the information contained in the
14 records.

15 3. The United States Secretary of Education, the
16 Director of the National Institute of Education, the Assistant
17 Secretary for Education, the Comptroller General of the United
18 States, or state or local educational authorities who are
19 authorized to receive such information subject to the
20 conditions set forth in applicable federal statutes and
21 regulations of the United States Department of Education, or
22 in applicable state statutes and rules of the State Board of
23 Education.

24 4. Other school officials, in connection with a
25 student's application for or receipt of financial aid.

26 5. Individuals or organizations conducting studies for
27 or on behalf of an institution or a board of education for the
28 purpose of developing, validating, or administering predictive
29 tests, administering student aid programs, or improving
30 instruction, if such studies are conducted in such a manner as
31 will not permit the personal identification of students and

1 their parents by persons other than representatives of such
2 organizations and if such information will be destroyed when
3 no longer needed for the purpose of conducting such studies.
4 6. Accrediting organizations, in order to carry out
5 their accrediting functions.
6 7. School readiness coalitions and the Florida
7 Partnership for School Readiness in order to carry out their
8 assigned duties.
9 8. For use as evidence in student expulsion hearings
10 conducted by a district school board pursuant to the
11 provisions of chapter 120.
12 9. Appropriate parties in connection with an
13 emergency, if knowledge of the information in the student's
14 educational records is necessary to protect the health or
15 safety of the student or other individuals.
16 10. The Auditor General and the Office of Program
17 Policy Analysis and Government Accountability in connection
18 with their official functions; however, except when the
19 collection of personally identifiable information is
20 specifically authorized by law, any data collected by the
21 Auditor General and the Office of Program Policy Analysis and
22 Government Accountability is confidential and exempt from the
23 provisions of s. 119.07(1) and shall be protected in such a
24 way as will not permit the personal identification of students
25 and their parents by other than the Auditor General, the
26 Office of Program Policy Analysis and Government
27 Accountability, and their staff, and such personally
28 identifiable data shall be destroyed when no longer needed for
29 the Auditor General's and the Office of Program Policy
30 Analysis and Government Accountability's official use.
31

1 11.a. A court of competent jurisdiction in compliance
2 with an order of that court or the attorney of record pursuant
3 to a lawfully issued subpoena, upon the condition that the
4 student and the student's parent are notified of the order or
5 subpoena in advance of compliance therewith by the educational
6 institution or agency.

7 b. A person or entity pursuant to a court of competent
8 jurisdiction in compliance with an order of that court or the
9 attorney of record pursuant to a lawfully issued subpoena,
10 upon the condition that the student, or his or her parent if
11 the student is either a minor and not attending a
12 postsecondary educational institution or a dependent of such
13 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
14 Revenue Code of 1954), is notified of the order or subpoena in
15 advance of compliance therewith by the educational institution
16 or agency.

17 12. Credit bureaus, in connection with an agreement
18 for financial aid that the student has executed, provided that
19 such information may be disclosed only to the extent necessary
20 to enforce the terms or conditions of the financial aid
21 agreement. Credit bureaus shall not release any information
22 obtained pursuant to this paragraph to any person.

23 13. Parties to an interagency agreement among the
24 Department of Juvenile Justice, school and law enforcement
25 authorities, and other signatory agencies for the purpose of
26 reducing juvenile crime and especially motor vehicle theft by
27 promoting cooperation and collaboration, and the sharing of
28 appropriate information in a joint effort to improve school
29 safety, to reduce truancy and in-school and out-of-school
30 suspensions, and to support alternatives to in-school and
31 out-of-school suspensions and expulsions that provide

1 structured and well-supervised educational programs
2 supplemented by a coordinated overlay of other appropriate
3 services designed to correct behaviors that lead to truancy,
4 suspensions, and expulsions, and that support students in
5 successfully completing their education. Information provided
6 in furtherance of such interagency agreements is intended
7 solely for use in determining the appropriate programs and
8 services for each juvenile or the juvenile's family, or for
9 coordinating the delivery of such programs and services, and
10 as such is inadmissible in any court proceedings prior to a
11 dispositional hearing unless written consent is provided by a
12 parent or other responsible adult on behalf of the juvenile.

13
14 This paragraph does not prohibit any educational institution
15 from publishing and releasing to the general public directory
16 information relating to a student if the institution elects to
17 do so. However, no educational institution shall release, to
18 any individual, agency, or organization that is not listed in
19 subparagraphs 1.-13., directory information relating to the
20 student body in general or a portion thereof unless it is
21 normally published for the purpose of release to the public in
22 general. Any educational institution making directory
23 information public shall give public notice of the categories
24 of information that it has designated as directory information
25 with respect to all students attending the institution and
26 shall allow a reasonable period of time after such notice has
27 been given for a parent or student to inform the institution
28 in writing that any or all of the information designated
29 should not be released.

30 (4) NOTIFICATION.--Every parent and student entitled
31 to rights relating to student records and reports under the

1 provisions of subsection (3) shall be notified annually, in
2 writing, of such rights and that the institution has a policy
3 of supporting the law; the types of information and data
4 generally entered in the student records as maintained by the
5 institution; and the procedures to be followed in order to
6 exercise such rights. The notification shall be general in
7 form and in a manner to be determined by the State Board of
8 Education and may be incorporated with other printed materials
9 distributed to students, such as being printed on the back of
10 school assignment forms or report cards for students attending
11 kindergarten or grades 1 through 12 in the public school
12 system and being printed in college catalogs or in other
13 program announcement bulletins for students attending
14 postsecondary educational institutions.

15 (5) PENALTY.--In the event that any public school
16 official or employee, district school board official or
17 employee, technical center official or employee, or public
18 postsecondary educational institution official or employee
19 refuses to comply with any of the provisions of this section,
20 the aggrieved parent or student shall have an immediate right
21 to bring an action in the circuit court to enforce the
22 violated right by injunction. Any aggrieved parent or student
23 who brings such an action and whose rights are vindicated may
24 be awarded attorney's fees and court costs.

25 (6) APPLICABILITY TO RECORDS OF DEFUNCT
26 INSTITUTIONS.--The provisions of this section also apply to
27 student records that any nonpublic educational institution
28 that is no longer operating has deposited with the district
29 school superintendent in the county where the nonpublic
30 educational institution was located.

31

1 Section 95. Part III of chapter 1002, Florida
2 Statutes, shall be entitled "Educational Choice" and shall
3 consist of ss. 1002.31-1002.39.

4 Section 96. Section 1002.31, Florida Statutes, is
5 created to read:

6 1002.31 Public school parental choice.--

7 (1) As used in this section, "controlled open
8 enrollment" means a public education delivery system that
9 allows school districts to make student school assignments
10 using parents' indicated preferential school choice as a
11 significant factor.

12 (2) Each district school board may offer controlled
13 open enrollment within the public schools. The controlled open
14 enrollment program shall be offered in addition to the
15 existing choice programs such as magnet schools, alternative
16 schools, special programs, advanced placement, and dual
17 enrollment.

18 (3) Each district school board shall develop a
19 controlled open enrollment plan which describes the
20 implementation of subsection (2).

21 (4) School districts shall adhere to federal
22 desegregation requirements. No controlled open enrollment
23 plan that conflicts with federal desegregation orders shall be
24 implemented.

25 (5) Each school district shall develop a system of
26 priorities for its plan that includes consideration of the
27 following:

28 (a) An application process required to participate in
29 the controlled open enrollment program.

30 (b) A process that allows parents to declare school
31 preferences.

- 1 (c) A process that encourages placement of siblings
2 within the same school.
- 3 (d) A lottery procedure used by the school district to
4 determine student assignment.
- 5 (e) An appeals process for hardship cases.
- 6 (f) The procedures to maintain socioeconomic,
7 demographic, and racial balance.
- 8 (g) The availability of transportation.
- 9 (h) A process that promotes strong parental
10 involvement, including the designation of a parent liaison.
- 11 (i) A strategy that establishes a clearinghouse of
12 information designed to assist parents in making informed
13 choices.
- 14 (6) Plans shall be submitted to the Commissioner of
15 Education. The Commissioner of Education shall develop an
16 annual report on the status of school choice and deliver the
17 report to the Governor, the President of the Senate, and the
18 Speaker of the House of Representatives at least 90 days prior
19 to the convening of the regular session of the Legislature.
- 20 (7) Notwithstanding any provision of this section, a
21 school district with schools operating on both multiple
22 session schedules and single session schedules shall afford
23 parents of students in multiple session schools preferred
24 access to the controlled open enrollment program of the school
25 district.
- 26 (8) Each district school board shall annually report
27 the number of students applying for and attending the various
28 types of public schools of choice in the district, including
29 schools such as magnet schools and public charter schools,
30 according to rules adopted by the State Board of Education.
31

1 Section 97. Section 1002.32, Florida Statutes, is
2 created to read:
3 1002.32 Developmental research (laboratory) schools.--
4 (1) SHORT TITLE.--This section may be cited as the
5 "Sidney Martin Developmental Research School Act."
6 (2) ESTABLISHMENT.--There is established a category of
7 public schools to be known as developmental research
8 (laboratory) schools (lab schools). Each lab school shall
9 provide sequential instruction and shall be affiliated with
10 the college of education within the state university of
11 closest geographic proximity. A lab school to which a charter
12 has been issued under s. 1002.33(5)(b) must be affiliated with
13 the college of education within the state university that
14 issued the charter, but is not subject to the requirement that
15 the state university be of closest geographic proximity. For
16 the purpose of state funding, Florida Agricultural and
17 Mechanical University, Florida Atlantic University, Florida
18 State University, the University of Florida, and other
19 universities approved by the State Board of Education and the
20 Legislature are authorized to sponsor one or more lab schools.
21 (3) MISSION.--The mission of a lab school shall be the
22 provision of a vehicle for the conduct of research,
23 demonstration, and evaluation regarding management, teaching,
24 and learning. Programs to achieve the mission of a lab school
25 shall embody the goals and standards established pursuant to
26 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate
27 education for its students.
28 (a) Each lab school shall emphasize mathematics,
29 science, computer science, and foreign languages. The primary
30 goal of a lab school is to enhance instruction and research in
31 such specialized subjects by using the resources available on

1 a state university campus, while also providing an education
2 in nonspecialized subjects. Each lab school shall provide
3 sequential elementary and secondary instruction where
4 appropriate. A lab school may not provide instruction at grade
5 levels higher than grade 12 without authorization from the
6 State Board of Education. Each developmental research school
7 shall develop and implement a school improvement plan pursuant
8 to s. 1003.02(3).

9 (b) Research, demonstration, and evaluation conducted
10 at a lab school may be generated by the college of education
11 and other colleges within the university with which the school
12 is affiliated.

13 (c) Research, demonstration, and evaluation conducted
14 at a lab school may be generated by the State Board of
15 Education. Such research shall respond to the needs of the
16 education community at large, rather than the specific needs
17 of the affiliated college.

18 (d) Research, demonstration, and evaluation conducted
19 at a lab school may consist of pilot projects to be generated
20 by the affiliated college, the State Board of Education, or
21 the Legislature.

22 (e) The exceptional education programs offered at a
23 lab school shall be determined by the research and evaluation
24 goals and the availability of students for efficiently sized
25 programs. The fact that a lab school offers an exceptional
26 education program in no way lessens the general responsibility
27 of the local school district to provide exceptional education
28 programs.

29 (4) STUDENT ADMISSIONS.--Each lab school may establish
30 a primary research objective related to fundamental issues and
31 problems that occur in the public elementary and secondary

1 schools of the state. A student population reflective of the
2 student population of the public school environment in which
3 the issues and problems are most prevalent shall be promoted
4 and encouraged through the establishment and implementation of
5 an admission process that is designed to result in a
6 representative sample of public school enrollment based on
7 gender, race, socioeconomic status, and academic ability,
8 notwithstanding the provisions of s. 1000.05.

9 (5) STUDENT FEES.--Each lab school may charge a
10 student activity and service fee. Any school that elects to
11 charge such a fee shall provide information regarding the use
12 of the fee as well as an annual report that documents the
13 manner in which the moneys provided by such fee were expended.
14 The annual report prescribed in this subsection shall be
15 distributed to the parents of each student. No additional fees
16 shall be charged.

17 (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab
18 school may accrue supplemental revenue from
19 supplemental-support organizations, which include, but are not
20 limited to, alumni associations, foundations, parent-teacher
21 associations, and booster associations. The governing body of
22 each supplemental-support organization shall recommend the
23 expenditure of moneys collected by the organization for the
24 benefit of the school. Such expenditures shall be contingent
25 upon the recommendations of the school advisory council and
26 review of the director. The director may override any proposed
27 expenditure of the organization that would violate Florida
28 Statutes or breach sound educational management.

29 (7) PERSONNEL.--
30
31

1 (a) Each lab school may employ either a director or a
2 principal, or both, at the discretion of the university. The
3 duties of such personnel shall be as follows:
4 1. Each director shall be the chief executive officer
5 and shall oversee the education, research, and evaluation
6 goals of the school. The director shall be responsible for
7 recommending policy to the advisory board. The director shall
8 be accountable for the financial resources of the school.
9 2. Each principal shall be the chief educational
10 officer and shall oversee the educational program of the
11 school. The principal shall be accountable for the daily
12 operation and administration of the school.
13 (b) Faculty may serve simultaneously as instructional
14 personnel for the lab school and the university with which the
15 school is affiliated. Nothing in this section is intended to
16 affect the collective bargaining rights of lab school
17 employees, except as specifically provided in this section.
18 (c) Lab school faculty members shall meet the
19 certification requirements of ss. 1012.32 and 1012.42.
20 (8) ADVISORY BOARDS.--Each public school in the state
21 shall establish a school advisory council that is reflective
22 of the population served by the school, pursuant to s.
23 1001.452, and is responsible for the development and
24 implementation of the school improvement plan pursuant to s.
25 1003.02(3). Lab schools shall comply with the provisions of s.
26 1001.452 in one of two ways:
27 (a) Each lab school may establish two advisory bodies
28 as follows:
29 1. An advisory body pursuant to the provisions and
30 requirements of s. 1001.452 to be responsible for the
31

1 development and implementation of the school improvement plan,
2 pursuant to s. 1003.02(3).

3 2. An advisory board to provide general oversight and
4 guidance. The dean of the affiliated college of education
5 shall be a standing member of the board, and the president of
6 the university shall appoint four faculty members from the
7 related university, at least two of whom are from the college
8 of education, one layperson who resides in the county in which
9 the school is located, two parents of students who attend the
10 lab school, and one lab school student appointed by the
11 principal to serve on the advisory board. The term of each
12 member shall be for 2 years, and any vacancy shall be filled
13 with a person of the same classification as his or her
14 predecessor for the balance of the unexpired term. The
15 president shall stagger the terms of the initial appointees in
16 a manner that results in the expiration of terms of no more
17 than two members in any year. The president shall call the
18 organizational meeting of the board. The board shall annually
19 elect a chair and a vice chair. There shall be no limitation
20 on successive appointments to the board or successive terms
21 that may be served by a chair or vice chair. The board shall
22 adopt internal organizational procedures or bylaws necessary
23 for efficient operation as provided in chapter 120. Board
24 members shall not receive per diem or travel expenses for the
25 performance of their duties. The board shall:

26 a. Meet at least quarterly.

27 b. Monitor the operations of the school and the
28 distribution of moneys allocated for such operations.

29 c. Establish necessary policy, program, and
30 administration modifications.

31

1 d. Evaluate biennially the performance of the director
2 and principal and recommend corresponding action to the dean
3 of the college of education.

4 e. Annually review evaluations of the school's
5 operation and research findings.

6 (b) Each lab school may establish one advisory body
7 responsible for the development and implementation of the
8 school improvement plan, pursuant to s. 1003.02(3), in
9 addition to general oversight and guidance responsibilities.
10 The advisory body shall reflect the membership composition
11 requirements established in s. 1001.452, but may also include
12 membership by the dean of the college of education and
13 additional members appointed by the president of the
14 university that represent faculty members from the college of
15 education, the university, or other bodies deemed appropriate
16 for the mission of the school.

17 (9) FUNDING.--Funding for a lab school, including a
18 charter lab school, shall be provided as follows:

19 (a) Each lab school shall be allocated its
20 proportional share of operating funds from the Florida
21 Education Finance Program as provided in s. 1011.62 and the
22 General Appropriations Act. The nonvoted ad valorem millage
23 that would otherwise be required for lab schools shall be
24 allocated from state funds. The required local effort funds
25 calculated pursuant to s. 1011.62 shall be allocated from
26 state funds to the schools as a part of the allocation of
27 operating funds pursuant to s. 1011.62. Each eligible lab
28 school shall also receive a proportional share of the sparsity
29 supplement as calculated pursuant to s. 1011.62. In addition,
30 each lab school shall receive its proportional share of all
31 categorical funds, with the exception of s. 1011.68, and new

1 category funds enacted after July 1, 1994, for the purpose
2 of elementary or secondary academic program enhancement. The
3 sum of funds available as provided in this paragraph shall be
4 included annually in the Florida Education Finance Program and
5 appropriate category programs funded in the General
6 Appropriations Act.

7 (b) There is created a Lab School Educational Facility
8 Trust Fund to be administered by the Commissioner of
9 Education. Allocations from such fund shall be expended solely
10 for the purpose of facility construction, repair, renovation,
11 remodeling, site improvement, or maintenance. The commissioner
12 shall administer the fund in accordance with ss. 1013.60,
13 1013.64, 1013.65, and 1013.66.

14 (c) All operating funds provided under this section
15 shall be deposited in a Lab School Trust Fund and shall be
16 expended for the purposes of this section. The university
17 assigned a lab school shall be the fiscal agent for these
18 funds, and all rules of the university governing the budgeting
19 and expenditure of state funds shall apply to these funds
20 unless otherwise provided by law or rule of the State Board of
21 Education. The State Board of Education shall be the public
22 employer of lab school personnel for collective bargaining
23 purposes.

24 (d) Each lab school shall receive funds for operating
25 purposes in an amount determined as follows: multiply the
26 maximum allowable nonvoted discretionary millage for
27 operations pursuant to s. 1011.71(1) by the value of 95
28 percent of the current year's taxable value for school
29 purposes for the district in which each lab school is located;
30 divide the result by the total full-time equivalent membership
31 of the district; and multiply the result by the full-time

1 equivalent membership of the lab school. The amount thus
2 obtained shall be discretionary operating funds and shall be
3 appropriated from state funds in the General Appropriations
4 Act to the Lab School Trust Fund.

5 (e) Each lab school shall receive funds for capital
6 improvement purposes in an amount determined as follows:
7 multiply the maximum allowable nonvoted discretionary millage
8 for capital improvements pursuant to s. 1011.71(2) by the
9 value of 95 percent of the current year's taxable value for
10 school purposes for the district in which each lab school is
11 located; divide the result by the total full-time equivalent
12 membership of the district; and multiply the result by the
13 full-time equivalent membership of the lab school. The amount
14 thus obtained shall be discretionary capital improvement funds
15 and shall be appropriated from state funds in the General
16 Appropriations Act to the Lab School Educational Facility
17 Trust Fund.

18 (f) In addition to the funds appropriated for capital
19 outlay budget needs, lab schools may receive specific funding
20 as specified in the General Appropriations Act for upgrading,
21 renovating, and remodeling science laboratories.

22 (g) Each lab school is designated a teacher education
23 center and may provide inservice training to school district
24 personnel. The Department of Education shall provide funds to
25 the Lab School Trust Fund for this purpose from appropriations
26 for inservice teacher education.

27 (h) A lab school to which a charter has been issued
28 under s. 1002.33(5)(b) is eligible to receive funding for
29 charter school capital outlay if it meets the eligibility
30 requirements of s. 1013.62. If the lab school receives funds
31 from charter school capital outlay, the school shall receive

1 capital outlay funds otherwise provided in this subsection
2 only to the extent that funds allocated pursuant to s. 1013.62
3 are insufficient to provide capital outlay funds to the lab
4 school at one-fifteenth of the cost per student station.

5 (10) IMPLEMENTATION.--The State Board of Education
6 shall adopt rules necessary to facilitate the implementation
7 of this section.

8 (11) EXCEPTIONS TO LAW.--To encourage innovative
9 practices and facilitate the mission of the lab schools, in
10 addition to the exceptions to law specified in s. 1001.23(2),
11 the following exceptions shall be permitted for lab schools:

12 (a) The methods and requirements of the following
13 statutes shall be held in abeyance: ss. 1001.30; 1001.31;
14 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361;
15 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38;
16 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.46;
17 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
18 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4);
19 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;
20 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;
21 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),
22 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;
23 1011.72; 1011.73; 1011.74; 1013.77; and 316.75.

24 (b) With the exception of s. 1001.42(16), s. 1001.42
25 shall be held in abeyance. Reference to district school boards
26 in s. 1001.42(16) shall mean the president of the university
27 or the president's designee.

28 Section 98. Section 1002.33, Florida Statutes, is
29 created to read:

30 1002.33 Charter schools.--

31

- 1 (1) AUTHORIZATION.--Charter schools shall be part of
2 the state's program of public education. All charter schools
3 in Florida are public schools. A charter school may be formed
4 by creating a new school or converting an existing public
5 school to charter status. A public school may not use the term
6 charter in its name unless it has been approved under this
7 section.
- 8 (2) PURPOSE.--The purpose of charter schools shall be
9 to:
- 10 (a) Provide additional academic choices for parents
11 and students.
- 12 (b) Increase learning opportunity choices for
13 students.
- 14 (c) Increase learning opportunities for all students,
15 with special emphasis on expanded learning experiences for
16 students who are identified as academically low achieving.
- 17 (d) Encourage the use of different and innovative
18 learning methods.
- 19 (e) Improve student learning.
- 20 (f) Establish a new form of accountability for
21 schools.
- 22 (g) Require the measurement of learning outcomes and
23 create innovative measurement tools.
- 24 (h) Make the school the unit for improvement.
- 25 (i) Provide rigorous competition within the public
26 school district to stimulate continual improvement in all
27 public schools.
- 28 (j) Expand the capacity of the public school system.
- 29 (k) Create new professional opportunities for
30 teachers.
- 31 (3) APPLICATION FOR CHARTER STATUS.--

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

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

1 3. If the Department of Education determines that the
2 complaint demonstrates reasonable cause to suspect that an
3 unlawful reprisal has occurred, the Department of Education
4 shall conduct an investigation to produce a fact-finding
5 report.

6 4. Within 90 days after receiving the complaint, the
7 Department of Education shall provide the district school
8 superintendent of the complainant's district and the
9 complainant with a fact-finding report that may include
10 recommendations to the parties or a proposed resolution of the
11 complaint. The fact-finding report shall be presumed
12 admissible in any subsequent or related administrative or
13 judicial review.

14 5. If the Department of Education determines that
15 reasonable grounds exist to believe that an unlawful reprisal
16 has occurred, is occurring, or is to be taken, and is unable
17 to conciliate a complaint within 60 days after receipt of the
18 fact-finding report, the Department of Education shall
19 terminate the investigation. Upon termination of any
20 investigation, the Department of Education shall notify the
21 complainant and the district school superintendent of the
22 termination of the investigation, providing a summary of
23 relevant facts found during the investigation and the reasons
24 for terminating the investigation. A written statement under
25 this paragraph is presumed admissible as evidence in any
26 judicial or administrative proceeding.

27 6. The Department of Education shall either contract
28 with the Division of Administrative Hearings under s. 120.65,
29 or otherwise provide for a complaint for which the Department
30 of Education determines reasonable grounds exist to believe
31 that an unlawful reprisal has occurred, is occurring, or is to

1 be taken, and is unable to conciliate, to be heard by a panel
2 of impartial persons. Upon hearing the complaint, the panel
3 shall make findings of fact and conclusions of law for a final
4 decision by the Department of Education.

5
6 It shall be an affirmative defense to any action brought
7 pursuant to this section that the adverse action was
8 predicated upon grounds other than, and would have been taken
9 absent, the employee's exercise of rights protected by this
10 section.

11 (b) In any action brought under this section for which
12 it is determined reasonable grounds exist to believe that an
13 unlawful reprisal has occurred, is occurring, or is to be
14 taken, the relief shall include the following:

15 1. Reinstatement of the employee to the same position
16 held before the unlawful reprisal was commenced, or to an
17 equivalent position, or payment of reasonable front pay as
18 alternative relief.

19 2. Reinstatement of the employee's full fringe
20 benefits and seniority rights, as appropriate.

21 3. Compensation, if appropriate, for lost wages,
22 benefits, or other lost remuneration caused by the unlawful
23 reprisal.

24 4. Payment of reasonable costs, including attorney's
25 fees, to a substantially prevailing employee, or to the
26 prevailing employer if the employee filed a frivolous action
27 in bad faith.

28 5. Issuance of an injunction, if appropriate, by a
29 court of competent jurisdiction.

30 6. Temporary reinstatement to the employee's former
31 position or to an equivalent position, pending the final

1 outcome of the complaint, if it is determined that the action
2 was not made in bad faith or for a wrongful purpose, and did
3 not occur after a district school board's initiation of a
4 personnel action against the employee that includes
5 documentation of the employee's violation of a disciplinary
6 standard or performance deficiency.

7 (5) SPONSOR.--

8 (a) A district school board may sponsor a charter
9 school in the county over which the district school board has
10 jurisdiction.

11 (b) A state university may grant a charter to a lab
12 school created under s. 1002.32 and shall be considered to be
13 the school's sponsor. Such school shall be considered a
14 charter lab school.

15 (c) The sponsor shall monitor and review the charter
16 school in its progress towards the goals established in the
17 charter.

18 (d) The sponsor shall monitor the revenues and
19 expenditures of the charter school.

20 (e) The sponsor may approve a charter for a charter
21 school before the applicant has secured space, equipment, or
22 personnel, if the applicant indicates approval is necessary
23 for it to raise working capital.

24 (f) The sponsor's policies shall not apply to a
25 charter school.

26 (g) A sponsor shall ensure that the charter is
27 innovative and consistent with the state education goals
28 established by s. 1000.03(5).

29 (6) APPLICATION PROCESS AND REVIEW.--

30 (a) A district school board shall receive and review
31 all applications for a charter school. A district school board

1 shall receive and consider charter school applications
2 received on or before October 1 of each calendar year for
3 charter schools to be opened at the beginning of the school
4 district's next school year, or to be opened at a time agreed
5 to by the applicant and the district school board. A district
6 school board may receive applications later than this date if
7 it chooses. A sponsor may not charge an applicant for a
8 charter any fee for the processing or consideration of an
9 application, and a sponsor may not base its consideration or
10 approval of an application upon the promise of future payment
11 of any kind.

12 1. In order to facilitate an accurate budget
13 projection process, a district school board shall be held
14 harmless for FTE students who are not included in the FTE
15 projection due to approval of charter school applications
16 after the FTE projection deadline. In a further effort to
17 facilitate an accurate budget projection, within 15 calendar
18 days after receipt of a charter school application, a district
19 school board or other sponsor shall report to the Department
20 of Education the name of the applicant entity, the proposed
21 charter school location, and its projected FTE.

22 2. A district school board shall by a majority vote
23 approve or deny an application no later than 60 calendar days
24 after the application is received, unless the district school
25 board and the applicant mutually agree to temporarily postpone
26 the vote to a specific date, at which time the district school
27 board shall by a majority vote approve or deny the
28 application. If the district school board fails to act on the
29 application, an applicant may appeal to the State Board of
30 Education as provided in paragraph (b). If an application is
31 denied, the district school board shall, within 10 calendar

1 days, articulate in writing the specific reasons based upon
2 good cause supporting its denial of the charter application.

3 3. For budget projection purposes, the district school
4 board or other sponsor shall report to the Department of
5 Education the approval or denial of a charter application
6 within 10 calendar days after such approval or denial. In the
7 event of approval, the report to the Department of Education
8 shall include the final projected FTE for the approved charter
9 school.

10 4. Upon approval of a charter application, the initial
11 startup shall commence with the beginning of the public school
12 calendar for the district in which the charter is granted
13 unless the district school board allows a waiver of this
14 provision for good cause.

15 (b) An applicant may appeal any denial of that
16 applicant's application or failure to act on an application to
17 the State Board of Education no later than 30 calendar days
18 after receipt of the district school board's decision or
19 failure to act and shall notify the district school board of
20 its appeal. Any response of the district school board shall
21 be submitted to the State Board of Education within 30
22 calendar days after notification of the appeal. Upon receipt
23 of notification from the State Board of Education that a
24 charter school applicant is filing an appeal, the Commissioner
25 of Education shall convene a meeting of the Charter School
26 Appeal Commission to study and make recommendations to the
27 State Board of Education regarding its pending decision about
28 the appeal. The commission shall forward its recommendation
29 to the state board no later than 7 calendar days prior to the
30 date on which the appeal is to be heard. The State Board of
31 Education shall by majority vote accept or reject the decision

1 of the district school board no later than 60 calendar days
2 after an appeal is filed in accordance with State Board of
3 Education rule. The Charter School Appeal Commission may
4 reject an appeal submission for failure to comply with
5 procedural rules governing the appeals process. The rejection
6 shall describe the submission errors. The appellant may have
7 up to 15 calendar days from notice of rejection to resubmit an
8 appeal that meets requirements of State Board of Education
9 rule. An application for appeal submitted subsequent to such
10 rejection shall be considered timely if the original appeal
11 was filed within 30 calendar days after receipt of notice of
12 the specific reasons for the district school board's denial of
13 the charter application. The State Board of Education shall
14 remand the application to the district school board with its
15 written decision that the district school board approve or
16 deny the application. The district school board shall
17 implement the decision of the State Board of Education. The
18 decision of the State Board of Education is not subject to the
19 provisions of the Administrative Procedures Act, chapter 120.

20 (c) The district school board shall act upon the
21 decision of the State Board of Education within 30 calendar
22 days after it is received. The State Board of Education's
23 decision is a final action subject to judicial review.

24 (d)1. A Charter School Appeal Commission is
25 established to assist the commissioner and the State Board of
26 Education with a fair and impartial review of appeals by
27 applicants whose charters have been denied or whose charter
28 contracts have not been renewed by their sponsors.

29 2. The Charter School Appeal Commission may receive
30 copies of the appeal documents forwarded to the State Board of
31 Education, review the documents, gather other applicable

1 information regarding the appeal, and make a written
2 recommendation to the commissioner. The recommendation must
3 state whether the appeal should be upheld or denied and
4 include the reasons for the recommendation being offered. The
5 commissioner shall forward the recommendation to the State
6 Board of Education no later than 7 calendar days prior to the
7 date on which the appeal is to be heard. The state board must
8 consider the commission's recommendation in making its
9 decision, but is not bound by the recommendation. The
10 decision of the Charter School Appeal Commission is not
11 subject to the provisions of the Administrative Procedure Act,
12 chapter 120.

13 3. The commissioner shall appoint the members of the
14 Charter School Appeal Commission. Members shall serve without
15 compensation but may be reimbursed for travel and per diem
16 expenses in conjunction with their service. One-half of the
17 members must represent currently operating charter schools and
18 one-half of the members must represent school districts. The
19 commissioner or a named designee shall chair the Charter
20 School Appeal Commission.

21 4. The chair shall convene meetings of the commission
22 and shall ensure that the written recommendations are
23 completed and forwarded in a timely manner. In cases where
24 the commission cannot reach a decision, the chair shall make
25 the written recommendation with justification, noting that the
26 decision was rendered by the chair.

27 5. Commission members shall thoroughly review the
28 materials presented to them from the appellant and the
29 sponsor. The commission may request information to clarify
30 the documentation presented to it. In the course of its
31 review, the commission may facilitate the postponement of an

1 appeal in those cases where additional time and communication
2 may negate the need for a formal appeal and both parties
3 agree, in writing, to postpone the appeal to the State Board
4 of Education. A new date certain for the appeal shall then be
5 set based upon the rules and procedures of the State Board of
6 Education. Commission members shall provide a written
7 recommendation to the state board as to whether the appeal
8 should be upheld or denied. A fact-based justification for
9 the recommendation must be included. The chair must ensure
10 that the written recommendation is submitted to the State
11 Board of Education members no later than 7 calendar days prior
12 to the date on which the appeal is to be heard. Both parties
13 in the case shall also be provided a copy of the
14 recommendation.

15 (e) The Department of Education may provide technical
16 assistance to an applicant upon written request.

17 (f) In considering charter applications for a lab
18 school, a state university shall consult with the district
19 school board of the county in which the lab school is located.
20 The decision of a state university may be appealed pursuant to
21 the procedure established in this subsection.

22 (g) The terms and conditions for the operation of a
23 charter school shall be set forth by the sponsor and the
24 applicant in a written contractual agreement, called a
25 charter. The sponsor shall not impose unreasonable rules or
26 regulations that violate the intent of giving charter schools
27 greater flexibility to meet educational goals. The applicant
28 and sponsor shall have 6 months in which to mutually agree to
29 the provisions of the charter. The Department of Education
30 shall provide mediation services for any dispute regarding
31 this section subsequent to the approval of a charter

1 application and for any dispute relating to the approved
2 charter, except disputes regarding charter school application
3 denials. If the Commissioner of Education determines that the
4 dispute cannot be settled through mediation, the dispute may
5 be appealed to an administrative law judge appointed by the
6 Division of Administrative Hearings. The administrative law
7 judge may rule on issues of equitable treatment of the charter
8 school as a public school, whether proposed provisions of the
9 charter violate the intended flexibility granted charter
10 schools by statute, or on any other matter regarding this
11 section except a charter school application denial, and shall
12 award the prevailing party reasonable attorney's fees and
13 costs incurred to be paid by the losing party. The costs of
14 the administrative hearing shall be paid by the party whom the
15 administrative law judge rules against.

16 (7) CHARTER.--The major issues involving the operation
17 of a charter school shall be considered in advance and written
18 into the charter. The charter shall be signed by the governing
19 body of the charter school and the sponsor, following a public
20 hearing to ensure community input.

21 (a) The charter shall address, and criteria for
22 approval of the charter shall be based on:

23 1. The school's mission, the students to be served,
24 and the ages and grades to be included.

25 2. The focus of the curriculum, the instructional
26 methods to be used, any distinctive instructional techniques
27 to be employed, and identification and acquisition of
28 appropriate technologies needed to improve educational and
29 administrative performance which include a means for promoting
30 safe, ethical, and appropriate uses of technology which comply
31 with legal and professional standards.

1 3. The current incoming baseline standard of student
2 academic achievement, the outcomes to be achieved, and the
3 method of measurement that will be used. The criteria listed
4 in this subparagraph shall include a detailed description for
5 each of the following:
6 a. How the baseline student academic achievement
7 levels and prior rates of academic progress will be
8 established.
9 b. How these baseline rates will be compared to rates
10 of academic progress achieved by these same students while
11 attending the charter school.
12 c. To the extent possible, how these rates of progress
13 will be evaluated and compared with rates of progress of other
14 closely comparable student populations.
15
16 The district school board is required to provide academic
17 student performance data to charter schools for each of their
18 students coming from the district school system, as well as
19 rates of academic progress of comparable student populations
20 in the district school system.
21 4. The methods used to identify the educational
22 strengths and needs of students and how well educational goals
23 and performance standards are met by students attending the
24 charter school. Included in the methods is a means for the
25 charter school to ensure accountability to its constituents by
26 analyzing student performance data and by evaluating the
27 effectiveness and efficiency of its major educational
28 programs. Students in charter schools shall, at a minimum,
29 participate in the statewide assessment program created under
30 s. 1008.22.
31

1 5. In secondary charter schools, a method for
2 determining that a student has satisfied the requirements for
3 graduation in s. 1003.43.

4 6. A method for resolving conflicts between the
5 governing body of the charter school and the sponsor.

6 7. The admissions procedures and dismissal procedures,
7 including the school's code of student conduct.

8 8. The ways by which the school will achieve a
9 racial/ethnic balance reflective of the community it serves or
10 within the racial/ethnic range of other public schools in the
11 same school district.

12 9. The financial and administrative management of the
13 school, including a reasonable demonstration of the
14 professional experience or competence of those individuals or
15 organizations applying to operate the charter school or those
16 hired or retained to perform such professional services and
17 the description of clearly delineated responsibilities and the
18 policies and practices needed to effectively manage the
19 charter school. A description of internal audit procedures and
20 establishment of controls to ensure that financial resources
21 are properly managed must be included. Both public sector and
22 private sector professional experience shall be equally valid
23 in such a consideration.

24 10. A description of procedures that identify various
25 risks and provide for a comprehensive approach to reduce the
26 impact of losses; plans to ensure the safety and security of
27 students and staff; plans to identify, minimize, and protect
28 others from violent or disruptive student behavior; and the
29 manner in which the school will be insured, including whether
30 or not the school will be required to have liability

31

1 insurance, and, if so, the terms and conditions thereof and
2 the amounts of coverage.

3 11. The term of the charter which shall provide for
4 cancellation of the charter if insufficient progress has been
5 made in attaining the student achievement objectives of the
6 charter and if it is not likely that such objectives can be
7 achieved before expiration of the charter. The initial term of
8 a charter shall be for 3, 4, or 5 years. In order to
9 facilitate access to long-term financial resources for charter
10 school construction, charter schools that are operated by a
11 municipality or other public entity as provided by law are
12 eligible for up to a 15-year charter, subject to approval by
13 the district school board. A charter lab school is eligible
14 for a charter for a term of up to 15 years. In addition, to
15 facilitate access to long-term financial resources for charter
16 school construction, charter schools that are operated by a
17 private, not-for-profit, s. 501(c)(3) status corporation are
18 eligible for up to a 10-year charter, subject to approval by
19 the district school board. Such long-term charters remain
20 subject to annual review and may be terminated during the term
21 of the charter, but only for specific good cause according to
22 the provisions set forth in subsection (8).

23 12. The facilities to be used and their location.

24 13. The qualifications to be required of the teachers
25 and the potential strategies used to recruit, hire, train, and
26 retain qualified staff to achieve best value.

27 14. The governance structure of the school, including
28 the status of the charter school as a public or private
29 employer as required in paragraph (12)(i).

30 15. A timetable for implementing the charter which
31 addresses the implementation of each element thereof and the

1 date by which the charter shall be awarded in order to meet
2 this timetable.

3 16. In the case of an existing public school being
4 converted to charter status, alternative arrangements for
5 current students who choose not to attend the charter school
6 and for current teachers who choose not to teach in the
7 charter school after conversion in accordance with the
8 existing collective bargaining agreement or district school
9 board rule in the absence of a collective bargaining
10 agreement. However, alternative arrangements shall not be
11 required for current teachers who choose not to teach in a
12 charter lab school, except as authorized by the employment
13 policies of the state university which grants the charter to
14 the lab school.

15 (b) A charter may be renewed every 5 school years,
16 provided that a program review demonstrates that the criteria
17 in paragraph (a) have been successfully accomplished and that
18 none of the grounds for nonrenewal established by paragraph
19 (8)(a) have been documented. In order to facilitate long-term
20 financing for charter school construction, charter schools
21 operating for a minimum of 2 years and demonstrating exemplary
22 academic programming and fiscal management are eligible for a
23 15-year charter renewal. Such long-term charter is subject to
24 annual review and may be terminated during the term of the
25 charter.

26 (c) A charter may be modified during its initial term
27 or any renewal term upon the recommendation of the sponsor or
28 the charter school governing board and the approval of both
29 parties to the agreement.

30 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--
31

1 (a) At the end of the term of a charter, the sponsor
2 may choose not to renew the charter for any of the following
3 grounds:
4 1. Failure to meet the requirements for student
5 performance stated in the charter.
6 2. Failure to meet generally accepted standards of
7 fiscal management.
8 3. Violation of law.
9 4. Other good cause shown.
10 (b) During the term of a charter, the sponsor may
11 terminate the charter for any of the grounds listed in
12 paragraph (a).
13 (c) At least 90 days prior to renewing or terminating
14 a charter, the sponsor shall notify the governing body of the
15 school of the proposed action in writing. The notice shall
16 state in reasonable detail the grounds for the proposed action
17 and stipulate that the school's governing body may, within 14
18 calendar days after receiving the notice, request an informal
19 hearing before the sponsor. The sponsor shall conduct the
20 informal hearing within 30 calendar days after receiving a
21 written request. The charter school's governing body may,
22 within 14 calendar days after receiving the sponsor's decision
23 to terminate or refuse to renew the charter, appeal the
24 decision pursuant to the procedure established in subsection
25 (6).
26 (d) A charter may be terminated immediately if the
27 sponsor determines that good cause has been shown or if the
28 health, safety, or welfare of the students is threatened. The
29 school district in which the charter school is located shall
30 assume operation of the school under these circumstances. The
31 charter school's governing board may, within 14 days after

1 receiving the sponsor's decision to terminate the charter,
2 appeal the decision pursuant to the procedure established in
3 subsection (6).
4 (e) When a charter is not renewed or is terminated,
5 the school shall be dissolved under the provisions of law
6 under which the school was organized, and any unencumbered
7 public funds from the charter school shall revert to the
8 district school board. In the event a charter school is
9 dissolved or is otherwise terminated, all district school
10 board property and improvements, furnishings, and equipment
11 purchased with public funds shall automatically revert to full
12 ownership by the district school board, subject to complete
13 satisfaction of any lawful liens or encumbrances. Any
14 unencumbered public funds from the charter school, district
15 school board property and improvements, furnishings, and
16 equipment purchased with public funds, or financial or other
17 records pertaining to the charter school, in the possession of
18 any person, entity, or holding company, other than the charter
19 school, shall be held in trust upon the district school
20 board's request, until any appeal status is resolved.
21 (f) If a charter is not renewed or is terminated, the
22 charter school is responsible for all debts of the charter
23 school. The district may not assume the debt from any contract
24 for services made between the governing body of the school and
25 a third party, except for a debt that is previously detailed
26 and agreed upon in writing by both the district and the
27 governing body of the school and that may not reasonably be
28 assumed to have been satisfied by the district.
29 (g) If a charter is not renewed or is terminated, a
30 student who attended the school may apply to, and shall be
31

1 enrolled in, another public school. Normal application
2 deadlines shall be disregarded under such circumstances.
3 (9) CHARTER SCHOOL REQUIREMENTS.--
4 (a) A charter school shall be nonsectarian in its
5 programs, admission policies, employment practices, and
6 operations.
7 (b) A charter school shall admit students as provided
8 in subsection (10).
9 (c) A charter school shall be accountable to its
10 sponsor for performance as provided in subsection (7).
11 (d) A charter school shall not charge tuition or
12 registration fees, except those fees normally charged by other
13 public schools. However, a charter lab school may charge a
14 student activity and service fee as authorized by s.
15 1002.32(5).
16 (e) A charter school shall meet all applicable state
17 and local health, safety, and civil rights requirements.
18 (f) A charter school shall not violate the
19 antidiscrimination provisions of s. 1000.05.
20 (g) A charter school shall provide for an annual
21 financial audit in accordance with s. 218.39.
22 (h) No organization shall hold more than 15 charters
23 statewide.
24 (i) In order to provide financial information that is
25 comparable to that reported for other public schools, charter
26 schools are to maintain all financial records which constitute
27 their accounting system:
28 1. In accordance with the accounts and codes
29 prescribed in the most recent issuance of the publication
30 titled "Financial and Program Cost Accounting and Reporting
31 for Florida Schools"; or

1 2. At the discretion of the charter school governing
2 board, a charter school may elect to follow generally accepted
3 accounting standards for not-for-profit organizations, but
4 must reformat this information for reporting according to this
5 paragraph.

6
7 Charter schools are to provide annual financial report and
8 program cost report information in the state-required formats
9 for inclusion in district reporting in compliance with s.
10 1011.60(1). Charter schools that are operated by a
11 municipality or are a component unit of a parent nonprofit
12 organization may use the accounting system of the municipality
13 or the parent, but must reformat this information for
14 reporting according to this paragraph.

15 (j) The governing board of the charter school shall
16 annually adopt and maintain an operating budget.

17 (k) The governing body of the charter school shall
18 exercise continuing oversight over charter school operations
19 and make annual progress reports to its sponsor, which upon
20 verification shall be forwarded to the Commissioner of
21 Education at the same time as other annual school
22 accountability reports. The report shall contain at least the
23 following information:

24 1. The charter school's progress towards achieving the
25 goals outlined in its charter.

26 2. The information required in the annual school
27 report pursuant to s. 1008.345.

28 3. Financial records of the charter school, including
29 revenues and expenditures.

30 4. Salary and benefit levels of charter school
31 employees.

1 (l) A charter school shall not levy taxes or issue
2 bonds secured by tax revenues.

3 (m) A charter school shall provide instruction for at
4 least the number of days required by law for other public
5 schools, and may provide instruction for additional days.

6 (10) ELIGIBLE STUDENTS.--

7 (a) A charter school shall be open to any student
8 covered in an interdistrict agreement or residing in the
9 school district in which the charter school is located;
10 however, in the case of a charter lab school, the charter lab
11 school shall be open to any student eligible to attend the lab
12 school as provided in s. 1002.32 or who resides in the school
13 district in which the charter lab school is located. Any
14 eligible student shall be allowed interdistrict transfer to
15 attend a charter school when based on good cause.

16 (b) The charter school shall enroll an eligible
17 student who submits a timely application, unless the number of
18 applications exceeds the capacity of a program, class, grade
19 level, or building. In such case, all applicants shall have an
20 equal chance of being admitted through a random selection
21 process.

22 (c) When a public school converts to charter status,
23 enrollment preference shall be given to students who would
24 have otherwise attended that public school.

25 (d) A charter school may give enrollment preference to
26 the following student populations:

27 1. Students who are siblings of a student enrolled in
28 the charter school.

29 2. Students who are the children of a member of the
30 governing board of the charter school.

31

- 1 3. Students who are the children of an employee of the
2 charter school.
- 3 (e) A charter school may limit the enrollment process
4 only to target the following student populations:
- 5 1. Students within specific age groups or grade
6 levels.
- 7 2. Students considered at risk of dropping out of
8 school or academic failure. Such students shall include
9 exceptional education students.
- 10 3. Students enrolling in a charter
11 school-in-the-workplace or charter school-in-a-municipality
12 established pursuant to subsection (16).
- 13 4. Students residing within a reasonable distance of
14 the charter school, as described in paragraph (21)(c). Such
15 students shall be subject to a random lottery and to the
16 racial/ethnic balance provisions described in subparagraph
17 (7)(a)8. or any federal provisions that require a school to
18 achieve a racial/ethnic balance reflective of the community it
19 serves or within the racial/ethnic range of other public
20 schools in the same school district.
- 21 5. Students who meet reasonable academic, artistic, or
22 other eligibility standards established by the charter school
23 and included in the charter school application and charter or,
24 in the case of existing charter schools, standards that are
25 consistent with the school's mission and purpose. Such
26 standards shall be in accordance with current state law and
27 practice in public schools and may not discriminate against
28 otherwise qualified individuals.
- 29 6. Students articulating from one charter school to
30 another pursuant to an articulation agreement between the
31 charter schools that has been approved by the sponsor.

1 (f) Students with handicapping conditions and students
2 served in English for Speakers of Other Languages programs
3 shall have an equal opportunity of being selected for
4 enrollment in a charter school.

5 (g) A student may withdraw from a charter school at
6 any time and enroll in another public school as determined by
7 district school board rule.

8 (h) The capacity of the charter school shall be
9 determined annually by the governing board, in conjunction
10 with the sponsor, of the charter school in consideration of
11 the factors identified in this subsection.

12 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
13 ACTIVITIES.--A charter school student is eligible to
14 participate in an interscholastic extracurricular activity at
15 the public school to which the student would be otherwise
16 assigned to attend pursuant to s. 1006.15(3)(d).

17 (12) EMPLOYEES OF CHARTER SCHOOLS.--

18 (a) A charter school shall select its own employees. A
19 charter school may contract with its sponsor for the services
20 of personnel employed by the sponsor.

21 (b) Charter school employees shall have the option to
22 bargain collectively. Employees may collectively bargain as a
23 separate unit or as part of the existing district collective
24 bargaining unit as determined by the structure of the charter
25 school.

26 (c) The employees of a conversion charter school shall
27 remain public employees for all purposes, unless such
28 employees choose not to do so.

29 (d) The teachers at a charter school may choose to be
30 part of a professional group that subcontracts with the
31 charter school to operate the instructional program under the

1 auspices of a partnership or cooperative that they
2 collectively own. Under this arrangement, the teachers would
3 not be public employees.

4 (e) Employees of a school district may take leave to
5 accept employment in a charter school upon the approval of the
6 district school board. While employed by the charter school
7 and on leave that is approved by the district school board,
8 the employee may retain seniority accrued in that school
9 district and may continue to be covered by the benefit
10 programs of that school district, if the charter school and
11 the district school board agree to this arrangement and its
12 financing. School districts shall not require resignations of
13 teachers desiring to teach in a charter school. This paragraph
14 shall not prohibit a district school board from approving
15 alternative leave arrangements consistent with chapter 1012.

16 (f) Teachers employed by or under contract to a
17 charter school shall be certified as required by chapter 1012.
18 A charter school governing board may employ or contract with
19 skilled selected noncertified personnel to provide
20 instructional services or to assist instructional staff
21 members as education paraprofessionals in the same manner as
22 defined in chapter 1012, and as provided by State Board of
23 Education rule for charter school governing boards. A charter
24 school may not knowingly employ an individual to provide
25 instructional services or to serve as an education
26 paraprofessional if the individual's certification or
27 licensure as an educator is suspended or revoked by this or
28 any other state. A charter school may not knowingly employ an
29 individual who has resigned from a school district in lieu of
30 disciplinary action with respect to child welfare or safety,
31 or who has been dismissed for just cause by any school

1 district with respect to child welfare or safety. The
2 qualifications of teachers shall be disclosed to parents.

3 (g) A charter school shall employ or contract with
4 employees who have been fingerprinted as provided in s.
5 1012.32. Members of the governing board of the charter school
6 shall also be fingerprinted in a manner similar to that
7 provided in s. 1012.32.

8 (h) For the purposes of tort liability, the governing
9 body and employees of a charter school shall be governed by s.
10 768.28.

11 (i) A charter school shall organize as, or be operated
12 by, a nonprofit organization. A charter school may be operated
13 by a municipality or other public entity as provided for by
14 law. As such, the charter school may be either a private or a
15 public employer. As a public employer, a charter school may
16 participate in the Florida Retirement System upon application
17 and approval as a "covered group" under s. 121.021(34). If a
18 charter school participates in the Florida Retirement System,
19 the charter school employees shall be compulsory members of
20 the Florida Retirement System. As either a private or a public
21 employer, a charter school may contract for services with an
22 individual or group of individuals who are organized as a
23 partnership or a cooperative. Individuals or groups of
24 individuals who contract their services to the charter school
25 are not public employees.

26 (13) NUMBER OF SCHOOLS.--

27 (a) The number of newly created charter schools is
28 limited to no more than 28 in each school district that has
29 100,000 or more students, no more than 20 in each school
30 district that has 50,000 to 99,999 students, and no more than
31 12 in each school district with fewer than 50,000 students.

1 (b) An existing public school which converts to a
2 charter school shall not be counted towards the limit
3 established by paragraph (a).

4 (c) Notwithstanding any limit established by this
5 subsection, a district school board or a charter school
6 applicant shall have the right to request an increase of the
7 limit on the number of charter schools authorized to be
8 established within the district from the State Board of
9 Education.

10 (d) Whenever a municipality has submitted charter
11 applications for the establishment of a charter school feeder
12 pattern (elementary, middle, and senior high schools), and
13 upon approval of each individual charter application by the
14 district school board, such applications shall then be
15 designated as one charter school for all purposes listed
16 pursuant to this section.

17 (14) CHARTER SCHOOL COOPERATIVES.--Charter schools may
18 enter into cooperative agreements to form charter school
19 cooperative organizations that may provide the following
20 services: charter school planning and development, direct
21 instructional services, and contracts with charter school
22 governing boards to provide personnel administrative services,
23 payroll services, human resource management, evaluation and
24 assessment services, teacher preparation, and professional
25 development.

26 (15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
27 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
28 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into
29 to borrow or otherwise secure funds for a charter school
30 authorized in this section from a source other than the state
31 or a school district shall indemnify the state and the school

1 district from any and all liability, including, but not
2 limited to, financial responsibility for the payment of the
3 principal or interest. Any loans, bonds, or other financial
4 agreements are not obligations of the state or the school
5 district but are obligations of the charter school authority
6 and are payable solely from the sources of funds pledged by
7 such agreement. The credit or taxing power of the state or the
8 school district shall not be pledged and no debts shall be
9 payable out of any moneys except those of the legal entity in
10 possession of a valid charter approved by a district school
11 board pursuant to this section.

12 (16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
13 SCHOOLS-IN-A-MUNICIPALITY.--

14 (a) In order to increase business partnerships in
15 education, to reduce school and classroom overcrowding
16 throughout the state, and to offset the high costs for
17 educational facilities construction, the Legislature intends
18 to encourage the formation of business partnership schools or
19 satellite learning centers and municipal-operated schools
20 through charter school status.

21 (b) A charter school-in-the-workplace may be
22 established when a business partner provides the school
23 facility to be used; enrolls students based upon a random
24 lottery that involves all of the children of employees of that
25 business or corporation who are seeking enrollment, as
26 provided for in subsection (10); and enrolls students
27 according to the racial/ethnic balance provisions described in
28 subparagraph (7)(a)8. Any portion of a facility used for a
29 public charter school shall be exempt from ad valorem taxes,
30 as provided for in s. 1013.54, for the duration of its use as
31 a public school.

1 (c) A charter school-in-a-municipality designation may
2 be granted to a municipality that possesses a charter; enrolls
3 students based upon a random lottery that involves all of the
4 children of the residents of that municipality who are seeking
5 enrollment, as provided for in subsection (10); and enrolls
6 students according to the racial/ethnic balance provisions
7 described in subparagraph (7)(a)8. Any portion of the land and
8 facility used for a public charter school shall be exempt from
9 ad valorem taxes, as provided for in s. 1013.54, for the
10 duration of its use as a public school.

11 (d) As used in this subsection, the terms "business
12 partner" or "municipality" may include more than one business
13 or municipality to form a charter school-in-the-workplace or
14 charter school-in-a-municipality.

15 (17) EXEMPTION FROM STATUTES.--

16 (a) A charter school shall operate in accordance with
17 its charter and shall be exempt from all statutes in chapters
18 1000-1013. However, a charter school shall be in compliance
19 with the following statutes in chapters 1000-1013:

20 1. Those statutes specifically applying to charter
21 schools, including this section.

22 2. Those statutes pertaining to the student assessment
23 program and school grading system.

24 3. Those statutes pertaining to the provision of
25 services to students with disabilities.

26 4. Those statutes pertaining to civil rights,
27 including s. 1000.05, relating to discrimination.

28 5. Those statutes pertaining to student health,
29 safety, and welfare.

30 (b) Additionally, a charter school shall be in
31 compliance with the following statutes:

1 1. Section 286.011, relating to public meetings and
2 records, public inspection, and criminal and civil penalties.

3 2. Chapter 119, relating to public records.

4 (18) FUNDING.--Students enrolled in a charter school,
5 regardless of the sponsorship, shall be funded as if they are
6 in a basic program or a special program, the same as students
7 enrolled in other public schools in the school district.
8 Funding for a charter lab school shall be as provided in s.
9 1002.32.

10 (a) Each charter school shall report its student
11 enrollment to the district school board as required in s.
12 1011.62, and in accordance with the definitions in s. 1011.61.
13 The district school board shall include each charter school's
14 enrollment in the district's report of student enrollment. All
15 charter schools submitting student record information required
16 by the Department of Education shall comply with the
17 Department of Education's guidelines for electronic data
18 formats for such data, and all districts shall accept
19 electronic data that complies with the Department of
20 Education's electronic format.

21 (b) The basis for the agreement for funding students
22 enrolled in a charter school shall be the sum of the school
23 district's operating funds from the Florida Education Finance
24 Program as provided in s. 1011.62 and the General
25 Appropriations Act, including gross state and local funds,
26 discretionary lottery funds, and funds from the school
27 district's current operating discretionary millage levy;
28 divided by total funded weighted full-time equivalent students
29 in the school district; multiplied by the weighted full-time
30 equivalent students for the charter school. Charter schools
31 whose students or programs meet the eligibility criteria in

1 law shall be entitled to their proportionate share of
2 categorical program funds included in the total funds
3 available in the Florida Education Finance Program by the
4 Legislature, including transportation. Total funding for each
5 charter school shall be recalculated during the year to
6 reflect the revised calculations under the Florida Education
7 Finance Program by the state and the actual weighted full-time
8 equivalent students reported by the charter school during the
9 full-time equivalent student survey periods designated by the
10 Commissioner of Education.

11 (c) If the district school board is providing programs
12 or services to students funded by federal funds, any eligible
13 students enrolled in charter schools in the school district
14 shall be provided federal funds for the same level of service
15 provided students in the schools operated by the district
16 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
17 10306, all charter schools shall receive all federal funding
18 for which the school is otherwise eligible, including Title I
19 funding, not later than 5 months after the charter school
20 first opens and within 5 months after any subsequent expansion
21 of enrollment.

22 (d) District school boards shall make every effort to
23 ensure that charter schools receive timely and efficient
24 reimbursement, including processing paperwork required to
25 access special state and federal funding for which they may be
26 eligible. The district school board may distribute funds to a
27 charter school for up to 3 months based on the projected
28 full-time equivalent student membership of the charter school.
29 Thereafter, the results of full-time equivalent student
30 membership surveys shall be used in adjusting the amount of
31 funds distributed monthly to the charter school for the

1 remainder of the fiscal year. The payment shall be issued no
2 later than 10 working days after the district school board
3 receives a distribution of state or federal funds. If a
4 warrant for payment is not issued within 30 working days after
5 receipt of funding by the district school board, the school
6 district shall pay to the charter school, in addition to the
7 amount of the scheduled disbursement, interest at a rate of 1
8 percent per month calculated on a daily basis on the unpaid
9 balance from the expiration of the 30-day period until such
10 time as the warrant is issued.

11 (19) FACILITIES.--

12 (a) A charter school shall utilize facilities which
13 comply with the State Uniform Building Code for Public
14 Educational Facilities Construction adopted pursuant to s.
15 1013.37 or with applicable state minimum building codes
16 pursuant to chapter 553 and state minimum fire protection
17 codes pursuant to s. 633.025, as adopted by the authority in
18 whose jurisdiction the facility is located.

19 (b) Any facility, or portion thereof, used to house a
20 charter school whose charter has been approved by the sponsor
21 and the governing board, pursuant to subsection (7), shall be
22 exempt from ad valorem taxes pursuant to s. 196.1983.

23 (c) Charter school facilities shall utilize facilities
24 which comply with the Florida Building Code, pursuant to
25 chapter 553, and the Florida Fire Prevention Code, pursuant to
26 chapter 633.

27 (d) If a district school board facility or property is
28 available because it is surplus, marked for disposal, or
29 otherwise unused, it shall be provided for a charter school's
30 use on the same basis as it is made available to other public
31 schools in the district. A charter school receiving property

1 from the school district may not sell or dispose of such
2 property without written permission of the school district.
3 Similarly, for an existing public school converting to charter
4 status, no rental or leasing fee for the existing facility or
5 for the property normally inventoried to the conversion school
6 may be charged by the district school board to the parents and
7 teachers organizing the charter school. The charter organizers
8 shall agree to reasonable maintenance provisions in order to
9 maintain the facility in a manner similar to district school
10 board standards. The Public Education Capital Outlay
11 maintenance funds or any other maintenance funds generated by
12 the facility operated as a conversion school shall remain with
13 the conversion school.

14 (20) CAPITAL OUTLAY FUNDING.--Charter schools are
15 eligible for capital outlay funds pursuant to s. 1013.62.

16 (21) SERVICES.--

17 (a) A sponsor shall provide certain administrative and
18 educational services to charter schools. These services shall
19 include contract management services, full-time equivalent and
20 data reporting services, exceptional student education
21 administration services, test administration services,
22 processing of teacher certificate data services, and
23 information services. Any administrative fee charged by the
24 sponsor for the provision of services shall be limited to 5
25 percent of the available funds defined in paragraph (18)(b).

26 (b) If goods and services are made available to the
27 charter school through the contract with the school district,
28 they shall be provided to the charter school at a rate no
29 greater than the district's actual cost. To maximize the use
30 of state funds, school districts shall allow charter schools

31

1 to participate in the sponsor's bulk purchasing program if
2 applicable.

3 (c) Transportation of charter school students shall be
4 provided by the charter school consistent with the
5 requirements of part I.e. of chapter 1006. The governing body
6 of the charter school may provide transportation through an
7 agreement or contract with the district school board, a
8 private provider, or parents. The charter school and the
9 sponsor shall cooperate in making arrangements that ensure
10 that transportation is not a barrier to equal access for all
11 students residing within a reasonable distance of the charter
12 school as determined in its charter.

13 (22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
14 Department of Education shall provide information to the
15 public, directly and through sponsors, both on how to form and
16 operate a charter school and on how to enroll in charter
17 schools once they are created. This information shall include
18 a standard application format which shall include the
19 information specified in subsection (7). This application
20 format may be used by chartering entities.

21 (23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE
22 REVIEW.--

23 (a) The Department of Education shall regularly
24 convene a Charter School Review Panel in order to review
25 issues, practices, and policies regarding charter schools. The
26 composition of the review panel shall include individuals with
27 experience in finance, administration, law, education, and
28 school governance, and individuals familiar with charter
29 school construction and operation. The panel shall include two
30 appointees each from the Commissioner of Education, the
31 President of the Senate, and the Speaker of the House of

1 Representatives. The Governor shall appoint three members of
2 the panel and shall designate the chair. Each member of the
3 panel shall serve a 1-year term, unless renewed by the office
4 making the appointment. The panel shall make recommendations
5 to the Legislature, to the Department of Education, to charter
6 schools, and to school districts for improving charter school
7 operations and oversight and for ensuring best business
8 practices at and fair business relationships with charter
9 schools.

10 (b) The Legislature shall review the operation of
11 charter schools during the 2005 Regular Session of the
12 Legislature.

13 (24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
14 receipt of the annual report required by paragraph (9)(k), the
15 Department of Education shall provide to the State Board of
16 Education, the Commissioner of Education, the President of the
17 Senate, and the Speaker of the House of Representatives an
18 analysis and comparison of the overall performance of charter
19 school students, to include all students whose scores are
20 counted as part of the statewide assessment program, versus
21 comparable public school students in the district as
22 determined by the statewide assessment program currently
23 administered in the school district, and other assessments
24 administered pursuant to s. 1008.22(3).

25 (25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--

26 (a) The conversion charter school pilot program is
27 hereby established with the intent to provide incentives for
28 local school districts to approve conversion charter schools.

29 (b) The conversion charter school pilot program shall
30 be a statewide pilot program in which 10 schools shall be
31

1 selected based on a competitive application process in
2 accordance with this section.

3 (c) The purpose of the pilot program is to produce
4 significant improvements in student achievement and school
5 management, to encourage and measure the use of innovative
6 learning methods, and to make the school the unit for
7 improvement.

8 (d) Each school principal or a majority of the parents
9 of students attending the school, a majority of the school's
10 teachers, or a majority of the members of the school advisory
11 council may apply to the school district to participate in
12 this pilot program on forms which shall be provided by the
13 Department of Education. The forms shall include
14 acknowledgment by the school principal of applicable
15 provisions of this section and s. 1013.62. For purposes of
16 this paragraph, "a majority of the parents of students
17 attending the school" means more than 50 percent of the
18 parents voting whose children are enrolled at the school,
19 provided that a majority of the parents eligible to vote
20 participate in the ballot process; and "a majority of the
21 school's teachers" means more than 50 percent of the teachers
22 employed at the school, according to procedures established by
23 rule of the State Board of Education pursuant to subsections
24 (3) and (4).

25 (e) A person or group who has applied to participate
26 in the pilot program created by this section, pursuant to
27 paragraph (d), shall not be subject to an unlawful reprisal,
28 as defined by paragraph (4)(a), as a consequence of such
29 application. The procedures established by subsections (3) and
30 (4) shall apply to any alleged unlawful reprisal which occurs
31 as a consequence of such application.

1 (f) A district school board shall receive and review
2 all applications by school principals, parents, teachers, or
3 school advisory council members to participate in the pilot
4 project; shall select the best applications; and shall submit
5 these applications, together with the district school board's
6 letter of endorsement and commitment of support and
7 cooperation toward the success of program implementation, for
8 review by the statewide selection panel established pursuant
9 to paragraph (g).

10 (g) A conversion charter school pilot program
11 statewide selection panel is established. The panel shall be
12 comprised of the following nine members who are not elected
13 public officials:

14 1. Three members shall be appointed by the Governor.

15 2. Two members shall be appointed by the Commissioner
16 of Education.

17 3. Two members shall be appointed by the President of
18 the Senate.

19 4. Two members shall be appointed by the Speaker of
20 the House of Representatives.

21
22 The panel shall review the conversion charter school pilot
23 program applications submitted by the district school boards
24 and shall select the 10 applications which the panel deems
25 best comply with the purpose of the program pursuant to
26 paragraph (c).

27 (h) Each district school board in which there is a
28 school selected by the statewide panel for participation in
29 the pilot program shall receive a grant as provided in the
30 General Appropriations Act:

31

1 1. One hundred thousand dollars for planning and
2 development for each conversion charter school selected; and
3 2.a. Eighty thousand dollars for each conversion
4 charter school selected with 500 or fewer students;
5 b. One hundred thousand dollars for each conversion
6 charter school selected with more than 500 but fewer than
7 1,001 students; or
8 c. One hundred twenty thousand dollars for each
9 conversion charter school selected with more than 1,000
10 students.
11
12 The Commissioner of Education may reduce the district's FEFP
13 funding entitlement by the amount of the grant awarded under
14 this subsection if he or she determines that the district has
15 failed to comply with its letter of endorsement and commitment
16 of support and cooperation submitted under paragraph (f).
17 (i) Each conversion charter school selected for
18 participation in the pilot program shall make annual progress
19 reports to the district school board and the Commissioner of
20 Education detailing the school's progress in achieving the
21 purpose of the program as described in paragraph (c).
22 (26) RULEMAKING.--The Department of Education, after
23 consultation with school districts and charter school
24 directors, shall recommend that the State Board of Education
25 adopt rules to implement specific subsections of this section.
26 Such rules shall require minimum paperwork and shall not limit
27 charter school flexibility authorized by statute.
28 Section 99. Section 1002.34, Florida Statutes, is
29 created to read:
30 1002.34 Charter technical career centers.--
31

1 (1) AUTHORIZATION.--The Legislature finds that the
2 establishment of charter technical career centers can assist
3 in promoting advances and innovations in workforce preparation
4 and economic development. A charter technical career center
5 may provide a learning environment that better serves the
6 needs of a specific population group or a group of
7 occupations, thus promoting diversity and choices within the
8 public education and public postsecondary technical education
9 community in this state. Therefore, the creation of such
10 centers is authorized as part of the state's program of public
11 education. A charter technical career center may be formed by
12 creating a new school or converting an existing school
13 district or community college program to charter technical
14 status.

15 (2) PURPOSE.--The purpose of a charter technical
16 career center is to:

17 (a) Develop a competitive workforce to support local
18 business and industry and economic development.

19 (b) Create a training and education model that is
20 reflective of marketplace realities.

21 (c) Offer a continuum of career educational
22 opportunities using a school-to-work, tech-prep, technical,
23 academy, and magnet school model.

24 (d) Provide career pathways for lifelong learning and
25 career mobility.

26 (e) Enhance career and technical training.

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

28 (a) "Charter technical career center" or "center"
29 means a public school or a public technical center operated
30 under a charter granted by a district school board or
31 community college board of trustees or a consortium, including

1 one or more district school boards and community college
2 boards of trustees, that includes the district in which the
3 facility is located, that is nonsectarian in its programs,
4 admission policies, employment practices, and operations, and
5 is managed by a board of directors.

6 (b) "Sponsor" means a district school board, a
7 community college board of trustees, or a consortium of one or
8 more of each.

9 (4) CHARTER.--A sponsor may designate centers as
10 provided in this section. An application to establish a
11 center may be submitted by a sponsor or another organization
12 that is determined, by rule of the State Board of Education,
13 to be appropriate. However, an independent school is not
14 eligible for status as a center. The charter must be signed
15 by the governing body of the center and the sponsor, and must
16 be approved by the district school board and community college
17 board of trustees in whose geographic region the facility is
18 located. If a charter technical career center is established
19 by the conversion to charter status of a public technical
20 center formerly governed by a district school board, the
21 charter status of that center takes precedence in any question
22 of governance. The governance of the center or of any program
23 within the center remains with its board of directors unless
24 the board agrees to a change in governance or its charter is
25 revoked as provided in subsection (15). Such a conversion
26 charter technical career center is not affected by a change in
27 the governance of public technical centers or of programs
28 within other centers that are or have been governed by
29 district school boards. A charter technical career center, or
30 any program within such a center, that was governed by a
31 district school board and transferred to a community college

1 prior to the effective date of this act is not affected by
2 this provision. An applicant who wishes to establish a center
3 must submit to the district school board or community college
4 board of trustees, or a consortium of one or more of each, an
5 application that includes:
6 (a) The name of the proposed center.
7 (b) The proposed structure of the center, including a
8 list of proposed members of the board of directors or a
9 description of the qualifications for and method of their
10 appointment or election.
11 (c) The workforce development goals of the center, the
12 curriculum to be offered, and the outcomes and the methods of
13 assessing the extent to which the outcomes are met.
14 (d) The admissions policy and criteria for evaluating
15 the admission of students.
16 (e) A description of the staff responsibilities and
17 the proposed qualifications of the teaching staff.
18 (f) A description of the procedures to be implemented
19 to ensure significant involvement of representatives of
20 business and industry in the operation of the center.
21 (g) A method for determining whether a student has
22 satisfied the requirements for graduation specified in s.
23 1003.43 and for completion of a postsecondary certificate or
24 degree.
25 (h) A method for granting secondary and postsecondary
26 diplomas, certificates, and degrees.
27 (i) A description of and address for the physical
28 facility in which the center will be located.
29 (j) A method of resolving conflicts between the
30 governing body of the center and the sponsor and between
31 consortium members, if applicable.

1 (k) A method for reporting student data as required by
2 law and rule.

3 (l) Other information required by the district school
4 board or community college board of trustees.

5
6 Students at a center must meet the same testing and academic
7 performance standards as those established by law and rule for
8 students at public schools and public technical centers. The
9 students must also meet any additional assessment indicators
10 that are included within the charter approved by the district
11 school board or community college board of trustees.

12 (5) APPLICATION.--An application to establish a center
13 must be submitted by February 1 of the year preceding the
14 school year in which the center will begin operation. The
15 sponsor must review the application and make a final decision
16 on whether to approve the application and grant the charter by
17 March 1, and may condition the granting of a charter on the
18 center's taking certain actions or maintaining certain
19 conditions. Such actions and conditions must be provided to
20 the applicant in writing. The district school board or
21 community college board of trustees is not required to issue a
22 charter to any person.

23 (6) SPONSOR.--A district school board or community
24 college board of trustees or a consortium of one or more of
25 each may sponsor a center in the county in which the board has
26 jurisdiction.

27 (a) A sponsor must review all applications for centers
28 received through at least February 1 of each calendar year for
29 centers to be opened at the beginning of the sponsor's next
30 school year. A sponsor may receive applications later than
31 this date if it so chooses. To facilitate an accurate budget

1 projection process, a sponsor shall be held harmless for FTE
2 students who are not included in the FTE projection due to
3 approval of applications after the FTE projection deadline. A
4 sponsor must, by a majority vote, approve or deny an
5 application no later than 60 days after the application is
6 received. If an application is denied, the sponsor must,
7 within 10 days, notify the applicant in writing of the
8 specific reasons for denial, which must be based upon good
9 cause. Upon approval of a charter application, the initial
10 startup must be consistent with the beginning of the public
11 school or community college calendar for the district in which
12 the charter is granted, unless the sponsor allows a waiver of
13 this provision for good cause.

14 (b) An applicant may appeal any denial of its
15 application to the State Board of Education within 30 days
16 after the sponsor's denial and shall notify the sponsor of its
17 appeal. Any response of the sponsor must be submitted to the
18 state board within 30 days after notification of the appeal.
19 The State Board of Education must, by majority vote, accept or
20 reject the decision of the sponsor no later than 60 days after
21 an appeal is filed, pursuant to State Board of Education rule.
22 The State Board of Education may reject an appeal for failure
23 to comply with procedural rules governing the appeals process,
24 and the rejection must describe the submission errors. The
25 appellant may have up to 15 days after notice of rejection to
26 resubmit an appeal. An application for appeal submitted after
27 a rejection is timely if the original appeal was filed within
28 30 days after the sponsor's denial. The State Board of
29 Education shall remand the application to the sponsor with a
30 written recommendation that the sponsor approve or deny the
31 application, consistent with the state board's decision. The

1 decision of the State Board of Education is not subject to the
2 provisions of chapter 120.

3 (c) The sponsor must act upon the recommendation of
4 the State Board of Education within 30 days after it is
5 received, unless the sponsor determines by competent
6 substantial evidence that approving the state board's
7 recommendation would be contrary to law or the best interests
8 of the students or the community. The sponsor must notify the
9 applicant in writing concerning the specific reasons for its
10 failure to follow the state board's recommendation. The
11 sponsor's action on the state board's recommendation is a
12 final action, subject to judicial review.

13 (d) The Department of Education may provide technical
14 assistance to an applicant upon written request.

15 (e) The terms and conditions for the operation of a
16 center must be agreed to by the sponsor and the applicant in a
17 written contract. The sponsor may not impose unreasonable
18 requirements that violate the intent of giving centers greater
19 flexibility to meet educational goals. The applicant and
20 sponsor must reach an agreement on the provisions of the
21 contract or the application is deemed denied.

22 (f) The sponsor shall monitor and review the center's
23 progress towards charter goals and shall monitor the center's
24 revenues and expenditures.

25 (7) LEGAL ENTITY.--A center must organize as a
26 nonprofit organization and adopt a name and corporate seal. A
27 center is a body corporate and politic, with all powers to
28 implement its charter program. The center may:

29 (a) Be a private or a public employer.

30 (b) Sue and be sued, but only to the same extent and
31 upon the same conditions that a public entity can be sued.

- 1 (c) Acquire real property by purchase, lease, lease
2 with an option to purchase, or gift, to use as a center
3 facility.
- 4 (d) Receive and disburse funds.
- 5 (e) Enter into contracts or leases for services,
6 equipment, or supplies.
- 7 (f) Incur temporary debts in anticipation of the
8 receipt of funds.
- 9 (g) Solicit and accept gifts or grants for career
10 center purposes.
- 11 (h) Take any other action that is not inconsistent
12 with this section and rules adopted under this section.
- 13 (8) ELIGIBLE STUDENTS.--A center must be open to all
14 students as space is available and may not discriminate in
15 admissions policies or practices on the basis of an
16 individual's physical disability or proficiency in English or
17 on any other basis that would be unlawful if practiced by a
18 public school or a community college. A center may establish
19 reasonable criteria by which to evaluate prospective students,
20 which criteria must be outlined in the charter.
- 21 (9) FACILITIES.--A center may be located in any
22 suitable location, including part of an existing public school
23 or community college building, space provided on a public
24 worksite, or a public building. A center's facilities must
25 comply with the State Uniform Building Code for Public
26 Educational Facilities Construction adopted pursuant to s.
27 1013.37, or with applicable state minimum building codes
28 pursuant to chapter 553, and state minimum fire protection
29 codes pursuant to s. 633.025, adopted by the authority in
30 whose jurisdiction the facility is located. If K-12 public
31 school funds are used for construction, the facility must

1 remain on the local school district's Florida Inventory of
2 School Houses (FISH) school building inventory of the district
3 school board and must revert to the district school board if
4 the consortium dissolves and the program is discontinued. If
5 community college public school funds are used for
6 construction, the facility must remain on the local community
7 college's facilities inventory and must revert to the local
8 community college board of trustees if the consortium
9 dissolves and the program is discontinued. The additional
10 student capacity created by the addition of the center to the
11 local school district's FISH may not be calculated in the
12 permanent student capacity for the purpose of determining need
13 or eligibility for state capital outlay funds while the
14 facility is used as a center. If the construction of the
15 center is funded jointly by K-12 public school funds and
16 community college funds, the sponsoring entities must agree,
17 before granting the charter, on the appropriate owner and
18 terms of transfer of the facility if the charter is dissolved.

19 (10) EXEMPTION FROM STATUTES.--

20 (a) A center must operate pursuant to its charter and
21 is exempt from all statutes of the Florida School Code except
22 provisions pertaining to civil rights and to student health,
23 safety, and welfare, or as otherwise required by law.

24 (b) A center must comply with the Florida K-20
25 Education Code with respect to providing services to students
26 with disabilities.

27 (c) A center must comply with the antidiscrimination
28 provisions of s. 1000.05.

29 (11) FUNDING.--

30 (a) Each district school board and community college
31 that sponsors a charter technical career center shall pay

1 directly to the center an amount stated in the charter. State
2 funding shall be generated for the center for its student
3 enrollment and program outcomes as provided in law. A center
4 is eligible for funding from the Florida Workforce Development
5 Education Fund, the Florida Education Finance Program, and the
6 Community College Program Fund, depending upon the programs
7 conducted by the center.

8 (b) A center may receive other state and federal aid,
9 grants, and revenue through the district school board or
10 community college board of trustees.

11 (c) A center may receive gifts and grants from private
12 sources.

13 (d) A center may not levy taxes or issue bonds, but it
14 may charge a student tuition fee consistent with authority
15 granted in its charter and permitted by law.

16 (e) A center shall provide for an annual financial
17 audit in accordance with s. 218.39.

18 (f) A center must provide instruction for at least the
19 number of days required by law for other public schools or
20 community colleges, as appropriate, and may provide
21 instruction for additional days.

22 (12) EMPLOYEES OF A CENTER.--

23 (a) A center may select its own employees.

24 (b) A center may contract for services with an
25 individual, partnership, or a cooperative. Such persons
26 contracted with are not public employees.

27 (c) If a center contracts with a public educational
28 agency for services, the terms of employment must follow
29 existing state law and rule and local policies and procedures.

30 (d) The employees of a center may bargain
31 collectively, as a separate unit or as part of the existing

1 district collective bargaining unit, as determined by the
2 structure of the center.

3 (e) As a public employer, a center may participate in:

4 1. The Florida Retirement System upon application and
5 approval as a "covered group" under s. 121.021(34). If a
6 center participates in the Florida Retirement System, its
7 employees are compulsory members of the Florida Retirement
8 System.

9 2. The State Community College System Optional
10 Retirement Program pursuant to s. 1012.875(2), if the charter
11 is granted by a community college that participates in the
12 optional retirement program and meets the eligibility criteria
13 of s. 121.051(2)(c).

14 (f) Teachers who are considered qualified by the
15 career center are exempt from state certification
16 requirements.

17 (g) A public school or community college teacher or
18 administrator may take a leave of absence to accept employment
19 in a charter technical career center upon the approval of the
20 school district or community college.

21 (h) An employee who is on a leave of absence under
22 this section may retain seniority accrued in that school
23 district or community college and may continue to be covered
24 by the benefit programs of that district or community college
25 if the center and the district school board or community
26 college board of trustees agree to this arrangement and its
27 financing.

28 (13) BOARD OF DIRECTORS AUTHORITY.--The board of
29 directors of a center may decide matters relating to the
30 operation of the school, including budgeting, curriculum, and
31 operating procedures, subject to the center's charter.

1 (14) ACCOUNTABILITY.--Each center must submit a report
2 to the participating district school board or community
3 college board of trustees by August 1 of each year. The
4 report must be in such form as the sponsor prescribes and must
5 include:

6 (a) A discussion of progress made toward the
7 achievement of the goals outlined in the center's charter.

8 (b) A financial statement setting forth by appropriate
9 categories the revenue and expenditures for the previous
10 school year.

11 (15) TERMS OF THE CHARTER.--The term of an initial
12 charter may not exceed 5 years. Thereafter, the sponsor may
13 renew a charter for a period up to 5 years. The sponsor may
14 refuse to renew a charter or may revoke a charter if the
15 center has not fulfilled a condition imposed under the charter
16 or if the center has violated any provision of the charter.
17 The sponsor may place the center on probationary status to
18 allow the implementation of a remedial plan, after which, if
19 the plan is unsuccessful, the charter may be summarily
20 revoked. The sponsor shall develop procedures and guidelines
21 for the revocation and renewal of a center's charter. The
22 sponsor must give written notice of its intent not to renew
23 the charter at least 12 months before the charter expires. If
24 the sponsor revokes a charter before the scheduled expiration
25 date, the sponsor must provide written notice to the governing
26 board of the center at least 60 days before the date of
27 termination, stating the grounds for the proposed revocation.
28 The governing board of the center may request in writing an
29 informal hearing before the sponsor within 14 days after
30 receiving the notice of revocation. A revocation takes effect
31 at the conclusion of a school year, unless the sponsor

1 determines that earlier revocation is necessary to protect the
2 health, safety, and welfare of students. The sponsor shall
3 monitor and review the center in its progress towards the
4 goals established in the charter and shall monitor the
5 revenues and expenditures of the center.

6 (16) TRANSPORTATION.--The center may provide
7 transportation, pursuant to chapter 1006, through a contract
8 with the district school board or the community college board
9 of trustees, a private provider, or parents of students. The
10 center must ensure that transportation is not a barrier to
11 equal access for all students in grades K-12 residing within a
12 reasonable distance of the facility.

13 (17) IMMUNITY.--For the purposes of tort liability,
14 the governing body and employees of a center are governed by
15 s. 768.28.

16 (18) RULES.--The State Board of Education shall adopt
17 rules, pursuant to chapter 120, relating to the implementation
18 of charter technical career centers.

19 (19) EVALUATION; REPORT.--The Commissioner of
20 Education shall provide for an annual comparative evaluation
21 of charter technical career centers and public technical
22 centers. The evaluation may be conducted in cooperation with
23 the sponsor, through private contracts, or by department
24 staff. At a minimum, the comparative evaluation must address
25 the demographic and socioeconomic characteristics of the
26 students served, the types and costs of services provided, and
27 the outcomes achieved. By December 30 of each year, the
28 Commissioner of Education shall submit to the Governor, the
29 President of the Senate, the Speaker of the House of
30 Representatives, and the Senate and House committees that have
31 responsibility for secondary and postsecondary career and

1 technical education a report of the comparative evaluation
2 completed for the previous school year.

3 Section 100. Section 1002.35, Florida Statutes, is
4 created to read:

5 1002.35 New World School of the Arts.--

6 (1) The New World School of the Arts is created as a
7 center of excellence for the performing and visual arts, to
8 serve all of the State of Florida. The school shall offer a
9 program of academic and artistic studies in the visual and
10 performing arts which shall be available to talented high
11 school and college students.

12 (2)(a) For purposes of governance, the New World
13 School of the Arts is assigned to Miami-Dade Community
14 College, the Dade County School District, and one or more
15 universities designated by the State Board of Education. The
16 State Board of Education shall assign to the New World School
17 of the Arts a university partner or partners. In this
18 selection, the State Board of Education shall consider the
19 accreditation status of the core programs. Florida
20 International University, in its capacity as the provider of
21 university services to Dade County, shall be a partner to
22 serve the New World School of the Arts, upon meeting the
23 accreditation criteria. The respective boards shall appoint
24 members to an executive board for administration of the
25 school. The executive board may include community members and
26 shall reflect proportionately the participating institutions.
27 Miami-Dade Community College shall serve as fiscal agent for
28 the school.

29 (b) The New World School of the Arts Foundation is
30 created for the purpose of providing auxiliary financial
31 support for the school's programs, including, but not limited

1 to, the promotion and sponsorship of special events and
2 scholarships. Foundation membership shall be determined by the
3 executive board.

4 (c) The school may affiliate with other public or
5 private educational or arts institutions. The school shall
6 serve as a professional school for all qualified students
7 within appropriations and limitations established by the
8 Legislature and the respective educational institutions.

9 (3) The school shall submit annually a formula-driven
10 budget request to the commissioner and the Legislature. This
11 formula shall be developed in consultation with the Department
12 of Education and staff of the Legislature. However, the actual
13 funding for the school shall be determined by the Legislature
14 in the General Appropriations Act.

15 (4) The State Board of Education shall utilize
16 resources, programs, and faculty from the various state
17 universities in planning and providing the curriculum and
18 courses at the New World School of the Arts, drawing on
19 program strengths at each state university.

20 Section 101. Section 1002.36, Florida Statutes, is
21 created to read:

22 1002.36 Florida School for the Deaf and the Blind.--

23 (1) RESPONSIBILITIES.--The Florida School for the Deaf
24 and the Blind is a state-supported residential school for
25 hearing-impaired and visually impaired students in preschool
26 through 12th grade. The school is a part of the state system
27 of public education and shall be funded through the Department
28 of Education. The school shall provide educational programs
29 and support services appropriate to meet the education and
30 related evaluation and counseling needs of hearing-impaired
31 and visually impaired students in the state who meet

1 enrollment criteria. Education services may be provided on an
2 outreach basis for sensory-impaired children ages 0 through 5
3 years and their parents. Graduates of the Florida School for
4 the Deaf and the Blind shall be eligible for the William L.
5 Boyd, IV, Florida Resident Access Grant Program as provided in
6 s. 1009.89.

7 (2) MISSION.--The mission of the Florida School for
8 the Deaf and the Blind is to utilize all available talent,
9 energy, and resources to provide free appropriate public
10 education for eligible sensory-impaired students of Florida.
11 As a school of academic excellence, the school shall strive to
12 provide students an opportunity to maximize their individual
13 potential in a caring, safe, unique learning environment to
14 prepare them to be literate, employable, and independent
15 lifelong learners. The school shall provide outreach services
16 that include collaboration with district school boards and
17 shall encourage input from students, staff, parents, and the
18 community. As a diverse organization, the school shall foster
19 respect and understanding for each individual.

20 (3) AUDITS.--The Auditor General shall audit the
21 Florida School for the Deaf and the Blind as provided in
22 chapter 11.

23 (4) BOARD OF TRUSTEES.--

24 (a) There is hereby created a Board of Trustees for
25 the Florida School for the Deaf and the Blind which shall
26 consist of seven members. Of these seven members, one
27 appointee shall be a blind person and one appointee shall be a
28 deaf person. Each member shall have been a resident of the
29 state for a period of at least 10 years. Their terms of office
30 shall be 4 years. The appointment of the trustees shall be by
31 the Governor with the confirmation of the Senate. The Governor

1 may remove any member for cause and shall fill all vacancies
2 that occur.

3 (b) The board of trustees shall elect a chair
4 annually. The trustees shall be reimbursed for travel expenses
5 as provided in s. 112.061, the accounts of which shall be paid
6 by the Treasurer upon itemized vouchers duly approved by the
7 chair.

8 (c) The board of trustees has authority to adopt rules
9 pursuant to ss. 120.536(1) and 120.54 to implement provisions
10 of law relating to operation of the Florida School for the
11 Deaf and the Blind. Such rules shall be submitted to the State
12 Board of Education for approval or disapproval. If any rule is
13 not disapproved by the State Board of Education within 60 days
14 of its receipt by the State Board of Education, the rule shall
15 be filed immediately with the Department of State. The board
16 of trustees shall act at all times in conjunction with the
17 rules of the State Board of Education.

18 (d) The board of trustees is a body corporate and
19 shall have a corporate seal. Title to any gift, donation, or
20 bequest received by the board of trustees pursuant to
21 subsection (5) shall vest in the board of trustees. Title to
22 all other property and other assets of the Florida School for
23 the Deaf and the Blind shall vest in the State Board of
24 Education, but the board of trustees shall have complete
25 jurisdiction over the management of the school and is invested
26 with full power and authority to appoint a president, faculty,
27 teachers, and other employees and remove the same as in its
28 judgment may be best and fix their compensation; to procure
29 professional services, such as medical, mental health,
30 architectural, engineering, and legal services; to determine
31 eligibility of students and procedure for admission; to

1 provide for the students of the school necessary bedding,
2 clothing, food, and medical attendance and such other things
3 as may be proper for the health and comfort of the students
4 without cost to their parents, except that the board of
5 trustees may set tuition and other fees for nonresidents; to
6 provide for the proper keeping of accounts and records and for
7 budgeting of funds; to enter into contracts; to sue and be
8 sued; to secure public liability insurance; and to do and
9 perform every other matter or thing requisite to the proper
10 management, maintenance, support, and control of the school at
11 the highest efficiency economically possible, the board of
12 trustees taking into consideration the purposes of the
13 establishment.

14 (e)1. The board of trustees is authorized to receive
15 gifts, donations, and bequests of money or property, real or
16 personal, tangible or intangible, from any person, firm,
17 corporation, or other legal entity. However, the board of
18 trustees may not obligate the state to any expenditure or
19 policy that is not specifically authorized by law.

20 2. If the bill of sale, will, trust indenture, deed,
21 or other legal conveyance specifies terms and conditions
22 concerning the use of such money or property, the board of
23 trustees shall observe such terms and conditions.

24 3. The board of trustees may deposit outside the State
25 Treasury such moneys as are received as gifts, donations, or
26 bequests and may disburse and expend such moneys, upon its own
27 warrant, for the use and benefit of the Florida School for the
28 Deaf and the Blind and its students, as the board of trustees
29 deems to be in the best interest of the school and its
30 students. Such money or property shall not constitute or be
31 considered a part of any legislative appropriation, and such

1 money shall not be used to compensate any person for engaging
2 in lobbying activities before the House of Representatives or
3 Senate or any committee thereof.

4 4. The board of trustees may sell or convey by bill of
5 sale, deed, or other legal instrument any property, real or
6 personal, received as a gift, donation, or bequest, upon such
7 terms and conditions as the board of trustees deems to be in
8 the best interest of the school and its students.

9 5. The board of trustees may invest such moneys in
10 securities enumerated under s. 215.47, and in The Common Fund,
11 an Investment Management Fund exclusively for nonprofit
12 educational institutions.

13 (f) The board of trustees shall:

14 1. Prepare and submit legislative budget requests,
15 including fixed capital outlay requests, in accordance with
16 chapter 216 and s. 1013.60.

17 2. Administer and maintain personnel programs for all
18 employees of the board of trustees and the Florida School for
19 the Deaf and the Blind who shall be state employees, including
20 the personnel classification and pay plan established in
21 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
22 academic and academic administrative personnel, the provisions
23 of chapter 110, and the provisions of law that grant authority
24 to the Department of Management Services over such programs
25 for state employees.

26 3. Adopt a master plan which specifies the mission and
27 objectives of the Florida School for the Deaf and the Blind.
28 The plan shall include, but not be limited to, procedures for
29 systematically measuring the school's progress toward meeting
30 its objectives, analyzing changes in the student population,
31 and modifying school programs and services to respond to such

1 changes. The plan shall be for a period of 5 years and shall
2 be reviewed for needed modifications every 2 years. The board
3 of trustees shall submit the initial plan and subsequent
4 modifications to the Speaker of the House of Representatives
5 and the President of the Senate.

6 4. Seek the advice of the Division of Public Schools
7 within the Department of Education.

8 (g) The Board of Trustees for the Florida School for
9 the Deaf and the Blind, located in St. Johns County, shall
10 designate a portion of the school as "The Verle Allyn Pope
11 Complex for the Deaf," in tribute to the late Senator Verle
12 Allyn Pope.

13 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board
14 of Trustees for the Florida School for the Deaf and the Blind
15 shall provide for the content and custody of student and
16 employee personnel records. Student records shall be subject
17 to the provisions of s. 1002.22. Employee personnel records
18 shall be subject to the provisions of s. 1012.31.

19 (6) LEGAL SERVICES.--The Board of Trustees for the
20 Florida School for the Deaf and the Blind may provide legal
21 services for officers and employees of the board of trustees
22 who are charged with civil or criminal actions arising out of
23 and in the course of the performance of assigned duties and
24 responsibilities. The board of trustees may provide for
25 reimbursement of reasonable expenses for legal services for
26 officers and employees of said board of trustees who are
27 charged with civil or criminal actions arising out of and in
28 the course of the performance of assigned duties and
29 responsibilities upon successful defense by the officer or
30 employee. However, in any case in which the officer or
31 employee pleads guilty or nolo contendere or is found guilty

1 of any such action, the officer or employee shall reimburse
2 the board of trustees for any legal services that the board of
3 trustees may have supplied pursuant to this section. The
4 board of trustees may also reimburse an officer or employee
5 thereof for any judgment that may be entered against him or
6 her in a civil action arising out of and in the course of the
7 performance of his or her assigned duties and
8 responsibilities. Each expenditure by the board of trustees
9 for legal defense of an officer or employee, or for
10 reimbursement pursuant to this section, shall be made at a
11 public meeting with notice pursuant to s. 120.525(1). The
12 providing of such legal services or reimbursement under the
13 conditions described in this subsection is declared to be a
14 school purpose for which school funds may be expended.

15 (7) PERSONNEL SCREENING.--

16 (a) The Board of Trustees of the Florida School for
17 the Deaf and the Blind shall, because of the special trust or
18 responsibility of employees of the school, require all
19 employees and applicants for employment to undergo personnel
20 screening and security background investigations as provided
21 in chapter 435, using the level 2 standards for screening set
22 forth in that chapter, as a condition of employment and
23 continued employment. The cost of a personnel screening and
24 security background investigation for an employee of the
25 school shall be paid by the school. The cost of such a
26 screening and investigation for an applicant for employment
27 may be paid by the school.

28 (b) As a prerequisite for initial and continuing
29 employment at the Florida School for the Deaf and the Blind:

30 1. The applicant or employee shall submit to the
31 Florida School for the Deaf and the Blind a complete set of

1 fingerprints taken by an authorized law enforcement agency or
2 an employee of the Florida School for the Deaf and the Blind
3 who is trained to take fingerprints. The Florida School for
4 the Deaf and the Blind shall submit the fingerprints to the
5 Department of Law Enforcement for state processing and the
6 Federal Bureau of Investigation for federal processing.
7 2.a. The applicant or employee shall attest to the
8 minimum standards for good moral character as contained in
9 chapter 435, using the level 2 standards set forth in that
10 chapter under penalty of perjury.
11 b. New personnel shall be on a probationary status
12 pending a determination of compliance with such minimum
13 standards for good moral character. This paragraph is in
14 addition to any probationary status provided for by Florida
15 law or Florida School for the Deaf and the Blind rules or
16 collective bargaining contracts.
17 3. The Florida School for the Deaf and the Blind shall
18 review the record of the applicant or employee with respect to
19 the crimes contained in s. 435.04 and shall notify the
20 applicant or employee of its findings. When disposition
21 information is missing on a criminal record, it shall be the
22 responsibility of the applicant or employee, upon request of
23 the Florida School for the Deaf and the Blind, to obtain and
24 supply within 30 days the missing disposition information to
25 the Florida School for the Deaf and the Blind. Failure to
26 supply missing information within 30 days or to show
27 reasonable efforts to obtain such information shall result in
28 automatic disqualification of an applicant and automatic
29 termination of an employee.
30 4. After an initial personnel screening and security
31 background investigation, written notification shall be given

1 to the affected employee within a reasonable time prior to any
2 subsequent screening and investigation.

3 (c) The Florida School for the Deaf and the Blind may
4 grant exemptions from disqualification as provided in s.
5 435.07.

6 (d) The Florida School for the Deaf and the Blind may
7 not use the criminal records, private investigator findings,
8 or information reference checks obtained by the school
9 pursuant to this section for any purpose other than
10 determining if a person meets the minimum standards for good
11 moral character for personnel employed by the school. The
12 criminal records, private investigator findings, and
13 information from reference checks obtained by the Florida
14 School for the Deaf and the Blind for determining the moral
15 character of employees of the school are confidential and
16 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
17 I of the State Constitution.

18 (e) It is a misdemeanor of the first degree,
19 punishable as provided in s. 775.082 or s. 775.083, for any
20 person willfully, knowingly, or intentionally to:

21 1. Fail, by false statement, misrepresentation,
22 impersonation, or other fraudulent means, to disclose in any
23 application for voluntary or paid employment a material fact
24 used in making a determination as to such person's
25 qualifications for a position of special trust.

26 2. Use the criminal records, private investigator
27 findings, or information from reference checks obtained under
28 this section or information obtained from such records or
29 findings for purposes other than screening for employment or
30 release such information or records to persons for purposes
31 other than screening for employment.

1 (f) For the purpose of teacher certification, the
2 Florida School for the Deaf and the Blind shall be considered
3 a school district.

4 (8) CAMPUS POLICE.--

5 (a) The Board of Trustees for the Florida School for
6 the Deaf and the Blind is permitted and empowered to employ
7 police officers for the school, who must be designated Florida
8 School for the Deaf and the Blind campus police.

9 (b) Each Florida School for the Deaf and the Blind
10 campus police officer is a law enforcement officer of the
11 state and a conservator of the peace who has the authority to
12 arrest, in accordance with the laws of this state, any person
13 for a violation of state law or applicable county or municipal
14 ordinance if that violation occurs on or in any property or
15 facilities of the school. A campus police officer may also
16 arrest a person off campus for a violation committed on campus
17 after a hot pursuit of that person which began on campus. A
18 campus police officer shall have full authority to bear arms
19 in the performance of the officer's duties and carry out a
20 search pursuant to a search warrant on the campus. Florida
21 School for the Deaf and the Blind campus police, upon request
22 of the sheriff or local police authority, may serve subpoenas
23 or other legal process and may make arrests of persons against
24 whom arrest warrants have been issued or against whom charges
25 have been made for violations of federal or state laws or
26 county or municipal ordinances.

27 (c) The campus police shall promptly deliver all
28 persons arrested and charged with felonies to the sheriff of
29 the county within which the school is located and all persons
30 arrested and charged with misdemeanors to the applicable
31

1 authority as provided by law, but otherwise to the sheriff of
2 the county in which the school is located.

3 (d) The campus police must meet the minimum standards
4 established by the Criminal Justice Standards and Training
5 Commission of the Department of Law Enforcement and chapter
6 943 for law enforcement officers. Each campus police officer
7 must, before entering into the performance of the officer's
8 duties, take the oath of office established by the board of
9 trustees. The board of trustees may obtain and approve a bond
10 on each campus police officer, conditioned upon the officer's
11 faithful performance of the officer's duties, which bond must
12 be payable to the Governor. The board of trustees may
13 determine the amount of the bond. In determining the amount of
14 the bond, the board may consider the amount of money or
15 property likely to be in the custody of the officer at any one
16 time. The board of trustees must provide a uniform set of
17 identifying credentials to each campus police officer it
18 employs.

19 (e) In performance of any of the powers, duties, and
20 functions authorized by law, campus police have the same
21 rights, protections, and immunities afforded other law
22 enforcement officers.

23 (f) The board of trustees shall adopt rules,
24 including, without limitation, rules for the appointment,
25 employment, and removal of campus police in accordance with
26 the State Career Service System and shall establish in writing
27 a policy manual, that includes, without limitation, procedures
28 for managing routine law enforcement situations and emergency
29 law enforcement situations. The board of trustees shall
30 furnish a copy of the policy manual to each of the campus
31 police officers it employs. A campus police officer appointed

1 by the board of trustees must have completed the training
2 required by the school in the special needs and proper
3 procedures for dealing with students served by the school.

4 (9) REPORT OF CAMPUS CRIME STATISTICS.--

5 (a) The school shall prepare an annual report of
6 statistics of crimes committed on its campus and shall submit
7 the report to the board of trustees and the Commissioner of
8 Education. The data for these reports may be taken from the
9 annual report of the Department of Law Enforcement. The board
10 of trustees shall prescribe the form for submission of these
11 reports.

12 (b) The school shall prepare annually a report of
13 statistics of crimes committed on its campus for the preceding
14 3 years. The school shall give students and prospective
15 students notice that this report is available upon request.

16 Section 102. Section 1002.37, Florida Statutes, is
17 created to read:

18 1002.37 The Florida Virtual School.--

19 (1)(a) The Florida Virtual School is established for
20 the development and delivery of on-line and distance learning
21 education and shall be administratively housed within the
22 Commissioner of Education's Office of Technology and
23 Information Services. The Commissioner of Education shall
24 monitor the school's performance and report its performance to
25 the State Board of Education and the Legislature.

26 (b) The mission of the Florida Virtual School is to
27 provide students with technology-based educational
28 opportunities to gain the knowledge and skills necessary to
29 succeed. The school shall serve any student in the state who
30 meets the profile for success in this educational delivery
31 context and shall give priority to:

1 1. Students who need expanded access to courses in
2 order to meet their educational goals, such as home education
3 students and students in inner-city and rural high schools who
4 do not have access to higher-level courses.

5 2. Students seeking accelerated access in order to
6 obtain a high school diploma at least one semester early.

7 (c) To ensure students are informed of the
8 opportunities offered by the Florida Virtual School, the
9 commissioner shall provide the board of trustees of the
10 Florida Virtual School access to the records of public school
11 students in a format prescribed by the board of trustees.

12
13 The board of trustees of the Florida Virtual School shall
14 identify appropriate performance measures and standards based
15 on student achievement that reflect the school's statutory
16 mission and priorities, and shall implement an accountability
17 system for the school that includes assessment of its
18 effectiveness and efficiency in providing quality services
19 that encourage high student achievement, seamless
20 articulation, and maximum access.

21 (2) The Florida Virtual School shall be governed by a
22 board of trustees comprised of seven members appointed by the
23 Governor to 4-year staggered terms. The board of trustees
24 shall be a public agency entitled to sovereign immunity
25 pursuant to s. 768.28, and board members shall be public
26 officers who shall bear fiduciary responsibility for the
27 Florida Virtual School. The board of trustees shall have the
28 following powers and duties:

29 (a)1. The board of trustees shall meet at least 4
30 times each year, upon the call of the chair, or at the request
31 of a majority of the membership.

1 2. The fiscal year for the Florida Virtual School
2 shall be the state fiscal year as provided in s.
3 216.011(1)(o).

4 (b) The board of trustees shall be responsible for the
5 Florida Virtual School's development of a state-of-the-art
6 technology-based education delivery system that is
7 cost-effective, educationally sound, marketable, and capable
8 of sustaining a self-sufficient delivery system through the
9 Florida Education Finance Program, by fiscal year 2003-2004.
10 The school shall collect and report data for all students
11 served and credit awarded. This data shall be segregated by
12 private, public, and home education students by program.
13 Information shall also be collected that reflects any other
14 school in which a virtual school student is enrolled.

15 (c) The board of trustees shall aggressively seek
16 avenues to generate revenue to support its future endeavors,
17 and shall enter into agreements with distance learning
18 providers. The board of trustees may acquire, enjoy, use, and
19 dispose of patents, copyrights, and trademarks and any
20 licenses and other rights or interests thereunder or therein.
21 Ownership of all such patents, copyrights, trademarks,
22 licenses, and rights or interests thereunder or therein shall
23 vest in the state, with the board of trustees having full
24 right of use and full right to retain the revenues derived
25 therefrom. Any funds realized from patents, copyrights,
26 trademarks, or licenses shall be used to support the school's
27 marketing and research and development activities in order to
28 improve courseware and services to its students.

29 (d) The board of trustees shall annually prepare and
30 submit to the State Board of Education a legislative budget
31 request, including funding requests for computers for public

1 school students who do not have access to public school
2 computers, in accordance with chapter 216 and s. 1013.60. The
3 legislative budget request of the Florida Virtual School shall
4 be prepared using the same format, procedures, and timelines
5 required for the submission of the legislative budget of the
6 Department of Education. Nothing in this section shall be
7 construed to guarantee a computer to any individual student.

8 (e) In accordance with law and rules of the State
9 Board of Education, the board of trustees shall administer and
10 maintain personnel programs for all employees of the board of
11 trustees and the Florida Virtual School. The board of trustees
12 may adopt rules, policies, and procedures related to the
13 appointment, employment, and removal of personnel.

14 1. The board of trustees shall determine the
15 compensation, including salaries and fringe benefits, and
16 other conditions of employment for such personnel.

17 2. The board of trustees may establish and maintain a
18 personnel loan or exchange program by which persons employed
19 by the board of trustees for the Florida Virtual School as
20 academic administrative and instructional staff may be loaned
21 to, or exchanged with persons employed in like capacities by,
22 public agencies either within or without this state, or by
23 private industry. With respect to public agency employees, the
24 program authorized by this subparagraph shall be consistent
25 with the requirements of part II of chapter 112. The salary
26 and benefits of board of trustees personnel participating in
27 the loan or exchange program shall be continued during the
28 period of time they participate in a loan or exchange program,
29 and such personnel shall be deemed to have no break in
30 creditable or continuous service or employment during such
31 time. The salary and benefits of persons participating in the

1 personnel loan or exchange program who are employed by public
2 agencies or private industry shall be paid by the originating
3 employers of those participants, and such personnel shall be
4 deemed to have no break in creditable or continuous service or
5 employment during such time.

6 3. The employment of all Florida Virtual School
7 academic administrative and instructional personnel shall be
8 subject to rejection for cause by the board of trustees, and
9 shall be subject to policies of the board of trustees relative
10 to certification, tenure, leaves of absence, sabbaticals,
11 remuneration, and such other conditions of employment as the
12 board of trustees deems necessary and proper, not inconsistent
13 with law.

14 4. Each person employed by the board of trustees in an
15 academic administrative or instructional capacity with the
16 Florida Virtual School shall be entitled to a contract as
17 provided by rules of the board of trustees.

18 5. All employees except temporary, seasonal, and
19 student employees may be state employees for the purpose of
20 being eligible to participate in the Florida Retirement System
21 and receive benefits. The classification and pay plan,
22 including terminal leave and other benefits, and any
23 amendments thereto, shall be subject to review and approval by
24 the Department of Management Services and the Executive Office
25 of the Governor prior to adoption. In the event that the board
26 of trustees assumes responsibility for governance pursuant to
27 this section before approval is obtained, employees shall be
28 compensated pursuant to the system in effect for the employees
29 of the fiscal agent.

30 (f) The board of trustees shall establish priorities
31 for admission of students in accordance with paragraph (1)(b).

1 (g) The board of trustees shall establish and
2 distribute to all school districts and high schools in the
3 state procedures for enrollment of students in courses offered
4 by the Florida Virtual School. Such procedures shall be
5 designed to minimize paperwork and fairly resolve the issue of
6 double funding students taking courses online.

7 (h) The board of trustees shall annually submit to the
8 State Board of Education both forecasted and actual
9 enrollments for the Florida Virtual School, according to
10 procedures established by the State Board of Education. At a
11 minimum, such procedures must include the number of public,
12 private, and home education students served by district.

13 (i) The board of trustees shall provide for the
14 content and custody of student and employee personnel records.
15 Student records shall be subject to the provisions of s.
16 1002.22. Employee records shall be subject to the provisions
17 of s. 1012.31.

18 (j) The financial records and accounts of the Florida
19 Virtual School shall be maintained under the direction of the
20 board of trustees and under rules adopted by the State Board
21 of Education for the uniform system of financial records and
22 accounts for the schools of the state.

23
24 The Governor shall designate the initial chair of the board of
25 trustees to serve a term of 4 years. Members of the board of
26 trustees shall serve without compensation, but may be
27 reimbursed for per diem and travel expenses pursuant to s.
28 112.061. The board of trustees shall be a body corporate with
29 all the powers of a body corporate and such authority as is
30 needed for the proper operation and improvement of the Florida
31 Virtual School. The board of trustees is specifically

1 authorized to adopt rules, policies, and procedures,
2 consistent with law and rules of the State Board of Education
3 related to governance, personnel, budget and finance,
4 administration, programs, curriculum and instruction, travel
5 and purchasing, technology, students, contracts and grants,
6 and property as necessary for optimal, efficient operation of
7 the Florida Virtual School. Tangible personal property owned
8 by the board of trustees shall be subject to the provisions of
9 chapter 273.

10 (3)(a) Until fiscal year 2003-2004, the Commissioner
11 of Education shall include the Florida Virtual School as a
12 grant-in-aid appropriation in the department's legislative
13 budget request to the State Board of Education, the Governor,
14 and the Legislature, subject to any guidelines imposed in the
15 General Appropriations Act.

16 (b) The Orange County District School Board shall be
17 the temporary fiscal agent of the Florida Virtual School.

18 (4) Under no circumstance may the credit of the state
19 be pledged on behalf of the Florida Virtual School.

20 (5) The board of trustees shall annually submit to the
21 Governor, the Legislature, the Commissioner of Education, and
22 the State Board of Education a complete and detailed report
23 setting forth:

24 (a) The operations and accomplishments of the Florida
25 Virtual School.

26 (b) The marketing and operational plan for the Florida
27 Virtual School, including recommendations regarding methods
28 for improving the delivery of education through the Internet
29 and other distance learning technology.

30 (c) The assets and liabilities of the Florida Virtual
31 School at the end of the fiscal year.

1 (d) A copy of an annual financial audit of the
2 accounts and records of the Florida Virtual School, conducted
3 by an independent certified public accountant and performed in
4 accordance with rules adopted by the Auditor General.

5 (e) Recommendations regarding the unit cost of
6 providing services to students. In order to most effectively
7 develop public policy regarding any future funding of the
8 Florida Virtual School, it is imperative that the cost of the
9 program is accurately identified. The identified cost of the
10 program must be based on reliable data.

11 (f) Recommendations regarding an accountability
12 mechanism to assess the effectiveness of the services provided
13 by the Florida Virtual School.

14 (6) The State Board of Education may adopt rules it
15 deems necessary to implement reporting requirements for the
16 Florida Virtual School.

17 Section 103. Section 1002.38, Florida Statutes, is
18 created to read:

19 1002.38 Opportunity Scholarship Program.--

20 (1) FINDINGS AND INTENT.--The purpose of this section
21 is to provide enhanced opportunity for students in this state
22 to gain the knowledge and skills necessary for postsecondary
23 education, a technical education, or the world of work. The
24 Legislature recognizes that the voters of the State of
25 Florida, in the November 1998 general election, amended s. 1,
26 Art. IX of the Florida Constitution so as to make education a
27 paramount duty of the state. The Legislature finds that the
28 State Constitution requires the state to provide a uniform,
29 safe, secure, efficient, and high-quality system which allows
30 the opportunity to obtain a high-quality education. The
31 Legislature further finds that a student should not be

1 compelled, against the wishes of the student's parent, to
2 remain in a school found by the state to be failing for 2
3 years in a 4-year period. The Legislature shall make available
4 opportunity scholarships in order to give parents the
5 opportunity for their children to attend a public school that
6 is performing satisfactorily or to attend an eligible private
7 school when the parent chooses to apply the equivalent of the
8 public education funds generated by his or her child to the
9 cost of tuition in the eligible private school as provided in
10 paragraph (6)(a). Eligibility of a private school shall
11 include the control and accountability requirements that,
12 coupled with the exercise of parental choice, are reasonably
13 necessary to secure the educational public purpose, as
14 delineated in subsection (4).

15 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public
16 school student's parent may request and receive from the state
17 an opportunity scholarship for the student to enroll in and
18 attend a private school in accordance with the provisions of
19 this section if:

20 (a)1. By assigned school attendance area or by special
21 assignment, the student has spent the prior school year in
22 attendance at a public school that has been designated
23 pursuant to s. 1008.34 as performance grade category "F,"
24 failing to make adequate progress, and that has had two school
25 years in a 4-year period of such low performance, and the
26 student's attendance occurred during a school year in which
27 such designation was in effect;

28 2. The student has been in attendance elsewhere in the
29 public school system and has been assigned to such school for
30 the next school year; or

31

1 3. The student is entering kindergarten or first grade
2 and has been notified that the student has been assigned to
3 such school for the next school year.

4 (b) The parent has obtained acceptance for admission
5 of the student to a private school eligible for the program
6 pursuant to subsection (4), and has notified the Department of
7 Education and the school district of the request for an
8 opportunity scholarship no later than July 1 of the first year
9 in which the student intends to use the scholarship.

10
11 The provisions of this section shall not apply to a student
12 who is enrolled in a school operating for the purpose of
13 providing educational services to youth in Department of
14 Juvenile Justice commitment programs. For purposes of
15 continuity of educational choice, the opportunity scholarship
16 shall remain in force until the student returns to a public
17 school or, if the student chooses to attend a private school
18 the highest grade of which is grade 8, until the student
19 matriculates to high school and the public high school to
20 which the student is assigned is an accredited school with a
21 performance grade category designation of "C" or better.
22 However, at any time upon reasonable notice to the Department
23 of Education and the school district, the student's parent may
24 remove the student from the private school and place the
25 student in a public school, as provided in subparagraph

26 (3)(a)2.

27 (3) SCHOOL DISTRICT OBLIGATIONS.--

28 (a) A school district shall, for each student enrolled
29 in or assigned to a school that has been designated as
30 performance grade category "F" for 2 school years in a 4-year
31 period:

1 1. Timely notify the parent of the student as soon as
2 such designation is made of all options available pursuant to
3 this section.

4 2. Offer that student's parent an opportunity to
5 enroll the student in the public school within the district
6 that has been designated by the state pursuant to s. 1008.34
7 as a school performing higher than that in which the student
8 is currently enrolled or to which the student has been
9 assigned, but not less than performance grade category "C."
10 The parent is not required to accept this offer in lieu of
11 requesting a state opportunity scholarship to a private
12 school. The opportunity to continue attending the higher
13 performing public school shall remain in force until the
14 student graduates from high school.

15 (b) The parent of a student enrolled in or assigned to
16 a school that has been designated performance grade category
17 "F" for 2 school years in a 4-year period may choose as an
18 alternative to enroll the student in and transport the student
19 to a higher-performing public school that has available space
20 in an adjacent school district, and that school district shall
21 accept the student and report the student for purposes of the
22 district's funding pursuant to the Florida Education Finance
23 Program.

24 (c) For students in the school district who are
25 participating in the state Opportunity Scholarship Program,
26 the school district shall provide locations and times to take
27 all statewide assessments required pursuant to s. 1008.22.

28 (d) Students with disabilities who are eligible to
29 receive services from the school district under federal or
30 state law, and who participate in this program, remain

31

1 eligible to receive services from the school district as
2 provided by federal or state law.

3 (e) If for any reason a qualified private school is
4 not available for the student or if the parent chooses to
5 request that the student be enrolled in the higher performing
6 public school, rather than choosing to request the state
7 opportunity scholarship, transportation costs to the higher
8 performing public school shall be the responsibility of the
9 school district. The district may utilize state categorical
10 transportation funds or state-appropriated public school
11 choice incentive funds for this purpose.

12 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
13 participate in the Opportunity Scholarship Program, a private
14 school must be a Florida private school, may be sectarian or
15 nonsectarian, and must:

16 (a) Demonstrate fiscal soundness by being in operation
17 for 1 school year or provide the Department of Education with
18 a statement by a certified public accountant confirming that
19 the private school desiring to participate is insured and the
20 owner or owners have sufficient capital or credit to operate
21 the school for the upcoming year serving the number of
22 students anticipated with expected revenues from tuition and
23 other sources that may be reasonably expected. In lieu of such
24 a statement, a surety bond or letter of credit for the amount
25 equal to the opportunity scholarship funds for any quarter may
26 be filed with the department.

27 (b) Notify the Department of Education and the school
28 district in whose service area the school is located of its
29 intent to participate in the program under this section by May
30 1 of the school year preceding the school year in which it
31 intends to participate. The notice shall specify the grade

1 levels and services that the private school has available for
2 the Opportunity Scholarship Program.

3 (c) Comply with the antidiscrimination provisions of
4 42 U.S.C. s. 2000d.

5 (d) Meet state and local health and safety laws and
6 codes.

7 (e) Accept scholarship students on an entirely random
8 and religious-neutral basis without regard to the student's
9 past academic history; however, the private school may give
10 preference in accepting applications to siblings of students
11 who have already been accepted on a random and
12 religious-neutral basis.

13 (f) Be subject to the instruction, curriculum, and
14 attendance criteria adopted by an appropriate nonpublic school
15 accrediting body and be academically accountable to the parent
16 for meeting the educational needs of the student. The private
17 school must furnish a school profile which includes student
18 performance.

19 (g) Employ or contract with teachers who hold a
20 baccalaureate or higher degree, or have at least 3 years of
21 teaching experience in public or private schools, or have
22 special skills, knowledge, or expertise that qualifies them to
23 provide instruction in subjects taught.

24 (h) Comply with all state statutes relating to private
25 schools.

26 (i) Accept as full tuition and fees the amount
27 provided by the state for each student.

28 (j) Agree not to compel any student attending the
29 private school on an opportunity scholarship to profess a
30 specific ideological belief, to pray, or to worship.

31

1 (k) Adhere to the tenets of its published disciplinary
2 procedures prior to the expulsion of any opportunity
3 scholarship student.
4 (5) OBLIGATION OF PROGRAM PARTICIPATION.--
5 (a) Any student participating in the Opportunity
6 Scholarship Program must remain in attendance throughout the
7 school year, unless excused by the school for illness or other
8 good cause, and must comply fully with the school's code of
9 conduct.
10 (b) The parent of each student participating in the
11 Opportunity Scholarship Program must comply fully with the
12 private school's parental involvement requirements, unless
13 excused by the school for illness or other good cause.
14 (c) The parent shall ensure that the student
15 participating in the Opportunity Scholarship Program takes all
16 statewide assessments required pursuant to s. 1008.22.
17 (d) A participant who fails to comply with this
18 subsection shall forfeit the opportunity scholarship.
19 (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--
20 (a) The maximum opportunity scholarship granted for an
21 eligible student shall be a calculated amount equivalent to
22 the base student allocation in the Florida Education Finance
23 Program multiplied by the appropriate cost factor for the
24 educational program that would have been provided for the
25 student in the district school to which he or she was
26 assigned, multiplied by the district cost differential. In
27 addition, the calculated amount shall include the per-student
28 share of instructional materials funds, technology funds, and
29 other categorical funds as provided for this purpose in the
30 General Appropriations Act.
31

1 (b) The amount of the opportunity scholarship shall be
2 the calculated amount or the amount of the private school's
3 tuition and fees, whichever is less. Fees eligible shall
4 include textbook fees, lab fees, and other fees related to
5 instruction, including transportation.

6 (c) The school district shall report all students who
7 are attending a private school under this program. The
8 students attending private schools on opportunity scholarships
9 shall be reported separately from those students reported for
10 purposes of the Florida Education Finance Program.

11 (d) The public or private school that provides
12 services to students with disabilities shall receive the
13 weighted funding for such services at the appropriate funding
14 level consistent with the provisions of s. 1011.62(1)(e).

15 (e) For purposes of calculating the opportunity
16 scholarship, a student will be eligible for the amount of the
17 appropriate basic cost factor if:

18 1. The student currently participates in a Group I
19 program funded at the basic cost factor and is not
20 subsequently identified as having a disability; or

21 2. The student currently participates in a Group II
22 program and the parent has chosen a private school that does
23 not provide the additional services funded by the Group II
24 program.

25 (f) Following annual notification on July 1 of the
26 number of participants, the Department of Education shall
27 transfer from each school district's appropriated funds the
28 calculated amount from the Florida Education Finance Program
29 and authorized categorical accounts to a separate account for
30 the Opportunity Scholarship Program for quarterly disbursement
31 to the parents of participating students.

1 (g) Upon proper documentation reviewed and approved by
2 the Department of Education, the Comptroller shall make
3 opportunity scholarship payments in four equal amounts no
4 later than September 1, November 1, February 1, and April 1 of
5 each academic year in which the opportunity scholarship is in
6 force. The initial payment shall be made after Department of
7 Education verification of admission acceptance, and subsequent
8 payments shall be made upon verification of continued
9 enrollment and attendance at the private school. Payment must
10 be by individual warrant made payable to the student's parent
11 and mailed by the Department of Education to the private
12 school of the parent's choice, and the parent shall
13 restrictively endorse the warrant to the private school.

14 (7) LIABILITY.--No liability shall arise on the part
15 of the state based on any grant or use of an opportunity
16 scholarship.

17 (8) RULES.--The State Board of Education may adopt
18 rules pursuant to ss. 120.536(1) and 120.54 to implement the
19 provisions of this section. Rules shall include penalties for
20 noncompliance with subsections (3) and (5). However, the
21 inclusion of eligible private schools within options available
22 to Florida public school students does not expand the
23 regulatory authority of the state, its officers, or any school
24 district to impose any additional regulation of private
25 schools beyond those reasonably necessary to enforce
26 requirements expressly set forth in this section.

27 Section 104. Section 1002.39, Florida Statutes, is
28 created to read:

29 1002.39 The John M. McKay Scholarships for Students
30 with Disabilities Program.--There is established a program
31 that is separate and distinct from the Opportunity Scholarship

1 Program and is named the John M. McKay Scholarships for
2 Students with Disabilities Program, pursuant to this section.
3 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
4 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
5 Students with Disabilities Program is established to provide
6 the option to attend a public school other than the one to
7 which assigned, or to provide a scholarship to a private
8 school of choice, for students with disabilities for whom an
9 individual education plan has been written in accordance with
10 rules of the State Board of Education. Students with
11 disabilities include K-12 students who are mentally
12 handicapped, speech and language impaired, deaf or hard of
13 hearing, visually impaired, dual sensory impaired, physically
14 impaired, emotionally handicapped, specific learning disabled,
15 hospitalized or homebound, or autistic.
16 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
17 school student with a disability who is dissatisfied with the
18 student's progress may request and receive from the state a
19 John M. McKay Scholarship for the child to enroll in and
20 attend a private school in accordance with this section if:
21 (a) By assigned school attendance area or by special
22 assignment, the student has spent the prior school year in
23 attendance at a Florida public school. Prior school year in
24 attendance means that the student was enrolled and reported by
25 a school district for funding during the preceding October and
26 February Florida Education Finance Program surveys in
27 kindergarten through grade 12.
28 (b) The parent has obtained acceptance for admission
29 of the student to a private school that is eligible for the
30 program under subsection (4) and has notified, in writing, the
31

1 school district of the request for a scholarship at least 60
2 days prior to the date of the first scholarship payment.
3
4 This section does not apply to a student who is enrolled in a
5 school operating for the purpose of providing educational
6 services to youth in Department of Juvenile Justice commitment
7 programs. For purposes of continuity of educational choice,
8 the scholarship shall remain in force until the student
9 returns to a public school or graduates from high school.
10 However, at any time, the student's parent may remove the
11 student from the private school and place the student in
12 another private school that is eligible for the program under
13 subsection (4) or in a public school as provided in subsection
14 (3).

15 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
16 OBLIGATIONS.--

17 (a) A school district shall timely notify the parent
18 of the student of all options available pursuant to this
19 section and offer that student's parent an opportunity to
20 enroll the student in another public school within the
21 district. The parent is not required to accept this offer in
22 lieu of requesting a John M. McKay Scholarship to a private
23 school. However, if the parent chooses the public school
24 option, the student may continue attending a public school
25 chosen by the parent until the student graduates from high
26 school. If the parent chooses a public school consistent with
27 the district school board's choice plan under s. 1002.31, the
28 school district shall provide transportation to the public
29 school selected by the parent. The parent is responsible to
30 provide transportation to a public school chosen that is not

31

1 consistent with the district school board's choice plan under
2 s. 1002.31.

3 (b) For a student with disabilities who does not have
4 a matrix of services under s. 1011.62(1)(e), the school
5 district must complete a matrix that assigns the student to
6 one of the levels of service as they existed prior to the
7 2000-2001 school year. The school district must complete the
8 matrix of services for any student who is participating in the
9 John M. McKay Scholarships for Students with Disabilities
10 Program and must notify the Department of Education of the
11 student's matrix level within 30 days after receiving
12 notification by the student's parent of intent to participate
13 in the scholarship program. The Department of Education shall
14 notify the private school of the amount of the scholarship
15 within 10 days after receiving the school district's
16 notification of the student's matrix level. Within 10 school
17 days after it receives notification of a parent's intent to
18 apply for a McKay Scholarship, a district school board must
19 notify the student's parent if the matrix has not been
20 completed and provide the parent with the date for completion
21 of the matrix required in this paragraph.

22 (c) If the parent chooses the private school option
23 and the student is accepted by the private school pending the
24 availability of a space for the student, the parent of the
25 student must notify the school district 60 days prior to the
26 first scholarship payment and before entering the private
27 school in order to be eligible for the scholarship when a
28 space becomes available for the student in the private school.

29 (d) The parent of a student may choose, as an
30 alternative, to enroll the student in and transport the
31 student to a public school in an adjacent school district

1 which has available space and has a program with the services
2 agreed to in the student's individual education plan already
3 in place, and that school district shall accept the student
4 and report the student for purposes of the district's funding
5 pursuant to the Florida Education Finance Program.

6 (e) For a student in the district who participates in
7 the John M. McKay Scholarships for Students with Disabilities
8 Program whose parent requests that the student take the
9 statewide assessments under s. 1008.22, the district shall
10 provide locations and times to take all statewide assessments.

11 (f) A school district must notify the Department of
12 Education within 10 days after it receives notification of a
13 parent's intent to apply for a scholarship for a student with
14 a disability. A school district must provide the student's
15 parent with the student's matrix level within 10 school days
16 after its completion.

17 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
18 participate in the John M. McKay Scholarships for Students
19 with Disabilities Program, a private school must be a Florida
20 private school, may be sectarian or nonsectarian, and must:

21 (a) Demonstrate fiscal soundness by being in operation
22 for 1 school year or provide the Department of Education with
23 a statement by a certified public accountant confirming that
24 the private school desiring to participate is insured and the
25 owner or owners have sufficient capital or credit to operate
26 the school for the upcoming year serving the number of
27 students anticipated with expected revenues from tuition and
28 other sources that may be reasonably expected. In lieu of such
29 a statement, a surety bond or letter of credit for the amount
30 equal to the scholarship funds for any quarter may be filed
31 with the department.

1 (b) Notify the Department of Education of its intent
2 to participate in the program under this section by May 1 of
3 the school year preceding the school year in which it intends
4 to participate. The notice must specify the grade levels and
5 services that the private school has available for students
6 with disabilities who are participating in the scholarship
7 program.

8 (c) Comply with the antidiscrimination provisions of
9 42 U.S.C. s. 2000d.

10 (d) Meet state and local health and safety laws and
11 codes.

12 (e) Be academically accountable to the parent for
13 meeting the educational needs of the student.

14 (f) Employ or contract with teachers who hold
15 baccalaureate or higher degrees, or have at least 3 years of
16 teaching experience in public or private schools, or have
17 special skills, knowledge, or expertise that qualifies them to
18 provide instruction in subjects taught.

19 (g) Comply with all state laws relating to general
20 regulation of private schools.

21 (h) Adhere to the tenets of its published disciplinary
22 procedures prior to the expulsion of a scholarship student.

23 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--

24 (a) A parent who applies for a John M. McKay
25 Scholarship is exercising his or her parental option to place
26 his or her child in a private school. The parent must select
27 the private school and apply for the admission of his or her
28 child.

29 (b) The parent must have requested the scholarship at
30 least 60 days prior to the date of the first scholarship
31 payment.

1 (c) Any student participating in the scholarship
2 program must remain in attendance throughout the school year,
3 unless excused by the school for illness or other good cause,
4 and must comply fully with the school's code of conduct.

5 (d) The parent of each student participating in the
6 scholarship program must comply fully with the private
7 school's parental involvement requirements, unless excused by
8 the school for illness or other good cause.

9 (e) If the parent requests that the student
10 participating in the scholarship program take all statewide
11 assessments required pursuant to s. 1008.22, the parent is
12 responsible for transporting the student to the assessment
13 site designated by the school district.

14 (f) Upon receipt of a scholarship warrant, the parent
15 to whom the warrant is made must restrictively endorse the
16 warrant to the private school for deposit into the account of
17 the private school.

18 (g) A participant who fails to comply with this
19 subsection forfeits the scholarship.

20 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

21 (a)1. The maximum scholarship granted for an eligible
22 student with disabilities shall be a calculated amount
23 equivalent to the base student allocation in the Florida
24 Education Finance Program multiplied by the appropriate cost
25 factor for the educational program that would have been
26 provided for the student in the district school to which he or
27 she was assigned, multiplied by the district cost
28 differential.

29 2. In addition, a share of the guaranteed allocation
30 for exceptional students shall be determined and added to the
31 calculated amount. The calculation shall be based on the

1 methodology and the data used to calculate the guaranteed
2 allocation for exceptional students for each district in
3 chapter 2000-166, Laws of Florida. Except as provided in
4 subparagraph 3., the calculation shall be based on the
5 student's grade, matrix level of services, and the difference
6 between the 2000-2001 basic program and the appropriate level
7 of services cost factor, multiplied by the 2000-2001 base
8 student allocation and the 2000-2001 district cost
9 differential for the sending district. Also, the calculated
10 amount shall include the per-student share of supplemental
11 academic instruction funds, instructional materials funds,
12 technology funds, and other categorical funds as provided for
13 such purposes in the General Appropriations Act.

14 3. Until the school district completes the matrix
15 required by paragraph (3)(b), the calculation shall be based
16 on the matrix that assigns the student to support level I of
17 service as it existed prior to the 2000-2001 school year.
18 When the school district completes the matrix, the amount of
19 the payment shall be adjusted as needed.

20 (b) The amount of the John M. McKay Scholarship shall
21 be the calculated amount or the amount of the private school's
22 tuition and fees, whichever is less. The amount of any
23 assessment fee required by the participating private school
24 may be paid from the total amount of the scholarship.

25 (c) If the participating private school requires
26 partial payment of tuition prior to the start of the academic
27 year to reserve space for students admitted to the school,
28 that partial payment may be paid by the Department of
29 Education prior to the first quarterly payment of the year in
30 which the John M. McKay Scholarship is awarded, up to a
31 maximum of \$1,000, and deducted from subsequent scholarship

1 payments. If a student decides not to attend the participating
2 private school, the partial reservation payment must be
3 returned to the Department of Education by the participating
4 private school. There is a limit of one reservation payment
5 per student per year.

6 (d) The school district shall report all students who
7 are attending a private school under this program. The
8 students with disabilities attending private schools on John
9 M. McKay Scholarships shall be reported separately from other
10 students reported for purposes of the Florida Education
11 Finance Program.

12 (e) Following notification on July 1, September 1,
13 December 1, or February 1 of the number of program
14 participants, the Department of Education shall transfer, from
15 General Revenue funds only, the amount calculated under
16 paragraph (b) from the school district's total funding
17 entitlement under the Florida Education Finance Program and
18 from authorized categorical accounts to a separate account for
19 the scholarship program for quarterly disbursement to the
20 parents of participating students. When a student enters the
21 scholarship program, the Department of Education must receive
22 all documentation required for the student's participation,
23 including the private school's and student's fee schedules, at
24 least 30 days before the first quarterly scholarship payment
25 is made for the student. The Department of Education may not
26 make any retroactive payments.

27 (f) Upon proper documentation reviewed and approved by
28 the Department of Education, the Comptroller shall make
29 scholarship payments in four equal amounts no later than
30 September 1, November 1, February 1, and April 15 of each
31 academic year in which the scholarship is in force. The

1 initial payment shall be made after Department of Education
2 verification of admission acceptance, and subsequent payments
3 shall be made upon verification of continued enrollment and
4 attendance at the private school. Payment must be by
5 individual warrant made payable to the student's parent and
6 mailed by the Department of Education to the private school of
7 the parent's choice, and the parent shall restrictively
8 endorse the warrant to the private school for deposit into the
9 account of the private school.

10 (7) LIABILITY.--No liability shall arise on the part
11 of the state based on the award or use of a John M. McKay
12 Scholarship.

13 (8) RULES.--The State Board of Education may adopt
14 rules pursuant to ss. 120.536(1) and 120.54 to administer this
15 section. However, the inclusion of eligible private schools
16 within options available to Florida public school students
17 does not expand the regulatory authority of the state, its
18 officers, or any school district to impose any additional
19 regulation of private schools beyond those reasonably
20 necessary to enforce requirements expressly set forth in this
21 section.

22 Section 105. Part IV of chapter 1002, Florida
23 Statutes, shall be entitled "Home Education, Private Schools,
24 Other Education Options" and shall consist of ss.
25 1002.41-1002.43.

26 Section 106. Section 1002.41, Florida Statutes, is
27 created to read:

28 1002.41 Home education programs.--

29 (1) A "home education program" is defined in s.
30 1002.01. The parent is not required to hold a valid regular
31 Florida teaching certificate.

1 (a) The parent shall notify the district school
2 superintendent of the county in which the parent resides of
3 her or his intent to establish and maintain a home education
4 program. The notice shall be in writing, signed by the parent,
5 and shall include the names, addresses, and birthdates of all
6 children who shall be enrolled as students in the home
7 education program. The notice shall be filed in the district
8 school superintendent's office within 30 days of the
9 establishment of the home education program. A written notice
10 of termination of the home education program shall be filed in
11 the district school superintendent's office within 30 days
12 after said termination.

13 (b) The parent shall maintain a portfolio of records
14 and materials. The portfolio shall consist of the following:

15 1. A log of educational activities that is made
16 contemporaneously with the instruction and that designates by
17 title any reading materials used.

18 2. Samples of any writings, worksheets, workbooks, or
19 creative materials used or developed by the student.

20
21 The portfolio shall be preserved by the parent for 2 years and
22 shall be made available for inspection by the district school
23 superintendent, or the district school superintendent's agent,
24 upon 15 days' written notice. Nothing in this section shall
25 require the district school superintendent to inspect the
26 portfolio.

27 (c) The parent shall provide for an annual educational
28 evaluation in which is documented the student's demonstration
29 of educational progress at a level commensurate with her or
30 his ability. The parent shall select the method of evaluation
31 and shall file a copy of the evaluation annually with the

1 district school superintendent's office in the county in which
2 the student resides. The annual educational evaluation shall
3 consist of one of the following:

4 1. A teacher selected by the parent shall evaluate the
5 student's educational progress upon review of the portfolio
6 and discussion with the student. Such teacher shall hold a
7 valid regular Florida certificate to teach academic subjects
8 at the elementary or secondary level;

9 2. The student shall take any nationally normed
10 student achievement test administered by a certified teacher;

11 3. The student shall take a state student assessment
12 test used by the school district and administered by a
13 certified teacher, at a location and under testing conditions
14 approved by the school district;

15 4. The student shall be evaluated by an individual
16 holding a valid, active license pursuant to the provisions of
17 s. 490.003(7) or (8); or

18 5. The student shall be evaluated with any other valid
19 measurement tool as mutually agreed upon by the district
20 school superintendent of the district in which the student
21 resides and the student's parent.

22 (2) The district school superintendent shall review
23 and accept the results of the annual educational evaluation of
24 the student in a home education program. If the student does
25 not demonstrate educational progress at a level commensurate
26 with her or his ability, the district school superintendent
27 shall notify the parent, in writing, that such progress has
28 not been achieved. The parent shall have 1 year from the date
29 of receipt of the written notification to provide remedial
30 instruction to the student. At the end of the 1-year
31 probationary period, the student shall be reevaluated as

1 specified in paragraph (1)(c). Continuation in a home
2 education program shall be contingent upon the student
3 demonstrating educational progress commensurate with her or
4 his ability at the end of the probationary period.
5 (3) A home education program shall be excluded from
6 meeting the requirements of a school day.
7 (4) Home education students may participate in
8 interscholastic extracurricular student activities in
9 accordance with the provisions of s. 1006.15.
10 (5) Home education students may participate in the
11 Bright Futures Scholarship Program in accordance with the
12 provisions of ss. 1009.53-1009.539.
13 (6) Home education students may participate in dual
14 enrollment programs in accordance with the provisions of s.
15 1007.27(4) and 1007.271(10).
16 (7) Home education students are eligible for admission
17 to community colleges in accordance with the provisions of s.
18 1007.263.
19 (8) Home education students are eligible for admission
20 to state universities in accordance with the provisions of s.
21 1007.261.
22 (9) Home education program students may receive
23 testing and evaluation services at diagnostic and resource
24 centers, in accordance with the provisions of s. 1006.03.
25 Section 107. Section 1002.42, Florida Statutes, is
26 created to read:
27 1002.42 Private schools.--
28 (1) DEFINITION.--A "private school" is defined in s.
29 1002.01.
30 (2) ANNUAL PRIVATE SCHOOL SURVEY.--
31

1 (a) The Department of Education shall organize,
2 maintain, and annually update a database of educational
3 institutions within the state coming within the provisions of
4 this section. There shall be included in the database of each
5 institution the name, address, and telephone number of the
6 institution; the type of institution; the names of
7 administrative officers; the enrollment by grade or special
8 group (e.g., career and technical education and exceptional
9 child education); the number of graduates; the number of
10 instructional and administrative personnel; the number of days
11 the school is in session; and such data as may be needed to
12 meet the provisions of this section and s. 1003.23(2).

13 (b) For the purpose of organizing, maintaining, and
14 updating this database, each private school shall annually
15 execute and file a database survey form on a date designated
16 by the Department of Education which shall include a notarized
17 statement ascertaining that the owner of the private school
18 has complied with the provisions of paragraph (c). For the
19 purpose of this section, "owner" means any individual who is
20 the chief administrative officer of a private school.

21 (c)1. Notwithstanding the provisions of paragraph (h),
22 each person who is an owner or who establishes, purchases, or
23 otherwise becomes an owner of a private school shall, within 5
24 days of assuming ownership of a school, file with the
25 Department of Law Enforcement a complete set of fingerprints
26 for state processing and checking for criminal background. The
27 fingerprints shall be taken by an authorized law enforcement
28 officer or an employee of the school who is trained to take
29 fingerprints. The costs of fingerprinting, criminal records
30 checking, and processing shall be borne by the applicant or
31 private school. The result of the criminal records checking

1 by the Department of Law Enforcement shall be forwarded to the
2 owner of the private school and shall be made available for
3 public inspection in the private school office as soon as it
4 is received.

5 2. It shall be unlawful for a person who has been
6 convicted of a crime involving moral turpitude to own or
7 operate a private school.

8 3. An owner of a private school may require school
9 employees to file a complete set of fingerprints with the
10 Department of Law Enforcement for processing and criminal
11 records checking. Findings from such processing and checking
12 shall be reported to the owner for use in employment
13 decisions.

14 4. Owners or employees of private schools who have
15 been fingerprinted pursuant to this paragraph, s. 1012.32, or
16 s. 402.3055 shall not be required to be refingerprinted if
17 they have not been unemployed or unassociated with a private
18 school or child care facility for more than 90 days.

19 5. Persons holding a valid Florida teaching
20 certificate who have been fingerprinted pursuant to s. 1012.35
21 shall not be required to comply with the provisions of this
22 paragraph.

23 (d) The data inquiries to be included and answered in
24 the survey required in paragraph (b) shall be limited to
25 matters set forth in paragraph (a). The department shall
26 furnish annually to each school sufficient copies of this
27 form.

28 (e) To ensure completeness and accuracy of the
29 database, each existing private educational institution
30 falling within the provisions of this section shall notify the
31 Department of Education of any change in the name of the

1 institution, the address, or the chief administrative officer.
2 Each new institution shall notify the department of its
3 establishment.

4 (f) Annually, the department shall make accessible to
5 the public data on private education in this state. Such data
6 shall include that collected pursuant to paragraph (a) and
7 from other sources.

8 (g) The failure of any institution to submit the
9 annual database survey form and notarized statement of
10 compliance with the provisions of paragraph (c), as required
11 by this section, shall be judged a misdemeanor and, upon
12 conviction, proper authorities of such institution shall be
13 subject to a fine not exceeding \$500. Submission of data for
14 a nonexistent school or an institution providing no
15 instruction or training, the purpose of which is to defraud
16 the public, is unlawful and the person or persons responsible
17 commit a misdemeanor of the second degree, punishable as
18 provided in s. 775.082 or s. 775.083. Persons found to be in
19 violation of subparagraph (c)2. commit a misdemeanor of the
20 first degree, punishable as provided in s. 775.082 or s.
21 775.083.

22 (h) It is the intent of the Legislature not to
23 regulate, control, approve, or accredit private educational
24 institutions, but to create a database where current
25 information may be obtained relative to the educational
26 institutions in this state coming within the provisions of
27 this section as a service to the public, to governmental
28 agencies, and to other interested parties. It is not the
29 intent of the Legislature to regulate, control, or monitor,
30 expressly or implicitly, churches, their ministries, or
31 religious instruction, freedoms, or rites. It is the intent

1 of the Legislature that the annual submission of the database
2 survey by a school shall not be used by that school to imply
3 approval or accreditation by the Department of Education.

4 (3) RETENTION OF RECORDS.--

5 (a) As used in this subsection:

6 1. "Defunct private school" means any private school
7 that has terminated the operation of an education or training
8 program, or that has no students in attendance, or that has
9 dissolved as a business entity.

10 2. "Student records" means those records, files,
11 documents, and other materials that contain information
12 directly related to students that are maintained by a private
13 school or by a person acting for such institution and that are
14 accessible to other professional personnel to facilitate the
15 instruction, guidance, and educational progress of students.
16 Information contained in student records shall be classified
17 as follows:

18 a. Permanent information, which includes verified
19 information of clear educational importance, containing the
20 following: student's full name and any known changes thereto
21 due to marriage or adoption; authenticated birthdate, place of
22 birth, race, and sex; last known address of student; names of
23 student's parents; name and location of last school attended;
24 number of days present and absent; date enrolled; date
25 withdrawn; courses taken and record of achievement; and date
26 of graduation or program achievement.

27 b. Temporary information, which includes verified
28 information subject to change, containing, but not limited to,
29 the following: health information, standardized test scores,
30 honors and activities, personal attributes, work experience,
31 teacher and counselor comments, and special reports.

1 (b) All private schools that become defunct shall
2 transfer all permanent information contained in student
3 records to the district school superintendent of the public
4 school district in which the private school was located; or,
5 if the private school is a member of a private school system
6 or association, such school may transfer such records to the
7 principal office of such system or association, which shall
8 constitute full compliance with this subsection. In the event
9 that such private school system or association becomes
10 defunct, it shall transfer all the permanent information
11 contained in its files to the district school superintendent
12 of the public school district in which the private school was
13 located.

14 (c) All private schools that become defunct shall
15 notify the Department of Education Office of Private Schools
16 and Home Education Programs of the date of transfer of student
17 records, the location of storage, the custodian of such
18 records, and the number of records to be stored. The
19 department shall act as a clearinghouse and maintain a
20 registry of such transfers of student records.

21 (d) It is not the intent of the Legislature to limit
22 or restrict the use or possession of any student records while
23 a school is operational, but to facilitate access to academic
24 records by former students seeking to continue their education
25 or training after a private school has become defunct.

26 (4) ATTENDANCE RECORDS AND REPORTS.--All officials,
27 teachers, and other employees in parochial, religious,
28 denominational, and private schools shall keep and prepare
29 records in accordance with the provisions of s. 1003.23(2).

30 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing
31 authority of each private school shall require students to

1 present a certification of a school-entry health examination
2 in accordance with the provisions of s. 1003.22(1) and (2).
3 (6) IMMUNIZATIONS.--The governing authority of each
4 private school shall require students to present a
5 certification of immunization in accordance with the
6 provisions of s. 1003.22(3)-(11).
7 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student
8 at a private, parochial, religious, or denominational school
9 satisfies the attendance requirements of ss. 1003.01(14) and
10 1003.21(1).
11 (8) ATHLETIC COMPETITION.--A private school may
12 participate in athletic competition with a public high school
13 in accordance with the provisions of s. 1006.20(1).
14 (9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department
15 of Education may disseminate educational materials and sell
16 copies for educational use to private schools pursuant to s.
17 1006.39.
18 (10) INSTRUCTIONAL MATERIALS.--District school boards
19 may dispose of instructional materials when they become
20 unserviceable or surplus or are no longer on state contract by
21 giving them to a private school in accordance with the
22 provisions of s. 1006.41.
23 (11) DIAGNOSTIC AND RESOURCE CENTERS.--Diagnostic and
24 resource centers may provide testing and evaluation services
25 to private school students in accordance with the provisions
26 of s. 1006.03(3).
27 (12) EXCEPTIONAL EDUCATION SERVICES.--District school
28 boards may provide instruction for an appropriate program of
29 special instruction, facilities, and services for exceptional
30 students through contractual arrangements with approved
31

1 private schools in accordance with the provisions of s.
2 1003.57.
3 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization
4 of private schools that has no fewer than 10 member schools in
5 this state may develop a professional development system to be
6 filed with the Department of Education in accordance with the
7 provisions of s. 1012.98(7).
8 (14) BUS DRIVER TRAINING.--Private school bus drivers
9 may participate in a district school board's bus driver
10 training program, if the district school board makes the
11 program available pursuant to s. 1006.26.
12 (15) POOL PURCHASE OF SCHOOL BUSES.--
13 (a) Florida private schools that demonstrate a
14 racially nondiscriminatory student admission policy may
15 purchase school buses from the state pool purchase program as
16 authorized in s. 1006.27(1), if the private school meets the
17 following conditions:
18 1. Students in one or more grades, kindergarten
19 through grade 12, are provided an education program by the
20 school and the school has submitted the information required
21 pursuant to this section and the most recent school survey
22 required in subsection (2).
23 2. All conditions of the contracts for purchasing
24 school buses between the Department of Education and the
25 companies involved, including bus specifications, ordering
26 deadlines, delivery period and procedures, and payment
27 requirements, shall be met.
28 3. Purchase orders shall be made out to the
29 appropriate company or companies involved and shall be
30 accompanied by a certified check in the amount of 25 percent
31

1 of the total cost of the bus or buses as a good faith deposit
2 that the bus or buses will be purchased.

3 4. The remainder of the total cost shall be paid upon
4 delivery of the bus or buses to the representative of the
5 private school receiving the bus or buses, or shall be paid
6 when the company informs the purchaser that the buses are
7 ready for delivery if the purchaser has specified that buses
8 are to be picked up at the company's location. If the chassis
9 and the body are purchased from different companies, the
10 remainder of the chassis' total cost shall be payable upon
11 delivery of the chassis to the body manufacturer.

12 5. If the private school does not meet the obligation
13 stated in subparagraph 4. within 30 calendar days after notice
14 that the bus is ready for delivery or that the chassis has
15 been delivered to the body manufacturer, the selling company
16 may retain 15 percent of the amount being held by the company
17 as a good faith deposit, and all obligations to the private
18 school may be canceled. When the 15 percent is retained, the
19 company shall return 10 percent of the good faith deposit to
20 the nonpublic school within 15 days of cancellation of the
21 companies' objection.

22 (b) Any bus purchased under this section may not be
23 sold, if still titled as a motor vehicle, within 5 calendar
24 years of the date of the initial Florida title being issued,
25 unless the following conditions are met:

26 1. The bus or buses may be sold only to a Florida
27 public school district or Florida private school. Any such
28 sale during the first 5 years shall be documented to the
29 Department of Education within 15 days after the sale.

30 2. The bus or buses shall be advertised by the private
31 school in one major newspaper located in each of the five

1 regions of the state for 3 consecutive days and a copy of the
2 advertisement and the name of each newspaper shall be sent to
3 the Department of Education before the first day of
4 advertising the bus or buses for sale.

5 3. The bus may not be sold at a profit. The bus shall
6 be depreciated at a rate of 10 percent per calendar year, with
7 the first year starting on the date of issue of the initial
8 title in this state.

9 4. Notwithstanding any other provisions of law and
10 rule regarding purchase of used school buses, the bus may be
11 sold to a public school district if the conditions of
12 subparagraph 3. are met.

13 5. Any public school district or private school
14 purchasing a bus under the conditions of this subsection must
15 accept the obligations of this subsection, and such shall be
16 entered in the sales contract.

17 (c) Any private school, including the owner or
18 corporation purchasing a bus or buses under the conditions of
19 this section, that does not comply with all the conditions of
20 this section shall not be eligible for future purchases of a
21 school bus under this section.

22 (d) Any private school interested in purchasing a bus
23 under this section shall notify, in writing, the Department of
24 Education. The Department of Education shall send the school
25 the appropriate forms, instructions, and price quotations.

26 (e) Notwithstanding any other provisions of this
27 section, no school bus manufacturer, distributor, or dealer
28 shall be required to violate any dealer contract or franchise
29 agreement entered into before the effective date of this
30 section regarding the sale of its buses.

31

1 (f) The State Board of Education may adopt rules
2 pursuant to ss. 120.536 and 120.54 necessary to implement this
3 section, maintain the integrity of the school bus pool
4 purchase program, and ensure the best and lowest price for
5 purchasing school buses by the public school districts.

6 Section 108. Section 1002.43, Florida Statutes, is
7 created to read:

8 1002.43 Private tutoring programs.--

9 (1) Regular attendance as defined in s. 1003.01(14)
10 may be achieved by attendance in a private tutoring program if
11 the person tutoring the student meets the following
12 requirements:

13 (a) Holds a valid Florida certificate to teach the
14 subjects or grades in which instruction is given.

15 (b) Keeps all records and makes all reports required
16 by the state and district school board and makes regular
17 reports on the attendance of students in accordance with the
18 provisions of s. 1003.23(2).

19 (c) Requires students to be in actual attendance for
20 the minimum length of time prescribed by s. 1011.60(2).

21 (2) Private tutors shall keep and prepare records in
22 accordance with the provisions of s. 1003.23(2).

23 Section 109. Chapter 1003, Florida Statutes, shall be
24 entitled "Public K-12 Education" and shall consist of ss.
25 1003.01-1003.63.

26 Section 110. Part I of chapter 1003, Florida Statutes,
27 shall be entitled "General Provisions" and shall consist of
28 ss. 1003.01-1003.04.

29 Section 111. Section 1003.01, Florida Statutes, is
30 created to read:

31

1 1003.01 Definitions.--As used in this chapter, the
2 term:

3 (1) "District school board" means the members who are
4 elected by the voters of a school district created and
5 existing pursuant to s. 4, Art. IX of the State Constitution
6 to operate and control public K-12 education within the school
7 district.

8 (2) "School" means an organization of students for
9 instructional purposes on an elementary, middle or junior high
10 school, secondary or high school, or other public school level
11 authorized under rules of the State Board of Education.

12 (3)(a) "Exceptional student" means any student who has
13 been determined eligible for a special program in accordance
14 with rules of the State Board of Education. The term includes
15 students who are gifted and students with disabilities who are
16 mentally handicapped, speech and language impaired, deaf or
17 hard of hearing, visually impaired, dual sensory impaired,
18 physically impaired, emotionally handicapped, specific
19 learning disabled, hospital and homebound, autistic,
20 developmentally delayed children, ages birth through 5 years,
21 or children, ages birth through 2 years, with established
22 conditions that are identified in State Board of Education
23 rules pursuant to s. 1003.21(1)(e).

24 (b) "Special education services" means specially
25 designed instruction and such related services as are
26 necessary for an exceptional student to benefit from
27 education. Such services may include: transportation;
28 diagnostic and evaluation services; social services; physical
29 and occupational therapy; job placement; orientation and
30 mobility training; braillists, typists, and readers for the
31 blind; interpreters and auditory amplification; rehabilitation

1 counseling; transition services; mental health services;
2 guidance and career counseling; specified materials, assistive
3 technology devices, and other specialized equipment; and other
4 such services as approved by rules of the state board.

5 (4) "Career and technical education" means education
6 that provides instruction for the following purposes:

7 (a) At the elementary, middle, and secondary school
8 levels, exploratory courses designed to give students initial
9 exposure to a broad range of occupations to assist them in
10 preparing their academic and occupational plans, and practical
11 arts courses that provide generic skills that may apply to
12 many occupations but are not designed to prepare students for
13 entry into a specific occupation. Career and technical
14 education provided before high school completion must be
15 designed to enhance both occupational and academic skills
16 through integration with academic instruction.

17 (b) At the secondary school level, job-preparatory
18 instruction in the competencies that prepare students for
19 effective entry into an occupation, including diversified
20 cooperative education, work experience, and job-entry programs
21 that coordinate directed study and on-the-job training.

22 (c) At the postsecondary education level, courses of
23 study that provide competencies needed for entry into specific
24 occupations or for advancement within an occupation.

25 (5)(a) "Suspension," also referred to as out-of-school
26 suspension, means the temporary removal of a student from all
27 classes of instruction on public school grounds and all other
28 school-sponsored activities, except as authorized by the
29 principal or the principal's designee, for a period not to
30 exceed 10 school days and remanding of the student to the

31

1 custody of the student's parent with specific homework
2 assignments for the student to complete.

3 (b) "In-school suspension" means the temporary removal
4 of a student from the student's regular school program and
5 placement in an alternative program, such as that provided in
6 s. 1003.53, under the supervision of district school board
7 personnel, for a period not to exceed 10 school days.

8 (6) "Expulsion" means the removal of the right and
9 obligation of a student to attend a public school under
10 conditions set by the district school board, and for a period
11 of time not to exceed the remainder of the term or school year
12 and 1 additional year of attendance. Expulsions may be imposed
13 with or without continuing educational services and shall be
14 reported accordingly.

15 (7) "Corporal punishment" means the moderate use of
16 physical force or physical contact by a teacher or principal
17 as may be necessary to maintain discipline or to enforce
18 school rule. However, the term "corporal punishment" does not
19 include the use of such reasonable force by a teacher or
20 principal as may be necessary for self-protection or to
21 protect other students from disruptive students.

22 (8) "Habitual truant" means a student who has 15
23 unexcused absences within 90 calendar days with or without the
24 knowledge or consent of the student's parent, is subject to
25 compulsory school attendance under s. 1003.21(1) and (2)(a),
26 and is not exempt under s. 1003.21(3) or s. 1003.24, or by
27 meeting the criteria for any other exemption specified by law
28 or rules of the State Board of Education. Such a student must
29 have been the subject of the activities specified in ss.
30 1003.26 and 1003.27(3), without resultant successful
31 remediation of the truancy problem before being dealt with as

1 a child in need of services according to the provisions of
2 chapter 984.

3 (9) "Dropout" means a student who meets any one or
4 more of the following criteria:

5 (a) The student has voluntarily removed himself or
6 herself from the school system before graduation for reasons
7 that include, but are not limited to, marriage, or the student
8 has withdrawn from school because he or she has failed the
9 statewide student assessment test and thereby does not receive
10 any of the certificates of completion;

11 (b) The student has not met the relevant attendance
12 requirements of the school district pursuant to State Board of
13 Education rules, or the student was expected to attend a
14 school but did not enter as expected for unknown reasons, or
15 the student's whereabouts are unknown;

16 (c) The student has withdrawn from school, but has not
17 transferred to another public or private school or enrolled in
18 any career and technical, adult, home education, or
19 alternative educational program;

20 (d) The student has withdrawn from school due to
21 hardship, unless such withdrawal has been granted under the
22 provisions of s. 322.091, court action, expulsion, medical
23 reasons, or pregnancy; or

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

27
28 The State Board of Education may adopt rules to implement the
29 provisions of this subsection.

30 (10) "Alternative measures for students with special
31 needs" or "special programs" means measures designed to meet

1 the special needs of a student that cannot be met by regular
2 school curricula.

3 (11)(a) "Juvenile justice education programs or
4 schools" means programs or schools operating for the purpose
5 of providing educational services to youth in Department of
6 Juvenile Justice programs, for a school year comprised of 250
7 days of instruction distributed over 12 months. At the request
8 of the provider, a district school board may decrease the
9 minimum number of days of instruction by up to 10 days for
10 teacher planning for residential programs and up to 20 days
11 for teacher planning for nonresidential programs, subject to
12 the approval of the Department of Juvenile Justice and the
13 Department of Education.

14 (b) "Juvenile justice provider" means the Department
15 of Juvenile Justice or a private, public, or other
16 governmental organization under contract with the Department
17 of Juvenile Justice that provides treatment, care and custody,
18 or educational programs for youth in juvenile justice
19 intervention, detention, or commitment programs.

20 (12) "Homeless child" means:

21 (a) One who lacks a fixed, regular nighttime
22 residence;

23 (b) One who has a primary nighttime residence that is:

24 1. A supervised publicly or privately operated shelter
25 designed to provide temporary living accommodations, including
26 welfare hotels, congregate shelters, and transitional housing
27 for the mentally ill;

28 2. An institution that provides a temporary residence
29 for individuals intended to be institutionalized; or
30
31

1 3. A public or private place not designed for, or
2 ordinarily used as, a regular sleeping accommodation for human
3 beings; or

4 (c) One who temporarily resides with an adult other
5 than his or her parent because the parent is suffering
6 financial hardship.

7
8 A child who is imprisoned, detained, or in the custody of the
9 state pursuant to a state or federal law is not a homeless
10 child.

11 (13) "Regular school attendance" means the actual
12 attendance of a student during the school day as defined by
13 law and rules of the State Board of Education. Regular
14 attendance within the intent of s. 1003.21 may be achieved by
15 attendance in:

16 (a) A public school supported by public funds;

17 (b) A parochial, religious, or denominational school;

18 (c) A private school supported in whole or in part by
19 tuition charges or by endowments or gifts;

20 (d) A home education program that meets the
21 requirements of chapter 1002; or

22 (e) A private tutoring program that meets the
23 requirements of chapter 1002.

24 Section 112. Section 1003.02, Florida Statutes, is
25 created to read:

26 1003.02 District school board operation and control of
27 public K-12 education within the school district.--As provided
28 in part II of chapter 1001, district school boards are
29 constitutionally and statutorily charged with the operation
30 and control of public K-12 education within their school
31 district. The district school boards must establish, organize,

1 and operate their public K-12 schools and educational
2 programs, employees, and facilities. Their responsibilities
3 include staff development, public K-12 school student
4 education including education for exceptional students and
5 students in juvenile justice programs, special programs, adult
6 education programs, and career and technical education
7 programs. Additionally, district school boards must:

8 (1) Provide for the proper accounting for all students
9 of school age, for the attendance and control of students at
10 school, and for proper attention to health, safety, and other
11 matters relating to the welfare of students in the following
12 fields:

13 (a) Admission, classification, promotion, and
14 graduation of students.--Adopt rules for admitting,
15 classifying, promoting, and graduating students to or from the
16 various schools of the district.

17 (b) Enforcement of attendance laws.--Provide for the
18 enforcement of all laws and rules relating to the attendance
19 of students at school.

20 (c) Control of students.--

21 1. Adopt rules for the control, attendance,
22 discipline, in-school suspension, suspension, and expulsion of
23 students and decide all cases recommended for expulsion.

24 2. Maintain a code of student conduct as provided in
25 chapter 1006.

26 (d) Courses of study and instructional materials.--

27 1. Provide adequate instructional materials for all
28 students as follows and in accordance with the requirements of
29 chapter 1006, in the core courses of mathematics, language
30 arts, social studies, science, reading, and literature, except
31 for instruction for which the school advisory council approves

1 the use of a program that does not include a textbook as a
2 major tool of instruction.
3 2. Adopt courses of study for use in the schools of
4 the district.
5 3. Provide for proper requisitioning, distribution,
6 accounting, storage, care, and use of all instructional
7 materials as may be needed, and ensure that instructional
8 materials used in the district are consistent with the
9 district goals and objectives and the curriculum frameworks
10 approved by the State Board of Education, as well as with the
11 state and school district performance standards required by
12 law and state board rule.
13 (e) Transportation.--Make provision for the
14 transportation of students to the public schools or school
15 activities they are required or expected to attend,
16 efficiently and economically, in accordance with the
17 requirements of chapter 1006.
18 (f) Facilities and school plant.--
19 1. Approve and adopt a districtwide school facilities
20 program, in accordance with the requirements of chapter 1013.
21 2. Approve plans for locating, planning, constructing,
22 sanitating, insuring, maintaining, protecting, and condemning
23 school property as prescribed in chapter 1013.
24 3. Approve and adopt a districtwide school building
25 program.
26 4. Select and purchase school sites, playgrounds, and
27 recreational areas located at centers at which schools are to
28 be constructed, of adequate size to meet the needs of
29 projected students to be accommodated.
30
31

- 1 5. Approve the proposed purchase of any site,
2 playground, or recreational area for which school district
3 funds are to be used.
- 4 6. Expand existing sites.
- 5 7. Rent buildings when necessary.
- 6 8. Enter into leases or lease-purchase arrangements,
7 in accordance with the requirements and conditions provided in
8 s. 1013.15(2).
- 9 9. Provide for the proper supervision of construction.
- 10 10. Make or contract for additions, alterations, and
11 repairs on buildings and other school properties.
- 12 11. Ensure that all plans and specifications for
13 buildings provide adequately for the safety and well-being of
14 students, as well as for economy of construction.
- 15 12. Provide adequately for the proper maintenance and
16 upkeep of school plants.
- 17 13. Carry insurance on every school building in all
18 school plants including contents, boilers, and machinery,
19 except buildings of three classrooms or less which are of
20 frame construction and located in a tenth class public
21 protection zone as defined by the Florida Inspection and
22 Rating Bureau, and on all school buses and other property
23 under the control of the district school board or title to
24 which is vested in the district school board, except as
25 exceptions may be authorized under rules of the State Board of
26 Education.
- 27 14. Condemn and prohibit the use for public school
28 purposes of any building under the control of the district
29 school board.
- 30 (g) School operation.--
- 31

1 1. Provide for the operation of all public schools as
2 free schools for a term of at least 180 days or the equivalent
3 on an hourly basis as specified by rules of the State Board of
4 Education; determine district school funds necessary in
5 addition to state funds to operate all schools for the minimum
6 term; and arrange for the levying of district school taxes
7 necessary to provide the amount needed from district sources.

8 2. Prepare, adopt, and timely submit to the Department
9 of Education, as required by law and by rules of the State
10 Board of Education, the annual school budget, so as to promote
11 the improvement of the district school system.

12 (h) Records and reports.--

13 1. Keep all necessary records and make all needed and
14 required reports, as required by law or by rules of the State
15 Board of Education.

16 2. At regular intervals require reports to be made by
17 principals or teachers in all public schools to the parents of
18 the students enrolled and in attendance at their schools,
19 apprising them of the academic and other progress being made
20 by the student and giving other useful information.

21 (2) Require that all laws, all rules of the State
22 Board of Education, and all rules of the district school board
23 are properly enforced.

24 (3) Maintain a system of school improvement and
25 education accountability as required by law and State Board of
26 Education rule, including but not limited to the requirements
27 of chapter 1008.

28 (4) For any school within the district that is not in
29 compliance with the small school size requirements of chapter
30 1013, in order to reduce the anonymity of students in large
31 schools, adopt policies that encourage subdivision of the

1 school into schools-within-a-school, which shall operate
2 within existing resources. A "school-within-a-school" means an
3 operational program that uses flexible scheduling, team
4 planning, and curricular and instructional innovation to
5 organize groups of students with groups of teachers as smaller
6 units, so as to functionally operate as a smaller school.

7 Examples of this include, but are not limited to:

8 (a) An organizational arrangement assigning both
9 students and teachers to smaller units in which the students
10 take some or all of their coursework with their fellow grouped
11 students and from the teachers assigned to the smaller unit. A
12 unit may be grouped together for 1 year or on a vertical,
13 multiyear basis.

14 (b) An organizational arrangement similar to that
15 described in paragraph (a) with additional variations in
16 instruction and curriculum. The smaller unit usually seeks to
17 maintain a program different from that of the larger school,
18 or of other smaller units. It may be vertically organized, but
19 is dependent upon the school principal for its existence,
20 budget, and staff.

21 (c) A separate and autonomous smaller unit formally
22 authorized by the district school board or district school
23 superintendent. The smaller unit plans and runs its own
24 program, has its own staff and students, and receives its own
25 separate budget. The smaller unit must negotiate the use of
26 common space with the larger school and defer to the building
27 principal on matters of safety and building operation.

28 Section 113. Section 1003.03, Florida Statutes, is
29 created to read:

30 1003.03 Maximum class size goals.--It is the goal of
31 the Legislature and each district school board that each

1 elementary school in the school district beginning with
2 kindergarten through grade three class sizes not exceed 20
3 students, with a ratio of one full-time equivalent teacher per
4 20 students; except that only in the case of "D" and "F"
5 schools as identified by the commissioner, the goal in
6 kindergarten through grade three shall be a ratio of one
7 full-time equivalent teacher per 15 students. For purposes of
8 any funding in the General Appropriations Act to meet these
9 goals, the district school board shall give priority to
10 identified "D" and "F" schools in the school district. Second
11 priority for the use of any funds designated for meeting these
12 goals shall be for kindergarten through grade one. Third
13 priority for the use of any funds designated for meeting these
14 goals shall be for grades two and three.

15 Section 114. Section 1003.04, Florida Statutes, is
16 created to read:

17 1003.04 Student conduct and parental involvement
18 goals.--

19 (1) It is the goal of the Legislature and each
20 district school board that each public K-12 student remain in
21 attendance throughout the school year, unless excused by the
22 school for illness or other good cause, and comply fully with
23 the school's code of conduct.

24 (2) It is the goal of the Legislature and each
25 district school board that the parent of each public K-12
26 student comply with the school's reasonable and
27 time-acceptable parental involvement requests.

28 Section 115. Part II of chapter 1003, Florida
29 Statutes, shall be entitled "School Attendance" and shall
30 consist of ss. 1003.21-1003.29.

31

1 Section 116. Section 1003.21, Florida Statutes, is
2 created to read:

3 1003.21 School attendance.--

4 (1)(a)1. All children who have attained the age of 6
5 years or who will have attained the age of 6 years by February
6 1 of any school year or who are older than 6 years of age but
7 who have not attained the age of 16 years, except as otherwise
8 provided, are required to attend school regularly during the
9 entire school term.

10 2. Children who will have attained the age of 5 years
11 on or before September 1 of the school year are eligible for
12 admission to public kindergartens during that school year
13 under rules adopted by the district school board.

14 (b) Any child who has attained the age of 6 years on
15 or before September 1 of the school year and who has been
16 enrolled in a public school or who has attained the age of 6
17 years on or before September 1 and has satisfactorily
18 completed the requirements for kindergarten in a private
19 school from which the district school board accepts transfer
20 of academic credit, or who otherwise meets the criteria for
21 admission or transfer in a manner similar to that applicable
22 to other grades, shall progress according to the district's
23 student progression plan. However, nothing in this section
24 shall authorize the state or any school district to oversee or
25 exercise control over the curricula or academic programs of
26 private schools or home education programs.

27 (c) A student who attains the age of 16 years during
28 the school year is not subject to compulsory school attendance
29 beyond the date upon which he or she attains that age if the
30 student files a formal declaration of intent to terminate
31 school enrollment with the district school board. The

1 declaration must acknowledge that terminating school
2 enrollment is likely to reduce the student's earning potential
3 and must be signed by the student and the student's parent.
4 The school district must notify the student's parent of
5 receipt of the student's declaration of intent to terminate
6 school enrollment.

7 (d) Students who become or have become married and
8 students who are pregnant shall not be prohibited from
9 attending school. These students and students who are parents
10 shall receive the same educational instruction or its
11 equivalent as other students, but may voluntarily be assigned
12 to a class or program suited to their special needs.
13 Consistent with s. 1003.54, pregnant or parenting teens may
14 participate in a teenage parent program. Pregnant students may
15 attend alternative education programs or adult education
16 programs, provided that the curriculum allows the student to
17 continue to work toward a high school diploma.

18 (e) Consistent with rules adopted by the State Board
19 of Education, children with disabilities who have attained the
20 age of 3 years shall be eligible for admission to public
21 special education programs and for related services under
22 rules adopted by the district school board. Exceptional
23 children who are deaf or hard of hearing, visually impaired,
24 dual sensory impaired, severely physically handicapped,
25 trainable mentally handicapped, or profoundly handicapped, or
26 who have established conditions, or exhibit developmental
27 delays, below age 3 may be eligible for special programs; or,
28 if enrolled in other school readiness programs, they may be
29 eligible for supplemental instruction. Rules for the
30 identification of established conditions for children birth
31 through 2 years of age and developmental delays for children

1 birth through 5 years of age must be adopted by the State
2 Board of Education.

3 (f) Homeless children, as defined in s. 1003.01, must
4 have access to a free public education and must be admitted to
5 school in the school district in which they or their families
6 live. School districts shall assist homeless children to meet
7 the requirements of subsection (4) and s. 1003.22, as well as
8 local requirements for documentation.

9 (2)(a) The State Board of Education may adopt rules
10 under which students not meeting the entrance age may be
11 transferred from another state if their parents have been
12 legal residents of that state.

13 (b) Each district school board, in accordance with
14 rules of the State Board of Education, shall adopt a policy
15 that authorizes a parent to request and be granted permission
16 for absence of a student from school for religious instruction
17 or religious holidays.

18 (3) The district school superintendent may authorize
19 certificates of exemptions from school attendance requirements
20 in certain situations. Students within the compulsory
21 attendance age limits who hold valid certificates of exemption
22 that have been issued by the superintendent shall be exempt
23 from attending school. A certificate of exemption shall cease
24 to be valid at the end of the school year in which it is
25 issued.

26 (4) Before admitting a child to kindergarten, the
27 principal shall require evidence that the child has attained
28 the age at which he or she should be admitted in accordance
29 with the provisions of subparagraph (1)(a)2. The district
30 school superintendent may require evidence of the age of any
31 child whom he or she believes to be within the limits of

1 compulsory attendance as provided for by law. If the first
2 prescribed evidence is not available, the next evidence
3 obtainable in the order set forth below shall be accepted:
4 (a) A duly attested transcript of the child's birth
5 record filed according to law with a public officer charged
6 with the duty of recording births;
7 (b) A duly attested transcript of a certificate of
8 baptism showing the date of birth and place of baptism of the
9 child, accompanied by an affidavit sworn to by the parent;
10 (c) An insurance policy on the child's life that has
11 been in force for at least 2 years;
12 (d) A bona fide contemporary religious record of the
13 child's birth accompanied by an affidavit sworn to by the
14 parent;
15 (e) A passport or certificate of arrival in the United
16 States showing the age of the child;
17 (f) A transcript of record of age shown in the child's
18 school record of at least 4 years prior to application,
19 stating date of birth; or
20 (g) If none of these evidences can be produced, an
21 affidavit of age sworn to by the parent, accompanied by a
22 certificate of age signed by a public health officer or by a
23 public school physician, or, if neither of these is available
24 in the county, by a licensed practicing physician designated
25 by the district school board, which certificate states that
26 the health officer or physician has examined the child and
27 believes that the age as stated in the affidavit is
28 substantially correct. A homeless child, as defined in s.
29 1003.01, shall be given temporary exemption from this section
30 for 30 school days.
31

1 Section 117. Section 1003.22, Florida Statutes, is
2 created to read:

3 1003.22 School-entry health examinations; immunization
4 against communicable diseases; exemptions; duties of
5 Department of Health.--

6 (1) Each district school board and the governing
7 authority of each private school shall require that each child
8 who is entitled to admittance to kindergarten, or is entitled
9 to any other initial entrance into a public or private school
10 in this state, present a certification of a school-entry
11 health examination performed within 1 year prior to enrollment
12 in school. Each district school board, and the governing
13 authority of each private school, may establish a policy that
14 permits a student up to 30 school days to present a
15 certification of a school-entry health examination. A
16 homeless child, as defined in s. 1003.01, shall be given a
17 temporary exemption for 30 school days. Any district school
18 board that establishes such a policy shall include provisions
19 in its local school health services plan to assist students in
20 obtaining the health examinations. However, any child shall be
21 exempt from the requirement of a health examination upon
22 written request of the parent of the child stating objections
23 to the examination on religious grounds.

24 (2) The State Board of Education, subject to the
25 concurrence of the Department of Health, shall adopt rules to
26 govern medical examinations and immunizations performed under
27 this section.

28 (3) The Department of Health may adopt rules necessary
29 to administer and enforce this section. The Department of
30 Health, after consultation with the Department of Education,
31 shall adopt rules governing the immunization of children

1 against, the testing for, and the control of preventable
2 communicable diseases. The rules must include procedures for
3 exempting a child from immunization requirements.
4 Immunizations shall be required for poliomyelitis, diphtheria,
5 rubeola, rubella, pertussis, mumps, tetanus, and other
6 communicable diseases as determined by rules of the Department
7 of Health. The manner and frequency of administration of the
8 immunization or testing shall conform to recognized standards
9 of medical practice. The Department of Health shall supervise
10 and secure the enforcement of the required immunization.
11 Immunizations required by this section shall be available at
12 no cost from the county health departments.

13 (4) Each district school board and the governing
14 authority of each private school shall establish and enforce
15 as policy that, prior to admittance to or attendance in a
16 public or private school, grades kindergarten through 12, each
17 child present or have on file with the school a certification
18 of immunization for the prevention of those communicable
19 diseases for which immunization is required by the Department
20 of Health and further shall provide for appropriate screening
21 of its students for scoliosis at the proper age. Such
22 certification shall be made on forms approved and provided by
23 the Department of Health and shall become a part of each
24 student's permanent record, to be transferred when the student
25 transfers, is promoted, or changes schools. The transfer of
26 such immunization certification by Florida public schools
27 shall be accomplished using the Florida Automated System for
28 Transferring Education Records and shall be deemed to meet the
29 requirements of this section.

30 (5) The provisions of this section shall not apply if:
31

1 (a) The parent of the child objects in writing that
2 the administration of immunizing agents conflicts with his or
3 her religious tenets or practices;

4 (b) A physician licensed under the provisions of
5 chapter 458 or chapter 459 certifies in writing, on a form
6 approved and provided by the Department of Health, that the
7 child should be permanently exempt from the required
8 immunization for medical reasons stated in writing, based upon
9 valid clinical reasoning or evidence, demonstrating the need
10 for the permanent exemption;

11 (c) A physician licensed under the provisions of
12 chapter 458, chapter 459, or chapter 460 certifies in writing,
13 on a form approved and provided by the Department of Health,
14 that the child has received as many immunizations as are
15 medically indicated at the time and is in the process of
16 completing necessary immunizations;

17 (d) The Department of Health determines that,
18 according to recognized standards of medical practice, any
19 required immunization is unnecessary or hazardous; or

20 (e) An authorized school official issues a temporary
21 exemption, for a period not to exceed 30 school days, to
22 permit a student who transfers into a new county to attend
23 class until his or her records can be obtained. A homeless
24 child, as defined in s. 1003.01, shall be given a temporary
25 exemption for 30 school days. The public school health nurse
26 or authorized private school official is responsible for
27 followup of each such student until proper documentation or
28 immunizations are obtained. An exemption for 30 days may be
29 issued for a student who enters a juvenile justice program to
30 permit the student to attend class until his or her records
31 can be obtained or until the immunizations can be obtained. An

1 authorized juvenile justice official is responsible for
2 followup of each student who enters a juvenile justice program
3 until proper documentation or immunizations are obtained.

4 (6)(a) No person licensed by this state as a physician
5 or nurse shall be liable for any injury caused by his or her
6 action or failure to act in the administration of a vaccine or
7 other immunizing agent pursuant to the provisions of this
8 section if the person acts as a reasonably prudent person with
9 similar professional training would have acted under the same
10 or similar circumstances.

11 (b) No member of a district school board, or any of
12 its employees, or member of a governing board of a private
13 school, or any of its employees, shall be liable for any
14 injury caused by the administration of a vaccine to any
15 student who is required to be so immunized or for a failure to
16 diagnose scoliosis pursuant to the provisions of this section.

17 (7) The parents of any child admitted to or in
18 attendance at a Florida public or private school, grades
19 kindergarten through 12, are responsible for assuring that the
20 child is in compliance with the provisions of this section.

21 (8) Each public school, including public kindergarten,
22 and each private school, including private kindergarten, shall
23 be required to provide to the county health department
24 director or administrator annual reports of compliance with
25 the provisions of this section. Reports shall be completed on
26 forms provided by the Department of Health for each
27 kindergarten, and other grade as specified; and the reports
28 shall include the status of children who were admitted at the
29 beginning of the school year. After consultation with the
30 Department of Education, the Department of Health shall
31 establish by administrative rule the dates for submission of

1 these reports, the grades for which the reports shall be
2 required, and the forms to be used.

3 (9) The presence of any of the communicable diseases
4 for which immunization is required by the Department of Health
5 in a Florida public or private school shall permit the county
6 health department director or administrator or the State
7 Health Officer to declare a communicable disease emergency.
8 The declaration of such emergency shall mandate that all
9 students in attendance in the school who are not in compliance
10 with the provisions of this section be identified by the
11 district school board or by the governing authority of the
12 private school; and the school health and immunization records
13 of such children shall be made available to the county health
14 department director or administrator. Those children
15 identified as not being immunized against the disease for
16 which the emergency has been declared shall be temporarily
17 excluded from school by the district school board, or the
18 governing authority of the private school, until such time as
19 is specified by the county health department director or
20 administrator.

21 (10) Each district school board and the governing
22 authority of each private school shall:

23 (a) Refuse admittance to any child otherwise entitled
24 to admittance to kindergarten, or any other initial entrance
25 into a Florida public or private school, who is not in
26 compliance with the provisions of subsection (4).

27 (b) Temporarily exclude from attendance any student
28 who is not in compliance with the provisions of subsection
29 (4).

30
31

1 (11) The provisions of this section do not apply to
2 those persons admitted to or attending adult education classes
3 unless the adult students are under 21 years of age.

4 Section 118. Section 1003.23, Florida Statutes, is
5 created to read:

6 1003.23 Attendance records and reports.--

7 (1) The attendance of all public K-12 school students
8 shall be checked each school day in the manner prescribed by
9 rules of the State Board of Education and recorded in the
10 teacher's register or by some approved system of recording
11 attendance. Students may be counted in attendance only if
12 they are actually present at school or are away from school on
13 a school day and are engaged in an educational activity which
14 constitutes a part of the school-approved instructional
15 program for the student.

16 (2) All officials, teachers, and other employees in
17 public, parochial, religious, denominational, and private K-12
18 schools, including private tutors, shall keep all records and
19 shall prepare and submit promptly all reports that may be
20 required by law and by rules of the State Board of Education
21 and district school boards. Such records shall include a
22 register of enrollment and attendance and all persons
23 described above shall make these reports therefrom as may be
24 required by the State Board of Education. The enrollment
25 register shall show the absence or attendance of each student
26 enrolled for each school day of the year in a manner
27 prescribed by the State Board of Education. The register shall
28 be open for the inspection by the designated school
29 representative or the district school superintendent of the
30 district in which the school is located. Violation of the
31 provisions of this section shall be a misdemeanor of the

1 second degree, punishable as provided by law. This section
2 shall not apply to home education programs provided in s.
3 1002.41.

4 Section 119. Section 1003.24, Florida Statutes, is
5 created to read:

6 1003.24 Parents responsible for attendance of
7 children; attendance policy.--Each parent of a child within
8 the compulsory attendance age is responsible for the child's
9 school attendance as required by law. The absence of a
10 student from school is prima facie evidence of a violation of
11 this section; however, criminal prosecution under this chapter
12 may not be brought against a parent until the provisions of s.
13 1003.26 have been complied with. A parent of a student is not
14 responsible for the student's nonattendance at school under
15 any of the following conditions:

16 (1) WITH PERMISSION.--The absence was with permission
17 of the head of the school;

18 (2) WITHOUT KNOWLEDGE.--The absence was without the
19 parent's knowledge, consent, or connivance, in which case the
20 student shall be dealt with as a dependent child;

21 (3) FINANCIAL INABILITY.--The parent was unable
22 financially to provide necessary clothes for the student,
23 which inability was reported in writing to the superintendent
24 prior to the opening of school or immediately after the
25 beginning of such inability, provided that the validity of any
26 claim for exemption under this paragraph shall be determined
27 by the district school superintendent subject to appeal to the
28 district school board; or

29 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE
30 CONDITION.--Attendance was impracticable or inadvisable on
31 account of sickness or injury, attested to by a written

1 statement of a licensed practicing physician, or was
2 impracticable because of some other stated insurmountable
3 condition as defined by rules of the State Board of Education.
4 If a student is continually sick and repeatedly absent from
5 school, he or she must be under the supervision of a physician
6 in order to receive an excuse from attendance. Such excuse
7 provides that a student's condition justifies absence for more
8 than the number of days permitted by the district school
9 board.

10
11 Each district school board shall establish an attendance
12 policy that includes, but is not limited to, the required
13 number of days each school year that a student must be in
14 attendance and the number of absences and tardinesses after
15 which a statement explaining such absences and tardinesses
16 must be on file at the school. Each school in the district
17 must determine if an absence or tardiness is excused or
18 unexcused according to criteria established by the district
19 school board.

20 Section 120. Section 1003.25, Florida Statutes, is
21 created to read:

22 1003.25 Procedures for maintenance and transfer of
23 student records.--

24 (1) Each principal shall maintain a permanent
25 cumulative record for each student enrolled in a public K-12
26 school. Such record shall be maintained in the form, and
27 contain all data, prescribed by rule by the State Board of
28 Education. The cumulative record is confidential and exempt
29 from the provisions of s. 119.07(1) and is open to inspection
30 only as provided in chapter 1002.

31

1 (2) The procedure for transferring and maintaining
2 records of students who transfer from school to school shall
3 be prescribed by rules of the State Board of Education.

4 (3) Procedures relating to the acceptance of transfer
5 work and credit for students shall be prescribed by rule by
6 the State Board of Education.

7 Section 121. Section 1003.26, Florida Statutes, is
8 created to read:

9 1003.26 Enforcement of school attendance.--The
10 Legislature finds that poor academic performance is associated
11 with nonattendance and that schools must take an active role
12 in enforcing attendance as a means of improving the
13 performance of many students. It is the policy of the state
14 that each district school superintendent be responsible for
15 enforcing school attendance of all students subject to the
16 compulsory school age in the school district. The
17 responsibility includes recommending to the district school
18 board policies and procedures to ensure that schools respond
19 in a timely manner to every unexcused absence, or absence for
20 which the reason is unknown, of students enrolled in the
21 schools. District school board policies must require each
22 parent of a student to justify each absence of the student,
23 and that justification will be evaluated based on adopted
24 district school board policies that define excused and
25 unexcused absences. The policies must provide that schools
26 track excused and unexcused absences and contact the home in
27 the case of an unexcused absence from school, or an absence
28 from school for which the reason is unknown, to prevent the
29 development of patterns of nonattendance. The Legislature
30 finds that early intervention in school attendance matters is
31 the most effective way of producing good attendance habits

1 that will lead to improved student learning and achievement.
2 Each public school shall implement the following steps to
3 enforce regular school attendance:
4 (1) CONTACT, REFER, AND ENFORCE.--
5 (a) Upon each unexcused absence, or absence for which
6 the reason is unknown, the school principal or his or her
7 designee shall contact the student's parent to determine the
8 reason for the absence. If the absence is an excused absence,
9 as defined by district school board policy, the school shall
10 provide opportunities for the student to make up assigned work
11 and not receive an academic penalty unless the work is not
12 made up within a reasonable time.
13 (b) If a student has had at least five unexcused
14 absences, or absences for which the reasons are unknown,
15 within a calendar month or 10 unexcused absences, or absences
16 for which the reasons are unknown, within a 90-calendar-day
17 period, the student's primary teacher shall report to the
18 school principal or his or her designee that the student may
19 be exhibiting a pattern of nonattendance. The principal shall,
20 unless there is clear evidence that the absences are not a
21 pattern of nonattendance, refer the case to the school's child
22 study team to determine if early patterns of truancy are
23 developing. If the child study team finds that a pattern of
24 nonattendance is developing, whether the absences are excused
25 or not, a meeting with the parent must be scheduled to
26 identify potential remedies, and the principal shall notify
27 the district school superintendent and the school district
28 contact for home education programs that the referred student
29 is exhibiting a pattern of nonattendance.
30 (c) If an initial meeting does not resolve the
31 problem, the child study team shall implement interventions

1 that best address the problem. The interventions may include,
2 but need not be limited to:
3 1. Frequent communication between the teacher and the
4 family;
5 2. Changes in the learning environment;
6 3. Mentoring;
7 4. Student counseling;
8 5. Tutoring, including peer tutoring;
9 6. Placement into different classes;
10 7. Evaluation for alternative education programs;
11 8. Attendance contracts;
12 9. Referral to other agencies for family services; or
13 10. Other interventions, including, but not limited
14 to, a truancy petition pursuant to s. 984.151.
15 (d) The child study team shall be diligent in
16 facilitating intervention services and shall report the case
17 to the district school superintendent only when all reasonable
18 efforts to resolve the nonattendance behavior are exhausted.
19 (e) If the parent refuses to participate in the
20 remedial strategies because he or she believes that those
21 strategies are unnecessary or inappropriate, the parent may
22 appeal to the district school board. The district school board
23 may provide a hearing officer, and the hearing officer shall
24 make a recommendation for final action to the district school
25 board. If the district school board's final determination is
26 that the strategies of the child study team are appropriate,
27 and the parent still refuses to participate or cooperate, the
28 district school superintendent may seek criminal prosecution
29 for noncompliance with compulsory school attendance.
30 (f)1. If the parent of a child who has been identified
31 as exhibiting a pattern of nonattendance enrolls the child in

1 a home education program pursuant to chapter 1002, the
2 district school superintendent shall provide the parent a copy
3 of s. 1002.41 and the accountability requirements of this
4 paragraph. The district school superintendent shall also
5 refer the parent to a home education review committee composed
6 of the district contact for home education programs and at
7 least two home educators selected by the parent from a
8 district list of all home educators who have conducted a home
9 education program for at least 3 years and who have indicated
10 a willingness to serve on the committee. The home education
11 review committee shall review the portfolio of the student, as
12 defined by s. 1002.41, every 30 days during the district's
13 regular school terms until the committee is satisfied that the
14 home education program is in compliance with s. 1002.41(1)(b).
15 The first portfolio review must occur within the first 30
16 calendar days of the establishment of the program. The
17 provisions of subparagraph 2. do not apply once the committee
18 determines the home education program is in compliance with s.
19 1002.41(1)(b).

20 2. If the parent fails to provide a portfolio to the
21 committee, the committee shall notify the district school
22 superintendent. The district school superintendent shall then
23 terminate the home education program and require the parent to
24 enroll the child in an attendance option that meets the
25 definition of "regular school attendance" under s.
26 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
27 termination of a home education program pursuant to this
28 subparagraph, the parent shall not be eligible to reenroll the
29 child in a home education program for 180 calendar days.
30 Failure of a parent to enroll the child in an attendance
31 option as required by this subparagraph after termination of

1 the home education program pursuant to this subparagraph shall
2 constitute noncompliance with the compulsory attendance
3 requirements of s. 1003.21 and may result in criminal
4 prosecution under s. 1003.27(2). Nothing contained herein
5 shall restrict the ability of the district school
6 superintendent, or the ability of his or her designee, to
7 review the portfolio pursuant to s. 1002.41(1)(b).

8 (g) If a student subject to compulsory school
9 attendance will not comply with attempts to enforce school
10 attendance, the parent or the district school superintendent
11 or his or her designee shall refer the case to the case
12 staffing committee pursuant to s. 984.12, and the district
13 school superintendent or his or her designee may file a
14 truancy petition pursuant to the procedures in s. 984.151.

15 (2) GIVE WRITTEN NOTICE.--

16 (a) Under the direction of the district school
17 superintendent, a designated school representative shall give
18 written notice that requires enrollment or attendance within 3
19 days after the date of notice, in person or by return-receipt
20 mail, to the parent when no valid reason is found for a
21 student's nonenrollment in school. If the notice and
22 requirement are ignored, the designated school representative
23 shall report the case to the district school superintendent,
24 and may refer the case to the case staffing committee,
25 established pursuant to s. 984.12. The district school
26 superintendent shall take such steps as are necessary to bring
27 criminal prosecution against the parent.

28 (b) Subsequent to the activities required under
29 subsection (1), the district school superintendent or his or
30 her designee shall give written notice in person or by
31 return-receipt mail to the parent that criminal prosecution is

1 being sought for nonattendance. The district school
2 superintendent may file a truancy petition, as defined in s.
3 984.03, following the procedures outlined in s. 984.151.

4 (3) RETURN STUDENT TO PARENT.--A designated school
5 representative shall visit the home or place of residence of a
6 student and any other place in which he or she is likely to
7 find any student who is required to attend school when the
8 student is not enrolled or is absent from school during school
9 hours without an excuse, and, when the student is found, shall
10 return the student to his or her parent or to the principal or
11 teacher in charge of the school, or to the private tutor from
12 whom absent, or to the juvenile assessment center or other
13 location established by the district school board to receive
14 students who are absent from school. Upon receipt of the
15 student, the parent shall be immediately notified.

16 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated
17 school representative shall report to the appropriate
18 authority designated by law to receive such notices, all
19 violations of the Child Labor Law that may come to his or her
20 knowledge.

21 (5) RIGHT TO INSPECT.--A designated school
22 representative shall have the right of access to, and
23 inspection of, establishments where minors may be employed or
24 detained only for the purpose of ascertaining whether students
25 of compulsory school age are actually employed there and are
26 actually working there regularly. The designated school
27 representative shall, if he or she finds unsatisfactory
28 working conditions or violations of the Child Labor Law,
29 report his or her findings to the appropriate authority.

30 Section 122. Section 1003.27, Florida Statutes, is
31 created to read:

1 1003.27 Court procedure and penalties.--The court
2 procedure and penalties for the enforcement of the provisions
3 of this part, relating to compulsory school attendance, shall
4 be as follows:

5 (1) COURT JURISDICTION.--The circuit court has
6 original and exclusive jurisdiction of all proceedings
7 against, or prosecutions of, students under the provisions of
8 this part. Proceedings against, or prosecutions of, parents or
9 employers as provided by this section shall be in the court of
10 each county having jurisdiction of misdemeanors wherein trial
11 by jury is afforded the defendant.

12 (2) NONENROLLMENT AND NONATTENDANCE CASES.--

13 (a) In each case of nonenrollment or of nonattendance
14 upon the part of a student who is required to attend some
15 school, when no valid reason for such nonenrollment or
16 nonattendance is found, the district school superintendent
17 shall institute a criminal prosecution against the student's
18 parent.

19 (b) Each public school principal or the principal's
20 designee shall notify the district school board of each minor
21 student under its jurisdiction who accumulates 15 unexcused
22 absences in a period of 90 calendar days. Each designee of the
23 governing body of each private school, and each parent whose
24 child is enrolled in a home education program, may provide the
25 Department of Highway Safety and Motor Vehicles with the legal
26 name, sex, date of birth, and social security number of each
27 minor student under his or her jurisdiction who fails to
28 satisfy relevant attendance requirements and who fails to
29 otherwise satisfy the requirements of s. 322.091. The district
30 school superintendent must provide the Department of Highway
31 Safety and Motor Vehicles the legal name, sex, date of birth,

1 and social security number of each minor student who has been
2 reported under this paragraph and who fails to otherwise
3 satisfy the requirements of s. 322.091. The Department of
4 Highway Safety and Motor Vehicles may not issue a driver's
5 license or learner's driver's license to, and shall suspend
6 any previously issued driver's license or learner's driver's
7 license of, any such minor student, pursuant to the provisions
8 of s. 322.091.

9 (3) HABITUAL TRUANCY CASES.--The district school
10 superintendent is authorized to file a truancy petition, as
11 defined in s. 984.03, following the procedures outlined in s.
12 984.151. If the district school superintendent chooses not to
13 file a truancy petition, procedures for filing a
14 child-in-need-of-services petition shall be commenced pursuant
15 to this subsection and chapter 984. In accordance with
16 procedures established by the district school board, the
17 designated school representative shall refer a student who is
18 habitually truant and the student's family to the
19 children-in-need-of-services and families-in-need-of-services
20 provider or the case staffing committee, established pursuant
21 to s. 984.12, as determined by the cooperative agreement
22 required in this section. The case staffing committee may
23 request the Department of Juvenile Justice or its designee to
24 file a child-in-need-of-services petition based upon the
25 report and efforts of the district school board or other
26 community agency or may seek to resolve the truant behavior
27 through the school or community-based organizations or
28 agencies. Prior to and subsequent to the filing of a
29 child-in-need-of-services petition due to habitual truancy,
30 the appropriate governmental agencies must allow a reasonable
31 time to complete actions required by this section and s.

1 1003.26 to remedy the conditions leading to the truant
2 behavior. Prior to the filing of a petition, the district
3 school board must have complied with the requirements of s.
4 1003.26, and those efforts must have been unsuccessful.
5 (4) COOPERATIVE AGREEMENTS.--The circuit manager of
6 the Department of Juvenile Justice or the circuit manager's
7 designee, the district administrator of the Department of
8 Children and Family Services or the district administrator's
9 designee, and the district school superintendent or the
10 superintendent's designee must develop a cooperative
11 interagency agreement that:
12 (a) Clearly defines each department's role,
13 responsibility, and function in working with habitual truants
14 and their families.
15 (b) Identifies and implements measures to resolve and
16 reduce truant behavior.
17 (c) Addresses issues of streamlining service delivery,
18 the appropriateness of legal intervention, case management,
19 the role and responsibility of the case staffing committee,
20 student and parental intervention and involvement, and
21 community action plans.
22 (d) Delineates timeframes for implementation and
23 identifies a mechanism for reporting results by the circuit
24 juvenile justice manager or the circuit manager's designee and
25 the district school superintendent or the superintendent's
26 designee to the Department of Juvenile Justice and the
27 Department of Education and other governmental entities as
28 needed.
29 (e) Designates which agency is responsible for each of
30 the intervention steps in this section, to yield more
31 effective and efficient intervention services.

1 (5) ATTENDANCE REGISTER AS EVIDENCE.--The register of
2 attendance of students at a public, parochial, religious,
3 denominational, or private school, or of students taught by a
4 private tutor, kept in compliance with rules of the State
5 Board of Education is prima facie evidence of the facts which
6 it is required to show. A certified copy of any rule and a
7 statement of the date of its adoption by the State Board of
8 Education is admissible as prima facie evidence of the
9 provisions of the rule and of the date of its adoption.

10 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY
11 BEGIN.--Proceedings or prosecutions under this chapter may be
12 commenced by the district school superintendent, by a
13 designated school representative, by the probation officer of
14 the county, by the executive officer of any court of competent
15 jurisdiction, by an officer of any court of competent
16 jurisdiction, or by a duly authorized agent of the Department
17 of Education or the Department of Juvenile Justice. If a
18 proceeding has been commenced against both a parent and a
19 child pursuant to this chapter, the presiding courts shall
20 make every effort to coordinate sanctions against the child
21 and parent, including ordering the child and parent to perform
22 community service hours or attend counseling together.

23 (7) PENALTIES.--The penalties for refusing or failing
24 to comply with this chapter shall be as follows:

25 (a) The parent.--

26 1. A parent who refuses or fails to have a minor
27 student who is under his or her control attend school
28 regularly, or who refuses or fails to comply with the
29 requirements in subsection (3), commits a misdemeanor of the
30 second degree, punishable as provided in s. 775.082 or s.
31 775.083.

1 2. The continued or habitual absence of a minor
2 student without the consent of the principal or teacher in
3 charge of the school he or she attends or should attend, or of
4 the tutor who instructs or should instruct him or her, is
5 prima facie evidence of a violation of this chapter; however,
6 a showing that the parent has made a bona fide and diligent
7 effort to control and keep the student in school shall be an
8 affirmative defense to any criminal or other liability under
9 this subsection and the court shall refer the parent and child
10 for counseling, guidance, or other needed services.

11 3. In addition to any other punishment, the court
12 shall order a parent who has violated this section to send the
13 minor student to school, and may also order the parent to
14 participate in an approved parent training class, attend
15 school with the student unless this would cause undue
16 hardship, perform community service hours at the school, or
17 participate in counseling or other services, as appropriate.
18 If a parent is ordered to attend school with a student, the
19 school shall provide for programming to educate the parent and
20 student on the importance of school attendance. It shall be
21 unlawful to terminate any employee solely because he or she is
22 attending school with his or her child pursuant to a court
23 order.

24 (b) The principal or teacher.--A principal or teacher
25 in any public, parochial, religious, denominational, or
26 private school, or a private tutor who willfully violates any
27 provision of this chapter may, upon satisfactory proof of such
28 violation, have his or her certificate revoked by the
29 Department of Education.

30 (c) The employer.--
31

1 1. An employer who fails to notify the district school
2 superintendent when he or she ceases to employ a student
3 commits a misdemeanor of the second degree, punishable as
4 provided in s. 775.082 or s. 775.083.

5 2. An employer who terminates any employee solely
6 because he or she is attending school with a student pursuant
7 to court order commits a misdemeanor of the second degree,
8 punishable as provided in s. 775.082 or s. 775.083.

9 (d) The student.--

10 1. In addition to any other authorized sanctions, the
11 court shall order a student found to be a habitual truant to
12 make up all school work missed and may order the student to
13 pay a civil penalty of up to \$2, based on the student's
14 ability to pay, for each day of school missed, perform up to
15 25 community service hours at the school, or participate in
16 counseling or other services, as appropriate.

17 2. Upon a second or subsequent finding that a student
18 is a habitual truant, the court, in addition to any other
19 authorized sanctions, shall order the student to make up all
20 school work missed and may order the student to pay a civil
21 penalty of up to \$5, based on the student's ability to pay,
22 for each day of school missed, perform up to 50 community
23 service hours at the school, or participate in counseling or
24 other services, as appropriate.

25 Section 123. Section 1003.28, Florida Statutes, is
26 created to read:

27 1003.28 Continuation of truancy remedial activities
28 upon transfer of student; retention of legal jurisdiction.--

29 (1) If, during the activities designed to remedy
30 truancy behavior as described in s. 1003.27, the parent of the
31 student who is the subject of such activities transfers the

1 student to another school district in this state in an attempt
2 to circumvent the remedial procedures which have already
3 begun, the administration of the school from which the student
4 transferred shall provide to the administration of the new
5 school, at no charge, copies of all available records and
6 documents relevant to such remedial activities, and the
7 administration of the new school shall begin remedial
8 activities in the program that most closely meets the transfer
9 student's needs.

10 (2) In the event that a legal proceeding has
11 commenced, as provided in s. 1003.27, against a student who
12 has been determined to be a habitual truant, the movement of
13 the student who is the subject of such proceeding to another
14 circuit court district in this state will not affect the
15 jurisdiction of the court to proceed with the case under the
16 law.

17 Section 124. Section 1003.29, Florida Statutes, is
18 created to read:

19 1003.29 Notice to schools of court action.--If a court
20 takes action that directly involves a student's school,
21 including, but not limited to, an order that a student attend
22 school, attend school with his or her parent, perform at grade
23 level, or perform community service hours at the school, the
24 office of the clerk of the court shall provide notice to the
25 school of the court's action.

26 Section 125. Part III of chapter 1003, Florida
27 Statutes, shall be entitled "Control of Students" and shall
28 consist of ss. 1003.31-1003.33.

29 Section 126. Section 1003.31, Florida Statutes, is
30 created to read:

31 1003.31 Students subject to control of school.--

1 (1) Subject to law and rules of the State Board of
2 Education and of the district school board, each student
3 enrolled in a school shall:
4 (a) During the time she or he is being transported to
5 or from school at public expense;
6 (b) During the time she or he is attending school;
7 (c) During the time she or he is on the school
8 premises participating with authorization in a
9 school-sponsored activity; and
10 (d) During a reasonable time before and after the
11 student is on the premises for attendance at school or for
12 authorized participation in a school-sponsored activity, and
13 only when on the premises,
14
15 be under the control and direction of the principal or teacher
16 in charge of the school, and under the immediate control and
17 direction of the teacher or other member of the instructional
18 staff or of the bus driver to whom such responsibility may be
19 assigned by the principal. However, the State Board of
20 Education or the district school board may, by rules, subject
21 each student to the control and direction of the principal or
22 teacher in charge of the school during the time she or he is
23 otherwise en route to or from school or is presumed by law to
24 be attending school.
25 (2) There is a rebuttable presumption that the term
26 "reasonable time" means 30 minutes before or after the
27 activity is scheduled or actually begins or ends, whichever
28 period is longer. A school or district school board may, by
29 policy or other formal action, assume a longer period of
30 supervision. Casual or incidental contact between school
31 district personnel and students on school property shall not

1 result in a legal duty to supervise outside of the reasonable
2 times set forth in this section, provided that parents shall
3 be advised in writing twice per year or by posted signs of the
4 school's formal supervisory responsibility and that parents
5 should not rely on additional supervision. The duty of
6 supervision shall not extend to anyone other than students
7 attending school and students authorized to participate in
8 school-sponsored activities.

9 (3) Nothing shall prohibit a district school board
10 from having the right to expel, or to take disciplinary action
11 against, a student who is found to have committed an offense
12 on school property at any time if:

13 (a) The student is found to have committed a
14 delinquent act which would be a felony if committed by an
15 adult;

16 (b) The student has had adjudication withheld for a
17 delinquent act which, if committed by an adult, would be a
18 felony; or

19 (c) The student has been found guilty of a felony.

20
21 However, if the student is a student with a disability, the
22 disciplinary action must comply with the procedures set forth
23 in State Board of Education rule.

24 (4) Each student enrolled in a school may be required
25 to take the following school child's daily conduct pledge:

26 (a) I will be respectful at all times and obedient
27 unless asked to do wrong.

28 (b) I will not hurt another person with my words or my
29 acts, because it is wrong to hurt others.

30 (c) I will tell the truth, because it is wrong to tell
31 a lie.

1 (d) I will not steal, because it is wrong to take
2 someone else's property.

3 (e) I will respect my body, and not take drugs.

4 (f) I will show strength and courage, and not do
5 something wrong, just because others are doing it.

6 (g) I pledge to be nonviolent and to respect my
7 teachers and fellow classmates.

8 Section 127. Section 1003.32, Florida Statutes, is
9 created to read:

10 1003.32 Authority of teacher; responsibility for
11 control of students; district school board and principal
12 duties.--Subject to law and to the rules of the district
13 school board, each teacher or other member of the staff of any
14 school shall have such authority for the control and
15 discipline of students as may be assigned to him or her by the
16 principal or the principal's designated representative and
17 shall keep good order in the classroom and in other places in
18 which he or she is assigned to be in charge of students.

19 (1) Within the framework of the district school
20 board's code of student conduct, teachers and other
21 instructional personnel shall have the authority to undertake
22 any of the following actions in managing student behavior and
23 ensuring the safety of all students in their classes and
24 school:

25 (a) Establish classroom rules of conduct.

26 (b) Establish and implement consequences, designed to
27 change behavior, for infractions of classroom rules.

28 (c) Have disobedient, disrespectful, violent, abusive,
29 uncontrollable, or disruptive students temporarily removed
30 from the classroom for behavior management intervention.

31

- 1 (d) Have violent, abusive, uncontrollable, or
2 disruptive students directed for information or assistance
3 from appropriate school or district school board personnel.
- 4 (e) Assist in enforcing school rules on school
5 property, during school-sponsored transportation, and during
6 school-sponsored activities.
- 7 (f) Request and receive information as to the
8 disposition of any referrals to the administration for
9 violation of classroom or school rules.
- 10 (g) Request and receive immediate assistance in
11 classroom management if a student becomes uncontrollable or in
12 case of emergency.
- 13 (h) Request and receive training and other assistance
14 to improve skills in classroom management, violence
15 prevention, conflict resolution, and related areas.
- 16 (i) Press charges if a crime has been committed
17 against the teacher or other instructional personnel on school
18 property, during school-sponsored transportation, or during
19 school-sponsored activities.
- 20 (j) Use reasonable force, according to standards
21 adopted by the State Board of Education, to protect himself or
22 herself or others from injury.
- 23 (k) Use corporal punishment according to school board
24 policy and at least the following procedures, if a teacher
25 feels that corporal punishment is necessary:
- 26 1. The use of corporal punishment shall be approved in
27 principle by the principal before it is used, but approval is
28 not necessary for each specific instance in which it is used.
29 The principal shall prepare guidelines for administering such
30 punishment which identify the types of punishable offenses,
31 the conditions under which the punishment shall be

1 administered, and the specific personnel on the school staff
2 authorized to administer the punishment.
3 2. A teacher or principal may administer corporal
4 punishment only in the presence of another adult who is
5 informed beforehand, and in the student's presence, of the
6 reason for the punishment.
7 3. A teacher or principal who has administered
8 punishment shall, upon request, provide the student's parent
9 with a written explanation of the reason for the punishment
10 and the name of the other adult who was present.
11 (2) Teachers and other instructional personnel shall:
12 (a) Set and enforce reasonable classroom rules that
13 treat all students equitably.
14 (b) Seek professional development to improve classroom
15 management skills when data show that they are not effective
16 in handling minor classroom disruptions.
17 (c) Maintain a positive and effective learning
18 environment that maximizes learning and minimizes disruption.
19 (d) Work with parents and other school personnel to
20 solve discipline problems in their classrooms.
21 (3) A teacher may send a student to the principal's
22 office to maintain effective discipline in the classroom. The
23 principal shall respond by employing appropriate
24 discipline-management techniques consistent with the student
25 code of conduct under s. 1006.07.
26 (4) A teacher may remove from class a student whose
27 behavior the teacher determines interferes with the teacher's
28 ability to communicate effectively with the students in the
29 class or with the ability of the student's classmates to
30 learn.
31

1 (5) If a teacher removes a student from class under
2 subsection (4), the principal may place the student in another
3 appropriate classroom, in in-school suspension, or in a
4 dropout prevention and academic intervention program as
5 provided by s. 1003.53; or the principal may recommend the
6 student for out-of-school suspension or expulsion, as
7 appropriate. The student may be prohibited from attending or
8 participating in school-sponsored or school-related
9 activities. The principal may not return the student to that
10 teacher's class without the teacher's consent unless the
11 committee established under subsection (6) determines that
12 such placement is the best or only available alternative. The
13 teacher and the placement review committee must render
14 decisions within 5 days of the removal of the student from the
15 classroom.

16 (6) Each school shall establish a committee to
17 determine placement of a student when a teacher withholds
18 consent to the return of a student to the teacher's class.
19 Committee membership must include at least the following:

20 (a) Two teachers selected by the school's faculty.

21 (b) One member from the school's staff who is selected
22 by the principal.

23
24 The teacher who withheld consent to readmitting the student
25 may not serve on the committee. The teacher and the placement
26 review committee must render decisions within 5 days after the
27 removal of the student from the classroom.

28 (7) Any teacher who removes 25 percent of his or her
29 total class enrollment shall be required to complete
30 professional development to improve classroom management
31 skills.

1 (8) When knowledgeable of the likely risk of physical
2 violence in the schools, the district school board shall take
3 reasonable steps to ensure that teachers, other school staff,
4 and students are not at undue risk of violence or harm.

5 Section 128. Section 1003.33, Florida Statutes, is
6 created to read:

7 1003.33 Report cards; end-of-the-year status.--

8 (1) Each district school board shall establish and
9 publish policies requiring the content and regular issuance of
10 student report cards for all elementary school, middle school,
11 and high school students. These report cards must clearly
12 depict and grade:

13 (a) The student's academic performance in each class
14 or course, which in grades 1 through 12 must be based upon
15 examinations as well as written papers, class participation,
16 and other academic performance criteria.

17 (b) The student's conduct and behavior.

18 (c) The student's attendance, including absences and
19 tardiness.

20 (2) A student's final report card for a school year
21 shall contain a statement indicating end-of-the-year status
22 regarding performance or nonperformance at grade level,
23 acceptable or unacceptable behavior and attendance, and
24 promotion or nonpromotion.

25
26 District school boards shall not allow schools to exempt
27 students from academic performance requirements based on
28 practices or policies designed to encourage student
29 attendance. A student's attendance record may not be used in
30 whole or in part to provide an exemption from any academic
31 performance requirement.

1 Section 129. Part IV of chapter 1003, Florida
2 Statutes, shall be entitled "Public K-12 Educational
3 Instruction" and shall consist of ss. 1003.41-1003.491.

4 Section 130. Section 1003.41, Florida Statutes, is
5 created to read:

6 1003.41 Sunshine State Standards.--Public K-12
7 educational instruction in Florida is based on the "Sunshine
8 State Standards." These standards have been adopted by the
9 State Board of Education and delineate the academic
10 achievement of students, for which the state will hold schools
11 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects
12 of language arts, mathematics, science, social studies, the
13 arts, health and physical education, and foreign languages.
14 They include standards in reading, writing, history,
15 government, geography, economics, and computer literacy.

16 Section 131. Section 1003.42, Florida Statutes, is
17 created to read:

18 1003.42 Required instruction.--

19 (1) Each district school board shall provide all
20 courses required for high school graduation and appropriate
21 instruction designed to ensure that students meet State Board
22 of Education adopted standards in the following subject areas:
23 reading and other language arts, mathematics, science, social
24 studies, foreign languages, health and physical education, and
25 the arts.

26 (2) Members of the instructional staff of the public
27 schools, subject to the rules of the State Board of Education
28 and the district school board, shall teach efficiently and
29 faithfully, using the books and materials required, following
30 the prescribed courses of study, and employing approved
31 methods of instruction, the following:

1 (a) The content of the Declaration of Independence and
2 how it forms the philosophical foundation of our government.

3 (b) The arguments in support of adopting our
4 republican form of government, as they are embodied in the
5 most important of the Federalist Papers.

6 (c) The essentials of the United States Constitution
7 and how it provides the structure of our government.

8 (d) Flag education, including proper flag display and
9 flag salute.

10 (e) The elements of civil government, including the
11 primary functions of and interrelationships between the
12 Federal Government, the state, and its counties,
13 municipalities, school districts, and special districts.

14 (f) The history of the Holocaust (1933-1945), the
15 systematic, planned annihilation of European Jews and other
16 groups by Nazi Germany, a watershed event in the history of
17 humanity, to be taught in a manner that leads to an
18 investigation of human behavior, an understanding of the
19 ramifications of prejudice, racism, and stereotyping, and an
20 examination of what it means to be a responsible and
21 respectful person, for the purposes of encouraging tolerance
22 of diversity in a pluralistic society and for nurturing and
23 protecting democratic values and institutions.

24 (g) The history of African Americans, including the
25 history of African peoples before the political conflicts that
26 led to the development of slavery, the passage to America, the
27 enslavement experience, abolition, and the contributions of
28 African Americans to society.

29 (h) The elementary principles of agriculture.
30
31

- 1 (i) The true effects of all alcoholic and intoxicating
2 liquors and beverages and narcotics upon the human body and
3 mind.
- 4 (j) Kindness to animals.
- 5 (k) The history of the state.
- 6 (l) The conservation of natural resources.
- 7 (m) Comprehensive health education that addresses
8 concepts of community health; consumer health; environmental
9 health; family life, including an awareness of the benefits of
10 sexual abstinence as the expected standard and the
11 consequences of teenage pregnancy; mental and emotional
12 health; injury prevention and safety; nutrition; personal
13 health; prevention and control of disease; and substance use
14 and abuse.
- 15 (n) Such additional materials, subjects, courses, or
16 fields in such grades as are prescribed by law or by rules of
17 the State Board of Education and the district school board in
18 fulfilling the requirements of law.
- 19 (o) The study of Hispanic contributions to the United
20 States.
- 21 (p) The study of women's contributions to the United
22 States.
- 23 (q) A character-development program in the elementary
24 schools, similar to Character First or Character Counts, which
25 is secular in nature and stresses such character qualities as
26 attentiveness, patience, and initiative. Beginning in school
27 year 2004-2005, the character-development program shall be
28 required in kindergarten through grade 12. Each district
29 school board shall develop or adopt a curriculum for the
30 character-development program that shall be submitted to the
31 department for approval. The character-development curriculum

1 shall stress the qualities of patriotism, responsibility,
2 citizenship, kindness, respect, honesty, self-control,
3 tolerance, and cooperation.

4 (r) In order to encourage patriotism, the sacrifices
5 that veterans have made in serving our country and protecting
6 democratic values worldwide. Such instruction must occur on or
7 before Veterans' Day and Memorial Day. Members of the
8 instructional staff are encouraged to use the assistance of
9 local veterans when practicable.

10 (3) Any student whose parent makes written request to
11 the school principal shall be exempted from the teaching of
12 reproductive health or any disease, including HIV/AIDS, its
13 symptoms, development, and treatment. A student so exempted
14 may not be penalized by reason of that exemption. Course
15 descriptions for comprehensive health education shall not
16 interfere with the local determination of appropriate
17 curriculum which reflects local values and concerns.

18 Section 132. Section 1003.43, Florida Statutes, is
19 created to read:

20 1003.43 General requirements for high school
21 graduation.--

22 (1) Graduation requires successful completion of
23 either a minimum of 24 academic credits in grades 9 through 12
24 or an International Baccalaureate curriculum. The 24 credits
25 shall be distributed as follows:

26 (a) Four credits in English, with major concentration
27 in composition and literature.

28 (b) Three credits in mathematics. Effective for
29 students entering the 9th grade in the 1997-1998 school year
30 and thereafter, one of these credits must be Algebra I, a

31

1 series of courses equivalent to Algebra I, or a higher-level
2 mathematics course.

3 (c) Three credits in science, two of which must have a
4 laboratory component. The State Board of Education may grant
5 an annual waiver of the laboratory requirement to a district
6 school board that certifies that its laboratory facilities are
7 inadequate, provided the district school board submits a
8 capital outlay plan to provide adequate facilities and makes
9 the funding of this plan a priority of the district school
10 board. Agriscience Foundations I, the core course in secondary
11 Agriscience and Natural Resources programs, counts as one of
12 the science credits.

13 (d) One credit in American history.

14 (e) One credit in world history, including a
15 comparative study of the history, doctrines, and objectives of
16 all major political systems.

17 (f) One-half credit in economics, including a
18 comparative study of the history, doctrines, and objectives of
19 all major economic systems. The Florida Council on Economic
20 Education shall provide technical assistance to the department
21 and district school boards in developing curriculum materials
22 for the study of economics.

23 (g) One-half credit in American government, including
24 study of the Constitution of the United States. For students
25 entering the 9th grade in the 1997-1998 school year and
26 thereafter, the study of Florida government, including study
27 of the State Constitution, the three branches of state
28 government, and municipal and county government, shall be
29 included as part of the required study of American government.

30 (h)1. One credit in practical arts career and
31 technical education or exploratory career and technical

1 education. Any career and technical education course as
2 defined in s. 1003.01 may be taken to satisfy the high school
3 graduation requirement for one credit in practical arts or
4 exploratory career and technical education provided in this
5 subparagraph;

6 2. One credit in performing fine arts to be selected
7 from music, dance, drama, painting, or sculpture. A course in
8 any art form, in addition to painting or sculpture, that
9 requires manual dexterity, or a course in speech and debate,
10 may be taken to satisfy the high school graduation requirement
11 for one credit in performing arts pursuant to this
12 subparagraph; or

13 3. One-half credit each in practical arts career and
14 technical education or exploratory career and technical
15 education and performing fine arts, as defined in this
16 paragraph.

17
18 Such credit for practical arts career and technical education
19 or exploratory career and technical education or for
20 performing fine arts shall be made available in the 9th grade,
21 and students shall be scheduled into a 9th grade course as a
22 priority.

23 (i) One-half credit in life management skills to
24 include consumer education, positive emotional development,
25 marriage and relationship skill-based education, nutrition,
26 prevention of human immunodeficiency virus infection and
27 acquired immune deficiency syndrome and other sexually
28 transmissible diseases, benefits of sexual abstinence and
29 consequences of teenage pregnancy, information and instruction
30 on breast cancer detection and breast self-examination,
31 cardiopulmonary resuscitation, drug education, and the hazards

1 of smoking. Such credit shall be given for a course to be
2 taken by all students in either the 9th or 10th grade.
3 (j) One credit in physical education to include
4 assessment, improvement, and maintenance of personal fitness.
5 Participation in an interscholastic sport at the junior
6 varsity or varsity level, for two full seasons, shall satisfy
7 the one-credit requirement in physical education if the
8 student passes a competency test on personal fitness with a
9 score of "C" or better. The competency test on personal
10 fitness must be developed by the Department of Education. A
11 district school board may not require that the one credit in
12 physical education be taken during the 9th grade year.
13 Completion of one semester with a grade of "C" or better in a
14 marching band class or in a physical activity class that
15 requires participation in marching band activities as an
16 extracurricular activity shall satisfy a one-half credit
17 requirement in physical education. This one-half credit may
18 not be used to satisfy the personal fitness requirement or the
19 requirement for adaptive physical education under an
20 individual educational plan (IEP) or 504 plan.
21 (k) Eight and one-half elective credits.
22
23 District school boards may award a maximum of one-half credit
24 in social studies and one-half elective credit for student
25 completion of nonpaid voluntary community or school service
26 work. Students choosing this option must complete a minimum
27 of 75 hours of service in order to earn the one-half credit in
28 either category of instruction. Credit may not be earned for
29 service provided as a result of court action. District school
30 boards that approve the award of credit for student volunteer
31 service shall develop guidelines regarding the award of the

1 credit, and school principals are responsible for approving
2 specific volunteer activities. A course designated in the
3 Course Code Directory as grade 9 through grade 12 that is
4 taken below the 9th grade may be used to satisfy high school
5 graduation requirements or Florida Academic Scholars award
6 requirements as specified in a district school board's student
7 progression plan. A student shall be granted credit toward
8 meeting the requirements of this subsection for equivalent
9 courses, as identified pursuant to s. 1007.271(6), taken
10 through dual enrollment.

11 (2) Remedial and compensatory courses taken in grades
12 9 through 12 may only be counted as elective credit as
13 provided in subsection (1).

14 (3) Credit for high school graduation may be earned
15 for volunteer activities and nonacademic activities which have
16 been approved for such credit by the State Board of Education.

17 (4)(a) A district school board may require specific
18 courses and programs of study within the minimum credit
19 requirements for high school graduation and shall modify basic
20 courses, as necessary, to assure exceptional students the
21 opportunity to meet the graduation requirements for a standard
22 diploma, using one of the following strategies:

23 1. Assignment of the exceptional student to an
24 exceptional education class for instruction in a basic course
25 with the same student performance standards as those required
26 of nonexceptional students in the district school board
27 student progression plan; or

28 2. Assignment of the exceptional student to a basic
29 education class for instruction that is modified to
30 accommodate the student's exceptionality.

31

1 (b) The district school board shall determine which of
2 these strategies to employ based upon an assessment of the
3 student's needs and shall reflect this decision in the
4 student's individual educational plan.

5 (c) District school boards are authorized and
6 encouraged to establish requirements for high school
7 graduation in excess of the minimum requirements; however, an
8 increase in academic credit or minimum grade point average
9 requirements shall not apply to those students enrolled in
10 grades 9 through 12 at the time the district school board
11 increases the requirements. In addition, any increase in
12 academic credit or minimum grade point average requirements
13 shall not apply to a student who earns credit toward the
14 graduation requirements of this section for equivalent courses
15 taken through dual enrollment.

16 (5) Each district school board shall establish
17 standards for graduation from its schools, and these standards
18 must include:

19 (a) Earning passing scores on the FCAT, as defined in
20 s. 1008.22(3)(c).

21 (b) Completion of all other applicable requirements
22 prescribed by the district school board pursuant to s.
23 1008.25.

24 (c) Achievement of a cumulative grade point average of
25 1.5 on a 4.0 scale, or its equivalent, for students entering
26 9th grade before the 1997-1998 school year; however, these
27 students must earn a cumulative grade point average of 2.0 on
28 a 4.0 scale, or its equivalent, in the courses required by
29 subsection (1) that are taken after July 1, 1997, or have an
30 overall cumulative grade point average of 2.0 or above.

31

1 (d) Achievement of a cumulative grade point average of
2 2.0 on a 4.0 scale, or its equivalent, in the courses required
3 by subsection (1), for students entering 9th grade in the
4 1997-1998 school year and thereafter.

5 (e) For purposes of paragraphs (c) and (d):

6 1. Each district school board shall adopt policies
7 designed to assist students in meeting these requirements.
8 These policies may include, but are not limited to:
9 forgiveness policies, summer school or before or after school
10 attendance, special counseling, volunteer and/or peer tutors,
11 school-sponsored help sessions, homework hotlines, and study
12 skills classes. Beginning in the 2000-2001 school year and
13 each year thereafter, forgiveness policies for required
14 courses shall be limited to replacing a grade of "D" or "F,"
15 or the equivalent of a grade of "D" or "F," with a grade of
16 "C" or higher, or the equivalent of a grade of "C" or higher,
17 earned subsequently in the same or comparable course.
18 Forgiveness policies for elective courses shall be limited to
19 replacing a grade of "D" or "F," or the equivalent of a grade
20 of "D" or "F," with a grade of "C" or higher, or the
21 equivalent of a grade of "C" or higher, earned subsequently in
22 another course. Any course grade not replaced according to a
23 district school board forgiveness policy shall be included in
24 the calculation of the cumulative grade point average required
25 for graduation.

26 2. At the end of each semester, the parent of each
27 student in grades 9, 10, 11, and 12 who has a cumulative grade
28 point average of less than 0.5 above the cumulative grade
29 point average required for graduation shall be notified that
30 the student is at risk of not meeting the requirements for
31 graduation. The notice shall contain an explanation of the

1 policies the district school board has in place to assist the
2 student in meeting the grade point average requirement.

3 3. Special assistance to obtain a high school
4 equivalency diploma pursuant to s. 1003.435 may be given only
5 when the student has completed all requirements for graduation
6 except the attainment of the required cumulative grade point
7 average.

8
9 The standards required in this subsection, and any subsequent
10 modifications, shall be reprinted in the Florida
11 Administrative Code even though not defined as "rules."

12 (6) The Legislature recognizes that adult learners are
13 unique in situation and needs. The following graduation
14 requirements are therefore instituted for students enrolled in
15 adult general education in accordance with s. 1004.93 in
16 pursuit of a high school diploma:

17 (a) The one credit in physical education required for
18 graduation, pursuant to subsection (1), is not required for
19 graduation and shall be substituted with elective credit
20 keeping the total credits needed for graduation consistent
21 with subsection (1).

22 (b) Each district school board may waive the
23 laboratory component of the science requirement expressed in
24 subsection (1) when such facilities are inaccessible or do not
25 exist.

26 (c) Any course listed within the Department of
27 Education Course Code Directory in the areas of art, dance,
28 drama, or music may be undertaken by adult secondary education
29 students. Enrollment and satisfactory completion of such a
30 course shall satisfy the credit in performing fine arts

31

1 required for high school graduation pursuant to subsection
2 (1).
3 (7) No student may be granted credit toward high
4 school graduation for enrollment in the following courses or
5 programs:
6 (a) More than a total of nine elective credits in
7 remedial programs.
8 (b) More than one credit in exploratory career
9 education courses as defined in s. 1003.01(4)(a).
10 (c) More than three credits in practical arts family
11 and consumer sciences classes as defined in s. 1003.01(4)(a).
12 (d) Any Level I course unless the student's assessment
13 indicates that a more rigorous course of study would be
14 inappropriate, in which case a written assessment of the need
15 must be included in the student's individual educational plan
16 or in a student performance plan, signed by the principal, the
17 guidance counselor, and the parent of the student, or the
18 student if the student is 18 years of age or older.
19 (8) The State Board of Education, after a public
20 hearing and consideration, shall make provision for
21 appropriate modification of testing instruments and procedures
22 for students with identified handicaps or disabilities in
23 order to ensure that the results of the testing represent the
24 student's achievement, rather than reflecting the student's
25 impaired sensory, manual, speaking, or psychological process
26 skills.
27 (9) A student who meets all requirements prescribed in
28 subsections (1), (4), and (5) shall be awarded a standard
29 diploma in a form prescribed by the State Board of Education.
30 A district school board may attach the Florida gold seal
31 career and technical endorsement to a standard diploma or,

1 instead of the standard diploma, award differentiated diplomas
2 to those exceeding the prescribed minimums. A student who
3 completes the minimum number of credits and other requirements
4 prescribed by subsections (1) and (4), but who is unable to
5 meet the standards of paragraph (5)(a), paragraph (5)(b), or
6 paragraph (5)(c), shall be awarded a certificate of completion
7 in a form prescribed by the State Board of Education. However,
8 any student who is otherwise entitled to a certificate of
9 completion may elect to remain in the secondary school either
10 as a full-time student or a part-time student for up to 1
11 additional year and receive special instruction designed to
12 remedy his or her identified deficiencies.

13 (10) The public hearing and consideration required in
14 subsection (8) shall not be construed to amend or nullify the
15 requirements of security relating to the contents of
16 examinations or assessment instruments and related materials
17 or data as prescribed in s. 1008.23.

18 (11) The Commissioner of Education may award a
19 standard high school diploma to honorably discharged veterans
20 who started high school between 1937 and 1946 and were
21 scheduled to graduate between 1941 and 1950 but were inducted
22 into the United States Armed Forces between September 16,
23 1940, and December 31, 1946, prior to completing the necessary
24 high school graduation requirements. Upon the recommendation
25 of the commissioner, the State Board of Education may develop
26 criteria and guidelines for awarding such diplomas.

27 Section 133. Section 1003.435, Florida Statutes, is
28 created to read:

29 1003.435 High school equivalency diploma program.--

30 (1) The State Board of Education shall adopt rules
31 that prescribe performance standards and provide for

1 comprehensive examinations to be administered to candidates
2 for high school equivalency diplomas. Such rules shall
3 include, but are not limited to, provisions for fees,
4 frequency of examinations, and procedures for retaking an
5 examination upon unsatisfactory performance.

6 (2) The department may award high school equivalency
7 diplomas to candidates who meet the performance standards
8 prescribed by the State Board of Education.

9 (3) Each district school board shall offer and
10 administer the high school equivalency diploma examinations
11 and the subject area examinations to all candidates pursuant
12 to rules of the State Board of Education.

13 (4) A candidate for a high school equivalency diploma
14 shall be at least 18 years of age on the date of the
15 examination, except that in extraordinary circumstances, as
16 provided for in rules of the district school board of the
17 district in which the candidate resides or attends school, a
18 candidate may take the examination after reaching the age of
19 16.

20 (5) Each district school board shall develop, in
21 cooperation with the area community college board of trustees,
22 a plan for the provision of advanced instruction for those
23 students who attain satisfactory performance on the high
24 school equivalency examination or the subject area
25 examinations or who demonstrate through other means a
26 readiness to engage in postsecondary-level academic work. The
27 plan shall include provisions for the equitable distribution
28 of generated funds to cover personnel, maintenance, and other
29 costs of offering the advanced instruction. Priority shall be
30 given to programs of advanced instruction offered in high
31 school facilities.

1 (6)(a) All high school equivalency diplomas issued
2 under the provisions of this section shall have equal status
3 with other high school diplomas for all state purposes,
4 including admission to any state university or community
5 college.

6 (b) The State Board of Education shall adopt rules
7 providing for the award of a standard high school diploma to
8 holders of high school equivalency diplomas who are assessed
9 as meeting designated criteria, and the commissioner shall
10 establish procedures for administering the assessment.

11 Section 134. Section 1003.436, Florida Statutes, is
12 created to read:

13 1003.436 Definition of "credit".--

14 (1)(a) For the purposes of requirements for high
15 school graduation, one full credit means a minimum of 135
16 hours of bona fide instruction in a designated course of study
17 that contains student performance standards. The State Board
18 of Education shall determine the number of postsecondary
19 credit hours earned through dual enrollment pursuant to s.
20 1007.271 that satisfy the requirements of a district's
21 interinstitutional articulation agreement according to s.
22 1007.235 and that equal one full credit of the equivalent high
23 school course identified pursuant to s. 1007.271(6).

24 (b) The hourly requirements for one-half credit are
25 one-half the requirements specified in paragraph (a).

26 (2) In awarding credit for high school graduation,
27 each district school board shall maintain a one-half credit
28 earned system that shall include courses provided on a
29 full-year basis. A student enrolled in a full-year course
30 shall receive one-half credit if the student successfully
31 completes either the first half or the second half of a

1 full-year course but fails to successfully complete the other
2 half of the course and the averaging of the grades obtained in
3 each half would not result in a passing grade. A student
4 enrolled in a full-year course shall receive a full credit if
5 the student successfully completes either the first half or
6 the second half of a full-year course but fails to
7 successfully complete the other half of the course and the
8 averaging of the grades obtained in each half would result in
9 a passing grade, provided that such additional requirements
10 specified in district school board policies, such as class
11 attendance, homework, participation, and other indicators of
12 performance, shall be successfully completed by the student.

13 Section 135. Section 1003.437, Florida Statutes, is
14 created to read:

15 1003.437 High school grading system.--The grading
16 system and interpretation of letter grades used in public high
17 schools shall be as follows:

18 (1) Grade "A" equals 90 percent through 100 percent,
19 has a grade point average value of 4, and is defined as
20 "outstanding progress."

21 (2) Grade "B" equals 80 percent through 89 percent,
22 has a grade point average value of 3, and is defined as "above
23 average progress."

24 (3) Grade "C" equals 70 percent through 79 percent,
25 has a grade point average value of 2, and is defined as
26 "average progress."

27 (4) Grade "D" equals 60 percent through 69 percent,
28 has a grade point average value of 1, and is defined as
29 "lowest acceptable progress."

30
31

1 (5) Grade "F" equals zero percent through 59 percent,
2 has a grade point average value of zero, and is defined as
3 "failure."

4 (6) Grade "I" equals zero percent, has a grade point
5 average value of zero, and is defined as "incomplete."

6
7 For the purposes of class ranking, district school boards may
8 exercise a weighted grading system.

9 Section 136. Section 1003.438, Florida Statutes, is
10 created to read:

11 1003.438 Special high school graduation requirements
12 for certain exceptional students.--A student who has been
13 properly classified, in accordance with rules established by
14 the State board of Education, as "educable mentally
15 handicapped," "trainable mentally handicapped," "hearing
16 impaired," "specific learning disabled," "physically or
17 language impaired," or "emotionally handicapped" shall not be
18 required to meet all requirements of s. 1003.43 and shall,
19 upon meeting all applicable requirements prescribed by the
20 district school board pursuant to s. 1008.25, be awarded a
21 special diploma in a form prescribed by the commissioner;
22 however, such special graduation requirements prescribed by
23 the district school board must include minimum graduation
24 requirements as prescribed by the commissioner. Any such
25 student who meets all special requirements of the district
26 school board for exceptionality, but is unable to meet the
27 appropriate special state minimum requirements, shall be
28 awarded a special certificate of completion in a form
29 prescribed by the commissioner. A student who has been
30 properly classified as "profoundly handicapped" and who meets
31 the special requirements of the district school board for a

1 special diploma in accordance with requirements for any
2 exceptional student identified in this section shall be
3 awarded a special diploma; however, such a student shall
4 alternatively be eligible for a special certificate of
5 completion, in a form prescribed by the commissioner, if all
6 school requirements for students who are "profoundly
7 handicapped" have been met. However, this section does not
8 limit or restrict the right of an exceptional student solely
9 to a special diploma or special certificate of completion.
10 Any such student shall, upon proper request, be afforded the
11 opportunity to fully meet all requirements of s. 1003.43
12 through the standard procedures established therein and
13 thereby to qualify for a standard diploma upon graduation.

14 Section 137. Section 1003.44, Florida Statutes, is
15 created to read:

16 1003.44 Patriotic programs; rules.--

17 (1) Each district school board may adopt rules to
18 require, in all of the schools of the district, programs of a
19 patriotic nature to encourage greater respect for the
20 government of the United States and its national anthem and
21 flag, subject always to other existing pertinent laws of the
22 United States or of the state. When the national anthem is
23 played, students and all civilians shall stand at attention,
24 men removing the headdress, except when such headdress is worn
25 for religious purposes. The pledge of allegiance to the flag,
26 "I pledge allegiance to the flag of the United States of
27 America and to the republic for which it stands, one nation
28 under God, indivisible, with liberty and justice for all,"
29 shall be rendered by students standing with the right hand
30 over the heart. The pledge of allegiance to the flag shall be
31 recited at the beginning of the day in each public elementary,

1 middle, and high school in the state. Each student shall be
2 informed by posting a notice in a conspicuous place that the
3 student has the right not to participate in reciting the
4 pledge. Upon written request by his or her parent, the student
5 must be excused from reciting the pledge. When the pledge is
6 given, civilians must show full respect to the flag by
7 standing at attention, men removing the headdress, except when
8 such headdress is worn for religious purposes, as provided by
9 Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
10 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
11 December 22, 1942.

12 (2) Each district school board may allow any teacher
13 or administrator to read, or to post in a public school
14 building or classroom or at any school-related event, any
15 excerpt or portion of the following historic material: the
16 national motto; the national anthem; the pledge of allegiance;
17 the Constitution of the State of Florida, including the
18 Preamble; the Constitution of the United States, including the
19 Preamble; the Bill of Rights; the Declaration of Independence;
20 the Mayflower Compact; the Emancipation Proclamation; the
21 writings, speeches, documents, and proclamations of the
22 presidents of the United States, the signers of the
23 Constitution of the United States and the Declaration of
24 Independence, and civil rights leaders; and decisions of the
25 United States Supreme Court. However, any material that is
26 read, posted, or taught pursuant to this provision may be
27 presented only from a historical perspective and in a
28 nonproselytizing manner. When less than an entire document is
29 used, the excerpt or portion must include as much material as
30 is reasonably necessary to reflect the sentiment of the entire
31 document and avoid expressing statements out of the context in

1 which they were originally made. If the material refers to
2 laws or judicial decisions that have been superseded, the
3 material must be accompanied by a statement indicating that
4 such law or decision is no longer the law of the land. No
5 material shall be selected to advance a particular religious,
6 political, or sectarian purpose. The department shall
7 distribute a copy of this section to each district school
8 board, whereupon each district school superintendent shall
9 distribute a copy to all teachers and administrators.

10 Section 138. Section 1003.45, Florida Statutes, is
11 created to read:

12 1003.45 Permitting study of the Bible and religion;
13 permitting brief meditation period.--

14 (1) The district school board may install in the
15 public schools in the district a secular program of education
16 including, but not limited to, an objective study of the Bible
17 and of religion.

18 (2) The district school board may provide that a brief
19 period, not to exceed 2 minutes, for the purpose of silent
20 prayer or meditation be set aside at the start of each school
21 day or each school week in the public schools in the district.

22 Section 139. Section 1003.46, Florida Statutes, is
23 created to read:

24 1003.46 Health education; instruction in acquired
25 immune deficiency syndrome.--

26 (1) Each district school board may provide instruction
27 in acquired immune deficiency syndrome education as a specific
28 area of health education. Such instruction may include, but
29 is not limited to, the known modes of transmission, signs and
30 symptoms, risk factors associated with acquired immune
31 deficiency syndrome, and means used to control the spread of

1 acquired immune deficiency syndrome. The instruction shall be
2 appropriate for the grade and age of the student and shall
3 reflect current theory, knowledge, and practice regarding
4 acquired immune deficiency syndrome and its prevention.

5 (2) Throughout instruction in acquired immune
6 deficiency syndrome, sexually transmitted diseases, or health
7 education, when such instruction and course material contains
8 instruction in human sexuality, a school shall:

9 (a) Teach abstinence from sexual activity outside of
10 marriage as the expected standard for all school-age students
11 while teaching the benefits of monogamous heterosexual
12 marriage.

13 (b) Emphasize that abstinence from sexual activity is
14 a certain way to avoid out-of-wedlock pregnancy, sexually
15 transmitted diseases, including acquired immune deficiency
16 syndrome, and other associated health problems.

17 (c) Teach that each student has the power to control
18 personal behavior and encourage students to base actions on
19 reasoning, self-esteem, and respect for others.

20 (d) Provide instruction and material that is
21 appropriate for the grade and age of the student.

22 Section 140. Section 1003.47, Florida Statutes, is
23 created to read:

24 1003.47 Biological experiments on living subjects.--

25 (1) It is the intent of the Legislature with respect
26 to biological experiments involving living subjects by
27 students in grades K through 12 that:

28 (a) No surgery or dissection shall be performed on any
29 living mammalian vertebrate or bird. Dissection may be
30 performed on nonliving mammals or birds secured from a
31 recognized source of such specimens and under supervision of

1 qualified instructors. Students may be excused upon written
2 request of a parent.

3 (b) Lower orders of life and invertebrates may be used
4 in such experiments.

5 (c) Nonmammalian vertebrates, excluding birds, may be
6 used in biological experiments, provided that physiological
7 harm does not result from such experiments. Anatomical
8 studies shall only be conducted on models that are
9 anatomically correct for the animal being studied or on
10 nonliving nonmammalian vertebrates secured and from a
11 recognized source of such specimens and under the supervision
12 of qualified instructors. Students may be excused from such
13 experiments upon written request of the parent.

14 (d) Observational studies of animals in the wild or in
15 zoological parks, gardens, or aquaria, or of pets, fish,
16 domestic animals, or livestock may be conducted.

17 (e) Studies of vertebrate animal cells, such as red
18 blood cells or other tissue cells, plasma or serum, or
19 anatomical specimens, such as organs, tissues, or skeletons,
20 purchased or acquired from biological supply houses or
21 research facilities or from wholesale or retail establishments
22 that supply carcasses or parts of food animals may be
23 conducted.

24 (f) Normal physiological and behavioral studies of the
25 human animal may be conducted, provided that such projects are
26 carefully selected so that neither physiological or
27 psychological harm to the subject can result from such
28 studies.

29 (g) All experiments shall be carried out under the
30 supervision of a competent science teacher who shall be
31 responsible for ensuring that the student has the necessary

1 comprehension for the study to be undertaken. Whenever
2 feasible, specifically qualified experts in the field should
3 be consulted.

4 (h) Live animals on the premises of public and private
5 elementary, middle, and high schools shall be housed and cared
6 for in a humane and safe manner. Animals shall not remain on
7 the premises of any school during periods when such school is
8 not in session, unless adequate care is provided for such
9 animals.

10 (2) The provisions of this section shall not be
11 construed to prohibit or constrain conventional instruction in
12 the normal practices of animal husbandry or exhibition of any
13 livestock in connection with any agricultural program or
14 instruction of advanced students participating in advanced
15 research, scientific studies, or projects.

16 (3) If any instructional employee of a public high
17 school or area technical center knowingly or intentionally
18 fails or refuses to comply with any of the provisions of this
19 section, the district school board may suspend, dismiss,
20 return to annual contract, or otherwise discipline such
21 employee as provided in s. 1012.22(1)(f) in accordance with
22 procedures established in chapter 1012. If any instructional
23 employee of any private school knowingly or intentionally
24 fails or refuses to comply with the provisions of this
25 section, the governing authority of the private school may
26 suspend, dismiss, or otherwise discipline such employee in
27 accordance with its standard personnel procedures.

28 Section 141. Section 1003.48, Florida Statutes, is
29 created to read:

30 1003.48 Instruction in operation of motor vehicles.--
31

1 (1) A course of study and instruction in the safe and
2 lawful operation of a motor vehicle shall be made available by
3 each district school board to students in the secondary
4 schools in the state. As used in this section, the term
5 "motor vehicle" shall have the same meaning as in s.
6 320.01(1)(a) and shall include motorcycles and mopeds.
7 Instruction in motorcycle or moped operation may be limited to
8 classroom instruction. The course shall not be made a part
9 of, or a substitute for, any of the minimum requirements for
10 graduation.

11 (2) In order to make such a course available to any
12 secondary school student, the district school board may use
13 any one of the following procedures or any combination
14 thereof:

15 (a) Utilize instructional personnel employed by the
16 district school board.

17 (b) Contract with a commercial driving school licensed
18 under the provisions of chapter 488.

19 (c) Contract with an instructor certified under the
20 provisions of chapter 488.

21 (3)(a) District school boards shall earn funds on
22 full-time equivalent students at the appropriate basic program
23 cost factor, regardless of the method by which such courses
24 are offered.

25 (b) For the purpose of financing the Driver Education
26 Program in the secondary schools, there shall be levied an
27 additional 50 cents per year to the driver's license fee
28 required by s. 322.21. The additional fee shall be promptly
29 remitted to the Department of Highway Safety and Motor
30 Vehicles, which shall transmit the fee to the Treasurer to be
31 deposited in the General Revenue Fund.

1 (4) The district school board shall prescribe
2 standards for the course required by this section and for
3 instructional personnel directly employed by the district
4 school board. Any certified instructor or licensed commercial
5 driving school shall be deemed sufficiently qualified and
6 shall not be required to meet any standards in lieu of or in
7 addition to those prescribed under chapter 488.

8 Section 142. Section 1003.49, Florida Statutes, is
9 created to read:

10 1003.49 Graduation and promotion requirements for
11 publicly operated schools.--

12 (1) Each state or local public agency, including the
13 Department of Children and Family Services, the Department of
14 Corrections, the boards of trustees of universities and
15 community colleges, and the Board of Trustees of the Florida
16 School for the Deaf and the Blind, which agency is authorized
17 to operate educational programs for students at any level of
18 grades kindergarten through 12 shall be subject to all
19 applicable requirements of ss. 1003.43, 1008.23, and 1008.25.
20 Within the content of these cited statutes each such state or
21 local public agency or entity shall be considered a "district
22 school board."

23 (2) The Commissioner of Education shall establish
24 procedures to extend the state-administered assessment program
25 to school programs operated by such state or local public
26 agencies or entities in the same manner and to the same extent
27 as such program is administered in each district school
28 system.

29 Section 143. Section 1003.491, Florida Statutes, is
30 created to read:

31 1003.491 Career and technical education.--

1 (1) School board, superintendent, and school
2 accountability for career and technical education within
3 elementary and secondary schools includes, but is not limited
4 to:
5 (a) Student exposure to a variety of careers and
6 provision of instruction to explore specific careers in
7 greater depth.
8 (b) Student awareness of available career and
9 technical programs and the corresponding occupations into
10 which such programs lead.
11 (c) Student development of individual career plans.
12 (d) Integration of academic and career and technical
13 skills in the secondary curriculum.
14 (e) Student preparation to enter the workforce and
15 enroll in postsecondary education without being required to
16 complete college-preparatory or career and
17 technical-preparatory instruction.
18 (f) Student retention in school through high school
19 graduation.
20 (g) Career and technical curriculum articulation with
21 corresponding postsecondary programs in the local area
22 technical center or community college, or both.
23 (2) No school board or public school shall require a
24 student to participate in any school-to-work or job training
25 program. A district school board or school shall not require a
26 student to meet occupational standards for grade level
27 promotion or graduation unless the student is voluntarily
28 enrolled in a job training program.
29 Section 144. Part V of chapter 1003, Florida Statutes,
30 shall be entitled "Specialized Instruction For Certain Public
31 K-12 Students" and shall consist of ss. 1003.51-1003.58.

1 Section 145. Section 1003.51, Florida Statutes, is
2 created to read:

3 1003.51 Other public educational services.--

4 (1) The general control of other public educational
5 services shall be vested in the State Board of Education
6 except as provided herein. The State Board of Education
7 shall, at the request of the Department of Children and Family
8 Services and the Department of Juvenile Justice, advise as to
9 standards and requirements relating to education to be met in
10 all state schools or institutions under their control which
11 provide educational programs. The Department of Education
12 shall provide supervisory services for the educational
13 programs of all such schools or institutions. The direct
14 control of any of these services provided as part of the
15 district program of education shall rest with the district
16 school board. These services shall be supported out of state,
17 district, federal, or other lawful funds, depending on the
18 requirements of the services being supported.

19 (2) The State Board of Education shall adopt and
20 maintain an administrative rule articulating expectations for
21 effective education programs for youth in Department of
22 Juvenile Justice programs, including, but not limited to,
23 education programs in juvenile justice commitment and
24 detention facilities. The rule shall articulate policies and
25 standards for education programs for youth in Department of
26 Juvenile Justice programs and shall include the following:

27 (a) The interagency collaborative process needed to
28 ensure effective programs with measurable results.

29 (b) The responsibilities of the Department of
30 Education, the Department of Juvenile Justice, district school

31

1 boards, and providers of education services to youth in
2 Department of Juvenile Justice programs.
3 (c) Academic expectations.
4 (d) Service delivery options available to district
5 school boards, including direct service and contracting.
6 (e) Assessment procedures, which:
7 1. Include appropriate academic and career and
8 technical assessments administered at program entry and exit
9 that are selected by the Department of Education in
10 partnership with representatives from the Department of
11 Juvenile Justice, district school boards, and providers.
12 2. Require district school boards to be responsible
13 for ensuring the completion of the assessment process.
14 3. Require assessments for students in detention who
15 will move on to commitment facilities, to be designed to
16 create the foundation for developing the student's education
17 program in the assigned commitment facility.
18 4. Require assessments of students sent directly to
19 commitment facilities to be completed within the first week of
20 the student's commitment.
21
22 The results of these assessments, together with a portfolio
23 depicting the student's academic and career and technical
24 accomplishments, shall be included in the discharge package
25 assembled for each youth.
26 (f) Recommended instructional programs, including, but
27 not limited to, career and technical training and job
28 preparation.
29 (g) Funding requirements, which shall include the
30 requirement that at least 80 percent of the FEFP funds
31 generated by students in Department of Juvenile Justice

1 programs be spent on instructional costs for those students.
2 One hundred percent of the formula-based categorical funds
3 generated by students in Department of Juvenile Justice
4 programs must be spent on appropriate categoricals such as
5 instructional materials and public school technology for those
6 students.

7 (h) Qualifications of instructional staff, procedures
8 for the selection of instructional staff, and procedures to
9 ensure consistent instruction and qualified staff year round.

10 (i) Transition services, including the roles and
11 responsibilities of appropriate personnel in school districts,
12 provider organizations, and the Department of Juvenile
13 Justice.

14 (j) Procedures and timeframe for transfer of education
15 records when a youth enters and leaves a facility.

16 (k) The requirement that each district school board
17 maintain an academic transcript for each student enrolled in a
18 juvenile justice facility that delineates each course
19 completed by the student as provided by the State Course Code
20 Directory.

21 (l) The requirement that each district school board
22 make available and transmit a copy of a student's transcript
23 in the discharge packet when the student exits a facility.

24 (m) Contract requirements.

25 (n) Performance expectations for providers and
26 district school boards, including the provision of an academic
27 improvement plan as required in s. 1008.25.

28 (o) The role and responsibility of the district school
29 board in securing workforce development funds.

30 (p) A series of graduated sanctions for district
31 school boards whose educational programs in Department of

1 Juvenile Justice facilities are considered to be
2 unsatisfactory and for instances in which district school
3 boards fail to meet standards prescribed by law, rule, or
4 State Board of Education policy. These sanctions shall include
5 the option of requiring a district school board to contract
6 with a provider or another district school board if the
7 educational program at the Department of Juvenile Justice
8 facility has failed a quality assurance review and, after 6
9 months, is still performing below minimum standards.

10 (g) Other aspects of program operations.

11 (3) The Department of Education in partnership with
12 the Department of Juvenile Justice, the district school
13 boards, and providers shall:

14 (a) Maintain model contracts for the delivery of
15 appropriate education services to youth in Department of
16 Juvenile Justice programs to be used for the development of
17 future contracts. The model contracts shall reflect the policy
18 and standards included in subsection (2). The Department of
19 Education shall ensure that appropriate district school board
20 personnel are trained and held accountable for the management
21 and monitoring of contracts for education programs for youth
22 in juvenile justice residential and nonresidential facilities.

23 (b) Maintain model procedures for transitioning youth
24 into and out of Department of Juvenile Justice programs. These
25 procedures shall reflect the policy and standards adopted
26 pursuant to subsection (2).

27 (c) Maintain standardized required content of
28 education records to be included as part of a youth's
29 commitment record. These requirements shall reflect the policy
30 and standards adopted pursuant to subsection (2) and shall
31 include, but not be limited to, the following:

- 1 1. A copy of the student's individual educational
2 plan.
- 3 2. Assessment data, including grade level proficiency
4 in reading, writing, and mathematics, and performance on tests
5 taken according to s. 1008.22.
- 6 3. A copy of the student's permanent cumulative
7 record.
- 8 4. A copy of the student's academic transcript.
- 9 5. A portfolio reflecting the youth's academic
10 accomplishments while in the Department of Juvenile Justice
11 program.
- 12 (d) Maintain model procedures for securing the
13 education record and the roles and responsibilities of the
14 juvenile probation officer and others involved in the
15 withdrawal of the student from school and assignment to a
16 commitment or detention facility. District school boards shall
17 respond to requests for student education records received
18 from another district school board or a juvenile justice
19 facility within 5 working days after receiving the request.
- 20 (4) The Department of Education shall ensure that
21 district school boards notify students in juvenile justice
22 residential or nonresidential facilities who attain the age of
23 16 years of the provisions of law regarding compulsory school
24 attendance and make available the option of enrolling in a
25 program to attain a Florida high school diploma by taking the
26 general educational development test prior to release from the
27 facility. District school boards or community colleges, or
28 both, shall waive GED testing fees for youth in Department of
29 Juvenile Justice residential programs and shall, upon request,
30 designate schools operating for the purpose of providing
31 educational services to youth in Department of Juvenile

1 Justice programs as GED testing centers, subject to GED
2 testing center requirements. The administrative fees for the
3 general education development test required by the Department
4 of Education are the responsibility of district school boards
5 and may be required of providers by contractual agreement.
6 (5) The Department of Education shall establish and
7 operate, either directly or indirectly through a contract, a
8 mechanism to provide quality assurance reviews of all juvenile
9 justice education programs and shall provide technical
10 assistance and related research to district school boards and
11 providers on how to establish, develop, and operate
12 educational programs that exceed the minimum quality assurance
13 standards.
14 Section 146. Section 1003.52, Florida Statutes, is
15 created to read:
16 1003.52 Educational services in Department of Juvenile
17 Justice programs.--
18 (1) The Legislature finds that education is the single
19 most important factor in the rehabilitation of adjudicated
20 delinquent youth in the custody of the Department of Juvenile
21 Justice in detention or commitment facilities. It is the goal
22 of the Legislature that youth in the juvenile justice system
23 continue to be allowed the opportunity to obtain a high
24 quality education. The Department of Education shall serve as
25 the lead agency for juvenile justice education programs,
26 curriculum, support services, and resources. To this end, the
27 Department of Education and the Department of Juvenile Justice
28 shall each designate a Coordinator for Juvenile Justice
29 Education Programs to serve as the point of contact for
30 resolving issues not addressed by district school boards and
31

1 to provide each department's participation in the following
2 activities:

3 (a) Training, collaborating, and coordinating with the
4 Department of Juvenile Justice, district school boards,
5 educational contract providers, and juvenile justice
6 providers, whether state operated or contracted.

7 (b) Collecting information on the academic performance
8 of students in juvenile justice commitment and detention
9 programs and reporting on the results.

10 (c) Developing academic and career and technical
11 protocols that provide guidance to district school boards and
12 providers in all aspects of education programming, including
13 records transfer and transition.

14 (d) Prescribing the roles of program personnel and
15 interdepartmental district school board or provider
16 collaboration strategies.

17
18 Annually, a cooperative agreement and plan for juvenile
19 justice education service enhancement shall be developed
20 between the Department of Juvenile Justice and the Department
21 of Education and submitted to the Secretary of Juvenile
22 Justice and the Commissioner of Education by June 30.

23 (2) Students participating in a detention, commitment,
24 or rehabilitation program pursuant to chapter 985 which is
25 sponsored by a community-based agency or is operated or
26 contracted for by the Department of Juvenile Justice shall
27 receive educational programs according to rules of the State
28 Board of Education. These students shall be eligible for
29 services afforded to students enrolled in programs pursuant to
30 s. 1003.53 and all corresponding State Board of Education
31 rules.

1 (3) The district school board of the county in which
2 the residential or nonresidential care facility or juvenile
3 assessment facility is located shall provide appropriate
4 educational assessments and an appropriate program of
5 instruction and special education services. The district
6 school board shall make provisions for each student to
7 participate in basic, career and technical education, and
8 exceptional student programs as appropriate. Students served
9 in Department of Juvenile Justice programs shall have access
10 to the appropriate courses and instruction to prepare them for
11 the GED test. Students participating in GED preparation
12 programs shall be funded at the basic program cost factor for
13 Department of Juvenile Justice programs in the Florida
14 Education Finance Program. Each program shall be conducted
15 according to applicable law providing for the operation of
16 public schools and rules of the State Board of Education.

17 (4) Educational services shall be provided at times of
18 the day most appropriate for the juvenile justice program.
19 School programming in juvenile justice detention, commitment,
20 and rehabilitation programs shall be made available by the
21 local school district during the juvenile justice school year,
22 as defined in s. 1003.01(12).

23 (5) The educational program shall consist of
24 appropriate basic academic, career and technical, or
25 exceptional curricula and related services which support the
26 treatment goals and reentry and which may lead to completion
27 of the requirements for receipt of a high school diploma or
28 its equivalent. If the duration of a program is less than 40
29 days, the educational component may be limited to tutorial
30 activities and career and technical employability skills.

31

1 (6) Participation in the program by students of
2 compulsory school-attendance age as provided for in s. 1003.21
3 shall be mandatory. All students of noncompulsory
4 school-attendance age who have not received a high school
5 diploma or its equivalent shall participate in the educational
6 program, unless the student files a formal declaration of his
7 or her intent to terminate school enrollment as described in
8 s. 1003.21 and is afforded the opportunity to take the general
9 educational development test and attain a Florida high school
10 diploma prior to release from a facility. A youth who has
11 received a high school diploma or its equivalent and is not
12 employed shall participate in workforce development or other
13 career or technical education or community college or
14 university courses while in the program, subject to available
15 funding.

16 (7) An academic improvement plan shall be developed
17 for students who score below the level specified in district
18 school board policy in reading, writing, and mathematics or
19 below the level specified by the Commissioner of Education on
20 statewide assessments as required by s. 1008.25. These plans
21 shall address academic, literacy, and life skills and shall
22 include provisions for intensive remedial instruction in the
23 areas of weakness.

24 (8) Each district school board shall maintain an
25 academic record for each student enrolled in a juvenile
26 justice facility as prescribed by s. 1003.51. Such record
27 shall delineate each course completed by the student according
28 to procedures in the State Course Code Directory. The district
29 school board shall include a copy of a student's academic
30 record in the discharge packet when the student exits the
31 facility.

1 (9) The Department of Education shall ensure that all
2 district school boards make provisions for high school level
3 committed youth to earn credits toward high school graduation
4 while in residential and nonresidential juvenile justice
5 facilities. Provisions must be made for the transfer of
6 credits and partial credits earned.

7 (10) The district school board shall recruit and train
8 teachers who are interested, qualified, or experienced in
9 educating students in juvenile justice programs. Students in
10 juvenile justice programs shall be provided a wide range of
11 educational programs and opportunities including textbooks,
12 technology, instructional support, and other resources
13 available to students in public schools. Teachers assigned to
14 educational programs in juvenile justice settings in which the
15 district school board operates the educational program shall
16 be selected by the district school board in consultation with
17 the director of the juvenile justice facility. Educational
18 programs in juvenile justice facilities shall have access to
19 the substitute teacher pool utilized by the district school
20 board. Full-time teachers working in juvenile justice schools,
21 whether employed by a district school board or a provider,
22 shall be eligible for the critical teacher shortage tuition
23 reimbursement program as defined by s. 1009.58.

24 (11) District school boards may contract with a
25 private provider for the provision of educational programs to
26 youths placed with the Department of Juvenile Justice and
27 shall generate local, state, and federal funding, including
28 funding through the Florida Education Finance Program for such
29 students. The district school board's planning and budgeting
30 process shall include the needs of Department of Juvenile
31

1 Justice programs in the district school board's plan for
2 expenditures for state categorical and federal funds.
3 (12) The district school board shall fund the
4 educational program in a Department of Juvenile Justice
5 facility at the same or higher level of funding for equivalent
6 students in the district school system based on the funds
7 generated by state funding through the Florida Education
8 Finance Program for such students. It is the intent of the
9 Legislature that the school district maximize its available
10 local, state, and federal funding to a juvenile justice
11 program.
12 (a) Juvenile justice educational programs shall be
13 funded in the appropriate FEFP program based on the
14 educational services needed by the student for Department of
15 Juvenile Justice programs in accordance with s. 1011.62.
16 (b) Juvenile justice educational programs to receive
17 the appropriate FEFP funding for Department of Juvenile
18 Justice programs shall include those operated through a
19 contract with the Department of Juvenile Justice and which are
20 under purview of the Department of Juvenile Justice quality
21 assurance standards for education.
22 (c) Consistent with the rules of the State Board of
23 Education, district school boards are required to request an
24 alternative FTE survey for Department of Juvenile Justice
25 programs experiencing fluctuations in student enrollment.
26 (d) FTE count periods shall be prescribed in rules of
27 the State Board of Education and shall be the same for
28 programs of the Department of Juvenile Justice as for other
29 public school programs. The summer school period for students
30 in Department of Juvenile Justice programs shall begin on the
31 day immediately following the end of the regular school year

1 and end on the day immediately preceding the subsequent
2 regular school year. Students shall be funded for no more than
3 25 hours per week of direct instruction.

4 (13) Each district school board shall negotiate a
5 cooperative agreement with the Department of Juvenile Justice
6 on the delivery of educational services to youths under the
7 jurisdiction of the Department of Juvenile Justice. Such
8 agreement must include, but is not limited to:

9 (a) Roles and responsibilities of each agency,
10 including the roles and responsibilities of contract
11 providers.

12 (b) Administrative issues including procedures for
13 sharing information.

14 (c) Allocation of resources including maximization of
15 local, state, and federal funding.

16 (d) Procedures for educational evaluation for
17 educational exceptionalities and special needs.

18 (e) Curriculum and delivery of instruction.

19 (f) Classroom management procedures and attendance
20 policies.

21 (g) Procedures for provision of qualified
22 instructional personnel, whether supplied by the district
23 school board or provided under contract by the provider, and
24 for performance of duties while in a juvenile justice setting.

25 (h) Provisions for improving skills in teaching and
26 working with juvenile delinquents.

27 (i) Transition plans for students moving into and out
28 of juvenile facilities.

29 (j) Procedures and timelines for the timely
30 documentation of credits earned and transfer of student
31 records.

1 (k) Methods and procedures for dispute resolution.

2 (l) Provisions for ensuring the safety of education
3 personnel and support for the agreed-upon education program.

4 (m) Strategies for correcting any deficiencies found
5 through the quality assurance process.

6 (14) Nothing in this section or in a cooperative
7 agreement shall be construed to require the district school
8 board to provide more services than can be supported by the
9 funds generated by students in the juvenile justice programs.

10 (15)(a) The Department of Education in consultation
11 with the Department of Juvenile Justice, district school
12 boards, and providers shall establish objective and measurable
13 quality assurance standards for the educational component of
14 residential and nonresidential juvenile justice facilities.
15 These standards shall rate the district school board's
16 performance both as a provider and contractor. The quality
17 assurance rating for the educational component shall be
18 disaggregated from the overall quality assurance score and
19 reported separately.

20 (b) The Department of Education shall develop a
21 comprehensive quality assurance review process and schedule
22 for the evaluation of the educational component in juvenile
23 justice programs. The Department of Juvenile Justice quality
24 assurance site visit and the education quality assurance site
25 visit shall be conducted during the same visit.

26 (c) The Department of Education, in consultation with
27 district school boards and providers, shall establish minimum
28 thresholds for the standards and key indicators for
29 educational programs in juvenile justice facilities. If a
30 district school board fails to meet the established minimum
31 standards, it will be given 6 months to achieve compliance

1 with the standards. If after 6 months, the district school
2 board's performance is still below minimum standards, the
3 Department of Education shall exercise sanctions as prescribed
4 by rules adopted by the State Board of Education. If a
5 provider, under contract with the district school board, fails
6 to meet minimum standards, such failure shall cause the
7 district school board to cancel the provider's contract unless
8 the provider achieves compliance within 6 months or unless
9 there are documented extenuating circumstances.

10 (16) The district school board shall not be charged
11 any rent, maintenance, utilities, or overhead on such
12 facilities. Maintenance, repairs, and remodeling of existing
13 facilities shall be provided by the Department of Juvenile
14 Justice.

15 (17) When additional facilities are required, the
16 district school board and the Department of Juvenile Justice
17 shall agree on the appropriate site based on the instructional
18 needs of the students. When the most appropriate site for
19 instruction is on district school board property, a special
20 capital outlay request shall be made by the commissioner in
21 accordance with s. 1013.60. When the most appropriate site is
22 on state property, state capital outlay funds shall be
23 requested by the Department of Juvenile Justice provided by s.
24 216.043 and shall be submitted as specified by s. 216.023.
25 Any instructional facility to be built on state property shall
26 have educational specifications jointly developed by the
27 district school board and the Department of Juvenile Justice
28 and approved by the Department of Education. The size of
29 space and occupant design capacity criteria as provided by
30 State Board of Education rules shall be used for remodeling or

31

1 new construction whether facilities are provided on state
2 property or district school board property.

3 (18) The parent of an exceptional student shall have
4 the due process rights provided for in chapter 1003.

5 (19) Department of Juvenile Justice detention and
6 commitment programs may be designated as second chance schools
7 pursuant to s. 1003.53(1)(d). Admission to such programs shall
8 be governed by chapter 985.

9 (20) The Department of Education and the Department of
10 Juvenile Justice, after consultation with and assistance from
11 local providers and district school boards, shall report
12 annually to the Legislature by February 1 on the progress
13 towards developing effective educational programs for juvenile
14 delinquents, including the amount of funding provided by
15 district school boards to juvenile justice programs, the
16 amount retained for administration including documenting the
17 purposes for such expenses, the status of the development of
18 cooperative agreements, the results of the quality assurance
19 reviews including recommendations for system improvement, and
20 information on the identification of, and services provided
21 to, exceptional students in juvenile justice commitment
22 facilities to determine whether these students are properly
23 reported for funding and are appropriately served.

24 (21) The educational programs at the Arthur Dozier
25 School for Boys in Jackson County and the Florida School for
26 Boys in Okeechobee shall be operated by the Department of
27 Education, either directly or through grants or contractual
28 agreements with other public or duly accredited education
29 agencies approved by the Department of Education.

30 (22) The State Board of Education may adopt any rules
31 necessary to implement the provisions of this section,

1 including uniform curriculum, funding, and second chance
2 schools. Such rules shall require the minimum amount of
3 paperwork and reporting.

4 (23) The Department of Juvenile Justice and the
5 Department of Education shall, in consultation with the
6 statewide Workforce Development Youth Council, district school
7 boards, providers, and others, jointly develop a multiagency
8 plan for career and technical education which describes the
9 curriculum, goals, and outcome measures for career and
10 technical education programming in juvenile commitment
11 facilities, pursuant to s. 985.3155.

12 Section 147. Section 1003.53, Florida Statutes, is
13 created to read:

14 1003.53 Dropout prevention and academic
15 intervention.--

16 (1)(a) Dropout prevention and academic intervention
17 programs may differ from traditional educational programs and
18 schools in scheduling, administrative structure, philosophy,
19 curriculum, or setting and shall employ alternative teaching
20 methodologies, curricula, learning activities, and diagnostic
21 and assessment procedures in order to meet the needs,
22 interests, abilities, and talents of eligible students. The
23 educational program shall provide curricula, character
24 development and law education, and related services that
25 support the program goals and lead to improved performance in
26 the areas of academic achievement, attendance, and discipline.
27 Student participation in such programs shall be voluntary.
28 District school boards may, however, assign students to a
29 program for disruptive students. Notwithstanding any other
30 provision of law to the contrary, no student shall be
31 identified as being eligible to receive services funded

1 through the dropout prevention and academic intervention
2 program based solely on the student being from a single-parent
3 family.

4 (b) Students in grades 1-12 shall be eligible for
5 dropout prevention and academic intervention programs.
6 Eligible students shall be reported in the appropriate basic
7 cost factor in the Florida Education Finance Program. The
8 strategies and supports provided to eligible students shall be
9 funded through the General Appropriations Act and may include,
10 but are not limited to, those services identified on the
11 student's academic intervention plan.

12 (c) A student shall be identified as being eligible to
13 receive services funded through the dropout prevention and
14 academic intervention program based upon one of the following
15 criteria:

16 1. The student is academically unsuccessful as
17 evidenced by low test scores, retention, failing grades, low
18 grade point average, falling behind in earning credits, or not
19 meeting the state or district proficiency levels in reading,
20 mathematics, or writing.

21 2. The student has a pattern of excessive absenteeism
22 or has been identified as a habitual truant.

23 3. The student has a history of disruptive behavior in
24 school or has committed an offense that warrants out-of-school
25 suspension or expulsion from school according to the district
26 school board's code of student conduct. For the purposes of
27 this program, "disruptive behavior" is behavior that:

28 a. Interferes with the student's own learning or the
29 educational process of others and requires attention and
30 assistance beyond that which the traditional program can
31 provide or results in frequent conflicts of a disruptive

1 nature while the student is under the jurisdiction of the
2 school either in or out of the classroom; or
3 b. Severely threatens the general welfare of students
4 or others with whom the student comes into contact.
5 (d)1. "Second chance schools" means district school
6 board programs provided through cooperative agreements between
7 the Department of Juvenile Justice, private providers, state
8 or local law enforcement agencies, or other state agencies for
9 students who have been disruptive or violent or who have
10 committed serious offenses. As partnership programs, second
11 chance schools are eligible for waivers by State Board of
12 Education rules from statutory requirements that prevent the
13 provision of appropriate educational services to violent,
14 severely disruptive, or delinquent students in small
15 nontraditional settings or in court-adjudicated settings.
16 2. District school boards seeking to enter into a
17 partnership with a private entity or public entity to operate
18 a second chance school for disruptive students may apply to
19 the Department of Education for startup grants. These grants
20 must be available for 1 year and must be used to offset the
21 startup costs for implementing such programs off public school
22 campuses. General operating funds must be generated through
23 the appropriate programs of the Florida Education Finance
24 Program. Grants approved under this program shall be for the
25 full operation of the school by a private nonprofit or
26 for-profit provider or the public entity. This program must
27 operate under rules adopted by the State Board of Education
28 and be implemented to the extent funded by the Legislature.
29 3. A student enrolled in a sixth, seventh, eighth,
30 ninth, or tenth grade class may be assigned to a second chance
31 school if the student meets the following criteria:

- 1 a. The student is a habitual truant as defined in s.
2 1003.01.
- 3 b. The student's excessive absences have detrimentally
4 affected the student's academic progress and the student may
5 have unique needs that a traditional school setting may not
6 meet.
- 7 c. The student's high incidences of truancy have been
8 directly linked to a lack of motivation.
- 9 d. The student has been identified as at risk of
10 dropping out of school.
- 11 4. A student who is habitually truant may be assigned
12 to a second chance school only if the case staffing committee,
13 established pursuant to s. 984.12, determines that such
14 placement could be beneficial to the student and the criteria
15 included in subparagraph 3. are met.
- 16 5. A student may be assigned to a second chance school
17 if the district school board in which the student resides has
18 a second chance school and if the student meets one of the
19 following criteria:
- 20 a. The student habitually exhibits disruptive behavior
21 in violation of the code of student conduct adopted by the
22 district school board.
- 23 b. The student interferes with the student's own
24 learning or the educational process of others and requires
25 attention and assistance beyond that which the traditional
26 program can provide, or, while the student is under the
27 jurisdiction of the school either in or out of the classroom,
28 frequent conflicts of a disruptive nature occur.
- 29 c. The student has committed a serious offense which
30 warrants suspension or expulsion from school according to the
31

1 district school board's code of student conduct. For the
2 purposes of this program, "serious offense" is behavior which:

- 3 (I) Threatens the general welfare of students or
4 others with whom the student comes into contact;
5 (II) Includes violence;
6 (III) Includes possession of weapons or drugs; or
7 (IV) Is harassment or verbal abuse of school personnel
8 or other students.

9 6. Prior to assignment of students to second chance
10 schools, district school boards are encouraged to use
11 alternative programs, such as in-school suspension, which
12 provide instruction and counseling leading to improved student
13 behavior, a reduction in the incidence of truancy, and the
14 development of more effective interpersonal skills.

15 7. Students assigned to second chance schools must be
16 evaluated by the district school board's child study team
17 before placement in a second chance school. The study team
18 shall ensure that students are not eligible for placement in a
19 program for emotionally disturbed children.

20 8. Students who exhibit academic and social progress
21 and who wish to return to a traditional school shall complete
22 a character development and law education program and
23 demonstrate preparedness to reenter the regular school setting
24 prior to reentering a traditional school.

25 (2)(a) Each district school board may establish
26 dropout prevention and academic intervention programs at the
27 elementary, middle, junior high school, or high school level.
28 Programs designed to eliminate patterns of excessive
29 absenteeism or habitual truancy shall emphasize academic
30 performance and may provide specific instruction in the areas
31 of career education, preemployment training, and behavioral

1 management. Such programs shall utilize instructional teaching
2 methods appropriate to the specific needs of the student.

3 (b) Each school that establishes a dropout prevention
4 and academic intervention program at that school site shall
5 reflect that program in the school improvement plan as
6 required under s. 1001.42(16).

7 (3) Each district school board receiving state funding
8 for dropout prevention and academic intervention programs
9 through the General Appropriations Act shall submit
10 information through an annual report to the Department of
11 Education's database documenting the extent to which each of
12 the district's dropout prevention and academic intervention
13 programs has been successful in the areas of graduation rate,
14 dropout rate, attendance rate, and retention/promotion rate.
15 The department shall compile this information into an annual
16 report which shall be submitted to the presiding officers of
17 the Legislature by February 15.

18 (4) Each district school board shall establish
19 procedures for ensuring that teachers assigned to dropout
20 prevention and academic intervention programs possess the
21 affective, pedagogical, and content-related skills necessary
22 to meet the needs of these students.

23 (5) Each district school board providing a dropout
24 prevention and academic intervention program pursuant to this
25 section shall maintain for each participating student records
26 documenting the student's eligibility, the length of
27 participation, the type of program to which the student was
28 assigned or the type of academic intervention services
29 provided, and an evaluation of the student's academic and
30 behavioral performance while in the program. The school
31 principal or his or her designee shall, prior to placement in

1 a dropout prevention and academic intervention program or the
2 provision of an academic service, provide written notice of
3 placement or services by certified mail, return receipt
4 requested, to the student's parent. The parent of the student
5 shall sign an acknowledgment of the notice of placement or
6 service and return the signed acknowledgment to the principal
7 within 3 days after receipt of the notice. The parents of a
8 student assigned to such a dropout prevention and academic
9 intervention program shall be notified in writing and entitled
10 to an administrative review of any action by school personnel
11 relating to such placement pursuant to the provisions of
12 chapter 120.

13 (6) District school board dropout prevention and
14 academic intervention programs shall be coordinated with
15 social service, law enforcement, prosecutorial, and juvenile
16 justice agencies and juvenile assessment centers in the school
17 district. Notwithstanding the provisions of s. 1002.22, these
18 agencies are authorized to exchange information contained in
19 student records and juvenile justice records. Such information
20 is confidential and exempt from the provisions of s.
21 119.07(1). District school boards and other agencies receiving
22 such information shall use the information only for official
23 purposes connected with the certification of students for
24 admission to and for the administration of the dropout
25 prevention and academic intervention program, and shall
26 maintain the confidentiality of such information unless
27 otherwise provided by law or rule.

28 (7) The State Board of Education shall have the
29 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules
30 necessary to implement the provisions of this section; such
31

1 rules shall require the minimum amount of necessary paperwork
2 and reporting.

3 Section 148. Section 1003.54, Florida Statutes, is
4 created to read:

5 1003.54 Teenage parent programs.--

6 (1) Each district school board shall maintain a
7 teenage parent program.

8 (2) "Teenage parent programs" means educational
9 programs designed to provide a specialized curriculum to meet
10 the needs of students who are pregnant or students who are
11 mothers or fathers and the children of the students.

12 (3)(a) The program shall provide pregnant students or
13 students who are parents and the children of these students
14 with a comprehensive teenage parent program. The program shall
15 provide pregnant students or students who are parents with the
16 option of participating in regular classroom activities or
17 enrolling in a special program designed to meet their needs
18 pursuant to s. 1003.21. Students participating in teenage
19 parent programs shall be exempt from minimum attendance
20 requirements for absences related to pregnancy or parenting,
21 but shall be required to make up work missed due to absence.

22 (b) The curriculum shall include instruction in such
23 topics as prenatal and postnatal health care, parenting
24 skills, benefits of sexual abstinence, and consequences of
25 subsequent pregnancies. Parenting skills should include
26 instruction in the stages of child growth and development,
27 methods for aiding in the intellectual, language, physical,
28 and social development of children, and guidance on
29 constructive play activities.

30 (c) Provision for necessary child care, health care,
31 social services, parent education, and transportation shall be

1 ancillary service components of teenage parent programs.
2 Ancillary services may be provided through the coordination of
3 existing programs and services and through joint agreements
4 between district school boards and local school readiness
5 coalitions or other appropriate public and private providers.

6 (d) The district school board shall make adequate
7 provisions for pregnant and parenting teenagers to complete
8 the coursework necessary to earn a high school diploma.

9 (e) Children enrolled in child care provided by the
10 district shall be funded at the special program cost factor
11 pursuant to s. 1011.62 if the parent or parents are enrolled
12 full time in a public school in the district.

13 (4) Districts may modify courses listed in the State
14 Course Code Directory for the purpose of providing teenage
15 parent programs pursuant to the provisions of this section.
16 Such modifications must be approved by the commissioner and
17 may include lengthening or shortening of the school time
18 allotted for in-class study, alternate methods of assessment
19 of student performance, and the integration of curriculum
20 frameworks or student performance standards to produce
21 interdisciplinary units of instruction.

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

24 Section 149. Section 1003.55, Florida Statutes, is
25 created to read:

26 1003.55 Instructional programs for blind or visually
27 impaired students and deaf or hard-of-hearing students.--

28 (1) The Department of Education may establish a
29 coordinating unit and instructional materials center for
30 visually impaired students and deaf or hard-of-hearing
31 students to provide staff and resources for the coordination,

1 cataloging, standardizing, producing, procuring, storing, and
2 distributing of braille, large print, tangible apparatus,
3 captioned films and video tapes, and other specialized
4 educational materials needed by these students and other
5 exceptional students. The coordinating unit shall have as its
6 major purpose the improvement of instructional programs for
7 visually impaired students and deaf or hard-of-hearing
8 students and may, as a second priority, extend appropriate
9 services to other exceptional students, consistent with
10 provisions and criteria established, to the extent that
11 resources are available.

12 (2) The unit shall be operated under rules adopted by
13 the State Board of Education.

14 (3) As used in this section, the term:

15 (a) "Blind student" means a student who is eligible
16 for special education services and who:

17 1. Has a visual acuity of 20/200 or less in the better
18 eye with correcting lenses or has a limited field of vision
19 such that the widest diameter subtends an angular distance of
20 no greater than 20 degrees; or

21 2. Has a medically indicated expectation of visual
22 deterioration.

23 (b) "Braille" means the system of reading and writing
24 through touch commonly known as standard English braille.

25 (c) "Individualized education program" means a written
26 statement developed for a student eligible for special
27 education services pursuant to s. 602(a)(20), Part A of the
28 Individuals with Disabilities Education Act, 20 U.S.C. s.
29 1401(a).

30 (4) In developing an individualized written education
31 program for each blind student, the presumption shall be that

1 blind students can communicate effectively and efficiently
2 with the same level of proficiency expected of the students'
3 peers of comparable ability and grade level. Accordingly,
4 proficiency in reading and writing braille shall be considered
5 during the individualized planning and assessment processes in
6 this context.

7 (5) Any publisher of a textbook adopted pursuant to
8 the state instructional materials adoption process shall
9 furnish the Department of Education with a computer file in an
10 electronic format specified by the department at least 2 years
11 in advance that is readily translatable to braille and can be
12 used for large print or speech access. Any textbook
13 reproduced pursuant to the provisions of this subsection shall
14 be purchased at a price equal to the price paid for the
15 textbook as adopted. The Department of Education shall not
16 reproduce textbooks obtained pursuant to this subsection in
17 any manner that would generate revenues for the department
18 from the use of such computer files or that would preclude the
19 rightful payment of fees to the publisher for use of all or
20 some portion of the textbook.

21 Section 150. Section 1003.56, Florida Statutes, is
22 created to read:

23 1003.56 English language instruction for limited
24 English proficient students.--

25 (1) Instruction in the English language shall be
26 provided to limited English proficient students. Such
27 instruction shall be designed to develop the student's mastery
28 of the four language skills, including listening, speaking,
29 reading, and writing, as rapidly as possible.

30
31

1 (2)(a) "Limited English proficient" or "limited
2 English proficiency," when used with reference to an
3 individual, means:
4 1.a. An individual who was not born in the United
5 States and whose native language is a language other than
6 English;
7 b. An individual who comes from a home environment
8 where a language other than English is spoken in the home; or
9 c. An individual who is an American Indian or Alaskan
10 native and who comes from an environment where a language
11 other than English has had a significant impact on his or her
12 level of English language proficiency; and
13 2. Who, by reason thereof, has sufficient difficulty
14 speaking, reading, writing, or listening to the English
15 language to deny such individual the opportunity to learn
16 successfully in classrooms where the language of instruction
17 is English.
18 (b) "Home language" or "native language," when used
19 with reference to an individual of limited English
20 proficiency, means the language normally used by such
21 individual or, in the case of a student, the language normally
22 used by the parents of the student.
23 (c) "ESOL" means English for Speakers of Other
24 Languages and:
25 1. When modifying instruction, the strategy used to
26 teach limited English proficient students; or
27 2. When modifying program, the program funded in the
28 Florida Education Finance Program, listed under English for
29 Speakers of Other Languages in s. 1011.62.
30 (3) Each district school board shall implement the
31 following procedures:

- 1 (a) Develop and submit a plan for providing English
2 language instruction for limited English proficient students
3 to the Department of Education for review and approval.
4 (b) Identify limited English proficient students
5 through assessment.
6 (c) Provide for student exit from and reclassification
7 into the program.
8 (d) Provide limited English proficient students ESOL
9 instruction in English and ESOL instruction or home language
10 instruction in the basic subject areas of reading,
11 mathematics, science, social studies, and computer literacy.
12 (e) Maintain a student plan.
13 (f) Provide qualified teachers.
14 (g) Provide equal access to other programs for
15 eligible limited English proficient students based on need.
16 (h) Provide for parental involvement in the program.
17 (4) Each district school board's program for limited
18 English proficient students shall be evaluated and monitored
19 periodically.
20 (5) The State Board of Education shall adopt rules for
21 the purpose of implementing this section.
22 Section 151. Section 1003.57, Florida Statutes, is
23 created to read:
24 1003.57 Exceptional students instruction.--Each
25 district school board shall provide for an appropriate program
26 of special instruction, facilities, and services for
27 exceptional students as prescribed by the State Board of
28 Education as acceptable, including provisions that:
29 (1) The district school board provide the necessary
30 professional services for diagnosis and evaluation of
31 exceptional students.

1 (2) The district school board provide the special
2 instruction, classes, and services, either within the district
3 school system, in cooperation with other district school
4 systems, or through contractual arrangements with approved
5 private schools or community facilities that meet standards
6 established by the commissioner.

7 (3) The district school board annually provide
8 information describing the Florida School for the Deaf and the
9 Blind and all other programs and methods of instruction
10 available to the parent of a sensory-impaired student.

11 (4) The district school board, once every 3 years,
12 submit to the department its proposed procedures for the
13 provision of special instruction and services for exceptional
14 students.

15 (5) No student be given special instruction or
16 services as an exceptional student until after he or she has
17 been properly evaluated, classified, and placed in the manner
18 prescribed by rules of the State Board of Education. The
19 parent of an exceptional student evaluated and placed or
20 denied placement in a program of special education shall be
21 notified of each such evaluation and placement or denial. Such
22 notice shall contain a statement informing the parent that he
23 or she is entitled to a due process hearing on the
24 identification, evaluation, and placement, or lack thereof.
25 Such hearings shall be exempt from the provisions of ss.
26 120.569, 120.57, and 286.011, except to the extent that the
27 State Board of Education adopts rules establishing other
28 procedures and any records created as a result of such
29 hearings shall be confidential and exempt from the provisions
30 of s. 119.07(1). The hearing must be conducted by an
31 administrative law judge from the Division of Administrative

1 Hearings of the Department of Management Services. The
2 decision of the administrative law judge shall be final,
3 except that any party aggrieved by the finding and decision
4 rendered by the administrative law judge shall have the right
5 to bring a civil action in the circuit court. In such an
6 action, the court shall receive the records of the
7 administrative hearing and shall hear additional evidence at
8 the request of either party. In the alternative, any party
9 aggrieved by the finding and decision rendered by the
10 administrative law judge shall have the right to request an
11 impartial review of the administrative law judge's order by
12 the district court of appeal as provided by s. 120.68.
13 Notwithstanding any law to the contrary, during the pendency
14 of any proceeding conducted pursuant to this section, unless
15 the district school board and the parents otherwise agree, the
16 student shall remain in his or her then-current educational
17 assignment or, if applying for initial admission to a public
18 school, shall be assigned, with the consent of the parents, in
19 the public school program until all such proceedings have been
20 completed.

21 (6) In providing for the education of exceptional
22 students, the district school superintendent, principals, and
23 teachers shall utilize the regular school facilities and adapt
24 them to the needs of exceptional students to the maximum
25 extent appropriate. Segregation of exceptional students shall
26 occur only if the nature or severity of the exceptionality is
27 such that education in regular classes with the use of
28 supplementary aids and services cannot be achieved
29 satisfactorily.

30 Section 152. Section 1003.58, Florida Statutes, is
31 created to read:

1 1003.58 Students in residential care facilities.--Each
2 district school board shall provide educational programs
3 according to rules of the State Board of Education to students
4 who reside in residential care facilities operated by the
5 Department of Children and Family Services.

6 (1) The district school board shall not be charged any
7 rent, maintenance, utilities, or overhead on such facilities.
8 Maintenance, repairs, and remodeling of existing facilities
9 shall be provided by the Department of Children and Family
10 Services.

11 (2) If additional facilities are required, the
12 district school board and the Department of Children and
13 Family Services shall agree on the appropriate site based on
14 the instructional needs of the students. When the most
15 appropriate site for instruction is on district school board
16 property, a special capital outlay request shall be made by
17 the commissioner in accordance with s. 1013.60. When the most
18 appropriate site is on state property, state capital outlay
19 funds shall be requested by the Department of Children and
20 Family Services as provided by s. 216.043 and shall be
21 submitted as specified by s. 216.023. Any instructional
22 facility to be built on state property shall have educational
23 specifications jointly developed by the school district and
24 the Department of Children and Family Services and approved by
25 the Department of Education. The size of space and occupant
26 design capacity criteria as provided by state board rules
27 shall be used for remodeling or new construction whether
28 facilities are provided on state property or district school
29 board property. The planning of such additional facilities
30 shall incorporate current Department of Children and Family
31 Services deinstitutionalization plans.

1 (3) The district school board shall have full and
2 complete authority in the matter of the assignment and
3 placement of such students in educational programs. The parent
4 of an exceptional student shall have the same due process
5 rights as are provided under s. 1003.57(5).

6 (4) The district school board shall have a written
7 agreement with the Department of Children and Family Services
8 outlining the respective duties and responsibilities of each
9 party.

10
11 Notwithstanding the provisions herein, the educational program
12 at the Marianna Sunland Center in Jackson County shall be
13 operated by the Department of Education, either directly or
14 through grants or contractual agreements with other public or
15 duly accredited educational agencies approved by the
16 Department of Education.

17 Section 153. Part VI of chapter 1003, Florida
18 Statutes, shall be entitled "Pilot Public K-12 Education
19 Programs" and shall consist of ss. 1003.61-1003.63.

20 Section 154. Section 1003.61, Florida Statutes, is
21 created to read:

22 1003.61 Pilot attendance project.--It is the purpose
23 of this section to require the Manatee County District School
24 Board to implement a pilot project that raises the compulsory
25 age of attendance for children from the age of 16 years to the
26 age of 18 years. The pilot project applies to each child who
27 has not attained the age of 16 years by September 30 of the
28 school year in which a school board policy is adopted.

29 (1) Beginning July 1, 1999, the Manatee County
30 District School Board shall implement a pilot project
31 consistent with policy adopted by the school board to raise

1 the compulsory age of attendance for children from the age of
2 16 years to the age of 18 years.

3 (2) The district school board must, before the
4 beginning of the school year, adopt a policy for raising the
5 compulsory age of attendance for children from the age of 16
6 years to 18 years.

7 (a) Before the adoption of the policy, the district
8 school board must provide a notice of intent to adopt a policy
9 to raise the compulsory age of attendance for children from
10 the age of 16 years to the age of 18 years. The notice must be
11 provided to the parent of each child who is 15 years of age
12 and who is enrolled in a school in the district.

13 (b) Within 2 weeks after adoption of the school board
14 policy, the district school board must provide notice of the
15 policy to the parent of each child who is 15 years of age and
16 who is enrolled in a school in the district. The notice must
17 also provide information related to the penalties for refusing
18 or failing to comply with the compulsory attendance
19 requirements and information on alternative education programs
20 offered within the school district.

21 (3) All state laws and State Board of Education rules
22 related to students subject to compulsory school attendance
23 apply to the district school board. Notwithstanding the
24 provisions of s. 1003.21, the formal declaration of intent to
25 terminate school enrollment does not apply to the district
26 school board.

27 (4) The district school board must evaluate the effect
28 of its adopted policy raising the compulsory age of attendance
29 on school attendance and on the school district's dropout
30 rate, as well as on the costs associated with the pilot
31 project. The school district shall report its findings to the

1 President of the Senate, the Speaker of the House of
2 Representatives, the minority leader of each house of the
3 Legislature, the Governor, and the Commissioner of Education
4 not later than August 1 following each year that the pilot
5 project is in operation.

6 Section 155. Section 1003.62, Florida Statutes, is
7 created to read:

8 1003.62 Charter school districts pilot program.--The
9 State Board of Education is authorized to enter into a
10 performance contract with up to six district school boards for
11 the purpose of establishing them as charter school districts.
12 The State Board of Education shall give priority to
13 Hillsborough and Volusia Counties upon the submission of a
14 completed precharter agreement or charter proposal for a
15 charter school district. The purpose of this pilot program is
16 to examine a new relationship between the State Board of
17 Education and district school boards that may produce
18 significant improvements in student achievement and school
19 management, while complying with constitutional requirements
20 assigned to each entity.

21 (1) CHARTER DISTRICT.--A charter school district is a
22 school district in Florida in which the district school board
23 has submitted and the State Board of Education has approved a
24 charter proposal that exchanges statutory and rule exemption
25 for agreement to meet performance goals in the proposal. The
26 charter school district shall be chartered for 3 years, at the
27 end of which the performance shall be evaluated.

28 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school
29 districts shall be exempt from state statutes and specified
30 State Board of Education rules. The district school board of a
31 charter school district shall not be exempt from any statute

1 governing election of district school board members, public
2 meetings and public records requirements, financial
3 disclosure, conflicts of interest, operation in the sunshine,
4 or any provisions outside the Florida K-20 Education Code.

5 (3) GOVERNING BOARD.--The governing board of the
6 charter school district shall be the duly elected district
7 school board. The district school board shall be responsible
8 for supervising the schools in the charter district and is
9 authorized to charter each of its existing public schools
10 pursuant to s. 1002.33, apply for deregulation of its public
11 schools pursuant to s. 1003.63, or otherwise establish
12 performance-based contractual relationships with its public
13 schools for the purpose of giving them greater autonomy with
14 accountability for performance.

15 (4) PRECHARTER AGREEMENT.--The State Board of
16 Education is authorized to approve a precharter agreement with
17 a potential charter district. The agreement may grant limited
18 flexibility and direction for developing the full charter
19 proposal.

20 (5) TIME PERIOD FOR PILOT.--The pilot program shall be
21 authorized for a period of 3 full school years commencing with
22 award of a charter. The charter may be renewed upon action of
23 the State Board of Education.

24 (6) REPORTS.--The State Board of Education shall
25 annually report on the implementation of the charter school
26 district pilot program. Upon the completion of the first
27 3-year term, the State Board of Education, through the
28 Commissioner of Education, shall submit to the Legislature a
29 full evaluation of the effectiveness of the program.

30
31

1 (7) RULEMAKING.--The State Board of Education shall
2 have the authority to enact rules to implement this section in
3 accordance with ss. 120.536 and 120.54.

4 Section 156. Section 1003.63, Florida Statutes, is
5 created to read:

6 1003.63 Deregulated public schools pilot program.--

7 (1) PILOT PROGRAM.--To provide public schools the same
8 flexibility and accountability afforded charter schools, pilot
9 programs for deregulated public schools shall be conducted.

10 The following districts are authorized to conduct pilot
11 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,
12 Walton, and Citrus Counties. The schools and district school
13 boards which are participating in the pilot program as of
14 January 1, 1999, are authorized to continue the pilot program
15 through the 2003-2004 school year. Lee County is authorized to
16 conduct the pilot program beginning in the 1999-2000 school
17 year through the 2003-2004 school year.

18 (2) PURPOSE.--The purpose of the pilot program for
19 deregulated public schools shall be to:

20 (a) Improve student learning.

21 (b) Increase learning opportunities for all students,
22 with special emphasis on expanded learning experiences for
23 students who are identified as academically low achieving.

24 (c) Encourage the use of different and innovative
25 learning methods.

26 (d) Increase choice of learning opportunities for
27 students.

28 (e) Establish a new form of accountability for
29 schools.

30 (f) Require the measurement of learning outcomes and
31 create innovative measurement tools.

1 (g) Make the school the unit for improvement.

2 (h) Relieve schools of paperwork and procedures that
3 are required by the state and the district school board for
4 purposes other than health, safety, equal opportunity, fiscal
5 accountability and documentation of student achievement.

6 (3) PROPOSAL.--

7 (a) A proposal to be a deregulated school must be
8 developed by the school principal and the school advisory
9 council. A majority of the members of the school advisory
10 council must approve the proposal, and the principal and the
11 school advisory council chair must sign the proposal. At least
12 50 percent of the teachers employed at the school must approve
13 the proposal. The school must conduct a survey to show
14 parental support for the proposal.

15 (b) A district school board shall receive and review
16 all proposals for a deregulated public school. A district
17 school board must by a majority vote approve or deny a
18 proposal no later than 30 days after the proposal is received.
19 If a proposal is denied, the district school board must,
20 within 10 calendar days, articulate in writing the specific
21 reasons based upon good cause supporting its denial of the
22 proposal.

23 (c) The Department of Education may provide technical
24 assistance to an applicant upon written request.

25 (d) The terms and conditions for the operation of a
26 deregulated public school shall be set forth in the proposal.
27 The district school board shall not impose unreasonable rules
28 or regulations that violate the intent of giving schools
29 greater flexibility to meet educational goals.

30 (4) ELIGIBLE STUDENTS.--

31

1 (a) A deregulated school shall be open to all students
2 residing in the school's attendance boundaries as determined
3 by the district school board.

4 (b) The deregulated public school shall have maximum
5 flexibility to enroll students under the district school board
6 open enrollment plan.

7 (5) REQUIREMENTS.--Like other public schools, a
8 deregulated public school shall:

9 (a) Be nonsectarian in its programs, admission
10 policies, employment practices, and operations.

11 (b) Not charge tuition or fees, except those fees
12 normally charged by other public schools.

13 (c) Meet all applicable state and local health,
14 safety, and civil rights requirements.

15 (d) Not violate the antidiscrimination provisions of
16 s. 1000.05.

17 (e) Be subject to an annual financial audit in a
18 manner similar to that of other public schools in the
19 district.

20 (6) ELEMENTS OF THE PROPOSAL.--The major issues
21 involving the operation of a deregulated public school shall
22 be considered in advance and written into the proposal.

23 (a) The proposal shall address, and criteria for
24 approval of the proposal shall be based on:

25 1. The school's mission and the students to be served.
26 2. The focus of the curriculum, the instructional
27 methods to be used, and any distinctive instructional
28 techniques to be employed.

29 3. The current baseline standard of achievement and
30 the outcomes to be achieved and the method of measurement that
31 will be used.

1 4. The methods used to identify the educational
2 strengths and needs of students and how well educational goals
3 and performance standards are met by students attending the
4 school. Students in deregulated public schools shall, at a
5 minimum, participate in the statewide assessment program.

6 5. In secondary schools, a method for determining that
7 a student has satisfied the requirements for graduation in s.
8 1003.43.

9 6. A method for resolving conflicts between the school
10 and the district.

11 7. The admissions procedures and dismissal procedures,
12 including the school's code of student conduct.

13 8. The ways by which the school's racial/ethnic
14 balance reflects the community it serves or reflects the
15 racial/ethnic range of other public schools in the same school
16 district.

17 9. The financial and administrative management of the
18 school including a statement of the areas in which the school
19 will have administrative and fiscal autonomy and the areas in
20 which the school will follow district school board fiscal and
21 administrative policies.

22 10. The manner in which the school will be insured,
23 including whether or not the school will be required to have
24 liability insurance, and, if so, the terms and conditions
25 thereof and the amounts of coverage.

26 11. The qualifications to be required of the teachers.

27 (b) The school shall make annual progress reports to
28 the district, which upon verification shall be forwarded to
29 the Commissioner of Education at the same time as other annual
30 school accountability reports. The report shall contain at
31 least the following information:

1 1. The school's progress towards achieving the goals
2 outlined in its proposal.

3 2. The information required in the annual school
4 report pursuant to s. 1008.345.

5 3. Financial records of the school, including revenues
6 and expenditures.

7 4. Salary and benefit levels of school employees.

8 (c) A district school board shall ensure that the
9 proposal is innovative and consistent with the state education
10 goals established by s. 1000.03(5).

11 (d) Upon receipt of the annual report required by
12 paragraph (b), the Department of Education shall provide the
13 State Board of Education, the Commissioner of Education, the
14 President of the Senate, and the Speaker of the House of
15 Representatives with a copy of each report and an analysis and
16 comparison of the overall performance of students, to include
17 all students in deregulated public schools whose scores are
18 counted as part of the statewide assessment tests, versus
19 comparable public school students in the district as
20 determined by FCAT and district assessment tests and, as
21 appropriate, the Florida Writes Assessment Test, and other
22 assessments administered pursuant to s. 1008.22(3).

23 (7) EXEMPTION FROM STATUTES.--

24 (a) A deregulated public school shall operate in
25 accordance with its proposal and shall be exempt from all
26 statutes of the Florida K-20 Education Code, except those
27 pertaining to civil rights and student health, safety, and
28 welfare, or as otherwise required by this section. A
29 deregulated public school shall not be exempt from the
30 following statutes: chapter 119, relating to public records,
31 and s. 286.011, relating to public meetings and records,

1 public inspection, and penalties. The school district, upon
2 request of a deregulated public school, may apply to the State
3 Board of Education for a waiver of provisions of law
4 applicable to deregulated public schools under this section,
5 except that the provisions of chapter 1010 or chapter 1011
6 shall not be eligible for waiver if the waiver would affect
7 funding allocations or create inequity in public school
8 funding. The State Board of Education may grant the waiver if
9 necessary to implement the school program.

10 (b) A deregulated public school may employ or contract
11 with skilled selected noncertified personnel to provide
12 instructional services or to assist instructional staff
13 members as education paraprofessionals in the same manner as
14 defined in chapter 1012. A deregulated public school may not
15 employ an individual to provide instructional services or to
16 serve as an education paraprofessional if the individual's
17 certification or licensure as an educator is suspended or
18 revoked by this or any other state. The qualifications of
19 teachers shall be disclosed to parents.

20 (c) A deregulated public school shall employ or
21 contract with employees who have been fingerprinted as
22 provided in s. 1012.32.

23 (8) REVENUE.--Students enrolled in a deregulated
24 public school shall be funded in a basic program or a special
25 program in the same manner as students enrolled in other
26 public schools in the school district.

27 (9) LENGTH OF SCHOOL YEAR.--A deregulated public
28 school shall provide instruction for at least the number of
29 days required by law for other public schools, and may provide
30 instruction for additional days.

31

1 (10) FACILITIES.--A deregulated public school shall
2 utilize facilities which comply with the State Uniform
3 Building Code for Public Educational Facilities Construction
4 adopted pursuant to s. 1013.37, or with applicable state
5 minimum building codes pursuant to chapter 553 and state
6 minimum fire protection codes pursuant to s. 633.025, as
7 adopted by the authority in whose jurisdiction the facility is
8 located.

9 Section 157. Chapter 1004, Florida Statutes, shall be
10 entitled "Public Postsecondary Education" and shall consist of
11 ss. 1004.01-1004.98.

12 Section 158. Part I of chapter 1004, Florida Statutes,
13 shall be entitled "General Provisions" and shall consist of
14 ss. 1004.01-1004.06.

15 Section 159. Section 1004.01, Florida Statutes, is
16 created to read:

17 1004.01 Statement of purpose and mission.--

18 (1) The Legislature finds it in the public interest to
19 provide a system of postsecondary education which is of the
20 highest possible quality; which enables all students to
21 participate in the search for knowledge and individual
22 development; which stresses undergraduate teaching as its main
23 priority; which offers selected professional, graduate, and
24 research programs with emphasis on state and national needs;
25 which fosters diversity of educational opportunity; which
26 promotes service to the public; which makes effective and
27 efficient use of human and physical resources; which functions
28 cooperatively with other educational institutions and systems;
29 and which promotes internal coordination and the wisest
30 possible use of resources.

31

1 (2) The mission of the state system of postsecondary
2 education is to develop human resources, to discover and
3 disseminate knowledge, to extend knowledge and its application
4 beyond the boundaries of its campuses, and to develop in
5 students heightened intellectual, cultural, and humane
6 sensitivities; scientific, professional, and technological
7 expertise; and a sense of purpose. Inherent in this broad
8 mission are methods of instruction, research, extended
9 training, and public service designed to educate people and
10 improve the human condition.

11 Section 160. Section 1004.02, Florida Statutes, is
12 created to read:

13 1004.02 Definitions.--As used in this chapter:

14 (1) "Adult basic education" means courses of
15 instruction designed to improve the employability of the
16 state's workforce through instruction in mathematics, reading,
17 language, and workforce readiness skills at grade level
18 equivalency 0-8.9.

19 (2) "Adult ESOL" or "adult ESL" means noncredit
20 English literacy courses designed to improve the employability
21 of the state's workforce through acquisition of communication
22 skills and cultural competencies that enhance ability to read,
23 write, speak, and listen in English. ESOL means English for
24 Speakers of Other Languages. ESL means English as a Second
25 Language. The two terms are interchangeable.

26 (3) "Adult general education" means comprehensive
27 instructional programs designed to improve the employability
28 of the state's workforce through adult basic education, adult
29 secondary education, English for Speakers of Other Languages,
30 vocational-preparatory instruction, and instruction for adults
31 with disabilities.

1 (4) "Adult high school credit program" means the award
2 of credits upon completion of courses and passing of state
3 mandated assessments necessary to qualify for a high school
4 diploma. Except as provided elsewhere in law, the graduation
5 standards for adults shall be the same as those for secondary
6 students.

7 (5) "Adult secondary education" means courses through
8 which a person receives high school credit that leads to the
9 award of a high school diploma or courses of instruction
10 through which a student prepares to take the General
11 Educational Development test.

12 (6) "Adult student" is a student who is beyond the
13 compulsory school age and who has legally left elementary or
14 secondary school, or a high school student who is taking an
15 adult course required for high school graduation.

16 (7) "Adult with disability" means an individual who
17 has a physical or mental impairment that substantially limits
18 one or more major life activities, has a record of such
19 impairment, or is regarded as having such an impairment, and
20 who requires modifications to the educational program,
21 adaptive equipment, or specialized instructional methods and
22 services in order to participate in workforce development
23 programs that lead to competitive employment.

24 (8) "Applied technology diploma program" means a
25 course of study that is part of a technical degree program, is
26 less than 60 credit hours, and leads to employment in a
27 specific occupation. An applied technology diploma program may
28 consist of either technical credit or college credit. A public
29 school district may offer an applied technology diploma
30 program only as technical credit, with college credit awarded
31 to a student upon articulation to a community college.

1 Statewide articulation among public schools and community
2 colleges is guaranteed by s. 1007.23, and is subject to
3 guidelines and standards adopted by the State Board of
4 Education pursuant to ss. 1007.24 and 1007.25.

5 (9) "Basic literacy," means the demonstration of
6 academic competence from 2.0 through 5.9 educational grade
7 levels as measured by means approved for this purpose by the
8 State Board of Education.

9 (10) "Beginning literacy" means the demonstration of
10 academic competence from 0 through 1.9 educational grade
11 levels as measured by means approved for this purpose by the
12 State Board of Education.

13 (11) "College-preparatory instruction" means courses
14 through which a high school graduate who applies for any
15 college credit program may attain the communication and
16 computation skills necessary to enroll in college credit
17 instruction.

18 (12) "Community education" means the use of a school
19 or other public facility as a community center operated in
20 conjunction with other public, private, and governmental
21 organizations for the purpose of providing educational,
22 recreational, social, cultural, health, and community services
23 for persons in the community in accordance with the needs,
24 interests, and concerns of that community, including lifelong
25 learning.

26 (13) "Continuing workforce education" means
27 instruction that does not result in a technical certificate,
28 diploma, associate in applied science degree, or associate in
29 science degree. Continuing workforce education is for:
30
31

- 1 (a) Individuals who are required to have training for
2 licensure renewal or certification renewal by a regulatory
3 agency or credentialing body;
- 4 (b) New or expanding businesses as described in
5 chapter 288;
- 6 (c) Business, industry, and government agencies whose
7 products or services are changing so that retraining of
8 employees is necessary or whose employees need training in
9 specific skills to increase efficiency and productivity; or
- 10 (d) Individuals who are enhancing occupational skills
11 necessary to maintain current employment, to cross train, or
12 to upgrade employment.
- 13 (14) "Technical degree education program" means a
14 course of study that leads to an associate in applied science
15 degree or an associate in science degree. A technical degree
16 program may contain within it one or more program progression
17 points and may lead to certificates or diplomas within the
18 course of study. The term is interchangeable with the term
19 "degree career education program." For licensure purposes, the
20 term "associate in science degree" is interchangeable with
21 "associate in applied science degree."
- 22 (15) "Family literacy" means a program for adults with
23 a literacy component for parents and children or other
24 intergenerational literacy components.
- 25 (16) "Functional literacy," which is also referred to
26 as "intermediate adult basic education," means the
27 demonstration of academic competence from 6.0 through 8.9
28 educational grade levels as measured by means approved for
29 this purpose by the State Board of Education.
- 30 (17) "General Educational Development (GED) test
31 preparation" means courses of instruction designed to prepare

1 adults for success on GED subject area tests leading to
2 qualification for a State of Florida high school diploma.
3 (18) "Lifelong learning" means a noncredit course or
4 activity offered by a school district or community college
5 that seeks to address community social and economic issues
6 related to health and human relations, government, parenting,
7 consumer economics, and senior citizens.
8 (19) "Local educational agency" means a community
9 college or school district.
10 (20) "Local sponsor" means a district school board,
11 community college board of trustees, public library, other
12 public entity, or private nonprofit entity, or any combination
13 of these entities, that provides adult literacy instruction.
14 (21) "Technical certificate program" means a course of
15 study that leads to at least one occupational completion
16 point. The program may also confer credit that may articulate
17 with a diploma or technical degree education program, if
18 authorized by rules of the State Board of Education. Any
19 credit instruction designed to articulate to a degree program
20 is subject to guidelines and standards adopted by the
21 Department of Education pursuant to chapter 1007. The term is
22 interchangeable with the term "certificate career and
23 technical education program."
24 (22) "Occupational completion point" means the
25 occupational competencies that qualify a person to enter an
26 occupation that is linked to a career and technical program.
27 (23) "Career and technical education planning region"
28 means the geographic area in which career and technical or
29 adult education is provided. Each career and technical region
30 is contiguous with one of the 28 community college service
31 areas.

1 (24) "Vocational-preparatory instruction" means adult
2 general education through which persons attain academic and
3 workforce readiness skills at the level of functional literacy
4 (grade levels 6.0-8.9) or higher so that such persons may
5 pursue technical certificate education or higher-level
6 technical education.

7 (25) "Career and technical program" means a group of
8 identified competencies leading to occupations identified by a
9 Classification of Instructional Programs number.

10 (26) "Workforce development education" means adult
11 general education or career and technical education and may
12 consist of a continuing workforce education course or a
13 program of study leading to an occupational completion point,
14 a technical certificate, an applied technology diploma, or a
15 technical degree.

16 (27) "Workforce literacy" means the basic skills
17 necessary to perform in entry-level occupations or the skills
18 necessary to adapt to technological advances in the workplace.

19 Section 161. Section 1004.03, Florida Statutes, is
20 created to read:

21 1004.03 Program approval.--

22 (1) The State Board of Education shall establish
23 criteria for the approval of new programs at state
24 universities, which criteria include, but are not limited to,
25 the following:

26 (a) New programs may not be approved unless the same
27 objectives cannot be met through use of educational
28 technology.

29 (b) Unnecessary duplication of programs offered by
30 public and independent institutions shall be avoided.

31

1 (c) Cooperative programs, particularly within regions,
2 should be encouraged.

3 (d) New programs shall be approved only if they are
4 consistent with the state master plans adopted by the State
5 Board of Education.

6 (e) A new graduate-level program may be approved if:

7 1. The university has taken into account the offerings
8 of its counterparts, including institutions in other sectors,
9 particularly at the regional level.

10 2. The addition of the program will not alter the
11 emphasis on undergraduate education.

12 3. The regional need and demand for the graduate
13 program was addressed and the community needs are obvious.

14 (2) The State Board of Education shall establish
15 criteria for the approval of new programs at community
16 colleges, which criteria include, but are not limited to, the
17 following:

18 (a) New programs may not be approved unless the same
19 objectives cannot be met through use of educational
20 technology.

21 (b) Unnecessary duplication of programs offered by
22 independent institutions shall be avoided.

23 (c) Cooperative programs, particularly within regions,
24 should be encouraged.

25 (d) New programs may be approved only if they are
26 consistent with the state master plan adopted by the State
27 Board of Education.

28 (3) New colleges, schools, or functional equivalents
29 of any program leading to a degree that is offered as a
30 credential for a specific license granted under the Florida
31

1 Statutes or the State Constitution shall not be established
2 without the specific approval of the Legislature.

3 Section 162. Section 1004.04, Florida Statutes, is
4 created to read:

5 1004.04 Public accountability and state approval for
6 teacher preparation programs.--

7 (1) INTENT.--The Legislature recognizes that skilled
8 teachers make an important contribution to a system that
9 allows students to obtain a high-quality education. The intent
10 of the Legislature is to establish a system for development
11 and approval of teacher preparation programs that will free
12 postsecondary teacher preparation institutions to employ
13 varied and innovative teacher preparation techniques while
14 being held accountable for producing graduates with the
15 competencies and skills necessary to achieve the state
16 education goals; help the state's diverse student population,
17 including students with limited English proficiency, meet high
18 standards for academic achievement; maintain safe, secure
19 classroom learning environments; and sustain the state system
20 of school improvement and education accountability established
21 pursuant to ss. 1000.03(5) and 1008.345. The State Board of
22 Education shall adopt rules pursuant to ss. 120.536(1) and
23 120.54 that establish uniform core curricula for each
24 state-approved teacher preparation program.

25 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
26 system developed by the Department of Education in
27 collaboration with postsecondary educational institutions
28 shall assist departments and colleges of education in the
29 restructuring of their programs to meet the need for producing
30 quality teachers now and in the future. The system must be
31 designed to assist teacher educators in conceptualizing,

1 developing, implementing, and evaluating programs that meet
2 state-adopted standards. These standards shall emphasize
3 quality indicators drawn from research, professional
4 literature, recognized guidelines, Florida essential teaching
5 competencies and educator-accomplished practices, effective
6 classroom practices, and the outcomes of the state system of
7 school improvement and education accountability, as well as
8 performance measures. Departments and colleges of education
9 shall emphasize the state system of school improvement and
10 education accountability concepts and standards, including
11 Sunshine State Standards. State-approved teacher preparation
12 programs must incorporate appropriate English for Speakers of
13 Other Languages instruction so that program graduates will
14 have completed the requirements for teaching limited English
15 proficient students in Florida public schools.

16 (3) INITIAL STATE PROGRAM APPROVAL.--

17 (a) A program approval process based on standards
18 adopted pursuant to subsection (2) must be established for
19 postsecondary teacher preparation programs, phased in
20 according to timelines determined by the Department of
21 Education, and fully implemented for all teacher preparation
22 programs in the state. Each program shall be approved by the
23 department, consistent with the intent set forth in subsection
24 (1) and based primarily upon significant, objective, and
25 quantifiable graduate performance measures.

26 (b) Each teacher preparation program approved by the
27 Department of Education, as provided for by this section,
28 shall require students to meet the following as prerequisites
29 for admission into the program:

30 1. Have a grade point average of at least 2.5 on a 4.0
31 scale for the general education component of undergraduate

1 studies or have completed the requirements for a baccalaureate
2 degree with a minimum grade point average of 2.5 on a 4.0
3 scale from any college or university accredited by a regional
4 accrediting association as defined by State Board of Education
5 rule.

6 2. Demonstrate mastery of general knowledge, including
7 the ability to read, write, and compute, by passing the
8 College Level Academic Skills Test, a corresponding component
9 of the National Teachers Examination series, or a similar test
10 pursuant to rules of the State Board of Education.

11
12 Each teacher preparation program may waive these admissions
13 requirements for up to 10 percent of the students admitted.
14 Programs shall implement strategies to ensure that students
15 admitted under a waiver receive assistance to demonstrate
16 competencies to successfully meet requirements for
17 certification.

18 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
19 subsection (3), failure by a public or nonpublic teacher
20 preparation program to meet the criteria for continued program
21 approval shall result in loss of program approval. The
22 Department of Education, in collaboration with the departments
23 and colleges of education, shall develop procedures for
24 continued program approval that document the continuous
25 improvement of program processes and graduates' performance.

26 (a) Continued approval of specific teacher preparation
27 programs at each public and nonpublic postsecondary
28 educational institution within the state is contingent upon
29 the passing of the written examination required by s. 1012.56
30 by at least 90 percent of the graduates of the program who
31 take the examination. On request of an institution, the

1 Department of Education shall provide an analysis of the
2 performance of the graduates of such institution with respect
3 to the competencies assessed by the examination required by s.
4 1012.56.

5 (b) Additional criteria for continued program approval
6 for public institutions may be approved by the State Board of
7 Education. Such criteria must emphasize instruction in
8 classroom management and must provide for the evaluation of
9 the teacher candidates' performance in this area. The criteria
10 shall also require instruction in working with underachieving
11 students. Program evaluation procedures must include, but are
12 not limited to, program graduates' satisfaction with
13 instruction and the program's responsiveness to local school
14 districts. Additional criteria for continued program approval
15 for nonpublic institutions shall be developed in the same
16 manner as for public institutions; however, such criteria must
17 be based upon significant, objective, and quantifiable
18 graduate performance measures. Responsibility for collecting
19 data on outcome measures through survey instruments and other
20 appropriate means shall be shared by the postsecondary
21 educational institutions and the Department of Education. By
22 January 1 of each year, the Department of Education shall
23 report this information for each postsecondary educational
24 institution that has state-approved programs of teacher
25 education to the Governor, the State Board of Education, the
26 Commissioner of Education, the President of the Senate, the
27 Speaker of the House of Representatives, all Florida
28 postsecondary teacher preparation programs, and interested
29 members of the public. This report must analyze the data and
30 make recommendations for improving teacher preparation
31 programs in the state.

1 (c) Continued approval for a teacher preparation
2 program is contingent upon the results of annual reviews of
3 the program conducted by the postsecondary educational
4 institution, using procedures and criteria outlined in an
5 institutional program evaluation plan approved by the
6 Department of Education. This plan must incorporate the
7 criteria established in paragraphs (a) and (b) and include
8 provisions for involving primary stakeholders, such as program
9 graduates, district school personnel, classroom teachers,
10 principals, community agencies, and business representatives
11 in the evaluation process. Upon request by an institution, the
12 department shall provide assistance in developing, enhancing,
13 or reviewing the institutional program evaluation plan and
14 training evaluation team members.

15 (d) Continued approval for a teacher preparation
16 program is contingent upon standards being in place that are
17 designed to adequately prepare elementary, middle, and high
18 school teachers to instruct their students in higher-level
19 mathematics concepts and in the use of technology at the
20 appropriate grade level.

21 (e) Continued approval of teacher preparation programs
22 is contingent upon compliance with the student admission
23 requirements of subsection (3) and upon the receipt of at
24 least a satisfactory rating from public schools and private
25 schools that employ graduates of the program. Employer
26 satisfaction shall be determined by an annually administered
27 survey instrument approved by the Department of Education
28 that, at a minimum, must include employer satisfaction of the
29 graduates' ability to do the following:

30 1. Write and speak in a logical and understandable
31 style with appropriate grammar.

1 2. Recognize signs of students' difficulty with the
2 reading and computational process and apply appropriate
3 measures to improve students' reading and computational
4 performance.
5 3. Use and integrate appropriate technology in
6 teaching and learning processes.
7 4. Demonstrate knowledge and understanding of Sunshine
8 State Standards.
9 (f)1. Each Florida public and private institution that
10 offers a state-approved teacher preparation program must
11 annually report information regarding these programs to the
12 state and the general public. This information shall be
13 reported in a uniform and comprehensible manner that is
14 consistent with definitions and methods approved by the
15 Commissioner of the National Center for Educational Statistics
16 and that is approved by the State Board of Education. This
17 information must include, at a minimum:
18 a. The percent of graduates obtaining full-time
19 teaching employment within the first year of graduation.
20 b. The average length of stay of graduates in their
21 full-time teaching positions.
22 c. Satisfaction ratings required in paragraph (e).
23 2. Each public and private institution offering
24 training for school readiness related professions, including
25 training in the fields of child care and early childhood
26 education, whether offering technical credit, associate in
27 applied science degree programs, associate in science degree
28 programs, or associate in arts degree programs, shall annually
29 report information regarding these programs to the state and
30 the general public in a uniform and comprehensible manner that
31 conforms with definitions and methods approved by the State

1 Board of Education. This information must include, at a
2 minimum:

3 a. Average length of stay of graduates in their
4 positions.

5 b. Satisfaction ratings of graduates' employers.

6
7 This information shall be reported through publications,
8 including college and university catalogs and promotional
9 materials sent to potential applicants, secondary school
10 guidance counselors, and prospective employers of the
11 institution's program graduates.

12 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
13 instructors, school district personnel and instructional
14 personnel, and school sites preparing instructional personnel
15 through preservice field experience courses and internships
16 shall meet special requirements.

17 (a) All instructors in postsecondary teacher
18 preparation programs who instruct or supervise preservice
19 field experience courses or internships shall have at least
20 one of the following: specialized training in clinical
21 supervision; a valid professional teaching certificate
22 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of
23 successful teaching experience in prekindergarten through
24 grade 12.

25 (b) All school district personnel and instructional
26 personnel who supervise or direct teacher preparation students
27 during field experience courses or internships must have
28 evidence of "clinical educator" training and must successfully
29 demonstrate effective classroom management strategies that
30 consistently result in improved student performance. The State
31 Board of Education shall approve the training requirements.

1 (c) Preservice field experience programs must provide
2 specific guidance and demonstration of effective classroom
3 management strategies, strategies for incorporating technology
4 into classroom instruction, and ways to link instructional
5 plans to the Sunshine State Standards, as appropriate. The
6 length of structured field experiences may be extended to
7 ensure that candidates achieve the competencies needed to meet
8 certification requirements.

9 (d) Postsecondary teacher preparation programs in
10 cooperation with district school boards and approved private
11 school associations shall select the school sites for
12 preservice field experience activities. These sites must
13 represent the full spectrum of school communities, including,
14 but not limited to, schools located in urban settings. In
15 order to be selected, school sites must demonstrate commitment
16 to the education of public school students and to the
17 preparation of future teachers.

18 (6) STANDARDS OF EXCELLENCE.--The State Board of
19 Education shall approve standards of excellence for teacher
20 preparation. These standards must exceed the requirements for
21 program approval pursuant to subsection (3) and must
22 incorporate state and national recommendations for exemplary
23 teacher preparation programs.

24 (7) NATIONAL BOARD STANDARDS.--The State Board of
25 Education shall review standards and recommendations developed
26 by the National Board for Professional Teaching Standards and
27 may incorporate those parts deemed appropriate into criteria
28 for continued state program approval, standards of excellence,
29 and requirements for inservice education.

30 (8) COMMUNITY COLLEGES.--To the extent practical,
31 postsecondary educational institutions offering teacher

1 preparation programs shall establish articulation agreements
2 on a core of liberal arts courses and introductory
3 professional courses with field experience components which
4 shall be offered at community colleges.

5 (9) PRETEACHER AND TEACHER EDUCATION PILOT
6 PROGRAMS.--State universities and community colleges may
7 establish preteacher education and teacher education pilot
8 programs to encourage promising minority students to prepare
9 for a career in education. These pilot programs shall be
10 designed to recruit and provide additional academic, clinical,
11 and counseling support for students whom the institution
12 judges to be potentially successful teacher education
13 candidates, but who may not meet teacher education program
14 admission standards. Priority consideration shall be given to
15 those pilot programs that are jointly submitted by community
16 colleges and state universities.

17 (a) These pilot programs shall be approved by the
18 State Board of Education and shall be designed to provide help
19 and support for program participants during the preteacher
20 education period of general academic preparation at a
21 community college or state university and during professional
22 preparation in a state-approved teacher education program.
23 Emphasis shall be placed on development of the basic skills
24 needed by successful teachers.

25 (b) State universities and community colleges may
26 admit into the pilot program those incoming students who
27 demonstrate an interest in teaching as a career, but who may
28 not meet the requirements for entrance into an approved
29 teacher education program.

30 1. Flexibility may be given to colleges of education
31 to develop and market innovative teacher training programs

1 directed at specific target groups such as graduates from the
2 colleges of arts and sciences, employed education
3 paraprofessionals, substitute teachers, early federal
4 retirees, and nontraditional college students. Programs must
5 be submitted to the State Board of Education for approval.

6 2. Academically successful graduates in the fields of
7 liberal arts and science may be encouraged to embark upon a
8 career in education.

9 3. Models may be developed to provide a positive
10 initial experience in teaching in order to encourage
11 retention. Priority should be given to models that encourage
12 minority graduates.

13 (c) In order to be certified, a graduate from a pilot
14 program shall meet all requirements for teacher certification
15 specified by s. 1012.56. Should a graduate of a pilot program
16 not meet the requirements of s. 1012.56, that person shall not
17 be included in the calculations required by paragraph (4)(a)
18 and State Board of Education rules for continued program
19 approval, or in the statutes used by the State Board of
20 Education in deciding which teacher education programs to
21 approve.

22 (d) Institutions participating in the pilot program
23 shall submit an annual report evaluating the success of the
24 program to the Commissioner of Education by March 1 of each
25 year. The report shall contain, but shall not be limited to:
26 the number of pilot program participants, including the number
27 participating in general education and the number admitted to
28 approved teacher education programs, the number of pilot
29 program graduates, and the number of pilot program graduates
30 who met the requirements of s. 1012.56. The commissioner shall
31 consider the number of participants recruited, the number of

1 graduates, and the number of graduates successfully meeting
2 the requirements of s. 1012.56 reported by each institution,
3 and shall make an annual recommendation to the State Board of
4 Education regarding the institution's continued participation
5 in the pilot program.

6 (10) TEACHER EDUCATION PILOT PROGRAMS FOR
7 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
8 shall be established at the University of Central Florida, the
9 University of North Florida, and the University of South
10 Florida. These programs shall include a year-long paid
11 teaching assignment and competency-based learning experiences
12 and shall be designed to encourage high-achieving students, as
13 identified by the institution, to pursue a career in
14 education. Students chosen to participate in the pilot
15 programs shall agree to teach for at least 1 year after they
16 receive their degrees. Criteria for identifying
17 high-achieving students shall be developed by the institution
18 and shall include, at a minimum, requirements that the student
19 have a 3.3 grade point average or above and that the student
20 has demonstrated mastery of general knowledge pursuant to s.
21 1012.56. The year-long paid teaching assignment shall begin
22 after completion of the equivalent of 3 years of the state
23 university teacher preparation program.

24 (a) Each pilot program shall be designed to include:
25 1. A year-long paid teaching assignment at a specified
26 school site during the fourth year of the state university
27 teacher preparation program, which includes intense
28 supervision by a support team trained in clinical education.
29 The support team shall include a state university supervisor
30 and experienced school-based mentors. A mentor teacher shall
31 be assigned to each fourth year employed teacher to implement

1 an individualized learning plan. This mentor teacher will be
2 considered an adjunct professor for purposes of this program
3 and may receive credit for time spent as a mentor teacher in
4 the program. The mentor teacher must have a master's degree
5 or above, a minimum of 3 years of teaching experience, and
6 clinical education training or certification by the National
7 Board of Professional Teaching Standards. Experiences and
8 instruction may be delivered by other mentors, assigned
9 teachers, professors, individualized learning, and
10 demonstrations. Students in this paid teaching assignment
11 shall assume full responsibility of all teaching duties.
12 2. Professional education curriculum requirements that
13 address the educator-accomplished practices and other
14 competencies specified in state board rule.
15 3. A modified instructional delivery system that
16 provides onsite training during the paid teaching assignment
17 in the professional education areas and competencies specified
18 in this subsection. The institutions participating in this
19 pilot program shall be given a waiver to provide a modified
20 instructional delivery system meeting criteria that allows
21 earned credit through nontraditional approaches. The modified
22 system may provide for an initial evaluation of the
23 candidate's competencies to determine an appropriate
24 individualized professional development plan and may provide
25 for earned credit by:
26 a. Internet learning and competency acquisition.
27 b. Learning acquired by observing demonstrations and
28 being observed in application.
29 c. Independent study or instruction by mentor teachers
30 or adjunct teachers.
31

1 4. Satisfactory demonstration of the
2 educator-accomplished practices and content area competencies
3 for program completion.

4 5. For program completion, required achievement of
5 passing scores on all tests required for certification by
6 State Board of Education rules.

7 (b) Beginning in July 2003, each institution
8 participating in the pilot program shall submit to the
9 Commissioner of Education an annual report evaluating the
10 effectiveness of the program. The report shall include, but
11 shall not be limited to, the number of students selected for
12 the pilot program, the number of students successfully
13 completing the pilot program, the number of program
14 participants who passed all required examinations, the number
15 of program participants who successfully demonstrated all
16 required competencies, and a followup study to determine the
17 number of pilot program completers who were employed in a
18 teaching position and employers' satisfaction with the
19 performance of pilot program completers.

20 (c) This subsection shall be implemented to the extent
21 specifically funded in the General Appropriations Act.

22 (11) RULES.--The State Board of Education shall adopt
23 necessary rules pursuant to ss. 120.536(1) and 120.54 to
24 implement this section.

25 Section 163. Section 1004.05, Florida Statutes, is
26 created to read:

27 1004.05 Substance abuse training programs.--

28 (1) Each state university and community college may
29 develop courses designed for public school teachers,
30 counselors, physicians, law enforcement personnel, and other
31 professionals to assist them in recognizing symptoms of

1 substance abuse impairment and identifying appropriate service
2 providers for referral and treatment.

3 (2) Such courses may be made available to students who
4 are currently enrolled and for continuing education units.

5 Section 164. Section 1004.06, Florida Statutes, is
6 created to read:

7 1004.06 Prohibited expenditures.--No community
8 college, state university, community college direct-support
9 organization, or state university direct-support organization
10 shall expend any funds, regardless of source, to purchase
11 membership in, or goods and services from, any organization
12 that discriminates on the basis of race, national origin,
13 gender, or religion.

14 Section 165. Part II of chapter 1004, Florida
15 Statutes, shall be entitled "State Universities" and shall
16 consist of ss. 1004.21-1004.62.

17 Section 166. Part II.a. of chapter 1004, Florida
18 Statutes, shall be entitled "General Provisions" and shall
19 consist of ss. 1004.21-1004.32.

20 Section 167. Section 1004.21, Florida Statutes, is
21 created to read:

22 1004.21 State universities; legislative intent.--It is
23 the legislative intent that state universities be constituted
24 as public corporations of the state and be operated by a board
25 of trustees as provided in s. 1001.74.

26 Section 168. Section 1004.22, Florida Statutes, is
27 created to read:

28 1004.22 Divisions of sponsored research at state
29 universities.--

30 (1) Each university is authorized to create, as it
31 deems advisable, divisions of sponsored research which will

1 serve the function of administration and promotion of the
2 programs of research, including sponsored training programs,
3 of the university at which they are located. A division of
4 sponsored research created under the provisions of this
5 section shall be under the supervision of the president of
6 that university.

7 (2) The university shall set such policies to regulate
8 the activities of the divisions of sponsored research as it
9 may consider necessary to effectuate the purposes of this act
10 and to administer the research programs in a manner which
11 assures efficiency and effectiveness, producing the maximum
12 benefit for the educational programs and maximum service to
13 the state. To this end, materials that relate to methods of
14 manufacture or production, potential trade secrets,
15 potentially patentable material, actual trade secrets,
16 business transactions, or proprietary information received,
17 generated, ascertained, or discovered during the course of
18 research conducted within the state universities shall be
19 confidential and exempt from the provisions of s. 119.07(1),
20 except that a division of sponsored research shall make
21 available upon request the title and description of a research
22 project, the name of the researcher, and the amount and source
23 of funding provided for such project.

24 (3) The president of the university where a division
25 of sponsored research is created, or his or her designee, is
26 authorized to negotiate, enter into, and execute research
27 contracts; to solicit and accept research grants and
28 donations; and to fix and collect fees, other payments, and
29 donations that may accrue by reason thereof. The president or
30 his or her designee may negotiate, enter into, and execute
31 contracts on a cost-reimbursement basis and may provide

1 temporary financing of such costs prior to reimbursement from
2 moneys on deposit in a sponsored research development fund,
3 except as may be prohibited elsewhere by law.

4 (4) A division of sponsored research shall be financed
5 from the moneys of a university which are on deposit or
6 received for use in the research or related programs of that
7 particular university. Such moneys shall be deposited by the
8 university in a permanent sponsored research development fund.

9 (5) Moneys deposited in the permanent sponsored
10 research development fund of a university shall be disbursed
11 in accordance with the terms of the contract, grant, or
12 donation under which they are received. Moneys received for
13 overhead or indirect costs and other moneys not required for
14 the payment of direct costs shall be applied to the cost of
15 operating the division of sponsored research. Any surplus
16 moneys shall be used to support other research or sponsored
17 training programs in any area of the university.
18 Transportation and per diem expense allowances shall be the
19 same as those provided by law in s. 112.061, except that
20 personnel performing travel under a sponsored research
21 subcontract may be reimbursed for travel expenses in
22 accordance with the provisions of the applicable prime
23 contract or grant and the travel allowances established by the
24 subcontractor, subject to the requirements of subsection (7),
25 or except as provided in subsection (11).

26 (6)(a) Each university shall submit to the State Board
27 of Education a report of the activities of each division of
28 sponsored research together with an estimated budget for the
29 next fiscal year.

30 (b) Not less than 90 days prior to the convening of
31 each regular session of the Legislature in which an

1 appropriation shall be made, the State Board of Education
2 shall submit to the chair of the appropriations committee of
3 each house of the Legislature a compiled report, together with
4 a compiled estimated budget for the next fiscal year. A copy
5 of such report and estimated budget shall be furnished to the
6 Governor, as the chief budget officer of the state.

7 (7) All purchases of a division of sponsored research
8 shall be made in accordance with the policies and procedures
9 of the university; however, upon certification addressed to
10 the university president that it is necessary for the
11 efficient or expeditious prosecution of a research project,
12 the president may exempt the purchase of material, supplies,
13 equipment, or services for research purposes shall be exempt
14 from the general purchasing requirement of the Florida
15 Statutes.

16 (8) The university may authorize the construction,
17 alteration, or remodeling of buildings when the funds used are
18 derived entirely from the sponsored research development fund
19 of a university or from that fund in combination with other
20 nonstate sources, provided that such construction, alteration,
21 or remodeling is for use exclusively in the area of research;
22 it also may authorize the acquisition of real property when
23 the cost is entirely from said funds. Title to all real
24 property purchased prior to January 7, 2003, or with funds
25 appropriated by the Legislature shall vest in the Board of
26 Trustees of the Internal Improvement Trust Fund and shall only
27 be transferred or conveyed by it.

28 (9) The sponsored research programs of the Institute
29 of Food and Agricultural Sciences, the University of Florida
30 Health Science Center, and the engineering and industrial
31 experiment station shall continue to be centered at the

1 University of Florida as heretofore provided by law. Indirect
2 cost reimbursements of all grants deposited in the Division of
3 Sponsored Research shall be distributed directly to the above
4 units in direct proportion to the amounts earned by each unit.

5 (10) The operation of the divisions of sponsored
6 research and the conduct of the sponsored research program are
7 expressly exempted from the provisions of any other laws or
8 portions of laws in conflict herewith and are, subject to the
9 requirements of subsection (7), exempted from the provisions
10 of chapters 215, 216, and 283.

11 (11) The divisions of sponsored research may pay, by
12 advancement or reimbursement, or a combination thereof, the
13 costs of per diem of university employees and of other
14 authorized persons, as defined in s. 112.061(2)(e), for
15 foreign travel up to the current rates as stated in the grant
16 and contract terms and may also pay incidental expenses as
17 authorized by s. 112.061(8). This subsection applies to any
18 university employee traveling in foreign countries for
19 sponsored programs of the university, if such travel expenses
20 are approved in the terms of the contract or grant. The
21 provisions of s. 112.061, other than those relating to per
22 diem, apply to the travel described in this subsection. As
23 used in this subsection, "foreign travel" means any travel
24 outside the United States and its territories and possessions
25 and Canada. Persons traveling in foreign countries pursuant
26 to this section shall not be entitled to reimbursements or
27 advancements pursuant to s. 112.061(6)(a)2. for such travel.

28 (12) Each division of sponsored research is authorized
29 to advance funds to any principal investigator who, under the
30 contract or grant terms, will be performing a portion of his
31 or her research at a site that is remote from the university.

1 Funds shall be advanced only to employees who have executed a
2 proper power of attorney with the university to ensure the
3 proper collection of such advanced funds if it becomes
4 necessary. As used in this subsection, the term "remote"
5 means so far removed from the university as to render normal
6 purchasing and payroll functions ineffective.

7 (13) Each university board of trustees is authorized
8 to adopt rules, as necessary, to administer this section.

9 Section 169. Section 1004.23, Florida Statutes, is
10 created to read:

11 1004.23 Universities; powers; patents, copyrights, and
12 trademarks.--Any other law to the contrary notwithstanding,
13 each state university is authorized, in its own name, to:

14 (1) Perform all things necessary to secure letters of
15 patent, copyrights, and trademarks on any work products and to
16 enforce its rights therein. The university shall consider
17 contributions by university personnel in the development of
18 trademarks, copyrights, and patents and shall enter into
19 written contracts with such personnel establishing the
20 interests of the university and such personnel in each
21 trademark, copyright, or patent.

22 (2) License, lease, assign, or otherwise give written
23 consent to any person, firm, or corporation for the
24 manufacture or use thereof, on a royalty basis or for such
25 other consideration as the university shall deem proper.

26 (3) Take any action necessary, including legal action,
27 to protect the same against improper or unlawful use or
28 infringement.

29 (4) Enforce the collection of any sums due the
30 university for the manufacture or use thereof by any other
31 party.

1 (5) Sell any of the same and execute all instruments
2 necessary to consummate any such sale.

3 (6) Do all other acts necessary and proper for the
4 execution of powers and duties herein conferred upon the
5 university, including adopting rules, as necessary, in order
6 to administer this section. Any proceeds therefrom shall be
7 deposited and expended in accordance with s. 1004.22. Any
8 action taken by the university in securing or exploiting such
9 trademarks, copyrights, or patents shall, within 30 days, be
10 reported in writing by the president to the Department of
11 State.

12 Section 170. Section 1004.24, Florida Statutes, is
13 created to read:

14 1004.24 State Board of Education authorized to secure
15 liability insurance.--

16 (1) The State Board of Education is authorized to
17 secure, or otherwise provide as a self-insurer, or by a
18 combination thereof, comprehensive general liability
19 insurance, including professional liability for health care
20 and veterinary sciences, for:

21 (a) The State Board of Education and its officers and
22 members.

23 (b) A university board of trustees and its officers
24 and members.

25 (c) The faculty and other employees and agents of a
26 university board of trustees.

27 (d) The students of a state university.

28 (e) A state university or any college, school,
29 institute, center, or program thereof.

30 (f) Any not-for-profit corporation organized pursuant
31 to chapter 617, and the directors, officers, employees, and

1 agents thereof, which is affiliated with a state university,
2 if the corporation is operated for the benefit of the state
3 university in a manner consistent with the best interests of
4 the state, and if such participation is approved by a
5 self-insurance program council, the university president, and
6 the board of trustees.

7 (2) In the event the State Board of Education adopts a
8 self-insurance program, a governing council chaired by the
9 vice president for health affairs or his or her academic
10 equivalent shall be established to administer the program and
11 its duties and responsibilities, including the administration
12 of self-insurance program assets and expenditure policies,
13 which shall be defined in rules as authorized by this section.
14 The council shall have an annual actuary review performed to
15 establish funding requirements to maintain the fiscal
16 integrity of the self-insurance program. The assets of a
17 self-insurance program shall be deposited outside the State
18 Treasury and shall be administered in accordance with rules as
19 authorized by this section.

20 (3) Any self-insurance program created under this
21 section shall be funded by the entities and individuals
22 protected by such program. There shall be no funds
23 appropriated to any self-insurance program. The assets of the
24 self-insurance program shall be the property of the State
25 Board of Education and shall be used only to pay the
26 administrative expenses of the self-insurance program and to
27 pay any claim, judgment, or claims bill arising out of
28 activities for which the self-insurance program was created.
29 Investment income that is in excess of that income necessary
30 to ensure the solvency of a self-insurance program as
31 established by a casualty actuary may be used to defray the

1 annual contribution paid into the program by the entities and
2 individuals protected by the program.

3 (4) No self-insurance program adopted by the State
4 Board of Education may sue or be sued. The claims files of any
5 such program are privileged and confidential, exempt from the
6 provisions of s. 119.07(1), and are only for the use of the
7 program in fulfilling its duties. Any self-insurance trust
8 fund and revenues generated by that fund shall only be used to
9 pay claims and administration expenses.

10 (5) Each self-insurance program council shall make
11 provision for an annual postaudit of its financial accounts to
12 be conducted by an independent certified public accountant.
13 The annual audit report must include a management letter and
14 shall be submitted to the State Board of Education for review.
15 The State Board of Education shall have the authority to
16 require and receive from the self-insurance program council or
17 from its independent auditor any detail or supplemental data
18 relative to the operation of the self-insurance program.

19 (6) The State Board of Education may make such rules
20 as are necessary to carry out the provisions of this section.

21 Section 171. Section 1004.25, Florida Statutes, is
22 created to read:

23 1004.25 State universities; payment of costs of civil
24 action.--A university may defray all costs of defending any
25 civil action brought against any officer or employee of the
26 university for any act or omission arising out of and in the
27 course of the performance of his or her duties and
28 responsibilities, which costs may include reasonable
29 attorney's fees and expenses together with costs of appeal,
30 and may save harmless and protect such person from any
31 financial loss resulting from the lawful performance of his or

1 her duties and responsibilities. Claims based on such actions
2 or omissions may be settled prior to or after the filing of
3 suit thereon. The university may arrange for and pay the
4 premium for appropriate insurance to cover all such losses and
5 expenses. The university may use funds available, not subject
6 to the obligation of contract, covenant, or trust, to carry
7 out the purposes of this section in the amount necessary.
8 Failure by the university to perform any act authorized by
9 this section shall not constitute a cause of action against
10 the university or its members, officers, or employees.

11 Section 172. Section 1004.28, Florida Statutes, is
12 created to read:

13 1004.28 Direct-support organizations; use of property;
14 board of directors; activities; audit; facilities.--

15 (1) DEFINITIONS.--For the purposes of this section:

16 (a) "University direct-support organization" means an
17 organization which is:

18 1. A Florida corporation not for profit incorporated
19 under the provisions of chapter 617 and approved by the
20 Department of State.

21 2. Organized and operated exclusively to receive,
22 hold, invest, and administer property and to make expenditures
23 to or for the benefit of a state university in Florida or for
24 the benefit of a research and development park or research and
25 development authority affiliated with a state university and
26 organized under part V of chapter 159.

27 3. An organization that a state university board of
28 trustees, after review, has certified to be operating in a
29 manner consistent with the goals of the university and in the
30 best interest of the state. Any organization that is denied

31

1 certification by the board of trustees shall not use the name
2 of the university that it serves.

3 (b) "Personal services" includes full-time or
4 part-time personnel as well as payroll processing.

5 (2) USE OF PROPERTY.--

6 (a) Each state university board of trustees is
7 authorized to permit the use of property, facilities, and
8 personal services at any state university by any university
9 direct-support organization, and, subject to the provisions of
10 this section, direct-support organizations may establish
11 accounts with the State Board of Administration for investment
12 of funds pursuant to part IV of chapter 218.

13 (b) The board of trustees shall prescribe by rule
14 conditions with which a university direct-support organization
15 must comply in order to use property, facilities, or personal
16 services at any state university. Such rules shall provide
17 for budget and audit review and oversight by the board of
18 trustees.

19 (c) The board of trustees shall not permit the use of
20 property, facilities, or personal services at any state
21 university by any university direct-support organization that
22 does not provide equal employment opportunities to all persons
23 regardless of race, color, religion, gender, age, or national
24 origin.

25 (3) BOARD OF DIRECTORS.--The chair of the university
26 board of trustees may appoint a representative to the board of
27 directors and the executive committee of any direct-support
28 organization established under this section. The president of
29 the university for which the direct-support organization is
30 established, or his or her designee, shall also serve on the
31 board of directors and the executive committee of any

1 direct-support organization established to benefit that
2 university.
3 (4) ACTIVITIES; RESTRICTION.--A university
4 direct-support organization is prohibited from giving, either
5 directly or indirectly, any gift to a political committee or
6 committee of continuous existence as defined in s. 106.011 for
7 any purpose other than those certified by a majority roll call
8 vote of the governing board of the direct-support organization
9 at a regularly scheduled meeting as being directly related to
10 the educational mission of the university.
11 (5) ANNUAL AUDIT.--Each direct-support organization
12 shall provide for an annual financial audit of its accounts
13 and records to be conducted by an independent certified public
14 accountant in accordance with rules adopted by the Auditor
15 General pursuant to s. 11.45(8) and by the university board of
16 trustees. The annual audit report shall be submitted, within
17 9 months after the end of the fiscal year, to the Auditor
18 General and the State Board of Education for review. The State
19 Board of Education, the university board of trustees, the
20 Auditor General, and the Office of Program Policy Analysis and
21 Government Accountability shall have the authority to require
22 and receive from the organization or from its independent
23 auditor any records relative to the operation of the
24 organization. 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 State Board
29 of Education, the university board of trustees, the Auditor
30 General, and the Office of Program Policy Analysis and
31

1 Government Accountability shall be confidential and exempt
2 from the provisions of s. 119.07(1).

3 (6) FACILITIES.--In addition to issuance of
4 indebtedness pursuant to s. 1010.60(2), each direct-support
5 organization is authorized to enter into agreements to
6 finance, design and construct, lease, lease-purchase,
7 purchase, or operate facilities necessary and desirable to
8 serve the needs and purposes of the university, as determined
9 by the systemwide strategic plan adopted by the State Board of
10 Education. Such agreements are subject to the provisions of
11 s. 1013.171.

12 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
13 organization shall submit to the university president and the
14 State Board of Education its federal Internal Revenue Service
15 Application for Recognition of Exemption form (Form 1023) and
16 its federal Internal Revenue Service Return of Organization
17 Exempt from Income Tax form (Form 990).

18 Section 173. Section 1004.29, Florida Statutes, is
19 created to read:

20 1004.29 University health services support
21 organizations.--

22 (1) Each state university is authorized to establish
23 university health services support organizations which shall
24 have the ability to enter into, for the benefit of the
25 university academic health sciences center, arrangements with
26 other entities as providers in other integrated health care
27 systems or similar entities. To the extent required by law or
28 rule, university health services support organizations shall
29 become licensed as insurance companies, pursuant to chapter
30 624, or be certified as health maintenance organizations,
31 pursuant to chapter 641. University health services support

1 organizations shall have sole responsibility for the acts,
2 debts, liabilities, and obligations of the organization. In
3 no case shall the state or university have any responsibility
4 for such acts, debts, liabilities, and obligations incurred or
5 assumed by university health services support organizations.

6 (2) Each university health services support
7 organization shall be a Florida corporation not for profit,
8 incorporated under the provisions of chapter 617 and approved
9 by the Department of State.

10 (3) A state university board of trustees may
11 prescribe, by rule, conditions with which a university health
12 services support organization must comply in order to be
13 certified and to use property, facilities, or personal
14 services at any state university. The rules must provide for
15 budget, audit review, and oversight by the board of trustees.
16 Such rules shall provide that the university health services
17 support organization may provide salary supplements and other
18 compensation or benefits for university faculty and staff
19 employees only as set forth in the organization's budget,
20 which shall be subject to approval by the university
21 president.

22 (4) The chair of the university board of trustees may
23 appoint a representative to the board of directors and the
24 executive committee of any university health services support
25 organization established under this section. The president of
26 the university for which the university health services
27 support organization is established, or the president's
28 designee, shall also serve on the board of directors and the
29 executive committee of any university health services support
30 organization established to benefit that university.

31

1 (5) Each university health services support
2 organization shall provide for an annual financial audit in
3 accordance with s. 1004.28(5). The auditor's report,
4 management letter, and any supplemental data requested by the
5 State Board of Education, the university board of trustees,
6 and the Auditor General shall be considered public records,
7 pursuant to s. 119.07.

8 Section 174. Section 1004.30, Florida Statutes, is
9 created to read:

10 1004.30 University health services support
11 organization; confidentiality of information.--

12 (1) All meetings of a governing board of a university
13 health services support organization and all university health
14 services support organization records shall be open and
15 available to the public in accordance with s. 286.011 and s.
16 24(b), Art. I of the State Constitution and chapter 119 and s.
17 24(a), Art. I of the State Constitution, respectively, unless
18 made confidential or exempt by law. Records required by the
19 Department of Insurance to discharge its duties shall be made
20 available to the department upon request.

21 (2) The following university health services support
22 organization's records and information are confidential and
23 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
24 I of the State Constitution:

25 (a) Contracts for managed care arrangements under
26 which the university health services support organization
27 provides health care services, preferred provider organization
28 contracts, health maintenance organization contracts, alliance
29 network arrangements, and exclusive provider organization
30 contracts, and any documents directly relating to the
31 negotiation, performance, and implementation of any such

1 contracts for managed care arrangements or alliance network
2 arrangements. As used in this paragraph, the term "managed
3 care" means systems or techniques generally used by
4 third-party payors or their agents to affect access to and
5 control payment for health care services. Managed-care
6 techniques most often include one or more of the following:
7 prior, concurrent, and retrospective review of the medical
8 necessity and appropriateness of services or site of services;
9 contracts with selected health care providers; financial
10 incentives or disincentives related to the use of specific
11 providers, services, or service sites; controlled access to
12 and coordination of services by a case manager; and payor
13 efforts to identify treatment alternatives and modify benefit
14 restrictions for high-cost patient care.

15 (b) Each university health services support
16 organization's marketing plan the disclosure of which may
17 reasonably be expected by the organization's governing board
18 to be used by a competitor or an affiliated provider of the
19 organization to frustrate, circumvent, or exploit the purposes
20 of the plan before it is implemented and which is not
21 otherwise known or cannot be legally obtained by a competitor
22 or an affiliated provider. However, documents that are
23 submitted to the organization's governing board as part of the
24 board's approval of the organization's budget, and the budget
25 itself, are not confidential and exempt.

26 (c) Trade secrets, as defined in s. 688.002, including
27 reimbursement methodologies and rates.

28 (d) The records of the peer review panels, committees,
29 governing board, and agents of the university health services
30 support organization which relate solely to the evaluation of
31 health care services and professional credentials of health

1 care providers and physicians employed by or providing
2 services under contract to the university health services
3 support organization. The exemptions created by this
4 paragraph shall not be construed to impair any otherwise
5 established rights of an individual health care provider to
6 inspect documents concerning the determination of such
7 provider's professional credentials.

8 (3) Any portion of a governing board or peer review
9 panel or committee meeting during which a confidential and
10 exempt contract, document, record, marketing plan, or trade
11 secret, as provided for in subsection (2), is discussed is
12 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
13 of the State Constitution.

14 (4) Those portions of any public record, such as a
15 tape recording, minutes, and notes, generated during that
16 portion of a governing board or peer review panel or committee
17 meeting which is closed to the public pursuant to this
18 section, which contain information relating to contracts,
19 documents, records, marketing plans, or trade secrets which
20 are made confidential and exempt by this section, are
21 confidential and exempt from the provisions of s. 119.07(1)
22 and s. 24(a), Art. I of the State Constitution.

23 (5) The exemptions from s. 119.07(1) and s. 24(a),
24 Art. I of the State Constitution and s. 286.011 and s. 24(b),
25 Art. I of the State Constitution provided in this section do
26 not apply if the governing board of a university health
27 services support organization votes to lease, sell, or
28 transfer all or any substantial part of the facilities or
29 property of the university health services support
30 organization to a nonpublic entity.

31

1 (6) Any person may petition a court of competent
2 jurisdiction for an order for the public release of those
3 portions of any public record, such as a tape recording,
4 minutes, or notes, generated during that portion of a
5 governing board meeting which is closed to the public pursuant
6 to subsection (3), which record is made confidential and
7 exempt by subsection (4). Any action pursuant to this
8 subsection must be brought in the county where the principal
9 office of the university health services support organization
10 is located, as reflected in the records of the Secretary of
11 State. In any order for the public release of a record
12 pursuant to this subsection, the court shall make a finding
13 that a compelling public interest is served by the release of
14 the record or portions thereof which exceeds the public
15 necessity for maintaining the confidentiality of such record
16 as described in s. 2, chapter 96-171, Laws of Florida, and
17 that the release of the record will not cause damage to or
18 adversely affect the interests of private persons, business
19 entities, the university health services support organization,
20 or the affiliated university.

21 (7) Those portions of any public record, such as a
22 tape recording, minutes, or notes, generated during that
23 portion of a governing board meeting at which negotiations for
24 contracts for managed-care arrangements occur, are reported
25 on, or are acted on by the governing board, which record is
26 made confidential and exempt by subsection (4), shall become
27 public records 2 years after the termination or completion of
28 the term of the contract to which such negotiations relate or,
29 if no contract was executed, 2 years after the termination of
30 the negotiations. Notwithstanding paragraph (2)(a) and
31 subsection (4), a university health services support

1 organization must make available, upon request, the title and
2 general description of a contract for managed-care
3 arrangements, the names of the contracting parties, and the
4 duration of the contract term. All contracts for managed-care
5 arrangements which are made confidential and exempt by
6 paragraph (2)(a), except those portions of any contract
7 containing trade secrets which are made confidential and
8 exempt by paragraph (2)(c), shall become public 2 years after
9 the termination or completion of the term of the contract.
10 (8) A university health services support organization
11 may petition a court of competent jurisdiction to continue the
12 confidentiality of any public record made nonconfidential by
13 this section, upon a showing of good cause. In determining
14 good cause, the court shall balance the property, privacy, and
15 economic interests of any affected person or business entity
16 with those of the university health services support
17 organization and with the public interest and must make a
18 finding that a substantial public interest is served by the
19 continued confidentiality of the public record for an
20 additional time period. The length of time for this continued
21 exemption may be no longer than is necessary to protect that
22 substantial public interest.
23 (9) This act does not preclude discovery of records
24 and information that are otherwise discoverable under the
25 Florida Rules of Civil Procedure or any statutory provision
26 allowing discovery or presuit disclosure of such records and
27 information for the purpose of civil actions.
28 Section 175. Section 1004.31, Florida Statutes, is
29 created to read:
30 1004.31 Assent to Hatch Act and Morrill Land-Grant
31 Act.--The assent of the Legislature is given to the provisions

1 and requirements of the Acts of Congress commonly known as the
2 "Hatch Act of 1887," the "First Morrill Act of 1862," the
3 "Second Morrill Act of 1890," and all acts supplemental
4 thereto. The University of Florida Board of Trustees may
5 receive grants of money appropriated for the benefit of the
6 University of Florida Institute of Food and Agricultural
7 Sciences in the case of the First Morrill Act, the Hatch Act,
8 and all acts supplemental thereto. The Florida Agricultural
9 and Mechanical University Board of Trustees may receive grants
10 of money appropriated for the benefit of Florida Agricultural
11 and Mechanical University in the case of the Second Morrill
12 Act and all acts supplemental thereto. The provisions of
13 chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776,
14 1870, Laws of Florida, are made applicable to said
15 universities insofar as the same are or can be made effective;
16 and all estate, right, property claim, and emoluments, and the
17 rents and issues thereof, or any substitutions thereof, and
18 all claims and demands arising or that may or can arise
19 thereunder, or any Act of Congress in that regard, are hereby
20 preserved, maintained, and transferred to the University of
21 Florida Board of Trustees and the Florida Agricultural and
22 Mechanical University Board of Trustees for the use and
23 benefit of said universities under the terms of said acts.

24 Section 176. Section 1004.32, Florida Statutes, is
25 created to read:

26 1004.32 New College of Florida.--

27 (1) MISSION AND GOALS.--New College of Florida serves
28 a distinctive mission as the 4-year residential liberal arts
29 honors college of the State of Florida. To maintain this
30 mission, New College of Florida has the following goals:

31

1 (a) To provide a quality education to students of high
2 ability who, because of their ability, deserve a program of
3 study that is both demanding and stimulating.

4 (b) To engage in undergraduate educational reform by
5 combining educational innovation with educational excellence.

6 (c) To provide programs of study that allow students
7 to design their educational experience as much as possible in
8 accordance with their individual interests, values, and
9 abilities.

10 (d) To challenge undergraduates not only to master
11 existing bodies of knowledge but also to extend the frontiers
12 of knowledge through original research.

13 (2) ACCREDITATION.--As soon as possible, New College
14 of Florida shall apply to the Commission on Colleges of the
15 Southern Association of Colleges and Schools for separate
16 accreditation.

17 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
18 members to the Board of Trustees, to serve 4-year staggered
19 terms, as follows:

20 (a) Three residents of Sarasota County.

21 (b) Two residents of Manatee County.

22 (c) Until the expiration date of the terms of office
23 of the members who are on the board June 30, 2001, seven
24 members selected from the Board of Trustees of the New College
25 Foundation.

26
27 In addition, the student body president shall serve ex officio
28 as a voting member of the board of trustees.

29 Section 177. Part II.b. of chapter 1004, Florida
30 Statutes, shall be entitled "Branch Campuses, Centers,
31

1 Institutes, and Special Programs" and shall consist of ss.
2 1004.33-1004.62.

3 Section 178. Section 1004.33, Florida Statutes, is
4 created to read:

5 1004.33 The University of South Florida St.
6 Petersburg.--

7 (1) The St. Petersburg campus of the University of
8 South Florida is established and shall be known as the
9 "University of South Florida St. Petersburg."

10 (a) The Legislature intends that the University of
11 South Florida St. Petersburg be operated and maintained as a
12 separate organizational and budget entity of the University of
13 South Florida, and that all legislative appropriations for the
14 University of South Florida St. Petersburg be set forth as
15 separate line items in the annual General Appropriations Act.

16 (b) The University of South Florida St. Petersburg
17 shall have a Campus Board and a Campus Executive Officer.

18 (c) As soon as possible, but no later than the
19 effective date of this act, the President of the University of
20 South Florida shall begin the process of application to the
21 Commission on Colleges of the Southern Association of Colleges
22 and Schools for separate accreditation of the University of
23 South Florida St. Petersburg. If the application is not
24 approved or is provisionally approved, the University of South
25 Florida shall correct any identified deficiencies and shall
26 continue to work for accreditation.

27 (2) The Board of Trustees of the University of South
28 Florida shall appoint to the Campus Board, from
29 recommendations of the President of the University of South
30 Florida, five residents of Pinellas County. If a resident of
31 Pinellas County is appointed to the Board of Trustees of the

1 University of South Florida, the board shall appoint that
2 member to serve jointly as a member of the Campus Board. If
3 more than one Pinellas County resident is appointed to the
4 Board of Trustees, the board shall select one joint member.
5 The Board of Trustees may reappoint a member to the Campus
6 Board for one additional term. The Campus Board has the powers
7 and duties provided by law, which include the authority to:
8 (a) Review and approve an annual legislative budget
9 request to be submitted to the Commissioner of Education. The
10 Campus Executive Officer shall prepare the legislative budget
11 request in accordance with guidelines established by the State
12 Board of Education. This request must include items for campus
13 operations and fixed capital outlay.
14 (b) Approve and submit an annual operating plan and
15 budget for review and consultation by the Board of Trustees of
16 the University of South Florida. The campus operating budget
17 must reflect the actual funding available to that campus from
18 separate line-item appropriations contained in each annual
19 General Appropriations Act, which line-item appropriations
20 must initially reflect the funds reported to the Legislature
21 for the University of South Florida St. Petersburg campus for
22 fiscal year 2000-2001 and any additional funds provided in the
23 fiscal year 2001-2002 legislative appropriation.
24 (c) Enter into central support services contracts with
25 the Board of Trustees of the University of South Florida for
26 any services that the St. Petersburg campus cannot provide
27 more economically, including payroll processing, accounting,
28 technology, construction administration, and other desired
29 services. However, all legal services for the campus must be
30 provided by a central services contract with the university.
31 The Board of Trustees of the University of South Florida and

1 the Campus Board shall determine in a letter of agreement any
2 allocation or sharing of student fee revenue between the
3 University of South Florida's main campus and the St.
4 Petersburg campus.

5
6 The Board of Trustees of the University of South Florida may
7 lawfully delegate other powers and duties to the Campus Board
8 for the efficient operation and improvement of the campus and
9 for the purpose of vesting in the campus the attributes
10 necessary to meet the requirements for separate accreditation
11 by the Southern Association of Colleges and Schools.

12 (3) The University of South Florida St. Petersburg
13 shall be administered by a Campus Executive Officer who shall
14 be appointed by, report directly to, and serve at the pleasure
15 of the President of the University of South Florida. The
16 President shall consult with the Campus Board before hiring or
17 terminating the Campus Executive Officer. The Campus Executive
18 Officer has authority and responsibility as provided in law,
19 including the authority to:

20 (a) Administer campus operations within the annual
21 operating budget as approved by the Campus Board.

22 (b) Recommend to the Campus Board an annual
23 legislative budget request that includes funding for campus
24 operations and fixed capital outlay.

25 (c) Recommend to the Campus Board an annual campus
26 operating budget.

27 (d) Recommend to the Campus Board appropriate services
28 and terms and conditions to be included in annual central
29 support services contracts.

30 (e) Carry out any additional responsibilities assigned
31 or delegated by the President of the University of South

1 Florida for the efficient operation and improvement of the
2 campus, especially any authority necessary for the purpose of
3 vesting in the campus attributes necessary to meet the
4 requirements for separate accreditation.

5 (4) Students enrolled at the University of South
6 Florida, including those enrolled at a branch campus, have the
7 same rights and obligations as provided by law, policy, or
8 rule adopted by the University of South Florida, the Florida
9 Department of Education, or other lawful entity. The
10 University of South Florida shall provide a comprehensive and
11 coordinated system of student registration so that a student
12 enrolled at any campus of the University of South Florida has
13 the ability to register for courses at any other campus of the
14 University of South Florida.

15 (5) The following entities are not affected by this
16 section and remain under the administrative control of the
17 University of South Florida:

18 (a) The University of South Florida College of Marine
19 Science, which is a component college of the main campus.

20 (b) The Florida Institute of Oceanography, which is a
21 Type One Institute.

22 (c) The University of South Florida Pediatric Research
23 Center.

24 (d) The University of South Florida/USGS joint
25 facility.

26 Section 179. Section 1004.34, Florida Statutes, is
27 created to read:

28 1004.34 The University of South Florida
29 Sarasota/Manatee.--
30
31

1 (1) The Sarasota/Manatee campus of the University of
2 South Florida is established and shall be known as the
3 "University of South Florida Sarasota/Manatee."

4 (a) The Legislature intends that the University of
5 South Florida Sarasota/Manatee be operated and maintained as a
6 separate organizational and budget entity of the University of
7 South Florida and that all legislative appropriations for the
8 University of South Florida Sarasota/Manatee be set forth as
9 separate line items in the annual General Appropriations Act.

10 (b) The University of South Florida Sarasota/Manatee
11 shall have a Campus Board and a Campus Executive Officer.

12 (c) As soon as possible, but no later than July 1,
13 2002, the President of the University of South Florida shall
14 begin the process of application to the Commission on Colleges
15 of the Southern Association of Colleges and Schools for
16 separate accreditation of the University of South Florida
17 Sarasota/Manatee. If the application is not approved or is
18 provisionally approved, the University of South Florida shall
19 correct any identified deficiencies and shall continue to work
20 for accreditation.

21 (2) The Board of Trustees of the University of South
22 Florida shall appoint to the Campus Board, from
23 recommendations of the President of the University of South
24 Florida, three residents of Manatee County and two residents
25 of Sarasota County, to serve 4-year staggered terms. If one or
26 more residents of Sarasota County or Manatee County are
27 appointed to the Board of Trustees of the University of South
28 Florida, the board shall, at the next vacancy of the Campus
29 Board, appoint one of those members to serve jointly as a
30 member of the Campus Board. The Board of Trustees may
31 reappoint a member to the Campus Board for one additional

1 term. The Campus Board has the powers and duties provided by
2 law, which include the authority to:
3 (a) Review and approve an annual legislative budget
4 request to be submitted to the Commissioner of Education. The
5 Campus Executive Officer shall prepare the legislative budget
6 request in accordance with guidelines established by the State
7 Board of Education. This request must include items for campus
8 operations and fixed capital outlay.
9 (b) Approve and submit an annual operating plan and
10 budget for review and consultation by the Board of Trustees of
11 the University of South Florida. The campus operating budget
12 must reflect the actual funding available to that campus from
13 separate line-item appropriations contained in each annual
14 General Appropriations Act, which line-item appropriations
15 must initially reflect the funds reported to the Legislature
16 for the University of South Florida Sarasota/Manatee campus
17 for fiscal year 2000-2001 and any additional funds provided in
18 the fiscal year 2001-2002 legislative appropriation.
19 (c) Enter into central support services contracts with
20 the Board of Trustees of the University of South Florida for
21 any services that the campus at Sarasota/Manatee cannot
22 provide more economically, including payroll processing,
23 accounting, technology, construction administration, and other
24 desired services. However, all legal services for the campus
25 must be provided by a central services contract with the
26 university. The Board of Trustees of the University of South
27 Florida and the Campus Board shall determine in a letter of
28 agreement any allocation or sharing of student fee revenue
29 between the University of South Florida's main campus and the
30 Sarasota/Manatee campus.
31

1 The Board of Trustees of the University of South Florida may
2 lawfully delegate other powers and duties to the Campus Board
3 for the efficient operation and improvement of the campus and
4 for the purpose of vesting in the campus the attributes
5 necessary to meet the requirements for separate accreditation
6 by the Southern Association of Colleges and Schools.
7 (3) The University of South Florida Sarasota/Manatee
8 shall be administered by a Campus Executive Officer who shall
9 be appointed by, report directly to, and serve at the pleasure
10 of the President of the University of South Florida. The
11 President shall consult with the Campus Board before hiring or
12 terminating the Campus Executive Officer. The Campus Executive
13 Officer has authority and responsibility as provided in law,
14 including the authority to:
15 (a) Administer campus operations within the annual
16 operating budget as approved by the Campus Board.
17 (b) Recommend to the Campus Board an annual
18 legislative budget request that includes funding for campus
19 operations and fixed capital outlay.
20 (c) Recommend to the Campus Board an annual campus
21 operating budget.
22 (d) Recommend to the Campus Board appropriate services
23 and terms and conditions to be included in annual central
24 support services contracts.
25 (e) Carry out any additional responsibilities assigned
26 or delegated by the President of the University of South
27 Florida for the efficient operation and improvement of the
28 campus, especially any authority necessary for the purpose of
29 vesting in the campus attributes necessary to meet the
30 requirements for separate accreditation.
31

1 (4) Students enrolled at the University of South
2 Florida, including those enrolled at a branch campus, have the
3 same rights and obligations as provided by law, policy, or
4 rule adopted by the University of South Florida, the Florida
5 Department of Education, or other lawful entity. The
6 University of South Florida shall provide a comprehensive and
7 coordinated system of student registration so that a student
8 enrolled at any campus of the University of South Florida has
9 the ability to register for courses at any other campus of the
10 University of South Florida.

11 (5) Promote technology transfer between the research
12 operations of the University of South Florida and local
13 economic development agencies.

14 Section 180. Section 1004.35, Florida Statutes, is
15 created to read:

16 1004.35 Broward County campuses of Florida Atlantic
17 University; coordination with other institutions.--The State
18 Board of Education and Florida Atlantic University shall
19 consult with Broward Community College and Florida
20 International University in coordinating course offerings at
21 the postsecondary level in Broward County. Florida Atlantic
22 University may contract with the Board of Trustees of Broward
23 Community College and with Florida International University to
24 provide instruction in courses offered at the Southeast
25 Campus. Florida Atlantic University shall increase course
26 offerings at the Southeast Campus as facilities become
27 available.

28 Section 181. Section 1004.36, Florida Statutes, is
29 created to read:

30 1004.36 Florida Atlantic University campuses.--
31

1 (1) The Broward County campuses of Florida Atlantic
2 University are hereby established as a partner of the Florida
3 Atlantic University campus in Boca Raton. The Broward County
4 campuses of Florida Atlantic University shall be known as
5 "Florida Atlantic University Broward." The Boca Raton campuses
6 of Florida Atlantic University shall be known as "Florida
7 Atlantic University Boca Raton." The office of the president
8 shall be at the campus in Boca Raton.

9 (2) Florida Atlantic University shall develop and
10 administer a separate budget for Florida Atlantic University
11 Broward. The budget shall include, at a minimum, an allocation
12 of those operating and capital outlay funds appropriated
13 annually by the Legislature in the General Appropriations Act
14 for the Broward campuses; a proportional share, based on
15 student credit hours produced at the Broward campuses, of any
16 allocations received by the university from student tuition
17 and fees, except for athletic fees, specifically authorized by
18 law; all overhead charges from sponsored research conducted on
19 the Broward campuses; and all revenues derived from vending
20 funds, auxiliary enterprises and contracts, and grants and
21 donations, as authorized by s. 1011.91, which result from
22 activities on Broward campuses. Florida Atlantic University
23 Broward and Florida Atlantic University Boca Raton may pay
24 reasonable charges to appropriate levels of administration of
25 Florida Atlantic University for services delivered
26 universitywide.

27 (3) The Florida Atlantic University Board of Trustees
28 shall take all actions necessary to ensure that Florida
29 Atlantic University Broward and Florida Atlantic University
30 Boca Raton are partners in the overall policymaking and
31 academic governance structures of the university. Annual

1 legislative budget requests for operations and facilities
2 shall separately identify those funds requested for Florida
3 Atlantic University Broward and Florida Atlantic University
4 Boca Raton. Florida Atlantic University Broward and Florida
5 Atlantic University Boca Raton shall have local management
6 authority over their campus faculty, staff, and programs, but
7 there shall be universitywide standards and processes for
8 evaluating requests for promotion and tenure; there shall be
9 complete transferability of credits and uniform programs
10 across campuses; and colleges operating on multiple campuses
11 shall have only one dean for each college. Florida Atlantic
12 University Broward shall establish a faculty senate and may
13 establish a direct-support organization. Any such
14 direct-support organization shall be subject to s. 1004.28(5).

15 (4) The State Board of Education, as a function of its
16 comprehensive master planning process, shall continue to
17 evaluate the need for undergraduate programs in Broward County
18 and shall assess the extent to which existing postsecondary
19 programs are addressing those needs.

20 Section 182. Section 1004.37, Florida Statutes, is
21 created to read:

22 1004.37 County or area extension programs; cooperation
23 between counties and University of Florida and Florida
24 Agricultural and Mechanical University.--

25 (1) The Florida Cooperative Extension Service is
26 administered through the University of Florida and is
27 supported programmatically by the University of Florida and
28 Florida Agricultural and Mechanical University in
29 collaboration with individual county governments. County or
30 area extension programs will be developed, based on local
31 situations, needs, and problems, supported by scientific and

1 technical information developed by the University of Florida,
2 Florida Agricultural and Mechanical University, the United
3 States Department of Agriculture, and other sources of
4 research information. This information will be made available
5 through the local program, with the aid of research scientists
6 and extension specialists of the University of Florida
7 Institute of Food and Agricultural Sciences and Florida
8 Agricultural and Mechanical University.

9 (2) In each county or other geographic subdivision the
10 board of county commissioners or other legally constituted
11 governing body will annually determine the extent of its
12 financial participation in cooperative extension work. The
13 extent of such financial participation by the counties will
14 influence the number of county extension agents and clerical
15 staff employed and the scope of the local extension program.

16 (3) Boards of county commissioners or other legally
17 constituted governing bodies will approve or disapprove of
18 persons recommended for extension positions in the county. If
19 the governing body of the county notifies the extension
20 service by resolution that it wants a list of three qualified
21 candidates, then the extension service shall, for each
22 position, make its recommendation by submitting a list of not
23 fewer than three qualified persons, or all qualified persons
24 if three or fewer. From this list, the board of county
25 commissioners, or other legally constituted governing body,
26 shall make its selection. If none of the persons recommended
27 are approved, the extension service shall continue to submit
28 lists of not fewer than three additional qualified persons
29 until one person is selected. If the governing body of the
30 county does not forward such a resolution to the extension
31 service, the extension service shall recommend one qualified

1 candidate to the governing body. If a person recommended is
2 not approved, the extension service shall recommend another
3 qualified candidate and shall repeat this procedure as
4 necessary until one person is selected. Extension agents so
5 appointed will be staff members of the University of Florida
6 or Florida Agricultural and Mechanical University, depending
7 on the source of funds. It is the responsibility of the
8 cooperative extension service to determine qualifications for
9 positions.

10 (4) Although county extension agents are jointly
11 employed by the state universities and federal and county
12 governments for the purposes of administration of the
13 cooperative extension service, the personnel policies and
14 procedures of the University of Florida or Florida
15 Agricultural and Mechanical University, depending on
16 appointment, will apply except in those instances when federal
17 legislation or the basic memorandum of understanding is
18 applicable.

19 (5) The University of Florida will provide county
20 extension personnel in the county with supervision and
21 resources for planning and programming and is responsible for
22 the programming process. The Florida Cooperative Extension
23 Service will make available needed program materials to the
24 extension agents through the subject matter specialists or
25 through other resource persons available from within the
26 university. It will be responsible for maintaining a high
27 level of technical competence in the county extension staff
28 through a continuous program of inservice training.

29 (6) The county extension director will report
30 periodically to the board of county commissioners or other
31 legally constituted governing body on programs underway and

1 results in the county. Each board of county commissioners or
2 other legally constituted governing body will develop a plan
3 which will enable it to be kept informed on the progress and
4 results of the local extension program so that its own
5 knowledge of program needs and problems may become a part of
6 the educational work carried on by the agents. Such plan shall
7 provide for a means of communicating the board's satisfaction
8 with the extension program to the county extension director
9 and the cooperative extension service.

10 Section 183. Section 1004.38, Florida Statutes, is
11 created to read:

12 1004.38 Master of science program in speech-language
13 pathology; Florida International University.--A master of
14 science degree program in speech-language pathology is hereby
15 authorized at Florida International University.

16 Section 184. Section 1004.39, Florida Statutes, is
17 created to read:

18 1004.39 College of law at Florida International
19 University.--

20 (1) A college of law is authorized at Florida
21 International University.

22 (2) The college of law at Florida International
23 University must be operated in compliance with the standards
24 approved by nationally recognized associations for accredited
25 colleges of law.

26 (3) The college of law at Florida International
27 University, to the extent consistent with the standards
28 required by the American Bar Association or any other
29 nationally recognized association for the accreditation of
30 colleges of law, shall develop a law library collection
31 utilizing electronic formats and mediums.

1 (4) The college of law at Florida International
2 University shall develop and institute a program that is
3 consistent with sound legal education principles as determined
4 by the American Bar Association or any other nationally
5 recognized association for the accreditation of colleges of
6 law and that, to the extent consistent with such sound legal
7 education principles, is structured to serve the legal needs
8 of traditionally underserved portions of the population by
9 providing an opportunity for participation in a legal clinic
10 program or pro bono legal service.

11 (5) The Florida International University Board of
12 Trustees shall commence the planning of a college of law at
13 Florida International University. In planning the college of
14 law, the Florida International University Board of Trustees
15 and the State Board of Education may accept grants, donations,
16 gifts, and moneys available for this purpose, including moneys
17 for planning and constructing the college. The Florida
18 International University Board of Trustees may procure and
19 accept any federal funds that are available for the planning,
20 creation, and establishment of the college of law. Classes
21 must commence by the fall semester 2003. If the American Bar
22 Association or any other nationally recognized association for
23 the accreditation of colleges of law issues a third
24 disapproval of an application for provisional approval or for
25 full approval or fails to grant, within 5 years following the
26 graduation of the first class, a provisional approval, to the
27 college of law at Florida International University, the State
28 Board of Education shall make recommendations to the Governor
29 and the Legislature as to whether the college of law will
30 cease operations at the end of the full academic year
31 subsequent to the receipt by the college of law of any such

1 third 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 pursuant to this section, the
4 following conditions apply:

5 (a) The authority for the college of law at Florida
6 International University and the authority of the Florida
7 International University Board of Trustees and the State Board
8 of Education provided in this section shall terminate upon the
9 cessation of operations of the college of law at Florida
10 International University. The college of law at Florida
11 International University shall receive no moneys allocated for
12 the planning, construction, or operation of the college of law
13 after its cessation of operations other than moneys to be
14 expended for the cessation of operations of the college of
15 law. Any moneys allocated to the college of law at Florida
16 International University not expended prior to or scheduled to
17 be expended after the date of the cessation of the college of
18 law shall be appropriated for other use by the Legislature of
19 the State of Florida.

20 (b) Any buildings of the college of law at Florida
21 International University constructed from the expenditure of
22 capital outlay funds appropriated by the Legislature shall be
23 owned by the Board of Trustees of the Internal Improvement
24 Trust Fund and managed by the Florida International University
25 Board of Trustees upon the cessation of the college of law.

26
27 Nothing in this section shall undermine commitments to current
28 students receiving support as of the date of the enactment of
29 this section from the law school scholarship program of the
30 Florida Education Fund as provided in s. 1009.70(8). Students
31 attending the college of law at Florida International

1 University shall be eligible for financial, academic, or other
2 support from the Florida Education Fund as provided in s.
3 1009.70(8) without the college's obtaining accreditation by
4 the American Bar Association.

5 (6) The college of law at Florida International
6 University shall be dedicated to providing opportunities for
7 minorities to attain representation within the legal
8 profession proportionate to their representation in the
9 general population; however, the college of law shall not
10 include preferences in the admissions process for applicants
11 on the basis of race, national origin, or gender.

12 Section 185. Section 1004.40, Florida Statutes, is
13 created to read:

14 1004.40 College of law at Florida Agricultural and
15 Mechanical University.--

16 (1) A college of law is authorized at Florida
17 Agricultural and Mechanical University.

18 (2) The college of law at Florida Agricultural and
19 Mechanical University must be operated in compliance with the
20 standards approved by nationally recognized associations for
21 accredited colleges of law.

22 (3) The college of law at Florida Agricultural and
23 Mechanical University, to the extent consistent with the
24 standards required by the American Bar Association or any
25 other nationally recognized association for the accreditation
26 of colleges of law, shall develop a law library collection
27 utilizing electronic formats and mediums.

28 (4) The college of law at Florida Agricultural and
29 Mechanical University shall develop and institute a program
30 that is consistent with sound legal education principles as
31 determined by the American Bar Association or any other

1 nationally recognized association for the accreditation of
2 colleges of law and that, to the extent consistent with such
3 sound legal education principles, is structured to serve the
4 legal needs of traditionally underserved portions of the
5 population by providing an opportunity for participation in a
6 legal clinic program or pro bono legal service.
7 (5) The Florida Agricultural and Mechanical University
8 Board of Trustees shall commence the planning of a college of
9 law under the auspices of Florida Agricultural and Mechanical
10 University to be located in the I-4 corridor area. In planning
11 the college of law, the Florida Agricultural and Mechanical
12 University Board of Trustees and the State Board of Education
13 may accept grants, donations, gifts, and moneys available for
14 this purpose, including moneys for planning and constructing
15 the college. The Florida Agricultural and Mechanical
16 University Board of Trustees may procure and accept any
17 federal funds that are available for the planning, creation,
18 and establishment of the college of law. Classes must commence
19 by the fall semester 2003. If the American Bar Association or
20 any other nationally recognized association for the
21 accreditation of colleges of law issues a third disapproval of
22 an application for provisional approval or for full approval
23 or fails to grant, within 5 years following the graduation of
24 the first class, a provisional approval, to the college of law
25 at Florida Agricultural and Mechanical University, the State
26 Board of Education shall make recommendations to the Governor
27 and Legislature as to whether the college of law will cease
28 operations at the end of the full academic year subsequent to
29 the receipt by the college of law of any such third
30 disapproval, or whether the college of law will continue
31 operations and any conditions for continued operations. If the

1 college of law ceases operations of the college of law
2 pursuant to this section, the following conditions apply:
3 (a) The authority for the college of law at Florida
4 Agricultural and Mechanical University and the authority of
5 the Florida Agricultural and Mechanical University Board of
6 Trustees and the State Board of Education provided in this
7 section shall terminate upon the cessation of operations of
8 the college of law at Florida Agricultural and Mechanical
9 University. The college of law at Florida Agricultural and
10 Mechanical University shall receive no moneys allocated for
11 the planning, construction, or operation of the college of law
12 after its cessation of operations other than moneys to be
13 expended for the cessation of operations of the college of
14 law. Any moneys allocated to the college of law at Florida
15 Agricultural and Mechanical University not expended prior to
16 or scheduled to be expended after the date of the cessation of
17 the college of law shall be appropriated for other use by the
18 Legislature of the State of Florida.
19 (b) Any buildings of the college of law at Florida
20 Agricultural and Mechanical University constructed from the
21 expenditure of capital outlay funds appropriated by the
22 Legislature shall be owned by the Board of Trustees of the
23 Internal Improvement Trust Fund and managed by the Florida
24 Agricultural and Mechanical University Board of Trustees upon
25 the cessation of the college of law.
26
27 Nothing in this section shall undermine commitments to current
28 students receiving support as of the date of the enactment of
29 this section from the law school scholarship program of the
30 Florida Education Fund as provided in s. 1009.70(8). Students
31 attending the college of law at Florida Agricultural and

1 Mechanical University shall be eligible for financial,
2 academic, or other support from the Florida Education Fund as
3 provided in s. 1009.70(8) without the college's obtaining
4 accreditation by the American Bar Association.

5 (6) The college of law at Florida Agricultural and
6 Mechanical University shall be dedicated to providing
7 opportunities for minorities to attain representation within
8 the legal profession proportionate to their representation in
9 the general population; however, the college of law shall not
10 include preferences in the admissions process for applicants
11 on the basis of race, national origin, or gender.

12 Section 186. Section 1004.41, Florida Statutes, is
13 created to read:

14 1004.41 University of Florida; J. Hillis Miller Health
15 Center.--

16 (1) There is established the J. Hillis Miller Health
17 Center at the University of Florida, including campuses at
18 Gainesville and Jacksonville and affiliated teaching
19 hospitals, which shall include the following colleges:

- 20 (a) College of Dentistry.
- 21 (b) College of Health Professions.
- 22 (c) College of Medicine.
- 23 (d) College of Nursing.
- 24 (e) College of Pharmacy.
- 25 (f) College of Veterinary Medicine and related
26 teaching hospitals.

27 (2) Each college of the health center shall be so
28 maintained and operated as to comply with the standards
29 approved by a nationally recognized association for
30 accreditation.

31

1 (3)(a) The University of Florida Health Center
2 Operations and Maintenance Trust Fund shall be administered by
3 the University of Florida Board of Trustees. Funds shall be
4 credited to the trust fund from the sale of goods and services
5 performed by the University of Florida Veterinary Medicine
6 Teaching Hospital. The purpose of the trust fund is to support
7 the instruction, research, and service missions of the
8 University of Florida College of Veterinary Medicine.

9 (b) Notwithstanding the provisions of s. 216.301, and
10 pursuant to s. 216.351, any balance in the trust fund at the
11 end of any fiscal year shall remain in the trust fund and
12 shall be available for carrying out the purposes of the trust
13 fund.

14 (4)(a) The University of Florida Board of Trustees
15 shall lease the hospital facilities of the health center,
16 known as the Shands Teaching Hospital and Clinics on the
17 campus of the University of Florida and all furnishings,
18 equipment, and other chattels or choses in action used in the
19 operation of the hospital, to a private not-for-profit
20 corporation organized solely for the purpose of operating the
21 hospital and ancillary health care facilities of the health
22 center and other health care facilities and programs
23 determined to be necessary by the board of the nonprofit
24 corporation. The rental for the hospital facilities shall be
25 an amount equal to the debt service on bonds or revenue
26 certificates issued solely for capital improvements to the
27 hospital facilities or as otherwise provided by law.

28 (b) The University of Florida Board of Trustees shall
29 provide in the lease or by separate contract or agreement with
30 the not-for-profit corporation for the following:
31

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 and vice-chaired by
6 the Vice President for Health Affairs of the University of
7 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

1 service for any bonds or revenue certificates issued to
2 finance such improvements.

3 (d) The University of Florida Board of Trustees is
4 authorized to provide to the not-for-profit corporation
5 leasing the hospital facilities and its not-for-profit
6 subsidiaries comprehensive general liability insurance
7 including professional liability from a self-insurance trust
8 program established pursuant to s. 1004.24.

9 (e) In the event that the lease of the hospital
10 facilities to the not-for-profit corporation is terminated for
11 any reason, the University of Florida Board of Trustees shall
12 resume management and operation of the hospital facilities.
13 In such event, the Administration Commission is authorized to
14 appropriate revenues generated from the operation of the
15 hospital facilities to the University of Florida Board of
16 Trustees to pay the costs and expenses of operating the
17 hospital facility for the remainder of the fiscal year in
18 which such termination occurs.

19 (f) The University of Florida Board of Trustees is
20 authorized to provide to Shands Jacksonville Healthcare, Inc.,
21 and its not-for-profit subsidiaries and affiliates and any
22 successor corporation that acts in support of the board of
23 trustees, comprehensive general liability coverage, including
24 professional liability, from the self-insurance programs
25 established pursuant to s. 1004.24.

26 Section 187. Section 1004.42, Florida Statutes, is
27 created to read:

28 1004.42 Florida State University College of
29 Medicine.--

30 (1) CREATION.--There is hereby established a 4-year
31 allopathic medical school within the Florida State University,

1 to be known as the Florida State University College of
2 Medicine, with a principal focus on recruiting and training
3 medical professionals to meet the primary health care needs of
4 the state, especially the needs of the state's elderly, rural,
5 minority, and other underserved citizens.

6 (2) LEGISLATIVE INTENT.--It is the intent of the
7 Legislature that the Florida State University College of
8 Medicine represent a new model for the training of allopathic
9 physician healers for the citizens of the state. In accordance
10 with this intent, the governing philosophy of the College of
11 Medicine should include the training of students, in a humane
12 environment, in the scientific, clinical, and behavioral
13 practices required to deliver patient-centered health care.
14 Key components of the College of Medicine, which would build
15 on the foundation of the 30-year-old Florida State University
16 Program in Medical Sciences (PIMS), would include: admission
17 of diverse types of students who possess good communication
18 skills and are compassionate individuals, representative of
19 the population of the state; basic and behavioral sciences
20 training utilizing medical problem-based teaching; and
21 clinical training at several dispersed sites throughout the
22 state in existing community hospitals, clinics, and doctors'
23 offices. The Legislature further intends that study of the
24 aging human be a continuing focus throughout the 4-year
25 curriculum and that use of information technology be a key
26 component of all parts of the educational program.

27 (3) PURPOSE.--The College of Medicine shall be
28 dedicated to: preparing physicians to practice primary care,
29 geriatric, and rural medicine, to make appropriate use of
30 emerging technologies, and to function successfully in a
31 rapidly changing health care environment; advancing knowledge

1 in the applied biomedical and behavioral sciences, geriatric
2 research, autism, cancer, and chronic diseases; training
3 future scientists to assume leadership in health care delivery
4 and academic medicine; and providing access to medical
5 education for groups which are underrepresented in the medical
6 profession.

7 (4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS
8 PROCESS.--The General Appropriations Act for fiscal year
9 1999-2000 included initial funding for facilities and
10 operations to provide a transition from the Program in Medical
11 Sciences (PIMS) to a College of Medicine at the Florida State
12 University. For transitional purposes, the Program in Medical
13 Sciences (PIMS) in the College of Arts and Sciences at the
14 Florida State University shall be reorganized and
15 restructured, as soon as practicable, as the Institute of
16 Human Medical Sciences. At such time as the 4-year educational
17 program development is underway and a sufficient number of
18 basic and behavioral sciences and clinical faculty are
19 recruited, the Institute of Human Medical Sciences shall
20 evolve into the Florida State University College of Medicine,
21 with appropriate departments. The current admissions procedure
22 utilized by the Program in Medical Sciences (PIMS) shall
23 provide the basis for the design of an admissions process for
24 the College of Medicine, with selection criteria that focus on
25 identifying future primary care physicians who have
26 demonstrated interest in serving underserved areas. Enrollment
27 levels at the College of Medicine are planned to not exceed
28 120 students per class, and shall be phased in from 30
29 students in the Program in Medical Sciences (PIMS), to 40
30 students admitted to the College of Medicine as the charter
31 class in Fall 2001, and 20 additional students admitted to the

1 College of Medicine in each class thereafter until the maximum
2 class size is reached.

3 (5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION;
4 GRADUATE PROGRAMS.--To provide broad-based clinical
5 instruction in both rural and urban settings for students in
6 the community-based medical education program, the College of
7 Medicine, through creation of nonprofit corporations, shall
8 seek affiliation agreements with health care systems and
9 organizations, local hospitals, medical schools, and military
10 health care facilities in the following targeted communities:
11 Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and
12 the rural areas of the state. Selected hospitals in the target
13 communities include, but are not limited to, the following:

- 14 (a) Baptist Health Care in Pensacola.
15 (b) Sacred Heart Health System in Pensacola.
16 (c) West Florida Regional Medical Center in Pensacola.
17 (d) Tallahassee Memorial Healthcare in Tallahassee.
18 (e) Florida Hospital Health System in Orlando.
19 (f) Sarasota Memorial Health Care System in Sarasota.
20 (g) Mayo Clinic in Jacksonville.
21 (h) Lee Memorial Health System, Inc., in Fort Myers.
22 (i) Rural hospitals in the state.

23
24 The College of Medicine shall also explore all alternatives
25 for cooperation with established graduate medical education
26 programs in the state to develop a plan to retain its
27 graduates in residency programs in Florida.

28 (6) ACCREDITATION.--The College of Medicine shall
29 develop a program which conforms to the accreditation
30 standards of the Liaison Committee on Medical Education
31 (LCME).

1 (7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--

2 (a) The preclinical curriculum shall draw on the
3 Florida State University's Program in Medical Sciences (PIMS)
4 experience and national trends in basic and behavioral
5 sciences instruction, including use of technology for
6 distributed and distance learning. First-year instruction
7 shall include a lecture mode and problem-based learning. In
8 the second year, a small-group, problem-based learning
9 approach shall provide more advanced treatment of each
10 academic subject in a patient-centered context. Various
11 short-term clinical exposures shall be programmed throughout
12 the preclinical years, including rural, geriatric, and
13 minority health, and contemporary practice patterns in these
14 areas.

15 (b) During the third and fourth years, the curriculum
16 shall follow a distributed, community-based model with a
17 special focus on rural health. Subgroups of students shall be
18 assigned to clinical rotation training sites in local
19 communities in roughly equal numbers, as follows:

- 20 1. Group 1 - Tallahassee.
- 21 2. Group 2 - Pensacola.
- 22 3. Group 3 - Orlando.
- 23 4. Group 4 - Sarasota.
- 24 5. Group 5 - Jacksonville.
- 25 6. Group 6 - To be determined prior to 2005, based on
26 emerging state needs.
- 27 7. Group 7 - Rural Physician Associate Program (RPAP).

28 (8) MEDICAL NEEDS OF THE ELDERLY.--The College of
29 Medicine shall develop a comprehensive program to ensure
30 training in the medical needs of the elderly and incorporate
31 principles embodied in the curriculum guidelines of the

1 American Geriatric Society. The College of Medicine shall
2 have as one of its primary missions the improvement of medical
3 education for physicians who will treat elder citizens. To
4 accomplish this mission, the College of Medicine shall
5 establish an academic leadership position in geriatrics,
6 create an external elder care advisory committee, and
7 implement an extensive faculty development plan. For student
8 recruitment purposes, the current Program in Medical Sciences
9 (PIMS) selection criteria shall be expanded to include
10 consideration of students who have expressed an interest in
11 elder care and who have demonstrated, through life choices, a
12 commitment to serve older persons.

13 (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address
14 the medical needs of the state's rural and underserved
15 populations, the College of Medicine shall develop a
16 Department of Family Medicine with a significant rural
17 training track that provides students with early and frequent
18 clinical experiences in community-based settings to train and
19 produce highly skilled primary care physicians. The College
20 of Medicine shall consider developing new, rural-based family
21 practice clinical training programs and shall establish a
22 partnership with the West Florida Area Health Education Center
23 to assist in developing partnerships and programs to provide
24 incentives and support for physicians to practice in primary
25 care, geriatric, and rural medicine in underserved areas of
26 the state.

27 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED
28 GROUPS.--To increase the participation of underrepresented
29 groups and socially and economically disadvantaged youth in
30 science and medical programs, the College of Medicine shall
31 continue the outreach efforts of the Program in Medical

1 Sciences (PIMS) to middle and high school minority students,
2 including the Science Students Together Reaching Instructional
3 Diversity and Excellence (SSTRIDE), and shall build an
4 endowment income to support recruitment programs and
5 scholarship and financial aid packages for these students. To
6 develop a base of qualified potential medical school
7 candidates from underrepresented groups, the College of
8 Medicine shall coordinate with the undergraduate premedical
9 and science programs currently offered at the Florida State
10 University, develop relationships with potential feeder
11 institutions, including 4-year institutions and community
12 colleges, and pursue grant funds to support programs, as well
13 as support scholarship and financial aid packages. The College
14 of Medicine shall develop plans for a postbaccalaureate,
15 1-year academic program that provides a second chance to a
16 limited number of students per year who have been declined
17 medical school admission, who are state residents, and who
18 meet established criteria as socially and economically
19 disadvantaged. The College of Medicine shall make every
20 effort, through recruitment and retention, to employ a faculty
21 and support staff that reflect the heterogeneous nature of the
22 state's general population.

23 (11) TECHNOLOGY.--To create technology-rich learning
24 environments, the College of Medicine shall build on the
25 considerable infrastructure that already supports the many
26 technology resources of the Florida State University and shall
27 expand the infrastructure to conduct an effective medical
28 education program, including connectivity between the main
29 campus, community-based training locations, and rural clinic
30 locations. Additional technology programs shall include
31 extensive professional development opportunities for faculty;

1 an on-line library of academic and medical resources for
2 students, faculty, and community preceptors; and
3 technology-sharing agreements with other medical schools to
4 allow for the exchange of technology applications among
5 medical school faculty for the purpose of enhancing medical
6 education. The College of Medicine shall explore the
7 opportunities afforded by Mayo Clinic in Jacksonville through
8 clerkships, visiting professors or lectures through the
9 existing telecommunications systems, and collaboration in
10 research activities at the Mayo Clinic's Jacksonville campus.

11 (12) ADMINISTRATION; FACULTY.--Each of the major
12 community-based clinical rotation training sites described in
13 subsection (7) shall have a community dean and a student
14 affairs/administrative officer. Teaching faculty for the
15 community-based clinical training component shall be community
16 physicians serving part-time appointments. Sixty faculty
17 members shall be recruited to serve in the basic and
18 behavioral sciences department. The College of Medicine shall
19 have a small core staff of on-campus, full-time faculty and
20 administrators at the Florida State University, including a
21 dean, a senior associate dean for educational programs, an
22 associate dean for clinical education, a chief
23 financial/administrative officer, an admissions/student
24 affairs officer, an instructional resources coordinator, a
25 coordinator for graduate and continuing medical education, and
26 several mission focus coordinators.

27 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To
28 provide students with the skills, knowledge, and values needed
29 to practice medicine in the evolving national system of health
30 care delivery, the College of Medicine shall fully integrate
31 modern health care delivery concepts into its curriculum. For

1 this purpose, the College of Medicine shall develop a
2 partnership with one or more health care organizations in the
3 state and shall recruit faculty with strong health care
4 delivery competencies. Faculty from other disciplines at the
5 Florida State University shall be utilized to develop
6 team-based approaches to core competencies in the delivery of
7 health care.

8 (14) INDEMNIFICATION FROM LIABILITY.--This section
9 shall be construed to authorize the Florida State University
10 Board of Trustees to negotiate and purchase policies of
11 insurance to indemnify from any liability those individuals or
12 entities providing sponsorship or training to the students of
13 the medical school, professionals employed by the medical
14 school, and students of the medical school.

15 Section 188. Section 1004.43, Florida Statutes, is
16 created to read:

17 1004.43 H. Lee Moffitt Cancer Center and Research
18 Institute.--There is established the H. Lee Moffitt Cancer
19 Center and Research Institute at the University of South
20 Florida.

21 (1) The State Board of Education shall enter into an
22 agreement for the utilization of the facilities on the campus
23 of the University of South Florida to be known as the H. Lee
24 Moffitt Cancer Center and Research Institute, including all
25 furnishings, equipment, and other chattels used in the
26 operation of said facilities, with a Florida not-for-profit
27 corporation organized solely for the purpose of governing and
28 operating the H. Lee Moffitt Cancer Center and Research
29 Institute. This not-for-profit corporation, acting as an
30 instrumentality of the State of Florida, shall govern and
31 operate the H. Lee Moffitt Cancer Center and Research

1 Institute in accordance with the terms of the agreement
2 between the State Board of Education and the not-for-profit
3 corporation. The not-for-profit corporation may, with the
4 prior approval of the State Board of Education, create
5 not-for-profit corporate subsidiaries to fulfill its mission.
6 The not-for-profit corporation and its subsidiaries are
7 authorized to receive, hold, invest, and administer property
8 and any moneys received from private, local, state, and
9 federal sources, as well as technical and professional income
10 generated or derived from practice activities of the
11 institute, for the benefit of the institute and the
12 fulfillment of its mission. The affairs of the corporation
13 shall be managed by a board of directors who shall serve
14 without compensation. The President of the University of
15 South Florida and the chair of the State Board of Education,
16 or his or her designee, shall be directors of the
17 not-for-profit corporation, together with 5 representatives of
18 the state universities and no more than 14 nor fewer than 10
19 directors who are not medical doctors or state employees.
20 Each director shall have only one vote, shall serve a term of
21 3 years, and may be reelected to the board. Other than the
22 President of the University of South Florida and the chair of
23 the State Board of Education, directors shall be elected by a
24 majority vote of the board. The chair of the board of
25 directors shall be selected by majority vote of the directors.

26 (2) The State Board of Education shall provide in the
27 agreement with the not-for-profit corporation for the
28 following:

29 (a) Approval of the articles of incorporation of the
30 not-for-profit corporation by the State Board of Education.

31

1 (b) Approval of the articles of incorporation of any
2 not-for-profit corporate subsidiary created by the
3 not-for-profit corporation.

4 (c) Utilization of hospital facilities and personnel
5 by the not-for-profit corporation and its subsidiaries for
6 mutually approved teaching and research programs conducted by
7 the University of South Florida or other accredited medical
8 schools or research institutes.

9 (d) Preparation of an annual financial audit of the
10 not-for-profit corporation's accounts and records and the
11 accounts and records of any subsidiaries to be conducted by an
12 independent certified public accountant. The annual audit
13 report shall include a management letter, as defined in s.
14 11.45, and shall be submitted to the Auditor General and the
15 State Board of Education. The State Board of Education, the
16 Auditor General, and the Office of Program Policy Analysis and
17 Government Accountability shall have the authority to require
18 and receive from the not-for-profit corporation and any
19 subsidiaries or from their independent auditor any detail or
20 supplemental data relative to the operation of the
21 not-for-profit corporation or subsidiary.

22 (e) Provision by the not-for-profit corporation and
23 its subsidiaries of equal employment opportunities to all
24 persons regardless of race, color, religion, sex, age, or
25 national origin.

26 (3) The State Board of Education is authorized to
27 secure comprehensive general liability protection, including
28 professional liability protection, for the not-for-profit
29 corporation and its subsidiaries pursuant to s. 1004.24.

30 (4) In the event that the agreement between the
31 not-for-profit corporation and the State Board of Education is

1 terminated for any reason, the State Board of Education shall
2 resume governance and operation of said facilities.

3 (5) The institute shall be administered by a chief
4 executive officer who shall serve at the pleasure of the board
5 of directors of the not-for-profit corporation and who shall
6 have the following powers and duties subject to the approval
7 of the board of directors:

8 (a) The chief executive officer shall establish
9 programs which fulfill the mission of the institute in
10 research, education, treatment, prevention, and the early
11 detection of cancer; however, the chief executive officer
12 shall not establish academic programs for which academic
13 credit is awarded and which terminate in the conference of a
14 degree without prior approval of the State Board of Education.

15 (b) The chief executive officer shall have control
16 over the budget and the dollars appropriated or donated to the
17 institute from private, local, state, and federal sources, as
18 well as technical and professional income generated or derived
19 from practice activities of the institute. However,
20 professional income generated by university faculty from
21 practice activities at the institute shall be shared between
22 the institute and the university as determined by the chief
23 executive officer and the appropriate university dean or vice
24 president.

25 (c) The chief executive officer shall appoint members
26 to carry out the research, patient care, and educational
27 activities of the institute and determine compensation,
28 benefits, and terms of service. Members of the institute
29 shall be eligible to hold concurrent appointments at
30 affiliated academic institutions. University faculty shall be
31 eligible to hold concurrent appointments at the institute.

1 (d) The chief executive officer shall have control
2 over the use and assignment of space and equipment within the
3 facilities.

4 (e) The chief executive officer shall have the power
5 to create the administrative structure necessary to carry out
6 the mission of the institute.

7 (f) The chief executive officer shall have a reporting
8 relationship to the Commissioner of Education.

9 (g) The chief executive officer shall provide a copy
10 of the institute's annual report to the Governor and Cabinet,
11 the President of the Senate, the Speaker of the House of
12 Representatives, and the chair of the State Board of
13 Education.

14 (6) The board of directors of the not-for-profit
15 corporation shall create a council of scientific advisers to
16 the chief executive officer comprised of leading researchers,
17 physicians, and scientists. This council shall review programs
18 and recommend research priorities and initiatives so as to
19 maximize the state's investment in the institute. The council
20 shall be appointed by the board of directors of the
21 not-for-profit corporation and shall include five appointees
22 of the State Board of Education. Each member of the council
23 shall be appointed to serve a 2-year term and may be
24 reappointed to the council.

25 (7) In carrying out the provisions of this section,
26 the not-for-profit corporation and its subsidiaries are not
27 "agencies" within the meaning of s. 20.03(11).

28 (8)(a) Records of the not-for-profit corporation and
29 of its subsidiaries are public records unless made
30 confidential or exempt by law.

31

1 (b) Proprietary confidential business information is
2 confidential and exempt from the provisions of s. 119.07(1)
3 and s. 24(a), Art. I of the State Constitution. However, the
4 Auditor General, the Office of Program Policy Analysis and
5 Government Accountability, and the State Board of Education,
6 pursuant to their oversight and auditing functions, must be
7 given access to all proprietary confidential business
8 information upon request and without subpoena and must
9 maintain the confidentiality of information so received. As
10 used in this paragraph, the term "proprietary confidential
11 business information" means information, regardless of its
12 form or characteristics, which is owned or controlled by the
13 not-for-profit corporation or its subsidiaries; is intended to
14 be and is treated by the not-for-profit corporation or its
15 subsidiaries as private and the disclosure of which would harm
16 the business operations of the not-for-profit corporation or
17 its subsidiaries; has not been intentionally disclosed by the
18 corporation or its subsidiaries unless pursuant to law, an
19 order of a court or administrative body, a legislative
20 proceeding pursuant to s. 5, Art. III of the State
21 Constitution, or a private agreement that provides that the
22 information may be released to the public; and which is
23 information concerning:

24 1. Internal auditing controls and reports of internal
25 auditors;

26 2. Matters reasonably encompassed in privileged
27 attorney-client communications;

28 3. Contracts for managed-care arrangements, including
29 preferred provider organization contracts, health maintenance
30 organization contracts, and exclusive provider organization
31 contracts, and any documents directly relating to the

1 negotiation, performance, and implementation of any such
2 contracts for managed-care arrangements;
3 4. Bids or other contractual data, banking records,
4 and credit agreements the disclosure of which would impair the
5 efforts of the not-for-profit corporation or its subsidiaries
6 to contract for goods or services on favorable terms;
7 5. Information relating to private contractual data,
8 the disclosure of which would impair the competitive interest
9 of the provider of the information;
10 6. Corporate officer and employee personnel
11 information;
12 7. Information relating to the proceedings and records
13 of credentialing panels and committees and of the governing
14 board of the not-for-profit corporation or its subsidiaries
15 relating to credentialing;
16 8. Minutes of meetings of the governing board of the
17 not-for-profit corporation and its subsidiaries, except
18 minutes of meetings open to the public pursuant to subsection
19 (9);
20 9. Information that reveals plans for marketing
21 services that the corporation or its subsidiaries reasonably
22 expect to be provided by competitors;
23 10. Trade secrets as defined in s. 688.002, including
24 reimbursement methodologies or rates; or
25 11. The identity of donors or prospective donors of
26 property who wish to remain anonymous or any information
27 identifying such donors or prospective donors. The anonymity
28 of these donors or prospective donors must be maintained in
29 the auditor's report.
30
31

1 As used in this paragraph, the term "managed care" means
2 systems or techniques generally used by third-party payors or
3 their agents to affect access to and control payment for
4 health care services. Managed-care techniques most often
5 include one or more of the following: prior, concurrent, and
6 retrospective review of the medical necessity and
7 appropriateness of services or site of services; contracts
8 with selected health care providers; financial incentives or
9 disincentives related to the use of specific providers,
10 services, or service sites; controlled access to and
11 coordination of services by a case manager; and payor efforts
12 to identify treatment alternatives and modify benefit
13 restrictions for high-cost patient care.

14 (9) Meetings of the governing board of the
15 not-for-profit corporation and meetings of the subsidiaries of
16 the not-for-profit corporation at which the expenditure of
17 dollars appropriated to the not-for-profit corporation by the
18 state are discussed or reported must remain open to the public
19 in accordance with s. 286.011 and s. 24(b), Art. I of the
20 State Constitution, unless made confidential or exempt by law.
21 Other meetings of the governing board of the not-for-profit
22 corporation and of the subsidiaries of the not-for-profit
23 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
24 the State Constitution.

25 Section 189. Section 1004.435, Florida Statutes, is
26 created to read:

27 1004.435 Cancer control and research.--

28 (1) SHORT TITLE.--This section shall be known and may
29 be cited as the "Cancer Control and Research Act."

30 (2) LEGISLATIVE INTENT.--It is the finding of the
31 Legislature that:

1 (a) Advances in scientific knowledge have led to the
2 development of preventive and therapeutic capabilities in the
3 control of cancer. Such knowledge and therapy must be made
4 available to all citizens of this state through educational
5 and therapeutic programs.

6 (b) The present state of our knowledge concerning the
7 prevalence, cause or associated factors, and treatment of
8 cancer have resulted primarily from a vast federal investment
9 into basic and clinical research, some of which is expended in
10 this state. These research activities must continue, but
11 programs must be established to extend this knowledge in
12 preventive measures and patient treatment throughout the
13 state.

14 (c) Research in cancer has implicated the environment
15 as a causal factor for many types of cancer, i.e., sunshine, X
16 rays, diet, smoking, etc., and programs are needed to further
17 document such cause and effect relationships. Proven causes
18 of cancer should be publicized and be the subject of
19 educational programs for the prevention of cancer.

20 (d) An effective cancer control program would mobilize
21 the scientific, educational, and medical resources that
22 presently exist into an intense attack against this dread
23 disease.

24 (3) DEFINITIONS.--The following words and phrases when
25 used in this section have, unless the context clearly
26 indicates otherwise, the meanings given to them in this
27 subsection:

28 (a) "Cancer" means all malignant neoplasms, regardless
29 of the tissue of origin, including lymphoma and leukemia.

30 (b) "Council" means the Florida Cancer Control and
31 Research Advisory Council, which is an advisory body appointed

1 to function on a continuing basis for the study of cancer and
2 which recommends solutions and policy alternatives to the
3 State Board of Education and the secretary and which is
4 established by this section.

5 (c) "Department" means the Department of Health.

6 (d) "Fund" means the Florida Cancer Control and
7 Research Fund established by this section.

8 (e) "Qualified nonprofit association" means any
9 association, incorporated or unincorporated, that has received
10 tax-exempt status from the Internal Revenue Service.

11 (f) "Secretary" means the Secretary of Health.

12 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
13 COUNCIL; CREATION; COMPOSITION.--

14 (a) There is created within the H. Lee Moffitt Cancer
15 Center and Research Institute, Inc., the Florida Cancer
16 Control and Research Advisory Council. The council shall
17 consist of 35 members, which includes the chairperson, all of
18 whom must be residents of this state. All members, except
19 those appointed by the Speaker of the House of Representatives
20 and the President of the Senate, must be appointed by the
21 Governor. At least one of the members appointed by the
22 Governor must be 60 years of age or older. One member must be
23 a representative of the American Cancer Society; one member
24 must be a representative of the Florida Tumor Registrars
25 Association; one member must be a representative of the
26 Sylvester Comprehensive Cancer Center of the University of
27 Miami; one member must be a representative of the Department
28 of Health; one member must be a representative of the
29 University of Florida Shands Cancer Center; one member must be
30 a representative of the Agency for Health Care Administration;
31 one member must be a representative of the Florida Nurses

1 Association; one member must be a representative of the
2 Florida Osteopathic Medical Association; one member must be a
3 representative of the American College of Surgeons; one member
4 must be a representative of the School of Medicine of the
5 University of Miami; one member must be a representative of
6 the College of Medicine of the University of Florida; one
7 member must be a representative of NOVA Southeastern College
8 of Osteopathic Medicine; one member must be a representative
9 of the College of Medicine of the University of South Florida;
10 one member must be a representative of the College of Public
11 Health of the University of South Florida; one member must be
12 a representative of the Florida Society of Clinical Oncology;
13 one member must be a representative of the Florida Obstetric
14 and Gynecologic Society who has had training in the specialty
15 of gynecologic oncology; one member must be a representative
16 of the Florida Medical Association; one member must be a
17 member of the Florida Pediatric Society; one member must be a
18 representative of the Florida Radiological Society; one member
19 must be a representative of the Florida Society of
20 Pathologists; one member must be a representative of the H.
21 Lee Moffitt Cancer Center and Research Institute, Inc.; three
22 members must be representatives of the general public acting
23 as consumer advocates; one member must be a member of the
24 House of Representatives appointed by the Speaker of the House
25 of Representatives; one member must be a member of the Senate
26 appointed by the President of the Senate; one member must be a
27 representative of the Department of Education; one member must
28 be a representative of the Florida Dental Association; one
29 member must be a representative of the Florida Hospital
30 Association; one member must be a representative of the
31 Association of Community Cancer Centers; one member shall be a

1 representative from a statutory teaching hospital affiliated
2 with a community-based cancer center; one member must be a
3 representative of the Florida Association of Pediatric Tumor
4 Programs, Inc.; one member must be a representative of the
5 Cancer Information Service; one member must be a
6 representative of the Florida Agricultural and Mechanical
7 University Institute of Public Health; and one member must be
8 a representative of the Florida Society of Oncology Social
9 Workers. Of the members of the council appointed by the
10 Governor, at least 10 must be individuals who are minority
11 persons as defined by s. 288.703(3).

12 (b) The terms of the members shall be 4 years from
13 their respective dates of appointment.

14 (c) A chairperson shall be appointed by the Governor
15 for a term of 2 years. The chairperson shall appoint an
16 executive committee of no fewer than three persons to serve at
17 the pleasure of the chairperson. This committee will prepare
18 material for the council but make no final decisions.

19 (d) The council shall meet no less than semiannually
20 at the call of the chairperson or, in his or her absence or
21 incapacity, at the call of the secretary. Sixteen members
22 constitute a quorum for the purpose of exercising all of the
23 powers of the council. A vote of the majority of the members
24 present is sufficient for all actions of the council.

25 (e) The council members shall serve without pay.
26 Pursuant to the provisions of s. 112.061, the council members
27 may be entitled to be reimbursed for per diem and travel
28 expenses.

29 (f) No member of the council shall participate in any
30 discussion or decision to recommend grants or contracts to any
31 qualified nonprofit association or to any agency of this state

1 or its political subdivisions with which the member is
2 associated as a member of the governing body or as an employee
3 or with which the member has entered into a contractual
4 arrangement.

5 (g) The council may prescribe, amend, and repeal
6 bylaws governing the manner in which the business of the
7 council is conducted.

8 (h) The council shall advise the State Board of
9 Education, the secretary, and the Legislature with respect to
10 cancer control and research in this state.

11 (i) The council shall approve each year a program for
12 cancer control and research to be known as the "Florida Cancer
13 Plan" which shall be consistent with the State Health Plan and
14 integrated and coordinated with existing programs in this
15 state.

16 (j) The council shall formulate and recommend to the
17 secretary a plan for the care and treatment of persons
18 suffering from cancer and recommend the establishment of
19 standard requirements for the organization, equipment, and
20 conduct of cancer units or departments in hospitals and
21 clinics in this state. The council may recommend to the
22 secretary the designation of cancer units following a survey
23 of the needs and facilities for treatment of cancer in the
24 various localities throughout the state. The secretary shall
25 consider the plan in developing departmental priorities and
26 funding priorities and standards under chapter 395.

27 (k) The council is responsible for including in the
28 Florida Cancer Plan recommendations for the coordination and
29 integration of medical, nursing, paramedical, lay, and other
30 plans concerned with cancer control and research. Committees
31

1 shall be formed by the council so that the following areas
2 will be established as entities for actions:
3 1. Cancer plan evaluation: tumor registry, data
4 retrieval systems, and epidemiology of cancer in the state and
5 its relation to other areas.
6 2. Cancer prevention.
7 3. Cancer detection.
8 4. Cancer patient management: treatment,
9 rehabilitation, terminal care, and other patient-oriented
10 activities.
11 5. Cancer education: lay and professional.
12 6. Unproven methods of cancer therapy: quackery and
13 unorthodox therapies.
14 7. Investigator-initiated project research.
15 (1) In order to implement in whole or in part the
16 Florida Cancer Plan, the council shall recommend to the State
17 Board of Education or the secretary the awarding of grants and
18 contracts to qualified profit or nonprofit associations or
19 governmental agencies in order to plan, establish, or conduct
20 programs in cancer control or prevention, cancer education and
21 training, and cancer research.
22 (m) If funds are specifically appropriated by the
23 Legislature, the council shall develop or purchase
24 standardized written summaries, written in layperson's terms
25 and in language easily understood by the average adult
26 patient, informing actual and high-risk breast cancer
27 patients, prostate cancer patients, and men who are
28 considering prostate cancer screening of the medically viable
29 treatment alternatives available to them in the effective
30 management of breast cancer and prostate cancer; describing
31 such treatment alternatives; and explaining the relative

1 advantages, disadvantages, and risks associated therewith.
2 The breast cancer summary, upon its completion, shall be
3 printed in the form of a pamphlet or booklet and made
4 continuously available to physicians and surgeons in this
5 state for their use in accordance with s. 458.324 and to
6 osteopathic physicians in this state for their use in
7 accordance with s. 459.0125. The council shall periodically
8 update both summaries to reflect current standards of medical
9 practice in the treatment of breast cancer and prostate
10 cancer. The council shall develop and implement educational
11 programs, including distribution of the summaries developed or
12 purchased under this paragraph, to inform citizen groups,
13 associations, and voluntary organizations about early
14 detection and treatment of breast cancer and prostate cancer.
15 (n) The council shall have the responsibility to
16 advise the State Board of Education and the secretary on
17 methods of enforcing and implementing laws already enacted and
18 concerned with cancer control, research, and education.
19 (o) The council may recommend to the State Board of
20 Education or the secretary rules not inconsistent with law as
21 it may deem necessary for the performance of its duties and
22 the proper administration of this section.
23 (p) The council shall formulate and put into effect a
24 continuing educational program for the prevention of cancer
25 and its early diagnosis and disseminate to hospitals, cancer
26 patients, and the public information concerning the proper
27 treatment of cancer.
28 (q) The council shall be physically located at the H.
29 Lee Moffitt Cancer Center and Research Institute, Inc., at the
30 University of South Florida.
31

1 (r) On February 15 of each year, the council shall
2 report to the Governor and to the Legislature.

3 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION,
4 THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.,
5 AND THE SECRETARY.--

6 (a) The State Board of Education or the secretary,
7 after consultation with the council, shall award grants and
8 contracts to qualified nonprofit associations and governmental
9 agencies in order to plan, establish, or conduct programs in
10 cancer control and prevention, cancer education and training,
11 and cancer research.

12 (b) The H. Lee Moffitt Cancer Center and Research
13 Institute, Inc., shall provide such staff, information, and
14 other assistance as reasonably necessary for the completion of
15 the responsibilities of the council.

16 (c) The State Board of Education or the secretary,
17 after consultation with the council, may adopt rules necessary
18 for the implementation of this section.

19 (d) The secretary, after consultation with the
20 council, shall make rules specifying to what extent and on
21 what terms and conditions cancer patients of the state may
22 receive financial aid for the diagnosis and treatment of
23 cancer in any hospital or clinic selected. The department may
24 furnish to citizens of this state who are afflicted with
25 cancer financial aid to the extent of the appropriation
26 provided for that purpose in a manner which in its opinion
27 will afford the greatest benefit to those afflicted and may
28 make arrangements with hospitals, laboratories, or clinics to
29 afford proper care and treatment for cancer patients in this
30 state.

31 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

1 (a) There is created the Florida Cancer Control and
2 Research Fund consisting of funds appropriated therefor from
3 the General Revenue Fund and any gifts, grants, or funds
4 received from other sources.

5 (b) The fund shall be used exclusively for grants and
6 contracts to qualified nonprofit associations or governmental
7 agencies for the purpose of cancer control and prevention,
8 cancer education and training, cancer research, and all
9 expenses incurred in connection with the administration of
10 this section and the programs funded through the grants and
11 contracts authorized by the State Board of Education or the
12 secretary.

13 Section 190. Section 1004.44, Florida Statutes, is
14 created to read:

15 1004.44 Louis de la Parte Florida Mental Health
16 Institute.--There is established the Louis de la Parte Florida
17 Mental Health Institute within the University of South
18 Florida.

19 (1) The purpose of the institute is to strengthen
20 mental health services throughout the state by providing
21 technical assistance and support services to mental health
22 agencies and mental health professionals. Such assistance and
23 services shall include:

24 (a) Technical training and specialized education.

25 (b) Development, implementation, and evaluation of
26 mental health service programs.

27 (c) Evaluation of availability and effectiveness of
28 existing mental health services.

29 (d) Analysis of factors that influence the incidence
30 and prevalence of mental and emotional disorders.

31

1 (e) Dissemination of information about innovations in
2 mental health services.

3 (f) Consultation on all aspects of program development
4 and implementation.

5 (g) Provisions for direct client services, provided
6 for a limited period of time either in the institute facility
7 or in other facilities within the state, and limited to
8 purposes of research or training.

9 (2) The Department of Children and Family Services is
10 authorized to designate the Louis de la Parte Florida Mental
11 Health Institute a treatment facility for the purpose of
12 accepting voluntary and involuntary clients in accordance with
13 institute programs. Clients to be admitted are exempted from
14 prior screening by a community mental health center.

15 (3) The institute may provide direct services in
16 coordination with other agencies. The institute may also
17 provide support services to state agencies through joint
18 programs, collaborative agreements, contracts, and grants.

19 (4) The institute shall operate under the authority of
20 the President of the University of South Florida and shall
21 employ a mental health professional as director. The director
22 shall hold a faculty appointment in a university's college or
23 department related to mental health within the university.
24 The director has primary responsibility for establishing
25 active liaisons with the community of mental health
26 professionals and other related constituencies in the state
27 and may, with approval of the university president, establish
28 appropriate statewide advisory groups to assist in developing
29 these communication links.

30 Section 191. Section 1004.445, Florida Statutes, is
31 created to read:

1 1004.445 Florida Alzheimer's Center and Research
2 Institute.--

3 (1) There is established the Florida Alzheimer's
4 Center and Research Institute at the University of South
5 Florida.

6 (2)(a) The State Board of Education shall enter into
7 an agreement for the utilization of the facilities on the
8 campus of the University of South Florida to be known as the
9 Florida Alzheimer's Center and Research Institute, including
10 all furnishings, equipment, and other chattels used in the
11 operation of said facilities, with a Florida not-for-profit
12 corporation organized solely for the purpose of governing and
13 operating the Florida Alzheimer's Center and Research
14 Institute. This not-for-profit corporation, acting as an
15 instrumentality of the state, shall govern and operate the
16 Florida Alzheimer's Center and Research Institute in
17 accordance with the terms of the agreement between the State
18 Board of Education and the not-for-profit corporation. The
19 not-for-profit corporation may, with the prior approval of the
20 State Board of Education, create not-for-profit corporate
21 subsidiaries to fulfill its mission. The not-for-profit
22 corporation and its subsidiaries are authorized to receive,
23 hold, invest, and administer property and any moneys received
24 from private, local, state, and federal sources, as well as
25 technical and professional income generated or derived from
26 practice activities of the institute, for the benefit of the
27 institute and the fulfillment of its mission.

28 (b)1. The affairs of the not-for-profit corporation
29 shall be managed by a board of directors who shall serve
30 without compensation. The board of directors shall consist of
31 the President of the University of South Florida and the chair

1 of the State Board of Education, or their designees, five
2 representatives of the state universities, and no fewer than
3 nine nor more than 14 representatives of the public who are
4 neither medical doctors nor state employees. Each director
5 who is a representative of a state university or of the public
6 shall serve a term of 3 years. The chair of the board of
7 directors shall be selected by a majority vote of the
8 directors. Each director shall have only one vote.

9 2. The initial board of directors shall consist of the
10 President of the University of South Florida and the chair of
11 the State Board of Education, or their designees; the five
12 university representatives, of whom one shall be appointed by
13 the Governor, two by the President of the Senate, and two by
14 the Speaker of the House of Representatives; and nine public
15 representatives, of whom three shall be appointed by the
16 Governor, three by the President of the Senate, and three by
17 the Speaker of the House of Representatives. Upon the
18 expiration of the terms of the initial appointed directors,
19 all directors subject to 3-year terms of office under this
20 paragraph shall be elected by a majority vote of the directors
21 and the board may be expanded to include additional public
22 representative directors up to the maximum number allowed.
23 Any vacancy in office shall be filled for the remainder of the
24 term by majority vote of the directors. Any director may be
25 reelected.

26 (3) The State Board of Education shall provide in the
27 agreement with the not-for-profit corporation for the
28 following:

29 (a) Approval by the State Board of Education of the
30 articles of incorporation of the not-for-profit corporation.

31

1 (b) Approval by the State Board of Education of the
2 articles of incorporation of any not-for-profit corporate
3 subsidiary created by the not-for-profit corporation.

4 (c) Utilization of hospital facilities and personnel
5 by the not-for-profit corporation and its subsidiaries for
6 mutually approved teaching and research programs conducted by
7 the University of South Florida or other accredited medical
8 schools or research institutes.

9 (d) Preparation of an annual postaudit of the
10 not-for-profit corporation's financial accounts and the
11 financial accounts of any subsidiaries to be conducted by an
12 independent certified public accountant. The annual audit
13 report shall include management letters and shall be submitted
14 to the Auditor General and the State Board of Education for
15 review. The State Board of Education, the Auditor General,
16 and the Office of Program Policy Analysis and Government
17 Accountability shall have the authority to require and receive
18 from the not-for-profit corporation and any subsidiaries or
19 from their independent auditor any detail or supplemental data
20 relative to the operation of the not-for-profit corporation or
21 subsidiary.

22 (e) Provision by the not-for-profit corporation and
23 its subsidiaries of equal employment opportunities to all
24 persons regardless of race, color, religion, gender, age, or
25 national origin.

26 (4) The State Board of Education is authorized to
27 secure comprehensive general liability protection, including
28 professional liability protection, for the not-for-profit
29 corporation and its subsidiaries, pursuant to s. 1004.24.

30 (5) In the event that the agreement between the
31 not-for-profit corporation and the State Board of Education is

1 terminated for any reason, the State Board of Education shall
2 assume governance and operation of the facilities.

3 (6) The institute shall be administered by a chief
4 executive officer who shall be appointed by and serve at the
5 pleasure of the board of directors of the not-for-profit
6 corporation and who shall have the following powers and
7 duties, subject to the approval of the board of directors:

8 (a) The chief executive officer shall establish
9 programs that fulfill the mission of the institute in
10 research, education, treatment, prevention, and early
11 detection of Alzheimer's disease; however, the chief executive
12 officer may not establish academic programs for which academic
13 credit is awarded and which terminate in the conferring of a
14 degree without prior approval of the State Board of Education.

15 (b) The chief executive officer shall have control
16 over the budget and the moneys appropriated or donated to the
17 institute from private, local, state, and federal sources, as
18 well as technical and professional income generated or derived
19 from practice activities of the institute. However,
20 professional income generated by university faculty from
21 practice activities at the institute shall be shared between
22 the institute and the university as determined by the chief
23 executive officer and the appropriate university dean or vice
24 president.

25 (c) The chief executive officer shall appoint members
26 to carry out the research, patient care, and educational
27 activities of the institute and determine compensation,
28 benefits, and terms of service. Members of the institute
29 shall be eligible to hold concurrent appointments at
30 affiliated academic institutions. University faculty shall be
31 eligible to hold concurrent appointments at the institute.

1 (d) The chief executive officer shall have control
2 over the use and assignment of space and equipment within the
3 facilities.

4 (e) The chief executive officer shall have the power
5 to create the administrative structure necessary to carry out
6 the mission of the institute.

7 (f) The chief executive officer shall have a reporting
8 relationship to the Commissioner of Education.

9 (g) The chief executive officer shall provide a copy
10 of the institute's annual report to the Governor and Cabinet,
11 the President of the Senate, the Speaker of the House of
12 Representatives, and the chair of the State Board of
13 Education.

14 (7) The board of directors of the not-for-profit
15 corporation shall create a council of scientific advisers to
16 the chief executive officer comprised of leading researchers,
17 physicians, and scientists. The council shall review programs
18 and recommend research priorities and initiatives to maximize
19 the state's investment in the institute. The members of the
20 council shall be appointed by the board of directors of the
21 not-for-profit corporation, except for five members who shall
22 be appointed by the State Board of Education. Each member of
23 the council shall be appointed to serve a 2-year term and may
24 be reappointed to the council.

25 (8) In carrying out the provisions of this section,
26 the not-for-profit corporation and its subsidiaries are not
27 agencies within the meaning of s. 20.03(11).

28 Section 192. The sum of \$20 million is appropriated
29 for fiscal year 2002-2003 from the Public Education Capital
30 Outlay and Debt Service Trust Fund to the University of South
31 Florida for partial construction of a \$40 million research

1 facility at the university for the Florida Alzheimer's Center
2 and Research Institute.

3 Section 193. The sum of \$20 million is appropriated
4 for fiscal year 2002-2003 from the General Revenue Fund to the
5 University of South Florida for the operations of the Florida
6 Alzheimer's Center and Research Institute. From this amount
7 \$15 million shall be used by the institute to contract with
8 the following entities, at \$5 million each, to support the
9 purposes of this act: the Mayo Clinic in Jacksonville,
10 Florida; the University of Florida; and the University of
11 Miami.

12 Section 194. Section 1004.45, Florida Statutes, is
13 created to read:

14 1004.45 Ringling Center for Cultural Arts.--

15 (1) The Florida State University Ringling Center for
16 Cultural Arts is created. The center consists of the following
17 properties located in Sarasota County:

18 (a) The John and Mable Ringling Museum of Art composed
19 of:

- 20 1. The art museum.
- 21 2. The Ca' d'Zan (the Ringling residence).
- 22 3. The Ringling Museum of the Circus.

23 (b) The Florida State University Center for the Fine
24 and Performing Arts, including the Asolo Theater and the
25 Florida State University Center for the Performing Arts, both
26 of which shall provide for academic programs in theatre,
27 dance, art, art history, and museum management.

28
29 The center shall be operated by the Florida State University,
30 which shall be charged with encouraging participation by K-12
31 schools and by other postsecondary educational institutions,

1 public and private, in the educational and cultural enrichment
2 programs of the center.

3 (2)(a) The John and Mable Ringling Museum of Art is
4 designated as the official Art Museum of the State of Florida.
5 The purpose and function of the museum is to maintain and
6 preserve all objects of art and artifacts donated to the state
7 through the will of John Ringling; to acquire and preserve
8 objects of art or artifacts of historical or cultural
9 significance; to exhibit such objects to the public; to
10 undertake scholarly research and publication, including that
11 relating to the collection; to provide educational programs
12 for students at K-12 schools and those in college and graduate
13 school and enrichment programs for children and adults; to
14 assist other museums in the state and nation through education
15 programs and through loaning objects from the collection when
16 such loans do not threaten the safety and security of the
17 objects; to enhance knowledge and appreciation of the
18 collection; and to engage in other activities related to
19 visual arts which benefit the public. The museum shall also
20 engage in programs on the national and international level to
21 enhance further the cultural resources of the state.

22 (b) The Florida State University shall approve a John
23 and Mable Ringling Museum of Art direct-support organization.
24 Such direct-support organization shall consist of no more than
25 31 members appointed by the president of the university from a
26 list of nominees provided by the Ringling direct-support
27 organization. No fewer than one-third of the members must be
28 residents of Sarasota and Manatee Counties, and the remaining
29 members may reside elsewhere. The current members of the Board
30 of Trustees of the John and Mable Ringling Museum of Art may
31 be members of the direct-support organization. They shall

1 develop a charter and bylaws to govern their operation, and
2 these shall be subject to approval by the Florida State
3 University.
4 (c) The John and Mable Ringling Museum of Art
5 direct-support organization, operating under the charter and
6 bylaws and such contracts as are approved by the university,
7 shall set policies to maintain and preserve the collections of
8 the Art Museum; the Circus Museum; the furnishings and objects
9 in the Ringling home, referred to as the Ca' d'Zan; and other
10 objects of art and artifacts in the custody of the museum.
11 Title to all such collections, art objects, and artifacts of
12 the museums and its facilities shall remain with the Florida
13 State University, which shall assign state registration
14 numbers to, and conduct annual inventories of, all such
15 properties. The direct-support organization shall develop
16 policy for the museum, subject to the provisions of the John
17 Ringling will and the overall direction of the president of
18 the university; and it is invested with power and authority to
19 nominate a museum director who is appointed by and serves at
20 the pleasure of the president of the university and shall
21 report to the provost of the university or his or her
22 designee. The museum director, with the approval of the
23 provost or his or her designee, shall appoint other employees
24 in accordance with Florida Statutes and rules; remove the same
25 in accordance with Florida Statutes and rules; provide for the
26 proper keeping of accounts and records and budgeting of funds;
27 enter into contracts for professional programs of the museum
28 and for the support and maintenance of the museum; secure
29 public liability insurance; and do and perform every other
30 matter or thing requisite to the proper management,
31 maintenance, support, and control of the museum at the highest

1 efficiency economically possible, while taking into
2 consideration the purposes of the museum.

3 (d) Notwithstanding the provision of s. 287.057, the
4 John and Mable Ringling Museum of Art direct-support
5 organization may enter into contracts or agreements with or
6 without competitive bidding, in its discretion, for the
7 restoration of objects of art in the museum collection or for
8 the purchase of objects of art that are to be added to the
9 collection.

10 (e) Notwithstanding s. 273.055, the university may
11 sell any art object in the museum collection, which object has
12 been acquired after 1936, if the director and the
13 direct-support organization recommend such sale to the
14 president of the university and if they first determine that
15 the object is no longer appropriate for the collection. The
16 proceeds of the sale shall be deposited in the Ringling Museum
17 Art Acquisition, Restoration, and Conservation Trust Fund. The
18 university also may exchange any art object in the collection,
19 which object has been acquired after 1936, for an art object
20 or objects that the director and the museum direct-support
21 organization recommend to the university after judging these
22 to be of equivalent or greater value to the museum.

23 (f) An employee or member of the museum direct-support
24 organization may not receive a commission, fee, or financial
25 benefit in connection with the sale or exchange of a work of
26 art and may not be a business associate of any individual,
27 firm, or organization involved in the sale or exchange.

28 (g) The university, in consultation with the
29 direct-support organization, shall establish policies and may
30 adopt rules for the sale or exchange of works of art.

31

1 (h) The John and Mable Ringling Museum of Art
2 direct-support organization shall provide for an annual
3 financial audit in accordance with s. 1004.28(5). Florida
4 State University is authorized to require and receive from the
5 direct-support organization, or from its independent auditor,
6 any detail or supplemental data relative to the operation of
7 such organization. Information that, if released, would
8 identify donors who desire to remain anonymous, is
9 confidential and exempt from the provisions of s. 119.07(1).
10 Information that, if released, would identify prospective
11 donors is confidential and exempt from the provisions of s.
12 119.07(1) when the direct-support organization has identified
13 the prospective donor itself and has not obtained the name of
14 the prospective donor by copying, purchasing, or borrowing
15 names from another organization or source. Identities of such
16 donors and prospective donors shall not be revealed in the
17 auditor's report.

18 (i) The direct-support organization is given authority
19 to make temporary loans of paintings and other objects of art
20 or artifacts belonging to the John and Mable Ringling Museum
21 of Art for the purpose of public exhibition in art museums,
22 other museums, or institutions of higher learning wherever
23 located, including such museums or institutions in other
24 states or countries. Temporary loans may also be made to the
25 executive mansion in Tallahassee, chapters and affiliates of
26 the John and Mable Ringling Museum of Art, and, for education
27 purposes, to schools, public libraries, or other institutions
28 in the state, if such exhibition will benefit the general
29 public as the university deems wise and for the best interest
30 of the John and Mable Ringling Museum of Art and under
31 policies established by Florida State University for the

1 protection of the paintings and other objects of art and
2 artifacts. In making temporary loans, the direct-support
3 organization shall give first preference to art museums, other
4 museums, and institutions of higher learning.

5 (j) Notwithstanding any other provision of law, the
6 John and Mable Ringling Museum of Art direct-support
7 organization is eligible to match state funds in the Major
8 Gifts Trust Fund established pursuant to s. 1011.94 as
9 follows:

10 1. For the first \$1,353,750, matching shall be on the
11 basis of 75 cents in state matching for each dollar of private
12 funds.

13 2. For additional funds, matching shall be provided on
14 the same basis as is authorized in s. 1011.94.

15 Section 195. Section 1004.46, Florida Statutes, is
16 created to read:

17 1004.46 Multidisciplinary Center for Affordable
18 Housing.--

19 (1) The Multidisciplinary Center for Affordable
20 Housing is established within the School of Building
21 Construction of the College of Architecture of the University
22 of Florida with the collaboration of other related disciplines
23 such as agriculture, business administration, engineering,
24 law, and medicine. The center shall work in conjunction with
25 other state universities. The Multidisciplinary Center for
26 Affordable Housing shall:

27 (a) Conduct research relating to the problems and
28 solutions associated with the availability of affordable
29 housing in the state for families who are below the median
30 income level and widely disseminate the results of such
31 research to appropriate public and private audiences in the

1 state. Such research shall emphasize methods to improve the
2 planning, design, and production of affordable housing,
3 including, but not limited to, the financial, maintenance,
4 management, and regulatory aspects of residential development.

5 (b) Provide public services to local, regional, and
6 state agencies, units of government, and authorities by
7 helping them create regulatory climates that are amenable to
8 the introduction of affordable housing within their
9 jurisdictions.

10 (c) Conduct special research relating to firesafety.

11 (d) Provide a focus for the teaching of new technology
12 and skills relating to affordable housing in the state.

13 (e) Develop a base of informational and financial
14 support from the private sector for the activities of the
15 center.

16 (f) Develop prototypes for both multifamily and
17 single-family units.

18 (g) Establish a research agenda and general work plan
19 in cooperation with the Department of Community Affairs which
20 is the state agency responsible for research and planning for
21 affordable housing and for training and technical assistance
22 for providers of affordable housing.

23 (h) Submit a report to the Governor, the President of
24 the Senate, and the Speaker of the House of Representatives by
25 January 1 of each year. The annual report shall include
26 information relating to the activities of the center,
27 including collaborative efforts with public and private
28 entities, affordable housing models, and any other findings
29 and recommendations related to the production of safe, decent,
30 and affordable housing.

31

1 (2) The Director of the Multidisciplinary Center for
2 Affordable Housing shall be appointed by the Dean of the
3 College of Architecture of the University of Florida.

4 Section 196. Section 1004.47, Florida Statutes, is
5 created to read:

6 1004.47 Research activities relating to solid and
7 hazardous waste management.--Research, training, and service
8 activities related to solid and hazardous waste management
9 conducted by state universities shall be coordinated by the
10 State Board of Education. Proposals for research contracts and
11 grants; public service assignments; and responses to requests
12 for information and technical assistance by state and local
13 government, business, and industry shall be addressed by a
14 formal Type I Center process involving an advisory board of
15 university personnel appointed by the Commissioner of
16 Education and chaired and directed by an individual appointed
17 by the Commissioner of Education. The State Board of Education
18 shall consult with the Department of Environmental Protection
19 in developing the research programs and provide the department
20 with a copy of the proposed research program for review and
21 comment before the research is undertaken. Research contracts
22 shall be awarded to independent nonprofit colleges and
23 universities within the state which are accredited by the
24 Southern Association of Colleges and Schools on the same basis
25 as those research contracts awarded to the state universities.
26 Research activities shall include, but are not limited to, the
27 following areas:

28 (1) Methods and processes for recycling solid and
29 hazardous waste.

30 (2) Methods of treatment for detoxifying hazardous
31 waste.

1 (3) Technologies for disposing of solid and hazardous
2 waste.

3 Section 197. Section 1004.48, Florida Statutes, is
4 created to read:

5 1004.48 Research protocols to determine most
6 appropriate pollutant dispersal agents.--The Center for Solid
7 and Hazardous Waste Management shall coordinate the research
8 protocols for projects to determine the most appropriate
9 dispersal agents that can be used in an environmentally safe
10 manner in Florida waters as part of a pollutant cleanup
11 activity. Such research shall be used by the Department of
12 Environmental Protection in approving the use of such agents
13 by pollutant spill cleanup contractors and others who may be
14 required to use such agents in containing and cleaning up
15 pollutant spills in the waters of the state.

16 Section 198. Section 1004.49, Florida Statutes, is
17 created to read:

18 1004.49 Florida LAKEWATCH Program.--The Florida
19 LAKEWATCH Program is hereby created within the Department of
20 Fisheries and Aquaculture of the Institute of Food and
21 Agricultural Sciences at the University of Florida. The
22 purpose of the program is to provide public education and
23 training with respect to the water quality of Florida's lakes.
24 The Department of Fisheries and Aquaculture may, in
25 implementing the LAKEWATCH program:

26 (1) Train, supervise, and coordinate volunteers to
27 collect water quality data from Florida's lakes.

28 (2) Compile the data collected by volunteers.

29 (3) Disseminate information to the public about the
30 LAKEWATCH program.

31

1 (4) Provide or loan equipment to volunteers in the
2 program.

3 (5) Perform other functions as may be necessary or
4 beneficial in coordinating the LAKEWATCH program.

5
6 Data collected and compiled shall be used to establish trends
7 and provide general background information and shall in no
8 instance be used in a regulatory proceeding.

9 Section 199. Section 1004.50, Florida Statutes, is
10 created to read:

11 1004.50 Institute on Urban Policy and Commerce.--

12 (1) There is created the Institute on Urban Policy and
13 Commerce as a Type I Institute at Florida Agricultural and
14 Mechanical University to improve the quality of life in urban
15 communities through research, teaching, and outreach
16 activities.

17 (2) The major purposes of the institute are to pursue
18 basic and applied research on urban policy issues confronting
19 the inner-city areas and neighborhoods in the state; to
20 influence the equitable allocation and stewardship of federal,
21 state, and local financial resources; to train a new
22 generation of civic leaders and university students interested
23 in approaches to community planning and design; to assist with
24 the planning, development, and capacity building of urban area
25 nonprofit organizations and government agencies; to develop
26 and maintain a database relating to inner-city areas; and to
27 support the community development efforts of inner-city areas,
28 neighborhood-based organizations, and municipal agencies.

29 (3) The institute shall research and recommend
30 strategies concerning critical issues facing the underserved
31 population in urban communities, including, but not limited

1 to, transportation and physical infrastructure; affordable
2 housing; tourism and commerce; environmental restoration; job
3 development and retention; child care; public health; lifelong
4 learning; family intervention; public safety; and community
5 relations.

6 (4) The institute may establish regional urban centers
7 to be located in the inner cities of St. Petersburg, Tampa,
8 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,
9 Miami, Daytona Beach, and Pensacola to assist urban
10 communities on critical economic, social, and educational
11 problems affecting the underserved population.

12 (5) Before January 1 of each year, the institute shall
13 submit a report of its critical findings and recommendations
14 for the prior year to the President of the Senate, the Speaker
15 of the House of Representatives, and the appropriate
16 committees of the Legislature. The report shall be titled "The
17 State of Unmet Needs in Florida's Urban Communities" and shall
18 include, but is not limited to, a recommended list of
19 resources that could be made available for revitalizing urban
20 communities; significant accomplishments and activities of the
21 institute; and recommendations concerning the expansion,
22 improvement, or termination of the institute.

23 (6) The Governor shall submit an annual report to the
24 Legislature on the unmet needs in the state's urban
25 communities.

26 Section 200. Section 1004.51, Florida Statutes, is
27 created to read:

28 1004.51 Community and Faith-based Organizations
29 Initiative; Community and Library Technology Access
30 Partnership.--

31

1 (1) CREATION.--There is created the Community and
2 Faith-based Organizations Initiative which shall be
3 administered by the Institute on Urban Policy and Commerce at
4 Florida Agricultural and Mechanical University and the
5 Community and Library Technology Access Partnership which
6 shall be administered by the Division of Library and
7 Information Services of the Department of State.

8 (2) INTENT.--The purpose of the initiative is to
9 promote community development in low-income communities
10 through partnerships with not-for-profit community and
11 faith-based organizations. The purpose of the partnership is
12 to encourage public libraries eligible for e-rate discounted
13 telecommunications services to partner with community and
14 faith-based organizations to provide technology access and
15 training to assist other state efforts to close the digital
16 divide.

17 (3) AUTHORIZED ACTIVITIES.--

18 (a) Authorized activities of the initiative.--The
19 Institute on Urban Policy and Commerce at Florida Agricultural
20 and Mechanical University may conduct the following activities
21 as part of the Community and Faith-based Organizations
22 Initiative:

23 1. Create and operate training programs to enhance the
24 professional skills of individuals in community and
25 faith-based organizations.

26 2. Create and operate a program to select and place
27 students and recent graduates from business and related
28 professional schools as interns with community and faith-based
29 organizations for a period not to exceed 1 year, and provide
30 stipends for such interns.

31

1 3. Organize an annual conference for community and
2 faith-based organizations to discuss and share information on
3 best practices regarding issues relevant to the creation,
4 operation, and sustainability of these organizations.

5 4. Provide funding for the development of materials
6 for courses on topics in the area of community development,
7 and for research on economic, operational, and policy issues
8 relating to community development.

9 5. Provide financial assistance to community and
10 faith-based organizations through small grants for
11 partnerships with universities and the operation of programs
12 to build strong communities and future community development
13 leaders. The Institute on Urban Policy and Commerce at Florida
14 Agricultural and Mechanical University shall develop selection
15 criteria for awarding such grants which are based on the goals
16 of the initiative.

17
18 The institute, to the maximum extent possible, shall leverage
19 state funding for the initiative with any federal funding that
20 the institute may receive to support similar community-based
21 activities.

22 (b) Authorized activities of the partnership.--The
23 Division of Library and Information Services of the Department
24 of State may conduct the following activities as part of the
25 Community and Library Technology Access Partnership:

26 1. Provide funding for e-rate eligible public
27 libraries to provide technology access and training to
28 community and faith-based organizations. Funding provided
29 under this subparagraph must be for eligible public libraries
30 in distressed communities in the state. The division shall
31 consult with the Institute on Urban Policy and Commerce to

1 identify such communities and to develop criteria to be used
2 in evaluating funding proposals. The division shall coordinate
3 with the institute to ensure that, to the maximum extent
4 possible, the division and the institute leverage their
5 resources under the programs authorized by this section in
6 order to focus efforts on addressing the most distressed
7 communities in the state. The division shall include a
8 representative of the institute on a review team to evaluate
9 funding proposals under this subparagraph.

10 2. Provide a method of assessment and outcome
11 measurement for e-rate eligible public libraries to assess
12 progress in closing the digital divide and in training for
13 individuals to succeed in the emerging information economy.

14 (4) ELIGIBILITY.--A community or faith-based
15 organization receiving funding or other assistance under the
16 Community and Faith-based Organizations Initiative or the
17 Community Library Technology Access Partnership must be a
18 nonprofit organization holding a current exemption from
19 federal taxation under s. 501(c)(3) or (4) of the Internal
20 Revenue Code. Funding under this section shall not be used for
21 religious or sectarian purposes.

22 Section 201. Section 1004.52, Florida Statutes, is
23 created to read:

24 1004.52 Community computer access grant program.--

25 (1) The Legislature finds that there is a growing
26 digital divide in the state, manifested in the fact that many
27 youths from distressed urban communities do not possess the
28 degree and ease of access to computers and information
29 technologies which youths in other communities in the state
30 possess. This disparity in access to rapidly changing and
31 commercially significant technologies has a negative impact on

1 the educational, workforce development, and employment
2 competitiveness of these needy youths, and thereby impedes the
3 economic development of the distressed urban communities in
4 which these youths reside. Although many public libraries
5 offer users access to computers and are increasingly making
6 library materials available to the public through electronic
7 means, many youths from distressed urban communities do not
8 live near a library that has such technology and do not have
9 computers to access Internet-based virtual libraries.
10 Neighborhood organizations, such as churches, are more likely,
11 however, to be located in closer proximity to the homes of
12 these youths than are educational institutions or libraries,
13 and these youths are more likely to gain the desirable
14 computer access at church-related or other neighborhood
15 facilities than at other institutions. The Legislature
16 therefore finds that a public purpose is served in enhancing
17 the ability of youths from these communities to have access to
18 computers and the Internet within the neighborhoods in which
19 they reside.

20 (2) Subject to legislative appropriation, there is
21 created the Community High-Technology Investment Partnership
22 (CHIP) program to assist distressed urban communities in
23 securing computers for access by youths between the ages of 5
24 years and 18 years who reside in these communities. The
25 program shall be administered by the Institute on Urban Policy
26 and Commerce at Florida Agricultural and Mechanical University
27 pursuant to a performance-based contract with the Division of
28 Library and Information Services of the Department of State.
29 The division shall develop performance measures, standards,
30 and sanctions for the program. Performance measures must
31 include, but are not limited to: the number of youths

1 obtaining access to computers purchased under this program;
2 the number of hours computers are made available to youths;
3 and the number of hours spent by youths on computers purchased
4 under this program for educational purposes. The
5 administrative costs for administration of this program cannot
6 exceed 10 percent of the amount appropriated to the division
7 for the program.

8 (3)(a) Under this program, neighborhood facilities,
9 through their governing bodies, may apply to the institute for
10 grants to purchase computers that will be available for use by
11 eligible youths who reside in the immediate vicinity of the
12 neighborhood facility. For purposes of this program, eligible
13 neighborhood facilities include, but are not limited to,
14 facilities operated by:

15 1. Units of local government, including school
16 districts.

17 2. Nonprofit, faith-based organizations, including
18 neighborhood churches.

19 3. Nonprofit civic associations or homeowners'
20 associations.

21 4. Nonprofit organizations, the missions of which
22 include improving conditions for residents of distressed urban
23 communities.

24
25 To be eligible for funding under this program, a nonprofit
26 organization or association must hold a current exemption from
27 federal taxation under s. 501(c)(3) or (4) of the Internal
28 Revenue Code.

29 (b) Notwithstanding the eligibility of the
30 organizations identified in paragraph (a), the institute shall
31 give priority consideration for funding under this program to

1 applications submitted by neighborhood churches or by
2 neighborhood-based, nonprofit organizations that have as a
3 principal part of their missions the improvement of conditions
4 for residents of the same neighborhoods in which the
5 organizations are located. The institute also shall give
6 priority consideration to organizations that demonstrate that
7 they have not been awarded community enhancement or similar
8 community support grants from state or local government on a
9 regular basis in the past. The institute shall develop
10 weighted criteria to be used in evaluating applications from
11 such churches or organizations. Funding under this section
12 shall not be used for religious or sectarian purposes.

13 (4) The institute shall develop guidelines governing
14 the administration of this program and shall establish
15 criteria to be used in evaluating an application for funding.
16 At a minimum, the institute must find that:

17 (a) The neighborhood that is to be served by the grant
18 suffers from general economic distress.

19 (b) Eligible youths who reside in the vicinity of the
20 neighborhood facility have difficulty obtaining access to a
21 library or schools that have sufficient computers.

22 (c) The neighborhood facility has developed a detailed
23 plan, as required under subsection (5), for:

24 1. Providing youths who reside in the vicinity of the
25 facility with access to any computer purchased with grant
26 funds, including evening and weekend access when libraries and
27 schools are closed.

28 2. Promoting the maximum participation of neighborhood
29 youths in use of any computers purchased with grant funds.

30 (5) As part of an application for funding, the
31 neighborhood facility must submit a plan that demonstrates:

1 (a) The manner in which eligible youths who reside in
2 the immediate vicinity of the facility will be provided with
3 access to any computer purchased with grant funds, including
4 access during hours when libraries and schools are closed.

5 (b) The existence of safeguards to ensure that any
6 computer purchased with grant funds is reserved for the
7 educational use of eligible youths who reside in the immediate
8 vicinity of the facility and is not used to support the
9 business operations of the neighborhood facility or its
10 governing body.

11 (c) The existence, in the neighborhood facility, of
12 telecommunications infrastructure necessary to guarantee
13 access to the Internet through any computer purchased with
14 grant funds.

15 (6) To the maximum extent possible, funding shall be
16 awarded under this program in a manner designed to ensure the
17 participation of distressed urban communities from regions
18 throughout the state.

19 (7) The maximum amount of a grant which may be awarded
20 to any single neighborhood facility under this program is
21 \$25,000.

22 (8) Before the institute may allocate funds for a
23 grant under this program, the institute and the eligible
24 neighborhood facility must execute a grant agreement that
25 governs the terms and conditions of the grant.

26 (9) The institute, based upon guidance from the State
27 Technology Office and the state's Chief Information Officer,
28 shall establish minimum requirements governing the
29 specifications and capabilities of any computers purchased
30 with funds awarded under this grant program.

31

1 Section 202. Section 1004.53, Florida Statutes, is
2 created to read:

3 1004.53 Interdisciplinary Center for Brownfield
4 Rehabilitation Assistance.--The Center for Brownfield
5 Rehabilitation Assistance in the Environmental Sciences and
6 Policy Program is established in the College of Arts and
7 Sciences at the University of South Florida with the
8 collaboration of other related disciplines such as business
9 administration, environmental science, and medicine. The
10 center shall work in conjunction with other state
11 universities. The Center for Brownfield Rehabilitation
12 Assistance shall:

13 (1) Conduct research relating to problems and
14 solutions associated with rehabilitation and restoration of
15 brownfield areas as defined in s. 376.79. The research must
16 include identifying innovative solutions to removing
17 contamination from brownfield sites to reduce the threats to
18 drinking water supplies and other potential public health
19 threats from contaminated sites.

20 (2) Provide public service to local, regional, and
21 state agencies, units of government, and authorities by
22 helping them to create workable mechanisms, partnerships with
23 public and private sectors, and other techniques for
24 rehabilitating brownfield areas.

25 (3) Conduct special research relating to risk-based
26 corrective actions for rehabilitation of brownfield areas.

27 (4) Develop a base of informational and financial
28 support from the private sector for the activities of the
29 center.

30 Section 203. Section 1004.54, Florida Statutes, is
31 created to read:

1 1004.54 Learning Development and Evaluation Center.--

2 (1) For the purpose of providing academic support for
3 learning disabled students, the verbal communications
4 laboratory at Florida Agricultural and Mechanical University
5 is established as the Learning Development and Evaluation
6 Center. The university shall provide housing, equipment, and
7 utilities for the center.

8 (2) The primary objective of the center shall be to
9 provide learning disabled students with accessibility to
10 learning by providing a program for building student
11 self-acceptance, self-esteem, and faculty acceptance. The
12 program shall also provide for diagnosing and clarifying the
13 nature of the disability and for identifying strategies that
14 can be used to enhance learning. Services shall include:

15 (a) Problem identification.

16 (b) Diagnostic evaluation, including neurological,
17 psychological, speech, and hearing diagnoses.

18 (c) Training, including tutoring and study.

19 (d) Academic, psychological, social, and career
20 counseling.

21 (e) Followup.

22 (f) Maintenance of academic course requirements with
23 provision for support services to identified students.

24 (g) Modifications of methods of reaching course
25 requirements which do not detract from the course purpose.

26 (3) Participants in the program shall be students with
27 specific learning disabilities who meet eligibility criteria
28 as defined by Rule 6A-6.03018.

29 (4) An outreach component shall be established which
30 shall include:

31

- 1 (a) Notifying secondary schools, community colleges,
2 career education centers, and community agencies of the
3 program.
- 4 (b) Working with community colleges, technical
5 centers, and community agencies to identify students who may
6 benefit from the program.
- 7 (c) Providing secondary schools, community colleges,
8 technical centers, and community agencies with a description
9 of methods used by the program for identification of students
10 who have learning disabilities.
- 11 (d) Providing secondary schools, community colleges,
12 technical centers, and community agencies with a description
13 of program services and the support services available.
- 14 (e) Providing on-campus and off-campus activities for
15 students, administrators, faculty, and staff to enhance
16 learning of the disabled secondary students.
- 17 (f) Providing training for school district personnel
18 to enable them to develop a better understanding of the needs
19 of learning disabled students.
- 20 (g) Designing, developing, and implementing, in
21 cooperation with Florida Agricultural and Mechanical
22 University, public school districts, community colleges, and
23 technical centers within the Department of Education, model
24 programs for the learning disabled student.
- 25 (h) Providing assistance to community colleges and
26 state universities in designing, developing, and evaluating
27 model programs for learning disabled students.
- 28 (i) Establishing a procedure for the annual review and
29 update of model programs developed for the learning disabled.
- 30 (j) Providing precollegiate residential experiences.
- 31

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 204. Section 1004.55, Florida Statutes, is
30 created to read:

31 1004.55 Regional autism centers.--

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.

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

1 (a) A staff that has expertise in autism and
2 autistic-like behaviors and in sensory impairments.

3 (b) Individual and direct family assistance in the
4 home, community, and school. A center's assistance should not
5 supplant other responsibilities of state and local agencies,
6 and each school district is responsible for providing an
7 appropriate education program for clients of a center who are
8 school age.

9 (c) Technical assistance and consultation services,
10 including specific intervention and assistance for a client of
11 the center, the client's family, and the school district, and
12 any other services that are appropriate.

13 (d) Professional training programs that include
14 developing, providing, and evaluating preservice and inservice
15 training in state-of-the-art practices for personnel who work
16 with the populations served by the centers and their families.

17 (e) Public education programs to increase awareness of
18 the public about autism, autistic-related disabilities of
19 communication and behavior, dual sensory impairments, and
20 sensory impairments with other handicapping conditions.

21 (5) The State Board of Education, in cooperation with
22 the regional autism centers, shall adopt the necessary rules
23 to carry out the purposes of this section.

24 Section 205. Section 1004.56, Florida Statutes, is
25 created to read:

26 1004.56 Florida Museum of Natural History;
27 functions.--

28 (1) The functions of the Florida Museum of Natural
29 History, located at the University of Florida, are to make
30 scientific investigations toward the sustained development of
31 natural resources and a greater appreciation of human cultural

1 heritage, including, but not limited to, biological surveys,
2 ecological studies, environmental impact assessments, in-depth
3 archaeological research, and ethnological analyses, and to
4 collect and maintain a depository of biological,
5 archaeological, and ethnographic specimens and materials in
6 sufficient numbers and quantities to provide within the state
7 and region a base for research on the variety, evolution, and
8 conservation of wild species; the composition, distribution,
9 importance, and functioning of natural ecosystems; and the
10 distribution of prehistoric and historic archaeological sites
11 and an understanding of the aboriginal and early European
12 cultures that occupied them. State institutions, departments,
13 and agencies may deposit type collections from archaeological
14 sites in the museum, and it shall be the duty of each state
15 institution, department, and agency to cooperate by depositing
16 in the museum voucher and type biological specimens collected
17 as part of the normal research and monitoring duties of its
18 staff and to transfer to the museum those biological specimens
19 and collections in its possession but not actively being
20 curated or used in the research or teaching of that
21 institution, department, or agency. The Florida Museum of
22 Natural History is empowered to accept, preserve, maintain, or
23 dispose of these specimens and materials in a manner which
24 makes each collection and its accompanying data available for
25 research and use by the staff of the museum and by cooperating
26 institutions, departments, agencies, and qualified independent
27 researchers. The biological, archaeological, and ethnographic
28 collections shall belong to the state with the title vested in
29 the Florida Museum of Natural History, except as provided in
30 s. 267.12(3). In collecting or otherwise acquiring these
31 collections, the museum shall comply with pertinent state

1 wildlife, archaeological, and agricultural laws and rules.
2 However, all collecting, quarantine, and accreditation permits
3 issued by other institutions, departments, and agencies shall
4 be granted routinely for said museum research study or
5 collecting effort on state lands or within state jurisdiction
6 which does not pose a significant threat to the survival of
7 endangered wild species, habitats, or ecosystems. In
8 addition, the museum shall develop exhibitions and conduct
9 programs which illustrate, interpret, and explain the natural
10 history of the state and region and shall maintain a library
11 of publications pertaining to the work as herein provided.
12 The exhibitions, collections, and library of the museum shall
13 be open, free to the public, under suitable rules to be
14 promulgated by the director of the museum and approved by the
15 University of Florida.

16 (2) Any gifts, transfers, bequests, or other
17 conveyances made to the Florida State Museum are deemed to
18 have been made to the Florida Museum of Natural History.

19 Section 206. Section 1004.57, Florida Statutes, is
20 created to read:

21 1004.57 Vertebrate paleontological sites and remains;
22 legislative intent and state policy.--

23 (1) It is the declared intention of the Legislature
24 that vertebrate paleontological sites be protected and
25 preserved and that, pursuant thereto, vertebrate
26 paleontological field investigation activities, including, but
27 not limited to, collection, excavation, salvage, restoration,
28 and cataloging of fossils, be discouraged except when such
29 activities are carried on in accordance with both the
30 provisions and the spirit of this act. However, it is not the
31 intention of the Legislature that the provisions of this act

1 impede mining or quarrying for rock, gravel, fill, phosphate,
2 and other minerals, or the construction of canals or similar
3 excavations, when such activities are permitted by law.
4 Rather, it is the intent of the Legislature that mine and
5 heavy equipment operators be encouraged to cooperate with the
6 state in preserving its vertebrate paleontological heritage
7 and vertebrate fossils by notifying the Florida Museum of
8 Natural History whenever vertebrate fossils are discovered
9 during mining or digging operations and by allowing such
10 fossils to be properly salvaged and that persons having
11 knowledge of vertebrate paleontological sites be encouraged to
12 communicate such information to the museum.

13 (2) It is hereby declared to be the public policy of
14 this state to protect and preserve vertebrate paleontological
15 sites containing vertebrate fossils, including bones, teeth,
16 natural casts, molds, impressions, and other remains of
17 prehistoric fauna, and to provide for the collection,
18 acquisition, and study of the vertebrate fossils of the state
19 which offer documentation of the diversity of life on this
20 planet.

21 (3) It is further declared to be the public policy of
22 the state that all vertebrate fossils found on state-owned
23 lands, including submerged lands and uplands, belong to the
24 state with title to the fossils vested in the Florida Museum
25 of Natural History for the purpose of administration of this
26 section and ss. 1004.575-1004.577.

27 Section 207. Section 1004.575, Florida Statutes, is
28 created to read:

29 1004.575 Program of vertebrate paleontology within
30 Florida Museum of Natural History.--There is established
31 within the Florida Museum of Natural History a program of

1 vertebrate paleontology, which program has the following
2 responsibilities:

3 (1) Encouraging the study of the vertebrate fossils
4 and vertebrate paleontological heritage of the state and
5 providing exhibits and other educational materials on the
6 vertebrate fauna to the universities and schools of the state.

7 (2) Developing a statewide plan, to be submitted to
8 the director of the Florida Museum of Natural History, for
9 preserving the vertebrate paleontological resources of the
10 state in a manner which is consistent with the state policies
11 in s. 1004.57 and which will not unduly hamper development in
12 this state, including mining and excavating operations.

13 (3) Locating, surveying, acquiring, collecting,
14 salvaging, conserving, and restoring vertebrate fossils;
15 conducting research on the history and systematics of the
16 fossil fauna of the state; and maintaining the official state
17 depository of vertebrate fossils.

18 (4) Locating, surveying, acquiring, excavating, and
19 operating vertebrate paleontological sites and properties
20 containing vertebrate fossils, which sites and properties have
21 great significance to the scientific study of such vertebrate
22 fossils or to public representation of the faunal heritage of
23 the state.

24 (5) Enlisting the aid of professional vertebrate
25 paleontologists, mine and quarry operators, heavy digging
26 equipment operators, and qualified amateurs in carrying out
27 the provisions of subsections (1)-(4), and authorizing their
28 active support and cooperation by issuing permits to them as
29 provided in s. 1004.576.

30 (6) Cooperating and coordinating activities with the
31 Department of Environmental Protection under the provisions of

1 ss. 375.021 and 375.031 and the Department of State under
2 chapter 267 in the acquisition, preservation, and operation of
3 significant vertebrate paleontological sites and properties of
4 great and continuing scientific value, so that such sites and
5 properties may be utilized to conserve the faunal heritage of
6 this state and to promote an appreciation of that heritage.

7 (7) Designating areas as "state vertebrate
8 paleontological sites" pursuant to the provisions of this
9 section, which areas are of great and continuing significance
10 to the scientific study and public understanding of the faunal
11 history of the state. However, no privately owned site or
12 grouping of sites shall be so designated without the express
13 written consent of the private owner of the site or group of
14 sites. Upon designation of a state vertebrate paleontological
15 site, the owners and occupants of such site shall be given
16 written notification of such designation by the program. Once
17 such site has been so designated, no person may conduct
18 paleontological field investigation activities on the site
19 without first securing a permit for such activities as
20 provided in s. 1004.576.

21 (8) Arranging for the disposition of the vertebrate
22 fossils by accredited institutions and for the temporary or
23 permanent loan of such fossils for the purpose of further
24 scientific study, interpretative display, and curatorial
25 responsibilities by such institutions.

26 Section 208. Section 1004.576, Florida Statutes, is
27 created to read:

28 1004.576 Destruction, purchase, and sale of vertebrate
29 fossils prohibited, exceptions; field investigation permits
30 required; penalty for violation.--

31

1 (1) The destruction, defacement, purchase, and sale of
2 vertebrate fossils found on or under land owned or leased by
3 the state and on land in state-designated vertebrate
4 paleontological sites are prohibited, except that the Florida
5 Museum of Natural History may sell vertebrate fossils and may
6 adopt rules defining "nonessential vertebrate fossils" and
7 prescribing the conditions under which such fossils may be
8 sold or otherwise disposed of by a person holding a permit
9 issued by the Florida Museum of Natural History. Field
10 investigations of vertebrate fossils, including, but not
11 limited to, the systematic collection, acquisition,
12 excavation, salvage, exhumation, or restoration of such
13 fossils, are prohibited on all lands owned or leased by the
14 state and on lands in state-designated vertebrate
15 paleontological sites, unless such activities are conducted
16 under the authority of permits issued by the Florida Museum of
17 Natural History. A permit may be granted by the Florida
18 Museum of Natural History upon application for the permit
19 accompanied by an application fee not to exceed \$5. The
20 privileges authorized pursuant to the grant of a permit as
21 provided in this subsection may not be assigned or sublet to
22 any other party.

23 (2) Any person who, in violation of this section,
24 engages in any of the activities described in subsection (1)
25 without first having obtained a permit to engage in such
26 activity commits a misdemeanor, punishable by a fine not to
27 exceed \$500 or by imprisonment in the county jail for a period
28 not to exceed 6 months, or both; and, in addition, he or she
29 shall forfeit to the state all specimens, objects, and
30 materials collected and excavated in violation of this
31

1 section, together with all photographs and records relating to
2 such materials.

3 (3) The Florida Museum of Natural History may
4 institute a civil action in the appropriate circuit court for
5 recovery of any unlawfully taken vertebrate fossil. The
6 fossil shall be forfeited to the state if the Florida Museum
7 of Natural History shows by the greater weight of the evidence
8 that the fossil has been taken from a particular site within
9 this state and that the person found in possession of the
10 fossil is not authorized by law to possess such fossil.

11 Section 209. Section 1004.577, Florida Statutes, is
12 created to read:

13 1004.577 Certain rights of mine or quarry operators
14 and dragline or heavy equipment operators preserved.--Nothing
15 in ss. 1004.57-1004.576 shall infringe upon the right of a
16 legitimate mine or quarry operator to extract rock, gravel,
17 fill, phosphate, or other minerals or infringe upon the right
18 of a legitimate operator of draglines or similar heavy
19 dredging, trenching, or digging equipment to construct
20 drainage canals or other excavations because of the actual or
21 potential destruction of vertebrate fossils.

22 Section 210. Section 1004.58, Florida Statutes, is
23 created to read:

24 1004.58 Leadership Board for Applied Research and
25 Public Service.--

26 (1) There is created the Leadership Board for Applied
27 Research and Public Service to be staffed by the Institute of
28 Science and Public Affairs at Florida State University. The
29 purpose of the board is to focus, coordinate, and maximize
30 university resources on current issues and events affecting
31 Florida's residents and elected officials. Emphasis shall be

1 placed on being responsive to and providing accurate, timely,
2 useful, and relevant information to decisionmakers in state
3 and local governments. The board shall set forth a process to
4 provide comprehensive guidance and advice for improving the
5 types and quality of services to be delivered by the state
6 universities. Specifically, the board shall better identify
7 and define the missions and roles of existing institutes and
8 centers at each state university, work to eliminate
9 duplication and confusion over conflicting roles and missions,
10 involve more students in learning with applied research and
11 public service activities, and be organizationally separate
12 from academic departments. The board shall meet at least
13 quarterly. The board may create internal management councils
14 that may include working institute and center directors. The
15 board is responsible for, but is not limited to:

16 (a) Providing strategic direction, planning, and
17 accompanying decisions that support a coordinated applied
18 public service and research approach in the state.

19 (b) Addressing state university policy matters and
20 making recommendations to the State Board of Education as they
21 relate to applied public service and research.

22 (c) Serving as a clearinghouse for services requested
23 by public officials.

24 (d) Providing support for funding and fiscal
25 initiatives involving applied public service and research.

26 (2) Membership of the board shall be:

27 (a) The Commissioner of Education, or the
28 commissioner's designee, who shall serve as chair.

29 (b) The director of the Office of Planning and
30 Budgeting of the Executive Office of the Governor.

31

1 (c) The secretary of the Department of Management
2 Services.
3 (d) The director of Economic and Demographic Research.
4 (e) The director of the Office of Program Policy
5 Analysis and Government Accountability.
6 (f) The President of the Florida League of Cities.
7 (g) The President for the Florida Association of
8 Counties.
9 (h) The President of the Florida School Board
10 Association.
11 (i) Five additional university president members,
12 designated by the commissioner, to rotate annually.
13 (3) The board shall prepare a report for the State
14 Board of Education to be submitted to the Governor and the
15 Legislature by January 1 of each year which summarizes the
16 work and recommendations of the board in meeting its purpose
17 and mission.
18 Section 211. Section 1004.59, Florida Statutes, is
19 created to read:
20 1004.59 Florida Conflict Resolution Consortium.--It is
21 the intent of the Legislature to reduce the public and private
22 costs of litigation; resolve public disputes, including those
23 related to growth management issues, more quickly and
24 effectively; and improve intergovernmental communications,
25 cooperation, and consensus building. The Legislature hereby
26 formally establishes the Florida Conflict Resolution
27 Consortium as a statewide center based at Florida State
28 University, or at another campus as may be designated by the
29 Commissioner of Education. The purpose of the consortium is
30 to serve as a neutral resource to assist citizens and public
31 and private interests in Florida to seek cost-effective

1 solutions to public disputes and problems through the use of
2 alternative dispute resolution and consensus building.

3 Section 212. Section 1004.60, Florida Statutes, is
4 created to read:

5 1004.60 Research of Rosewood incident.--State
6 universities shall continue the research of the Rosewood
7 incident and the history of race relations in Florida and
8 develop materials for the educational instruction of these
9 events.

10 Section 213. Section 1004.61, Florida Statutes, is
11 created to read:

12 1004.61 Partnerships to develop child protection
13 workers.--The Department of Children and Family Services is
14 directed to form partnerships with the schools of social work
15 of the state universities in order to encourage the
16 development of graduates trained to work in child protection.
17 The department shall give hiring preferences for child
18 protection jobs to graduates who have earned bachelor's and
19 master's degrees from these programs with a concentration in
20 child protection. The partnership between the Department of
21 Children and Family Services and the schools of social work
22 shall include, but not be limited to, modifying existing
23 graduate and undergraduate social work curricula, providing
24 field placements for students into child protection
25 internships in the department, and collaborating in the design
26 and delivery of advanced levels of social work practice.

27 Section 214. Section 1004.62, Florida Statutes, is
28 created to read:

29 1004.62 Incentives for urban or socially and
30 economically disadvantaged area internships.--The Legislature
31 establishes incentives for urban or socially and economically

1 disadvantaged area internships to give university students the
2 opportunity to study the social, economic, educational, and
3 political life of inner cities in metropolitan or socially and
4 economically disadvantaged areas of the state. The incentives
5 are for internships that are open to students in all
6 disciplines, including business, education, physical science,
7 social science, the liberal arts, and the fine arts.
8 Incentives may be given to any state university. Incentives
9 must be for one semester's duration, or more, in which an
10 intern may earn up to 12 hours of credit for the internship.
11 Student interns must work in teams to address a specific urban
12 or socially and economically disadvantaged area social problem
13 or carry out an urban or socially and economically
14 disadvantaged area social program. The results of each team's
15 work must be published in a report and distributed to the
16 colleges of education at each state university.

17 Section 215. Part III of chapter 1004, Florida
18 Statutes, shall be entitled "Community Colleges" and shall
19 consist of ss. 1004.65-1004.81.

20 Section 216. Part III.a. of chapter 1004, Florida
21 Statutes, shall be entitled "General Provisions" and shall
22 consist of ss. 1004.65-1004.726.

23 Section 217. Section 1004.65, Florida Statutes, is
24 created to read:

25 1004.65 Community colleges; definition, mission, and
26 responsibilities.--

27 (1) Community colleges shall consist of all public
28 educational institutions operated by community college
29 district boards of trustees under statutory authority and
30 rules of the State Board of Education.

31

1 (2) Each community college district authorized by law
2 and the Department of Education is an independent, separate,
3 legal entity created for the operation of a community college.

4 (3) A community college may provide adult education
5 services, including adult basic education, adult general
6 education, adult secondary education, and general educational
7 development test instruction.

8 (4) The community colleges are locally based and
9 governed entities with statutory and funding ties to state
10 government. As such, the community colleges' mission reflects
11 a commitment to be responsive to local educational needs and
12 challenges. In achieving this mission, the community colleges
13 strive to maintain sufficient local authority and flexibility
14 while preserving appropriate legal accountability to the
15 state.

16 (5) As comprehensive institutions, the community
17 colleges shall provide high-quality, affordable education and
18 training opportunities, shall foster a climate of excellence,
19 and shall provide opportunities to all while combining high
20 standards with an open-door admission policy. The community
21 colleges shall, as open-access institutions, serve all who can
22 benefit, without regard to age, race, gender, creed, or ethnic
23 or economic background, while emphasizing the achievement of
24 social and educational equity so that all can be prepared for
25 full participation in society.

26 (6) The primary mission and responsibility of
27 community colleges is responding to community needs for
28 postsecondary academic education and technical degree
29 education. This mission and responsibility includes being
30 responsible for:

31

- 1 (a) Providing lower level undergraduate instruction
2 and awarding associate degrees.
- 3 (b) Preparing students directly for vocations
4 requiring less than baccalaureate degrees. This may include
5 preparing for job entry, supplementing of skills and
6 knowledge, and responding to needs in new areas of technology.
7 Career and technical education in the community college shall
8 consist of technical certificates, credit courses leading to
9 associate in science degrees and associate in applied science
10 degrees, and other programs in fields requiring substantial
11 academic work, background, or qualifications. A community
12 college may offer career and technical education programs in
13 fields having lesser academic or technical requirements.
- 14 (c) Providing student development services, including
15 assessment, student tracking, support for disabled students,
16 advisement, counseling, financial aid, career development, and
17 remedial and tutorial services, to ensure student success.
- 18 (d) Promoting economic development for the state
19 within each community college district through the provision
20 of special programs, including, but not limited to, the:
- 21 1. Enterprise Florida-related programs.
22 2. Technology transfer centers.
23 3. Economic development centers.
24 4. Workforce literacy programs.
- 25 (e) Providing dual enrollment instruction.
- 26 (7) A separate and secondary role for community
27 colleges includes:
- 28 (a) Providing upper level instruction and awarding
29 baccalaureate degrees as specifically authorized by law.
- 30 (b) The offering of programs in:
31

1 1. Community services that are not directly related to
2 academic or occupational advancement.

3 2. Adult general education.

4 3. Recreational and leisure services.

5 (8) Funding for community colleges shall reflect their
6 mission as follows:

7 (a) Postsecondary academic and career and technical
8 education programs and adult general education programs shall
9 have first priority in community college funding.

10 (b) Community service programs shall be presented to
11 the Legislature with rationale for state funding. The
12 Legislature may identify priority areas for use of these
13 funds.

14 (9) Community colleges are authorized to offer such
15 programs and courses as are necessary to fulfill their mission
16 and are authorized to grant associate in arts degrees,
17 associate in science degrees, associate in applied science
18 degrees, certificates, awards, and diplomas. Each community
19 college is also authorized to make provisions for the general
20 educational development test. Each community college may
21 provide access to baccalaureate degrees in accordance with
22 law.

23 Section 218. Section 1004.66, Florida Statutes, is
24 created to read:

25 1004.66 "Community college" and "junior college" used
26 interchangeably.--Whenever the terms "community college" and
27 "junior college" appear in the Florida Statutes in reference
28 to a tax-supported institution, they shall be construed
29 identically.

30 Section 219. Section 1004.67, Florida Statutes, is
31 created to read:

1 1004.67 Community colleges; legislative intent.--It is
2 the legislative intent that community colleges, constituted as
3 political subdivisions of the state, continue to be operated
4 by community college boards of trustees as provided in s.
5 1001.63 and that no department, bureau, division, agency, or
6 subdivision of the state exercise any responsibility and
7 authority to operate any community college of the state except
8 as specifically provided by law or rules of the State Board of
9 Education.

10 Section 220. Section 1004.68, Florida Statutes, is
11 created to read:

12 1004.68 Community college; degrees and certificates;
13 tests for certain skills.--

14 (1) Each community college board of trustees shall
15 adopt rules establishing student performance standards for the
16 award of degrees and certificates.

17 (2) Each community college board of trustees shall
18 require the use of scores on tests for college-level
19 communication and computation skills provided in s.
20 1008.345(8) as a condition for graduation with an associate in
21 arts degree.

22 Section 221. Section 1004.70, Florida Statutes, is
23 created to read:

24 1004.70 Community college direct-support
25 organizations.--

26 (1) DEFINITIONS.--For the purposes of this section:

27 (a) "Community college direct-support organization"
28 means an organization that 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.

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 community college in this state.

4 3. An organization that the community college board of
5 trustees, after review, has certified to be operating in a
6 manner consistent with the goals of the community college and
7 in the best interest of the state. Any organization that is
8 denied certification by the board of trustees may not use the
9 name of the community college that it serves.

10 (b) "Personal services" includes full-time or
11 part-time personnel as well as payroll processing.

12 (2) BOARD OF DIRECTORS.--The chair of the board of
13 trustees shall appoint a representative to the board of
14 directors and the executive committee of each direct-support
15 organization established under this section, including those
16 established before July 1, 1998. The president of the
17 community college for which the direct-support organization is
18 established, or the president's designee, shall also serve on
19 the board of directors and the executive committee of the
20 direct-support organization, including any direct-support
21 organization established before July 1, 1998.

22 (3) USE OF PROPERTY.--

23 (a) The board of trustees is authorized to permit the
24 use of property, facilities, and personal services at any
25 community college by any community college direct-support
26 organization, subject to the provisions of this section.

27 (b) The board of trustees is authorized to prescribe
28 by rule any condition with which a community college
29 direct-support organization must comply in order to use
30 property, facilities, or personal services at any community
31 college.

1 (c) The board of trustees may not permit the use of
2 property, facilities, or personal services at any community
3 college by any community college direct-support organization
4 that does not provide equal employment opportunities to all
5 persons regardless of race, color, national origin, gender,
6 age, or religion.

7 (4) ACTIVITIES; RESTRICTIONS.--

8 (a) A direct-support organization may, at the request
9 of the board of trustees, provide residency opportunities on
10 or near campus for students.

11 (b) A direct-support organization that constructs
12 facilities for use by a community college or its students must
13 comply with all requirements of law relating to the
14 construction of facilities by a community college, including
15 requirements for competitive bidding.

16 (c) Any transaction or agreement between one
17 direct-support organization and another direct-support
18 organization or between a direct-support organization and a
19 center of technology innovation designated under s. 1004.77
20 must be approved by the board of trustees.

21 (d) A community college direct-support organization is
22 prohibited from giving, either directly or indirectly, any
23 gift to a political committee or committee of continuous
24 existence as defined in s. 106.011 for any purpose other than
25 those certified by a majority roll call vote of the governing
26 board of the direct-support organization at a regularly
27 scheduled meeting as being directly related to the educational
28 mission of the community college.

29 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
30 organization shall submit to the board of trustees its federal
31 Internal Revenue Service Application for Recognition of

1 Exemption form (Form 1023) and its federal Internal Revenue
2 Service Return of Organization Exempt from Income Tax form
3 (Form 990).
4 (6) ANNUAL AUDIT.--Each direct-support organization
5 shall provide for an annual financial audit in accordance with
6 rules adopted by the Auditor General pursuant to s. 11.45(8).
7 The annual audit report must be submitted, within 9 months
8 after the end of the fiscal year, to the Auditor General, the
9 State Board of Education, and the board of trustees for
10 review. The board of trustees, the Auditor General, and the
11 Office of Program Policy Analysis and Government
12 Accountability may require and receive from the organization
13 or from its independent auditor any detail or supplemental
14 data relative to the operation of the organization. The
15 identity of donors who desire to remain anonymous shall be
16 protected, and that anonymity shall be maintained in the
17 auditor's report. All records of the organization, other than
18 the auditor's report, any information necessary for the
19 auditor's report, any information related to the expenditure
20 of funds, and any supplemental data requested by the board of
21 trustees, the Auditor General, and the Office of Program
22 Policy Analysis and Government Accountability, shall be
23 confidential and exempt from the provisions of s. 119.07(1).
24 Section 222. Section 1004.71, Florida Statutes, is
25 created to read:
26 1004.71 Statewide community college direct-support
27 organizations.--
28 (1) DEFINITIONS.--For the purposes of this section:
29 (a) "Statewide community college direct-support
30 organization" means an organization that is:
31

1 1. A Florida corporation not for profit, incorporated
2 under the provisions of chapter 617 and approved by the
3 Department of State.

4 2. Organized and operated exclusively to receive,
5 hold, invest, and administer property and to make expenditures
6 to, or for the benefit of, the community colleges in this
7 state.

8 3. An organization that the State Board of Education,
9 after review, has certified to be operating in a manner
10 consistent with the goals of the community colleges and in the
11 best interest of the state.

12 (b) "Personal services" includes full-time or
13 part-time personnel as well as payroll processing.

14 (2) BOARD OF DIRECTORS.--The chair of the State Board
15 of Education may appoint a representative to the board of
16 directors and the executive committee of any statewide,
17 direct-support organization established under this section or
18 s. 1004.70. The chair of the State Board of Education, or the
19 chair's designee, shall also serve on the board of directors
20 and the executive committee of any direct-support organization
21 established to benefit the community colleges of Florida.

22 (3) USE OF PROPERTY.--

23 (a) The State Board of Education may permit the use of
24 property, facilities, and personal services of the Department
25 of Education by any statewide community college direct-support
26 organization, subject to the provisions of this section.

27 (b) The State Board of Education may prescribe by rule
28 any condition with which a statewide community college
29 direct-support organization must comply in order to use
30 property, facilities, or personal services of the Department
31 of Education.

1 (c) The State Board of Education may not permit the
2 use of property, facilities, or personal services of the
3 Department of Education by any statewide community college
4 direct-support organization that does not provide equal
5 employment opportunities to all persons regardless of race,
6 color, national origin, gender, age, or religion.

7 (4) ~~RESTRICTIONS.--~~

8 (a) A statewide, direct-support organization may not
9 use public funds to acquire, construct, maintain, or operate
10 any facilities.

11 (b) Any transaction or agreement between a statewide,
12 direct-support organization and any other direct-support
13 organization or between a statewide, direct-support
14 organization and a center of technology innovation designated
15 under s. 1004.77 must be approved by the State Board of
16 Education.

17 (c) A statewide community college direct-support
18 organization is prohibited from giving, either directly or
19 indirectly, any gift to a political committee or committee of
20 continuous existence as defined in s. 106.011 for any purpose
21 other than those certified by a majority roll call vote of the
22 governing board of the direct-support organization at a
23 regularly scheduled meeting as being directly related to the
24 educational mission of the State Board of Education.

25 (5) ~~ANNUAL BUDGETS AND REPORTS.--~~Each direct-support
26 organization shall submit to the State Board of Education its
27 federal Internal Revenue Service Application for Recognition
28 of Exemption form (Form 1023) and its federal Internal Revenue
29 Service Return of Organization Exempt from Income Tax form
30 (Form 990).

31

1 (6) ANNUAL AUDIT.--A statewide community college
2 direct-support organization shall provide for an annual
3 financial audit in accordance with s. 1004.70. The identity of
4 a donor or prospective donor who desires to remain anonymous
5 and all information identifying such donor or prospective
6 donor are confidential and exempt from the provisions of s.
7 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
8 anonymity shall be maintained in the auditor's report.

9 Section 223. Section 1004.725, Florida Statutes, is
10 created to read:

11 1004.725 Expenditures for self-insurance services;
12 special account.--

13 (1) The community college boards of trustees, singly
14 or collectively, are authorized to contract with an
15 administrator or service company approved by the Department of
16 Insurance pursuant to chapter 626 to provide self-insurance
17 services, including, but not limited to, the evaluation,
18 settlement, and payment of self-insurance claims on behalf of
19 the board of trustees or a consortium of boards of trustees.

20 (2) Pursuant to such a contract, a board of trustees
21 may advance moneys to the administrator or service company to
22 be deposited in a special account for paying claims against
23 the board of trustees under its self-insurance program. The
24 special account shall be maintained in a designated depository
25 as provided by s. 136.01. The board of trustees may replenish
26 such account as often as necessary upon the presentation by
27 the administrator or service company of documentation for
28 claims paid in an amount equal to the amount of the requested
29 reimbursement. Any contract for disbursement of funds from the
30 special account shall ensure that the payments are subject to
31 proper disbursement controls and accounting procedures.

1 Section 224. Section 1004.726, Florida Statutes, is
2 created to read:
3 1004.726 Trademarks, copyrights, or patents.--Each
4 community college board of trustees may develop and produce
5 work products relating to educational endeavors that are
6 subject to trademark, copyright, or patent statutes. To this
7 end, the board of trustees shall consider the relative
8 contribution by the personnel employed in the development of
9 such work products and shall enter into binding agreements
10 with such personnel, organizations, corporations, or
11 government entities, which agreements shall establish the
12 percentage of ownership of such trademarks, copyrights, or
13 patents. Any other law to the contrary notwithstanding, the
14 board of trustees may in its own name:
15 (1) Perform all things necessary to secure letters of
16 patent, copyrights, and trademarks on any such work products
17 and enforce its rights therein.
18 (2) License, lease, assign, or otherwise give written
19 consent to any person, firm, or corporation for the
20 manufacture or use of its work products on a royalty basis or
21 for such other consideration as the board of trustees deems
22 proper.
23 (3) Take any action necessary, including legal action,
24 to protect its work products against improper or unlawful use
25 of infringement.
26 (4) Enforce the collection of any sums due the board
27 of trustees for the manufacture or use of its work products by
28 any other party.
29 (5) Sell any of its work products and execute all
30 instruments necessary to consummate any such sale.
31

1 (6) Do all other acts necessary and proper for the
2 execution of powers and duties provided by this section.

3 Section 225. Part III.b. of chapter 1004, Florida
4 Statutes, shall be entitled "Special Programs; Centers" and
5 shall consist of ss. 1004.73-1004.81.

6 Section 226. Section 1004.73, Florida Statutes, is
7 created to read:

8 1004.73 St. Petersburg College.--

9 (1) LEGISLATIVE INTENT.--The Legislature intends to
10 create an innovative means to increase access to baccalaureate
11 degree level education in populous counties that are
12 underserved by public baccalaureate degree granting
13 institutions. This education is intended to address the
14 state's workforce needs, especially the need for teachers,
15 nurses, and business managers in agencies and firms that
16 require expertise in technology.

17 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
18 Petersburg College shall immediately seek accreditation from
19 the Southern Association of Colleges and Schools as a
20 baccalaureate degree granting college.

21 (a) The primary mission of St. Petersburg College is
22 to provide high-quality undergraduate education at an
23 affordable price for students and the state. The purpose is to
24 promote economic development by preparing people for
25 occupations that require a bachelor's degree and are in demand
26 by existing or emerging public and private employers in this
27 state.

28 (b) St. Petersburg College shall maintain the mission
29 and policies of a Florida community college, including the
30 open-door admissions policy and the authority to offer all
31 programs consistent with a community college's authority.

1 (c) St. Petersburg College shall maintain the
2 distinction between the college and its university center. St.
3 Petersburg College is limited to community college programs
4 and to selected baccalaureate degree level programs that meet
5 community needs and are authorized as provided by this
6 section. The University Center may make available more diverse
7 program offerings, but those programs are offered by a
8 participating college or university and are not to be
9 classified or funded as programs of St. Petersburg College.

10 (d) The academic policies of the upper-division
11 program at St. Petersburg College must be in accordance with
12 policies of the State Board of Education.

13 (e) Sections 1013.39 and 1013.82 apply to St.
14 Petersburg College.

15 (3) STUDENTS; FEES.--

16 (a) St. Petersburg College shall maintain separate
17 records for students who are enrolled in courses classified in
18 the upper division and lower division of a baccalaureate
19 program, according to the statewide course numbering system. A
20 student shall be reported as a community college student for
21 enrollment in a lower-division course and as a baccalaureate
22 degree program student for enrollment in an upper-division
23 course.

24 (b) The Board of Trustees of St. Petersburg College
25 shall establish the level of tuition and other authorized
26 student fees consistent with law and proviso in the General
27 Appropriations Act.

28 1. For each credit hour of enrollment in a certificate
29 level course or lower-division level college credit course,
30 tuition and fees must be within the range authorized in law
31 and rule for a community college student at that level.

1 2. For each credit hour of enrollment in an
2 upper-division level course, matriculation and tuition fees
3 must be in an amount established by the Board of Trustees of
4 St. Petersburg College. However, fees for upper-division
5 students must reflect the fact that the college does not incur
6 the costs of major research programs. Therefore, the board of
7 trustees shall establish fees for upper-division students
8 within a range that is lower than the fees established for
9 students at a state university but higher than the fees for
10 community college students.

11 3. Other mandatory fees and local fees must be at the
12 same level for all lower-division students. For upper-division
13 students, other mandatory fees and local fees must be at a
14 level less than fees established for University of South
15 Florida students, regardless of program enrollment or level.
16 However, students in workforce development education courses
17 maintain the authorized fee exemptions described in s. 1009.25
18 and may be exempt from local fees imposed by the board of
19 trustees, at the board's discretion.

20 (4) DEGREES.--

21 (a) In addition to the certificates, diplomas, and
22 degrees authorized in s. 1004.65, St. Petersburg College may
23 offer selected baccalaureate degrees. Initially, the college
24 may offer programs that lead to a baccalaureate degree in the
25 following fields:

26 1. Bachelor of Science in Nursing. This program must
27 be designed to articulate with the associate in science degree
28 in nursing. St. Petersburg College shall continue to offer the
29 associate in science degree in nursing.

30 2. Bachelor of Arts and Bachelor of Science in
31 Elementary Education.

1 3. Bachelor of Arts and Bachelor of Science in Special
2 Education.

3 4. Bachelor of Arts and Bachelor of Science in
4 Secondary Education.

5 5. Bachelor of Applied Science in fields selected by
6 the Board of Trustees of St. Petersburg College. The board of
7 trustees shall base the selection on an analysis of workforce
8 needs and opportunities in the following counties: Pinellas,
9 Pasco, Hernando, and other counties approved by the Department
10 of Education. For each program selected, St. Petersburg
11 College must offer a related associate in science or associate
12 in applied science degree program, and the baccalaureate
13 degree level program must be designed to articulate fully with
14 at least one associate in science degree program. The college
15 is encouraged to develop articulation agreements for
16 enrollment of graduates of related associate in applied
17 science degree programs.

18 (b) St. Petersburg College may offer courses that
19 enable teachers to qualify for certification and
20 recertification as required by law or rule.

21 (c) St. Petersburg College may offer programs to
22 provide opportunities for a person who holds a baccalaureate
23 degree, but is not certified to teach, to obtain any
24 additional courses required for teacher certification.

25 (d) Master's degree level programs and doctoral
26 programs may be provided by agreement with a college or
27 university participating in the University Center of St.
28 Petersburg College.

29 (e) For those students living outside Pinellas County,
30 St. Petersburg College shall recruit for the upper division
31 only those students who have earned an associate degree. In

1 recruiting upper-division students in Pasco and Hernando
2 Counties, St. Petersburg College shall work cooperatively with
3 Pasco-Hernando Community College and shall seek to offer
4 courses and programs at Pasco-Hernando Community College when
5 feasible. The nursing programs, in particular, must be
6 conducted cooperatively, and programs at St. Petersburg
7 College shall not conflict with Pasco-Hernando Community
8 College's and the University of South Florida's cooperative
9 nursing program.

10 (5) BOARDS.--

11 (a) The Board of Trustees of St. Petersburg College
12 serves as the college's governing board. The Governor shall
13 appoint members as provided in s. 1001.61, and the board has
14 the duties and authorities granted in ss. 1001.63 and 1001.64
15 and by rules of the State Board of Education.

16 (b) The Board of Trustees of St. Petersburg College
17 may authorize direct-support organizations as authorized in
18 ss. 1004.28 and 1004.70.

19 (c) The Board of Trustees of St. Petersburg College
20 may continue to award degrees, diplomas, and certificates as
21 authorized for St. Petersburg Junior College, and in the name
22 of St. Petersburg Junior College, until St. Petersburg College
23 receives its accreditation.

24 (d) A coordinating board shall assist the board of
25 trustees in its deliberations concerning issues that affect
26 the upper division of St. Petersburg College. The coordinating
27 board consists of the President of the University of South
28 Florida, the President of St. Petersburg College, the
29 President of Pasco-Hernando Community College, and the chairs
30 of the boards of trustees of those institutions.

31

1 (e) Beginning 4 years after the college receives
2 accreditation to offer baccalaureate degrees, the Board of
3 Trustees of St. Petersburg College may determine additional
4 programs to be offered, with the approval of the coordinating
5 board. The determination must consider community needs and
6 economic opportunities.

7 (f) The coordinating board shall meet at the request
8 of the President of the University of South Florida or the
9 President of St. Petersburg College.

10 (g) If the coordinating board cannot decide an issue
11 of importance to the programs designed for upper-division
12 students, the State Board of Education shall resolve the
13 issue.

14 (6) EMPLOYEES.--

15 (a) Employment at St. Petersburg College is governed
16 by the same laws that govern community colleges, except that
17 upper-division faculty are eligible for continuing contracts
18 upon the completion of the fifth year of teaching.

19 (b) Employee records for all personnel shall be
20 maintained as required by s. 1012.81.

21 (7) FACILITIES.--St. Petersburg College may request
22 funding from the Public Education Capital Outlay and Debt
23 Service Trust Fund as a community college and as a university.
24 The municipalities in Pinellas County, the Board of County
25 Commissioners of Pinellas County, and all other governmental
26 entities are authorized to cooperate with the Board of
27 Trustees of St. Petersburg College in establishing this
28 institution. The acquisition and donation of lands, buildings,
29 and equipment for the use of St. Petersburg College are
30 authorized as a public purpose. The Board of County
31 Commissioners of Pinellas County and all municipalities in

1 Pinellas County may exercise the power of eminent domain to
2 acquire lands, buildings, and equipment for the use of St.
3 Petersburg College, regardless of whether such lands,
4 buildings, and equipment are located in a community
5 redevelopment area.

6 (8) STATE FUNDING.--

7 (a) The Legislature intends to fund St. Petersburg
8 College as a community college for its workforce development
9 education programs and for its lower-division level college
10 credit courses and programs.

11 (b) The Legislature intends to fund St. Petersburg
12 College as a baccalaureate degree level institution for its
13 upper-division level courses and programs.

14 Section 227. Section 1004.74, Florida Statutes, is
15 created to read:

16 1004.74 Florida School of the Arts.--

17 (1) As the state strives to achieve excellence in all
18 aspects of public education, it is the intent of the
19 Legislature that specific attention be given to the needs of
20 artistically talented high school and college students. It is
21 further intended that such students who are occupationally
22 oriented to the arts be provided with the means for achieving
23 both an academic education and artistic training appropriate
24 to their gifts.

25 (2) There is created the Florida School of the Arts.
26 The school shall offer a program of academic and artistic
27 studies in the visual and performing arts, which program shall
28 be available to talented high school and college students in
29 the state.

30 (3) The Florida School of the Arts is assigned to the
31 District Board of Trustees of the St. Johns River Community

1 College for purposes of administration and governance; but the
2 Florida School of the Arts, within appropriations and
3 limitations established annually by the Legislature, shall
4 serve as a professional school on a statewide basis for all
5 qualified students.

6 (4) The Council for the Florida School of the Arts
7 shall be established to advise the community college district
8 board of trustees on matters pertaining to the operation of
9 the school. The council shall consist of nine members,
10 appointed by the Commissioner of Education for 4-year terms. A
11 member may serve three terms and may serve until replaced.

12 Section 228. Section 1004.75, Florida Statutes, is
13 created to read:

14 1004.75 Training school consolidation pilot
15 projects.--

16 (1) ESTABLISHMENT.--To consolidate and more
17 efficiently use state and taxpayer resources by combining
18 training programs, pilot training centers are established to
19 provide public criminal justice training in Leon and St. Johns
20 Counties. The following pilot training centers are
21 established:

22 (a) The Pat Thomas Center at Tallahassee Community
23 College.

24 (b) The Criminal Justice Academy at St. Johns River
25 Community College.

26 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
27 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,
28 or any other provision of law to the contrary, criminal
29 justice training programs in the pilot counties will transfer
30 to community colleges, effective July 1, 1999, at which time
31 responsibility for the provision of basic recruit, advanced,

1 career development, and continuing training courses and
2 programs offered in public criminal justice training programs
3 and for the operation of existing public criminal justice
4 training programs will be shifted from the school district to
5 the community college in whose service area the public
6 criminal justice training program is located. Certification of
7 the program granted by the Criminal Justice Standards and
8 Training Commission will be transferred to the respective
9 community college and the college must continue to meet the
10 requirements of the commission.

11 (3) FACILITIES.--

12 (a) Criminal justice training program educational
13 facilities, educational plants, and related equipment as
14 defined in s. 1013.01(6) and (7) which are owned by the state
15 and paid for with only state funds shall be transferred to the
16 community college, except that, if such an educational
17 facility or educational plant or part of such facility or
18 plant is used for other purposes in addition to public
19 criminal justice training, the Criminal Justice Standards and
20 Training Commission shall mediate the transfer or a suitable
21 multiuse arrangement.

22 (b) Criminal justice training program educational
23 facilities, educational plants, and related equipment as
24 defined in s. 1013.01(6) and (7) which are owned by the school
25 district and paid for in whole or in part with local tax funds
26 shall be leased to the community college. However, if such an
27 educational facility or educational plant, or part of such
28 facility or plant, is used for other purposes in addition to
29 public criminal justice training, the Criminal Justice
30 Standards and Training Commission shall mediate a suitable
31 lease agreement. If a school district and a community college

1 cannot agree on the terms and conditions of the lease
2 agreement, the Criminal Justice Standards and Training
3 Commission shall finalize the agreement and report its
4 decision to the Legislature. The Department of Education,
5 Office of Educational Facilities, shall conduct an analysis,
6 by December 31, 1999, to determine the amount of local tax
7 contribution used in the construction of a
8 school-district-owned criminal justice training program,
9 educational facility, or educational plant affected by the
10 transfer. This analysis shall be used to establish a purchase
11 price for the facility or plant. The community college board
12 of trustees may make a legislative budget request through the
13 State Board of Education to purchase the facility or plant, or
14 it may continue to lease the facility or plant.

15 (4) PROGRAM REQUIREMENTS.--Each pilot training center
16 will be regional in nature, as defined by the Criminal Justice
17 Standards and Training Commission. Each community college with
18 responsibility for a public criminal justice training program
19 must:

20 (a) Establish a pilot training center advisory
21 committee made up of professionals from the field of each
22 training program included in the pilot project.

23 (b) Provide certificate and noncredit options for
24 students and training components of the pilot training center
25 that so require.

26 (c) Develop an articulation agreement with state
27 universities to facilitate the transfer of graduates of a
28 community college degree training program to the upper
29 division of a state university with a corresponding program.

30 (5) STAFFING.--The community college board of trustees
31 may provide for school district public criminal justice

1 training staff employed in full-time budgeted positions to be
2 transferred into the community college personnel system at the
3 same rate of salary. Retirement and leave provisions will be
4 transferred according to law.

5 (6) FUNDING.--The Department of Education shall shift
6 funds generated by students in the pilot training centers
7 established by this section, including workforce development
8 recurring and nonrecurring funds, from the appropriate school
9 district to the respective community college. The community
10 college shall qualify for future facilities funding upon
11 transfer of the facility.

12 (a) Consistent with s. 1011.62(7), school districts
13 that transfer programs will receive an amount equal to 15
14 percent of the funding generated for the program under the
15 FEFP in 1996-1997.

16 (b) Reflecting the lower program costs in community
17 colleges, notwithstanding the funding generated in paragraph
18 (a), community colleges will receive 90 percent of the funding
19 generated for the program under the FEFP in 1996-1997. The
20 school district will retain the remaining 10 percent.

21 (c) Notwithstanding ss. 1011.80(5)(a) and
22 1009.22(3)(a), or any other provision of law to the contrary,
23 fees for continuing workforce education for public law
24 enforcement officers at these pilot centers shall not exceed
25 25 percent of the cost of the course, and state funding shall
26 not under any circumstances exceed 50 percent of the cost of
27 the course.

28 Section 229. Section 1004.76, Florida Statutes, is
29 created to read:

30 1004.76 Florida Martin Luther King, Jr., Institute for
31 Nonviolence.--

1 (1) As used in this section:
2 (a) "Board" means the advisory board of the institute.
3 (b) "Institute" means the Florida Martin Luther King,
4 Jr., Institute for Nonviolence.
5 (2) There is hereby created the Florida Martin Luther
6 King, Jr., Institute for Nonviolence to be established at
7 Miami-Dade Community College. The institute shall have an
8 advisory board consisting of 13 members as follows: the
9 Attorney General, the Commissioner of Education, and 11
10 members to be appointed by the Governor, such members to
11 represent the population of the state based on its ethnic,
12 gender, and socioeconomic diversity. Of the members appointed
13 by the Governor, one shall be a member of the Senate appointed
14 by the Governor on the recommendation of the President of the
15 Senate; one shall be a member of the Senate appointed by the
16 Governor on the recommendation of the minority leader; one
17 shall be a member of the House of Representatives appointed by
18 the Governor on the recommendation of the Speaker of the House
19 of Representatives; one shall be a member of the House of
20 Representatives appointed by the Governor on the
21 recommendation of the minority leader; and seven shall be
22 members appointed by the Governor, no more than three of whom
23 shall be members of the same political party. The following
24 groups shall be represented by the seven members: the Florida
25 Sheriffs Association; the Florida Association of Counties; the
26 Florida League of Cities; state universities human services
27 agencies; community relations or human relations councils; and
28 youth. A chairperson shall be elected by the members and
29 shall serve for a term of 3 years. Members of the board shall
30 serve the following terms of office which shall be staggered:
31

1 (a) A member of the Legislature appointed to the board
2 shall serve for a single term not to exceed 5 years and shall
3 serve as a member only while he or she is a member of the
4 Legislature.

5 (b) Of the seven members who are not members of the
6 Legislature, three shall serve for terms of 4 years, two shall
7 serve for terms of 3 years, and one shall serve for a term of
8 1 year. Thereafter, each member, except for a member
9 appointed to fill an unexpired term, shall serve for a 5-year
10 term. No member shall serve on the board for more than 10
11 years.

12

13 In the event of a vacancy occurring in the office of a member
14 of the board by death, resignation, or otherwise, the Governor
15 shall appoint a successor to serve for the balance of the
16 unexpired term.

17 (3)(a) The board shall provide for the holding of
18 regular and special meetings. A majority of the members shall
19 constitute a quorum for the transaction of any business, and
20 the acts of a majority of the members present at a meeting at
21 which a quorum is present shall be deemed to be the acts of
22 the board.

23 (b) An executive director shall be appointed by the
24 board and shall be the chief administrative and operational
25 officer of the board. The executive director shall direct and
26 supervise administrative affairs and the general management of
27 the board. The executive director may contract with or employ
28 legal and technical experts and such other employees,
29 permanent and temporary, as shall be authorized by the board.
30
31

1 (c) Members of the board shall serve without
2 compensation, but shall be reimbursed for per diem and travel
3 expenses in accordance with s. 112.061.
4 (4) The institute shall have the following powers and
5 duties:
6 (a) To conduct training, provide symposia, and develop
7 continuing education and programs to promote skills in
8 nonviolent conflict resolution for persons in government,
9 private enterprise, community groups, and voluntary
10 associations.
11 (b) To enter into formal and informal relationships
12 with other public or private institutions for purposes of
13 fulfilling the goals of the institute and to ensure geographic
14 dispersion of services to all regions of the state.
15 (c) To establish a clearinghouse to provide materials,
16 including publications, handbooks, training manuals, and
17 audiovisual materials, on the programs, studies, research,
18 training, and educational opportunities of the institute.
19 (d) To adopt, amend, and alter bylaws not inconsistent
20 with the laws of the state.
21 (e) To charge and collect subscription and other
22 participation costs and fees for its services, including
23 publications and courses of study.
24 (f) To receive and accept from any federal, state, or
25 local agency grants, or advances for, or in aid of, the
26 purposes of this act and to receive and accept contributions
27 from any source of either money, property, labor, or other
28 things of value, to be held, used, and applied for said
29 purposes.
30
31

1 (g) To do any and all lawful acts and things necessary
2 or desirable to carry out the objectives and purposes of this
3 act.

4 (5) The institute may establish fellowships through
5 the awarding of financial assistance to individuals and
6 organizations to enable them to pursue scholarly inquiry and
7 study other appropriate forms of strategies for peace and
8 nonviolent conflict resolution.

9 Section 230. Section 1004.77, Florida Statutes, is
10 created to read:

11 1004.77 Centers of technology innovation.--

12 (1) The State Board of Education may designate centers
13 of technology innovation at single community colleges,
14 consortia of community colleges, or consortia of community
15 colleges with other educational institutions. The state board
16 shall adopt rules necessary to implement the provisions of
17 this section. The state board shall cooperate with the
18 Workforce Florida, Inc., in the designation of the centers as
19 it relates to the centers of applied technology.

20 (2) Centers shall be designated when a community
21 college or consortia provides evidence that it has developed
22 expertise in one or more specialized technologies. To be
23 designated, the community college or consortia must provide
24 benefits to the state, which may include, but are not limited
25 to:

26 (a) Curriculum development.

27 (b) Faculty development.

28 (c) Research, testing, and technology transfer.

29 (d) Instructional equipment and materials
30 identification and development.

31

1 (e) Partnerships with industries dependent upon
2 staying current in the related technologies and in the
3 development of workforce capabilities.

4 (f) Partnerships with industries needing to convert
5 their existing technology base to other technologies in order
6 to continue conducting business in Florida, including
7 converting defense-related technologies to other technologies.

8 (3) Centers may provide services to their service area
9 and receive funding through:

10 (a) Serving as a technology transfer center, as
11 created in s. 1004.78.

12 (b) Serving as an incubator facility for small
13 business concerns, as created in s. 1004.79.

14 (c) Serving as an economic development center, as
15 created in s. 1004.80.

16 (4) Centers may provide instruction, as follows:

17 (a) To students enrolled in the community college,
18 especially for purposes of providing training for technicians
19 in areas that support the employers involved in the technology
20 specialization.

21 (b) To students enrolled at the undergraduate and
22 graduate level in a university, college, or community college
23 which is a member of the designated consortia. Such enrollment
24 shall be funded by the enrolling institution.

25 (c) To employees in the service area needing training
26 and retraining in the technology of specialization, which may
27 include, but is not limited to, the retraining necessary to
28 convert defense-related technologies to other technologies.

29 (d) To secondary school students and teachers where
30 such instruction will stimulate interest in further education.

31

1 (5) The State Board of Education shall give priority
2 in the designation of centers to those community colleges that
3 specialize in technology in environmental areas and in areas
4 related to target industries of Enterprise Florida. Priority
5 in designation shall also be given to community colleges that
6 develop new and improved manufacturing techniques and related
7 business practices.

8 (6) Centers, including the facilities of the center,
9 may be made available to the public agencies of the state, the
10 counties and cities of the service area, and the employers of
11 the state and service area. Centers may also be used for
12 applied research in the area of specialization.

13 (7) Each center shall have a board of directors with
14 at least five members who shall be appointed by the district
15 board of trustees. The board of directors is responsible for
16 overseeing the operation of the center, approval of the annual
17 budget, and setting policy to guide the director in the
18 operation of the center. The board of directors shall consist
19 of at least the following:

20 (a) The director of the center.

21 (b) The vice president of academic affairs, or the
22 equivalent, of the community college.

23 (c) The vice president of business affairs, or the
24 equivalent, of the community college.

25 (d) Two members designated by the president of the
26 community college.

27 (8) Each center shall establish a schedule of fees or
28 rates to be charged to all who use the facilities of the
29 center. In addition, each center may negotiate user contracts
30 with governmental users, industrial users, researchers, public
31 or private educational institutions, or individuals for use of

1 the facilities. It is the intent of the Legislature that the
2 centers of technology innovation established pursuant to this
3 act shall not seek any additional state funding. Centers may
4 solicit and accept grants and donations, including, but not
5 limited to, federal and state grants to assist companies in
6 converting defense-related technologies to other technologies.

7 (9) The State Board of Education may award grants to
8 designated centers for the purposes of this section. Grants
9 awarded shall be in accordance with rules established by the
10 State Board of Education, which rules shall require an annual
11 report.

12 Section 231. Section 1004.78, Florida Statutes, is
13 created to read:

14 1004.78 Technology transfer centers at community
15 colleges.--

16 (1) Each community college may establish a technology
17 transfer center for the purpose of providing institutional
18 support to local business and industry and governmental
19 agencies in the application of new research in technology.
20 The primary responsibilities of such centers may include:
21 identifying technology research developed by universities,
22 research institutions, businesses, industries, the United
23 States Armed Forces, and other state or federal governmental
24 agencies; determining and demonstrating the application of
25 technologies; training workers to integrate advanced equipment
26 and production processes; and determining for business and
27 industry the feasibility and efficiency of accommodating
28 advanced technologies.

29 (2) The community college board of trustees shall set
30 such policies to regulate the activities of the technology
31 transfer center as it may consider necessary to effectuate the

1 purposes of this section and to administer the programs of the
2 center in a manner which assures efficiency and effectiveness,
3 producing the maximum benefit for the educational programs and
4 maximum service to the state. To this end, materials that
5 relate to methods of manufacture or production, potential
6 trade secrets, potentially patentable material, actual trade
7 secrets, business transactions, or proprietary information
8 received, generated, ascertained, or discovered during the
9 course of activities conducted within the community colleges
10 shall be confidential and exempt from the provisions of s.
11 119.07(1), except that a community college shall make
12 available upon request the title and description of a project,
13 the name of the investigator, and the amount and source of
14 funding provided for such project.

15 (3) A technology transfer center created under the
16 provisions of this section shall be under the supervision of
17 the board of trustees of that community college, which is
18 authorized to appoint a director; to employ full-time and
19 part-time staff, research personnel, and professional
20 services; to employ on a part-time basis personnel of the
21 community college; and to employ temporary employees whose
22 salaries are paid entirely from the permanent technology
23 transfer fund or from that fund in combination with other
24 nonstate sources, with such positions being exempt from the
25 requirements of the Florida Statutes relating to salaries,
26 except that no such appointment shall be made for a total
27 period of longer than 1 year.

28 (4) The board of trustees of the community college in
29 which a technology transfer center is created, or its
30 designee, may negotiate, enter into, and execute contracts;
31 solicit and accept grants and donations; and fix and collect

1 fees, other payments, and donations that may accrue by reason
2 thereof for technology transfer activities. The board of
3 trustees or its designee may negotiate, enter into, and
4 execute contracts on a cost-reimbursement basis and may
5 provide temporary financing of such costs prior to
6 reimbursement from moneys on deposit in the technology
7 transfer fund, except as may be prohibited elsewhere by law.

8 (5) A technology transfer center shall be financed
9 from the Academic Improvement Program or from moneys of a
10 community college which are on deposit or received for use in
11 the activities conducted in the center. Such moneys shall be
12 deposited by the community college in a permanent technology
13 transfer fund in a depository or depositories approved for the
14 deposit of state funds and shall be accounted for and
15 disbursed subject to audit by the Auditor General.

16 (6) The fund balance in any existing research trust
17 fund of a community college at the time a technology transfer
18 center is created shall be transferred to a permanent
19 technology transfer fund established for the community
20 college, and thereafter the fund balance of the technology
21 transfer fund at the end of any fiscal period may be used
22 during any succeeding period pursuant to this section.

23 (7) Moneys deposited in the permanent technology
24 transfer fund of a community college shall be disbursed in
25 accordance with the terms of the contract, grant, or donation
26 under which they are received. Moneys received for overhead
27 or indirect costs and other moneys not required for the
28 payment of direct costs shall be applied to the cost of
29 operating the technology transfer center.

30
31

1 (8) All purchases of a technology transfer center
2 shall be made in accordance with the policies and procedures
3 of the community college.

4 (9) The community college board of trustees may
5 authorize the construction, alteration, or remodeling of
6 buildings when the funds used are derived entirely from the
7 technology transfer fund of a community college or from that
8 fund in combination with other nonstate sources, provided that
9 such construction, alteration, or remodeling is for use
10 exclusively by the center. It also may authorize the
11 acquisition of real property when the cost is entirely from
12 said funds. Title to all real property shall vest in the
13 board of trustees.

14 (10) The State Board of Education may award grants to
15 community colleges, or consortia of public and private
16 colleges and universities and other public and private
17 entities, for the purpose of supporting the objectives of this
18 section. Grants awarded pursuant to this subsection shall be
19 in accordance with rules of the State Board of Education.
20 Such rules shall include the following provisions:

21 (a) The number of centers established with state funds
22 provided expressly for the purpose of technology transfer
23 shall be limited, but shall be geographically located to
24 maximize public access to center resources and services.

25 (b) Grants to centers funded with state revenues
26 appropriated specifically for technology transfer activities
27 shall be reviewed and approved by the State Board of Education
28 using proposal solicitation, evaluation, and selection
29 procedures established by the state board in consultation with
30 Enterprise Florida, Inc. Such procedures may include

31

1 designation of specific areas or applications of technology as
2 priorities for the receipt of funding.

3 (c) Priority for the receipt of state funds
4 appropriated specifically for the purpose of technology
5 transfer shall be given to grant proposals developed jointly
6 by community colleges and public and private colleges and
7 universities.

8 (11) Each technology transfer center established under
9 the provisions of this section shall establish a technology
10 transfer center advisory committee. Each committee shall
11 include representatives of a university or universities
12 conducting research in the area of specialty of the center.
13 Other members shall be determined by the community college
14 board of trustees.

15 Section 232. Section 1004.79, Florida Statutes, is
16 created to read:

17 1004.79 Incubator facilities for small business
18 concerns.--

19 (1) Each community college established pursuant to s.
20 1004.02(2) may provide incubator facilities to eligible small
21 business concerns. As used in this section, "small business
22 concern" shall be defined as an independently owned and
23 operated business concern incorporated in Florida which is not
24 an affiliate or a subsidiary of a business dominant in its
25 field of operation, and which employs 25 or fewer full-time
26 employees. "Incubator facility" shall be defined as a facility
27 in which small business concerns share common space,
28 equipment, and support personnel and through which such
29 concerns have access to professional consultants for advice
30 related to the technical and business aspects of conducting a
31 commercial enterprise. The community college board of trustees

1 shall authorize concerns for inclusion in the incubator
2 facility.
3 (2) Each community college that provides an incubator
4 facility shall provide the following:
5 (a) Management and maintenance of the incubator
6 facility.
7 (b) Secretarial and other support personnel,
8 equipment, and utilities.
9 (c) Mechanisms to assist with the acquisition of
10 technical, management, and entrepreneurial expertise to
11 resident and other local small business concerns.
12 (3) The incubator facility and any improvements to the
13 facility shall be owned or leased by the community college.
14 The community college may charge residents of the facility all
15 or part of the cost for facilities, utilities, and support
16 personnel and equipment. No small business concern shall
17 reside in the incubator facility for more than 5 calendar
18 years. The state shall not be liable for any act or failure
19 to act of any small business concern residing in an incubator
20 facility pursuant to this section or of any such concern
21 benefiting from the incubator facilities program.
22 (4) Community colleges are encouraged to establish
23 incubator facilities through which emerging small businesses
24 supportive of spaceport endeavors and other high-technology
25 enterprises may be served.
26 (5) Community colleges are encouraged to establish
27 incubator facilities through which emerging small businesses
28 supportive of development of content and technology for
29 digital broadband media and digital broadcasting may be
30 served.
31

1 Section 233. Section 1004.80, Florida Statutes, is
2 created to read:

3 1004.80 Economic development centers.--

4 (1) Community colleges may establish economic
5 development centers for the purpose of serving as liaisons
6 between community colleges and the business sector. The
7 responsibilities of each center shall include:

8 (a) Promoting the economic well-being of businesses
9 and industries.

10 (b) Coordinating, with chambers of commerce,
11 government agencies, district school boards, and other
12 organizations, efforts to provide educational programs which
13 promote economic development, including, but not limited to,
14 business incubators, industrial development and research
15 parks, industry recruitment efforts, publication of business
16 research and resource guides, and sponsorship of workshops,
17 conferences, seminars, and consultation services.

18 (2) The board of trustees of a community college in
19 which an economic development center is created, or its
20 designee, may negotiate, enter into, and execute contracts;
21 solicit and accept grants and donations; and fix and collect
22 fees, other payments, and donations that may accrue by reason
23 of activities of the center and its staff.

24 (3) Economic development centers shall operate under
25 policies and procedures established by the community college
26 board of trustees.

27 (4) The State Board of Education may award grants to
28 economic development centers for the purposes of this section.
29 Grants awarded pursuant to this subsection shall be in
30 accordance with rules established by the State Board of
31 Education.

1 Section 234. Section 1004.81, Florida Statutes, is
2 created to read:

3 1004.81 Establishment of child development training
4 centers at community colleges.--

5 (1) The Legislature recognizes the importance of
6 preschool developmental education and the need for adult
7 students with limited economic resources to have access to
8 high-quality, affordable child care at variable hours for
9 their children. It is therefore the intent of the Legislature
10 that community colleges provide high-quality, affordable child
11 care to the children of adult students enrolled in community
12 colleges. The primary purpose of these child development
13 training centers is to provide affordable child care for
14 children of adult students, particularly those who demonstrate
15 financial need, as well as for employees and staff of the
16 institution. Further, the child development training centers
17 are intended to provide both preschool instruction to the
18 children and clinical experiences for prospective child care
19 and early childhood instructional and administrative
20 personnel. A secondary mission of the centers shall be to
21 provide instruction in parenting skills for the clients of the
22 center as well as for the community.

23 (2) In consultation with the student government
24 association or a recognized student group representing the
25 student body, a community college board of trustees may
26 establish a child development training center in accordance
27 with this section. Each child development training center
28 shall be a child care center established to provide child care
29 during the day and at variable hours, including evenings and
30 weekends, for the children of students. Emphasis should be
31 placed on serving students who demonstrate financial need as

1 defined by the board of trustees. At least 50 percent of the
2 child care slots must be made available to students, and
3 financially needy students, as defined by the board of
4 trustees, shall receive child care slots first. The center may
5 serve the children of staff, employees, and faculty; however,
6 a designated number of child care slots shall not be allocated
7 for employees. Whenever possible, the center shall be located
8 on the campus of the community college. However, the board may
9 elect to provide child care services for students through
10 alternative mechanisms, which may include contracting with
11 private providers.

12 (3) There shall be a board of directors of each child
13 development training center, consisting of the president or
14 his or her designee, the student government president or his
15 or her designee, the chair of the department participating in
16 the center or his or her designee, and one parent for each 25
17 children enrolled in the center, elected by the parents of the
18 children enrolled in the center. There shall be a director of
19 each center, selected by the board of directors of the center.
20 The director shall be an ex officio, nonvoting member of the
21 board. The board of trustees shall establish local policies
22 and perform local oversight and operational guidance for the
23 center.

24 (4) Each center may charge fees for the care and
25 services it provides. Each board of trustees shall establish
26 mechanisms to facilitate access to center services for
27 students with financial need, which shall include a sliding
28 fee scale and other methods adopted by the board of trustees
29 to reduce or defray payment of fees for students. The board of
30 trustees is authorized to seek and receive grants and other
31

1 resources to support the operation of the child development
2 center.

3 (5) In addition to revenues derived from child care
4 fees charged to parents and other external resources, each
5 child development training center may be funded by a portion
6 of funds from the student activity and service fee authorized
7 by s. 1009.23(7) and the capital improvement fee authorized by
8 s. 1009.23(11). Community colleges are authorized to transfer
9 funds as necessary from the community college's general fund
10 to support the operation of the child development training
11 center.

12 (6) This section does not preclude the continuation of
13 or in any way affect child care centers operated by community
14 colleges that were established by the district board of
15 trustees prior to July 1, 1994.

16 Section 235. Part IV of chapter 1004, Florida
17 Statutes, shall be entitled "Workforce Development Education"
18 and shall consist of ss. 1004.91-1004.98.

19 Section 236. Section 1004.91, Florida Statutes, is
20 created to read:

21 1004.91 Vocational-preparatory instruction.--

22 (1) The State Board of Education shall adopt, by rule,
23 standards of basic skill mastery for certificate technical
24 education programs. Each school district and community college
25 that conducts programs that confer technical credit shall
26 provide vocational-preparatory instruction through which
27 students receive the basic skills instruction required
28 pursuant to this section.

29 (2) Students who enroll in a program offered for
30 technical credit of 450 hours or more shall complete an
31 entry-level examination within the first 6 weeks of admission

1 into the program. The State Board of Education shall
2 designate examinations that are currently in existence, the
3 results of which are comparable across institutions, to assess
4 student mastery of basic skills. Any student found to lack the
5 required level of basic skills for such program shall be
6 referred to vocational-preparatory instruction or adult basic
7 education for a structured program of basic skills
8 instruction. Such instruction may include English for speakers
9 of other languages. A student may not receive a technical
10 certificate of completion without first demonstrating the
11 basic skills required in the state curriculum frameworks for
12 the program.

13 (3) An adult student with a disability may be exempted
14 from the provisions of this section. A student who possesses a
15 college degree at the associate in applied science level or
16 higher is exempt from this section. A student who has
17 completed or who is exempt from the college-level
18 communication and computation skills examination pursuant to
19 s. 1008.29, or who is exempt from the college entry-level
20 examination pursuant to s. 1008.29 is exempt from the
21 provisions of this section. Students who have passed a state,
22 national or industry licensure exam are exempt from this
23 section.

24 Section 237. Section 1004.92, Florida Statutes, is
25 created to read:

26 1004.92 Purpose and responsibilities for career and
27 technical education.--

28 (1) The purpose of career and technical education is
29 to enable students who complete career and technical programs
30 to attain and sustain employment and realize economic
31 self-sufficiency. The purpose of this section is to identify

1 issues related to career and technical education for which
2 school boards and community college boards of trustees are
3 accountable. It is the intent of the Legislature that the
4 standards articulated in subsection (2) be considered in the
5 development of accountability standards for public schools
6 pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for
7 community colleges pursuant to s. 1008.45.

8 (2) School board, superintendent, and technical
9 center, and community college board of trustees and president,
10 accountability for career and technical education programs
11 includes, but is not limited to:

12 1. Student demonstration of the academic skills
13 necessary to enter an occupation.

14 2. Student preparation to enter an occupation in an
15 entry-level position or continue postsecondary study.

16 3. Career and technical program articulation with
17 other corresponding postsecondary programs and job training
18 experiences.

19 4. Employer satisfaction with the performance of
20 students who complete career and technical education or reach
21 occupational completion points.

22 5. Student completion, placement, and retention rates
23 pursuant to s. 1008.43.

24 (c) Department of Education accountability for career
25 and technical education includes, but is not limited to:

26 1. The provision of timely, accurate technical
27 assistance to school districts and community colleges.

28 2. The provision of timely, accurate information to
29 the State Board of Education, the Legislature, and the public.

30 3. The development of policies, rules, and procedures
31 that facilitate institutional attainment of the accountability

1 standards and coordinate the efforts of all divisions within
2 the department.

3 4. The development of program standards and
4 industry-driven benchmarks for career and technical, adult,
5 and community education programs, which must be updated every
6 3 years. The standards must include technical, academic, and
7 workplace skills; viability of distance learning for
8 instruction; and work/learn cycles that are responsive to
9 business and industry.

10 5. Overseeing school district and community college
11 compliance with the provisions of this chapter.

12 6. Ensuring that the educational outcomes for the
13 technical component of career and technical programs and are
14 uniform and designed to provide a graduate who is capable of
15 entering the workforce on an equally competitive basis
16 regardless of the institution of choice.

17 (3) Each technical center operated by a district
18 school board shall establish a center advisory council
19 pursuant to s. 1001.452. The center advisory council shall
20 assist in the preparation and evaluation of center improvement
21 plans required pursuant to s. 1001.42(16) and may provide
22 assistance, upon the request of the center director, in the
23 preparation of the center's annual budget and plan as required
24 by s. 1008.385(1).

25 Section 238. Section 1004.93, Florida Statutes, is
26 created to read:

27 1004.93 Adult general education.--

28 (1)(a) The intent of this section is to encourage the
29 provision of educational services that will enable adults to
30 acquire:

31

- 1 1. The basic skills necessary to attain basic and
2 functional literacy.
- 3 2. A high school diploma or successfully complete the
4 general educational development test.
- 5 3. An educational foundation that will enable them to
6 become more employable, productive, and self-sufficient
7 citizens.
- 8 (b) It is further intended that educational
9 opportunities be available for adults who have earned a
10 diploma or high school equivalency diploma but who lack the
11 basic skills necessary to function effectively in everyday
12 situations, to enter the job market, or to enter technical
13 certificate instruction.
- 14 (2) The adult education program must provide academic
15 services to students in the following priority:
- 16 (a) Students who demonstrate skills at less than a
17 fifth grade level, as measured by tests approved for this
18 purpose by the State Board of Education, and who are studying
19 to achieve basic literacy.
- 20 (b) Students who demonstrate skills at the fifth grade
21 level or higher, but below the ninth grade level, as measured
22 by tests approved for this purpose by the State Board of
23 Education, and who are studying to achieve functional
24 literacy.
- 25 (c) Students who are earning credit required for a
26 high school diploma or who are preparing for the general
27 educational development test.
- 28 (d) Students who have earned high school diplomas and
29 require specific improvement in order to:
- 30 1. Obtain or maintain employment or benefit from
31 certificate technical education programs;

1 2. Pursue a postsecondary degree; or

2 3. Develop competence in the English language to
3 qualify for employment.

4 (e) Students who enroll in lifelong learning courses
5 or activities that seek to address community social and
6 economic issues that consist of health and human relations,
7 government, parenting, consumer economics, and senior
8 citizens.

9 (f) Students who enroll in courses that relate to the
10 recreational or leisure pursuits of the students. The cost of
11 courses conducted pursuant to this paragraph shall be borne by
12 the enrollees.

13 (3)(a) Each district school board or community college
14 board of trustees shall negotiate with the regional workforce
15 board for basic and functional literacy skills assessments for
16 participants in the welfare transition employment and training
17 programs. Such assessments shall be conducted at a site
18 mutually acceptable to the district school board or community
19 college board of trustees and the regional workforce board.

20 (b) State employees who are employed in local or
21 regional offices of state agencies shall inform clients of the
22 availability of adult basic and secondary programs in the
23 region. The identities of clients who do not possess high
24 school diplomas or who demonstrate skills below the level of
25 functional literacy shall be conveyed, with their consent, to
26 the local school district or community college, or both.

27 (c) To the extent funds are available, the Department
28 of Children and Family Services shall provide for day care and
29 transportation services to clients who enroll in adult basic
30 education programs.

31

1 (4)(a) Adult general education shall be evaluated and
2 funded as provided in s. 1011.80.
3 (b) Fees adult basic instruction are to be charged in
4 accordance with chapter 1009.
5 (c) The State Board of Education shall define, by
6 rule, the levels and courses of instruction to be funded
7 through the college-preparatory program. The state board shall
8 coordinate the establishment of costs for college-preparatory
9 courses, the establishment of statewide standards that define
10 required levels of competence, acceptable rates of student
11 progress, and the maximum amount of time to be allowed for
12 completion of college-preparatory instruction.
13 College-preparatory instruction is part of an associate in
14 arts degree program and may not be funded as an adult and
15 technical education program.
16 (d) Expenditures for college-preparatory and lifelong
17 learning students shall be reported separately. Allocations
18 for college-preparatory courses shall be based on proportional
19 full-time equivalent enrollment. Program review results shall
20 be included in the determination of subsequent allocations. A
21 student shall be funded to enroll in the same
22 college-preparatory class within a skill area only twice,
23 after which time the student shall pay 100 percent of the full
24 cost of instruction to support the continuous enrollment of
25 that student in the same class; however, students who withdraw
26 or fail a class due to extenuating circumstances may be
27 granted an exception only once for each class, provided
28 approval is granted according to policy established by the
29 board of trustees. Each community college shall have the
30 authority to review and reduce payment for increased fees due
31 to continued enrollment in a college-preparatory class on an

1 individual basis contingent upon the student's financial
2 hardship, pursuant to definitions and fee levels established
3 by the State Board of Education. College-preparatory and
4 lifelong learning courses do not generate credit toward an
5 associate or baccalaureate degree.

6 (e) A district school board or a community college
7 board of trustees may negotiate a contract with the regional
8 workforce board for specialized services for participants in
9 the welfare transition program, beyond what is routinely
10 provided for the general public, to be funded by the regional
11 workforce board.

12 (5) If students who have been determined to be adults
13 with disabilities are enrolled in workforce development
14 programs, the funding formula must provide additional
15 incentives for their achievement of performance outputs and
16 outcomes.

17 (6) The commissioner shall recommend the level of
18 funding for public school and community college adult
19 education within the legislative budget request and make other
20 recommendations and reports considered necessary or required
21 by rules of the State Board of Education.

22 (7) Buildings, land, equipment, and other property
23 owned by a district school board or community college board of
24 trustees may be used for the conduct of the adult education
25 program. Buildings, land, equipment, and other property owned
26 or leased by cooperating public or private agencies,
27 organizations, or institutions may also be used for the
28 purposes of this section.

29 (8) The State Board of Education may adopt rules
30 necessary for the implementation of this section.

31

1 Section 239. Section 1004.94, Florida Statutes, is
2 created to read:

3 1004.94 Adult literacy.--

4 (1)(a) An adult, individualized literacy instruction
5 program is created for adults who possess literacy skills
6 below the ninth grade level. The purpose of the program is to
7 provide self-paced, competency-based, individualized tutorial
8 instruction. The commissioner shall administer this section in
9 coordination with community college boards of trustees, local
10 school boards, and the Division of Library and Information
11 Services of the Department of State.

12 (b) Local adult, individualized literacy instruction
13 programs may be coordinated with local public library systems
14 and with public or private nonprofit agencies, organizations,
15 or institutions. A local public library system and a public
16 or private nonprofit agency, organization, or institution may
17 use funds appropriated for the purposes of this section to
18 hire program coordinators. Such coordinators shall offer
19 training activities to volunteer tutors and oversee the
20 operation of local literacy programs. A local public library
21 system and a public or private nonprofit agency, organization,
22 or institution may also purchase student instructional
23 materials and modules that instruct tutors in the teaching of
24 basic and functional literacy and English for speakers of
25 other languages. To the extent funds are appropriated,
26 cooperating local library systems shall purchase, and make
27 available for loan, reading materials of high interest and
28 with a vocabulary appropriate for use by students who possess
29 literacy skills below the ninth grade level and students of
30 English for speakers of other languages.

31

1 (2)(a) The adult literacy program is intended to
2 increase adult literacy as prescribed in the agency functional
3 plan of the Department of Education. The commissioner shall
4 establish guidelines for the purpose of determining
5 achievement of this goal.

6 (b) Each participating local sponsor shall submit an
7 annual report to the commissioner which must contain
8 information to demonstrate the extent to which there has been
9 progress toward increasing the percentage of adults within the
10 service area who possess literacy skills.

11 (c) Based on the information provided from the local
12 reports, the commissioner shall develop an annual status
13 report on literacy and adult education.

14 (3) Funds appropriated for the purposes of this
15 section shall be allocated as grants for implementing adult
16 literacy programs. Such funds may not be used to supplant
17 funds used for activities that would otherwise be conducted in
18 the absence of literacy funding. A grant awarded pursuant to
19 this section may not exceed \$50,000. Priority for the use of
20 such funds shall be given to paying expenses related to the
21 instruction of volunteer tutors, including materials and the
22 salary of the program coordinator. Local sponsors may also
23 accept funds from private sources for the purposes of this
24 section.

25 (4)(a) The commissioner shall submit a state adult
26 literacy plan to the State Board of Education to serve as a
27 reference for district school boards and community colleges
28 boards of trustees to increase adult literacy in their service
29 areas as prescribed in the agency functional plan of the
30 Department of Education. The plan must include, at a minimum:

31

- 1 1. Policies and objectives for adult literacy
2 programs, including evaluative criteria.
- 3 2. Strategies for coordinating adult literacy
4 activities with programs and services provided by other state
5 and local nonprofit agencies, as well as strategies for
6 maximizing other funding, resources, and expertise.
- 7 3. Procedures for identifying, recruiting, and
8 retaining adults who possess literacy skills below the ninth
9 grade level.
- 10 4. Sources of relevant demographic information and
11 methods of projecting the number of adults who possess
12 literacy skills below the ninth grade level.
- 13 5. Acceptable methods of demonstrating compliance with
14 the provisions of this section.
- 15 6. Guidelines for the development and implementation
16 of local adult literacy plans. At a minimum, such guidelines
17 must address:
 - 18 a. The recruitment and preparation of volunteer
19 tutors.
 - 20 b. Interagency and intraagency cooperation and
21 coordination, especially with public libraries and other
22 sponsors of literacy programs.
 - 23 c. Desirable learning environments, including class
24 size.
 - 25 d. Program evaluation standards.
 - 26 e. Methods for identifying, recruiting, and retaining
27 adults in literacy programs.
 - 28 f. Adult literacy through family literacy and
29 workforce literacy programs.
- 30
- 31

1 (b) Every 3 years, the district school board or
2 community college board of trustees shall develop and maintain
3 a local adult literacy plan.

4 Section 240. Section 1004.95, Florida Statutes, is
5 created to read:

6 1004.95 Adult literacy centers.--

7 (1) The Commissioner of Education shall select
8 community colleges and public school districts to establish
9 and operate adult literacy centers to complement existing
10 public and private instructional adult literacy programs. The
11 centers shall identify, contact, counsel, and refer persons
12 considered to be lacking basic or functional literacy skills
13 or competencies related to prose, document, and quantitative
14 literacy skills to the appropriate private and public
15 agencies, including human service agencies. The centers may
16 not duplicate or supplant the existing services provided by
17 public and private agencies operating within the district.

18 (2) In selecting program participants, the
19 Commissioner of Education shall, at a minimum, consider the
20 extent to which:

21 (a) Cooperative arrangements with other state and
22 local agreements and innovative approaches will be used for
23 carrying out the role of the center;

24 (b) Similar services are provided within the service
25 delivery area;

26 (c) The program objectives may be accomplished within
27 the budget request;

28 (d) Provisions are made for monitoring program
29 performance; and
30
31

1 (e) Fiscal controls and fund accounting procedures
2 exist to ensure proper use of, and accounting for, the program
3 funds.

4 (3) The activities and funding of center operations
5 shall be reported in a separate and distinct manner.

6 (4) The State Board of Education shall develop rules
7 for implementing this section, including criteria for
8 evaluating the performance of the centers, and shall submit an
9 evaluation report of the centers to the Legislature on or
10 before February 1 of each year.

11 Section 241. Section 1004.96, Florida Statutes, is
12 created to read:

13 1004.96 Community education.--

14 (1) Pursuant to this section and State Board of
15 Education rule, each school board and the Board of Trustees
16 for the Florida School for the Deaf and Blind may apply to the
17 Department of Education for a community education grant. An
18 applicant shall include in the grant application a description
19 of the community education program and process through which
20 the program is developed.

21 (2) The department shall give priority to applications
22 that include:

23 (a) Centers that serve the most students within
24 available resources.

25 (b) Programs for which funds are matched by the
26 Federal Government or other nonstate sources and which are
27 appropriate within the context of community education.

28 (c) Programs that provide before-school and
29 after-school activities for children.

30 Section 242. Section 1004.97, Florida Statutes, is
31 created to read:

1 1004.97 Florida Literacy Corps.--

2 (1) It is the intent of the Legislature that eligible
3 postsecondary students be offered an opportunity to perform
4 public service by serving as volunteer tutors for adults who
5 do not possess basic or functional literacy skills.

6 (2) There is created a Florida Literacy Corps to be
7 administered by the Department of Education pursuant to this
8 section and rules of the State Board of Education.

9 Participating students earn college credit for tutoring adults
10 who do not possess basic or functional literacy skills
11 pursuant to an agreement between the institution in which the
12 student is enrolled and the district school board, community
13 college board of trustees, public library, or nonprofit
14 organization offering literacy instruction to adults pursuant
15 to s. 1004.94. The district school board, community college
16 board of trustees, public library, or nonprofit organization
17 is solely responsible for providing literacy programs and
18 instructing participating postsecondary students.

19 (3) In order to be eligible to participate in the
20 Florida Literacy Corps, a student must:

21 (a) Be enrolled in an eligible state university or
22 community college at least half time and be in good standing,
23 as defined by the institution.

24 (b) Have completed at least 12 semester hours of
25 college-level coursework that applies toward an associate in
26 arts or baccalaureate degree.

27 (c) Have attained a passing score on one of the
28 postsecondary entry-level examinations approved pursuant to
29 State Board of Education rule, be exempt from the
30 administration of such examination, or have successfully
31 completed any required college-preparatory instruction.

1 (4) In order to be eligible to participate in the
2 Florida Literacy Corps, a state university or community
3 college must:
4 (a) Establish one or more undergraduate or graduate
5 courses, or both, in which participating students may earn a
6 maximum of 3 credit hours per semester, and a maximum of 6
7 credit hours over two or more semesters, by tutoring adults
8 who do not possess basic or functional literacy skills. The
9 institution shall establish such courses in the common course
10 designation and numbering system. The courses must require
11 students to complete instruction for prospective tutors, tutor
12 adults for at least 25 hours per semester for each hour of
13 credit awarded, and satisfy any other requirements imposed by
14 the institution.
15 (b) Submit a proposal to the Department of Education
16 for review and approval. The proposal must include, but is not
17 limited to:
18 1. Identification of the school district, community
19 college, public library, or nonprofit organization with which
20 participating students will be working.
21 2. Demonstration of the need for literacy tutors by
22 the school district, community college, public library, or
23 nonprofit organization.
24 3. Demonstration of commitment by the public school,
25 community college, public library, or nonprofit organization
26 to provide instruction for tutors.
27 4. Description of the literacy program.
28 5. Demonstration of student interest in program
29 participation.
30
31

1 6. Designation of one or more faculty to conduct the
2 Florida Literacy Corps course and identification of the
3 qualifications of such faculty.

4 (5) From funds appropriated for the purposes of this
5 section, the department shall allocate an amount for each
6 approved proposal based on the number of students approved for
7 enrollment and subsequently enrolled in Florida Literacy Corps
8 courses.

9 (6) Each participating state university and community
10 college shall submit an annual report to the Commissioner of
11 Education which includes, but is not limited to:

12 (a) The number of hours of tutoring conducted by
13 participating students.

14 (b) The number of students enrolled in the courses.

15 (c) The number of students who successfully complete
16 the courses.

17 (d) An evaluation of the tutors' effectiveness as
18 judged by the participating school district, community
19 college, public library, or nonprofit organization. The
20 department shall develop a common evaluation form for this
21 purpose.

22 (e) The number of full-time equivalent enrollments
23 generated by the participating students.

24 (7) The department shall compile the annual reports
25 into a single, annual programmatic report to be submitted to
26 the State Board of Education by December 1 of each year.

27 Section 243. Section 1004.98, Florida Statutes, is
28 created to read:

29 1004.98 Workforce literacy programs.--

30 (1) The workforce literacy program is established
31 within the community colleges and school districts to ensure

1 the existence of sufficient numbers of employees who possess
2 the skills necessary to perform in entry-level occupations and
3 to adapt to technological advances in the workplace.

4 Workforce literacy programs are intended to support economic
5 development by increasing adult literacy and producing an
6 educated workforce.

7 (2) Each community college and school district may
8 conduct courses and programs through which adults gain the
9 communication and computation skills necessary to complete a
10 career and technical program, to gain or maintain entry-level
11 employment, or to upgrade employment. Courses may not be
12 conducted until the community college or school district
13 identifies current and prospective employees who do not
14 possess the skills necessary to enter career and technical
15 programs or to obtain or maintain employment.

16 (3) A community college or school district may be
17 eligible to fund a workforce literacy program pursuant to the
18 provisions of s. 1004.94.

19 Section 244. Chapter 1005, Florida Statutes, shall be
20 entitled "Nonpublic Postsecondary Education" and shall consist
21 of ss. 1005.01-1005.39.

22 Section 245. Part I of chapter 1005, Florida Statutes,
23 shall be entitled "General Provisions" and shall consist of
24 ss. 1005.01-1005.06.

25 Section 246. Section 1005.01, Florida Statutes, is
26 created to read:

27 1005.01 Purpose.--

28 (1) The Legislature encourages privately supported
29 higher education and intends to aid in protecting the health,
30 education, and welfare of persons who receive educational
31 services from independent postsecondary educational

1 institutions in this state; to aid in protecting employers and
2 others who depend upon people whose educational credentials
3 are from independent postsecondary educational institutions in
4 this state; and to aid in protecting independent postsecondary
5 educational institutions that currently operate or intend to
6 begin operating in this state. The Legislature finds that both
7 individuals and independent postsecondary educational
8 institutions benefit from a state system that assures that all
9 institutions satisfactorily meet minimum educational
10 standards. The Legislature further recognizes the role of
11 federally recognized accrediting associations in setting
12 standards for independent postsecondary educational
13 institutions and encourages the use of recognized
14 accreditation standards as general guidelines for the
15 licensure of independent postsecondary educational
16 institutions.

17 (2) The Legislature recognizes that a degree, diploma,
18 or other educational credential serves several purposes.
19 Employers rely upon a person's educational credentials in
20 judging that person's qualifications for employment. Educators
21 rely upon a person's educational credentials to assess the
22 adequacy of that person's preparation for the pursuit of
23 further education. Therefore, the Legislature intends that the
24 provisions of this chapter aid in protecting the integrity of
25 degrees, diplomas, and other educational credentials offered
26 by independent postsecondary educational institutions by
27 providing for the evaluation of minimum educational
28 requirements.

29 (3) The Legislature intends to prohibit the granting
30 of false or misleading educational credentials and to prohibit
31 misleading literature, advertising, solicitation, or

1 representations by independent postsecondary educational
2 institutions or their agents.

3 Section 247. Section 1005.02, Florida Statutes, is
4 created to read:

5 1005.02 Definitions.--As used in this chapter, the
6 term:

7 (1) "Accreditation" means accredited status awarded to
8 an institution by an accrediting agency or association that is
9 recognized by the United States Department of Education and
10 that has standards comparable to the minimum standards
11 required to operate an educational institution at that level
12 in this state.

13 (2) "Agent" means a person who is employed by an
14 independent postsecondary educational institution under the
15 jurisdiction of the Commission for Independent Education, or
16 by an out-of-state independent postsecondary educational
17 institution, and who secures an application or accepts payment
18 of fees from prospective students for the institution at any
19 place other than the legal place of business of the
20 institution.

21 (3) "Avocational" means a course or program the
22 objective of which is not occupational but is only for
23 personal enrichment or enjoyment. To be classified as
24 avocational, a program must:

25 (a) Prior to enrollment, provide to each enrollee, and
26 maintain a record copy of, a written statement that includes
27 the following or substantially similar language: "This program
28 is not designed or intended to qualify its participants and
29 graduates for employment. It is intended solely for the
30 avocation, personal enrichment, and enjoyment of its
31 participants."

1 **(b) Not make any other verbal or written statement**
2 **that negates the required written statement by stating or**
3 **implying that people who enroll in or complete the program**
4 **have a more substantial likelihood of obtaining employment in**
5 **the field to which the training pertains than people who do**
6 **not.**

7 **(4) "College" or "university" means any incorporated**
8 **postsecondary educational entity, and its additional**
9 **locations, offering a substantially complete program that**
10 **confers or offers to confer at least an associate degree**
11 **requiring at least 15 semester hours or the equivalent of**
12 **general education, or that furnishes or offers to furnish**
13 **instruction leading toward, or prerequisite to, college**
14 **credit. The terms include any college-credit-granting**
15 **independent educational institution that is chartered in this**
16 **state and any center or branch campus within this state of an**
17 **out-of-state institution at the college-credit level.**

18 **(5) "Commission" means the Commission for Independent**
19 **Education.**

20 **(6) "Contract training" means instruction or training**
21 **provided through a written contract with an independent**
22 **contractor whose fees and any other charges are entirely paid**
23 **by a company, trade or professional association, or group of**
24 **employers to provide the instruction exclusively to bona fide**
25 **employees of the entity that engaged the contractor. The term**
26 **applies only when those receiving training are selected by**
27 **their employer and are not recruited by the contractor.**

28 **(7) "Degree" means any educational credential that is**
29 **generally taken to signify satisfactory completion of the**
30 **requirements of an undergraduate, graduate, academic,**
31 **educational, or professional program of study or any honorary**

1 credential conferred for meritorious recognition. At the
2 undergraduate level, an institution may not award a degree for
3 a program unless it includes a general education component as
4 established by rule and at least 60 semester hours or 90
5 quarter hours of study or the equivalent.

6 (8) "Diploma" means a credential that is not a degree
7 but is any of the following: a certificate, transcript,
8 report, document, or title; a designation, mark, or
9 appellation; or a series of letters, numbers, or words that
10 generally are taken to signify satisfactory completion of the
11 requirements of an educational, technical, or career program
12 of study or training or course of study.

13 (9) "Examination preparation course" means a course or
14 program that does not offer to confer a diploma, that is
15 offered by a person or entity that discloses in all
16 advertising that the course or program is for test
17 preparation, and that does not include any expression or
18 implication in writing or orally regarding salaries, job
19 placement, or career advancement.

20 (10) "Governmental" means an institution provided,
21 operated, and supported by a federal, state, or county
22 government or any of its political subdivisions.

23 (11) "Independent postsecondary educational
24 institution" means any postsecondary educational institution
25 that operates in this state or makes application to operate in
26 this state, and is not provided, operated, and supported by
27 the State of Florida, its political subdivisions, or the
28 Federal Government.

29 (12) "In-service, continuing education, or
30 professional development" means training provided by:

31

1 (a) A trade or professional association or a group of
2 employers in the same or related business who offer training
3 and provide only professional-development programs to bona
4 fide employees or contractors of an employer who is a member
5 of the association or employers who qualify for membership;
6 (b) A labor union or group of labor unions that offer
7 training to and trains only those persons who are dues-paying
8 members of the participating labor union;
9 (c) An independent contractor engaged by the labor
10 union or group of labor unions, by written contract, to
11 provide the training on its behalf exclusively to those who
12 are selected by the labor union or group of labor unions that
13 engaged the contractor and who are dues-paying members of that
14 union; or
15 (d) A person or entity offering only
16 continuing-education programs to persons who engage in an
17 occupation or profession whose practitioners are subject to
18 licensure, certification, or registration by a state agency
19 that recognizes the programs for continuing-education purposes
20 and provides a written statement of the recognition.
21 (13) "License" means a certificate signifying that an
22 independent postsecondary educational institution meets
23 standards prescribed in statute or rule and is permitted to
24 operate in this state.
25 (14) "Operating in this state" means any of the
26 following:
27 (a) Maintaining for any purpose related to offering a
28 degree, diploma, or credit a physical location in this state,
29 a mailing address in this state, a telephone or facsimile
30 number in this state, or a mail forwarding service or
31

1 telephone answering or relay service in this state or
2 advertising any such presence; or
3 (b) By any means or device, facilitating in this state
4 any part of a scheme to offer a degree, diploma, or credit, or
5 any activity connected with the administration, promotion,
6 recruitment, placement, instruction, fee collection or
7 receipt, or any other function of a purported independent
8 postsecondary educational institution, other than periodic and
9 customary contact with the institution's own alumni.
10 (15) "Out-of-state college" or "out-of-state school"
11 means any independent postsecondary educational institution
12 where the place of instruction, the legal place of residence,
13 or the place of evaluation of instruction or work by
14 correspondence or distance education is not within the legal
15 boundaries of this state.
16 (16) "School" means any nonpublic postsecondary
17 noncollegiate educational institution, association,
18 corporation, person, partnership, or organization of any type
19 which:
20 (a) Offers to provide or provides any complete, or
21 substantially complete, postsecondary program of instruction
22 through the student's personal attendance; in the presence of
23 an instructor; in a classroom, clinical, or other practicum
24 setting; or through correspondence or other distance
25 education;
26 (b) Represents, directly or by implication, that the
27 instruction will qualify the student for employment in an
28 occupation for which a degree is not required in order to
29 practice in this state;
30
31

1 (c) Receives remuneration from the student or any
2 other source based on the enrollment of a student or the
3 number of students enrolled; or
4 (d) Offers to award or awards a diploma, regardless of
5 whether it conducts instruction or receives remuneration.
6 Section 248. Section 1005.03, Florida Statutes, is
7 created to read:
8 1005.03 Designation "college" or "university".--
9 (1) The use of the designation "college" or
10 "university" in combination with any series of letters,
11 numbers, or words is restricted in this state to colleges or
12 universities as defined in s. 1005.02 that offer degrees as
13 defined in s. 1005.02 and fall into at least one of the
14 following categories:
15 (a) A Florida public college.
16 (b) A Florida or out-of-state college that has been in
17 active operation and using the designation "college" or
18 "university" since April 1, 1970.
19 (c) A college for which the commission has issued a
20 license pursuant to the provisions of this chapter.
21 (d) A college that is under the jurisdiction of the
22 Division of Colleges and Universities of the Department of
23 Education, whose students are eligible for the William L.
24 Boyd, IV, Florida Resident Access Grant, and that is a
25 nonprofit independent college or university located and
26 chartered in this state and accredited by the Commission on
27 Colleges of the Southern Association of Colleges and Schools
28 to grant baccalaureate degrees.
29 (e) A college that meets the description of either s.
30 1005.06(1)(e) or s. 1005.06(1)(f).
31

1 (2) If a college is approved under subsection (1) to
2 use the designation "college" or "university," a branch or
3 extension of that college may use the name of the parent
4 college, but shall include an indication of the location of
5 the branch or extension.

6 (3) Any entity offering postsecondary educational
7 courses or programs of study in Florida, whether or not
8 college credit is awarded, shall be subject to the provisions
9 of this section.

10 (4) An entity shall not use the destination "college"
11 or "university" in its name in Florida without approval by the
12 commission, unless the commission determines that its name is
13 clearly and accurately descriptive of the services provided by
14 the entity and is not one that may mislead the public.

15 Section 249. Section 1005.04, Florida Statutes, is
16 created to read:

17 1005.04 Fair consumer practices.--

18 (1) Every institution that is under the jurisdiction
19 of the commission or is exempt from the jurisdiction or
20 purview of the commission pursuant to s. 1005.06(1)(c) or
21 (1)(f) and that either directly or indirectly solicits for
22 enrollment any student shall:

23 (a) Disclose to each prospective student a statement
24 of the purpose of such institution, its educational programs
25 and curricula, a description of its physical facilities, its
26 status regarding licensure, its fee schedule and policies
27 regarding retaining student fees if a student withdraws, and a
28 statement regarding the transferability of credits to and from
29 other institutions. The institution shall make the required
30 disclosures in writing at least 1 week prior to enrollment or
31 collection of any tuition from the prospective student. The

1 required disclosures may be made in the institution's current
2 catalog.
3 (b) Use a reliable method to assess, before accepting
4 a student into a program, the student's ability to complete
5 successfully the course of study for which he or she has
6 applied;
7 (c) Inform each student accurately about financial
8 assistance and obligations for repayment of loans; describe
9 any employment placement services provided and the limitations
10 thereof; and refrain from promising or implying guaranteed
11 placement, market availability, or salary amounts;
12 (d) Provide to prospective and enrolled students
13 accurate information regarding the relationship of its
14 programs to state licensure requirements for practicing
15 related occupations and professions in Florida;
16 (e) Ensure that all advertisements are accurate and
17 not misleading;
18 (f) Publish and follow an equitable prorated refund
19 policy for all students, and follow both the federal refund
20 guidelines for students receiving federal financial assistance
21 and the minimum refund guidelines set by commission rule;
22 (g) Follow the requirements of state and federal laws
23 that require annual reporting with respect to crime statistics
24 and physical plant safety and make those reports available to
25 the public; and
26 (h) Publish and follow procedures for handling student
27 complaints, disciplinary actions, and appeals.
28 (2) In addition, institutions that are required to be
29 licensed by the commission shall disclose to prospective
30 students that additional information regarding the institution
31

1 may be obtained by contacting the Commission for Independent
2 Education, Department of Education, Tallahassee.

3 Section 250. Section 1005.05, Florida Statutes, is
4 created to read:

5 1005.05 Certificate and diploma programs.--No
6 nonpublic college shall continue to conduct or begin to
7 conduct any diploma program as defined in s. 1005.02, unless
8 the college applies for and obtains approval for such program.
9 Colleges under the jurisdiction of the Commission for
10 Independent Education shall apply to the commission. Colleges
11 that are not under the jurisdiction of the commission shall
12 apply to the Department of Education.

13 Section 251. Section 1005.06, Florida Statutes, is
14 created to read:

15 1005.06 Institutions not under the jurisdiction or
16 purview of the commission.--

17 (1) Except as otherwise provided in law, the following
18 institutions are not under the jurisdiction or purview of the
19 commission and are not required to obtain licensure:

20 (a) Any postsecondary educational institution
21 provided, operated, or supported by this state, its political
22 subdivisions, or the Federal Government.

23 (b) Any college, school, or course licensed or
24 approved for establishment and operation under part I of
25 chapter 464, chapter 466, or chapter 475, or any other chapter
26 of the Florida Statutes requiring licensing or approval as
27 defined in this chapter.

28 (c) Any institution that is under the jurisdiction of
29 the Division of Colleges and Universities of the Department of
30 Education, whose students are eligible for the William L.
31 Boyd, IV, Florida Resident Access Grant, and that is a

1 nonprofit independent college or university located and
2 chartered in this state and accredited by the Commission on
3 Colleges of the Southern Association of Colleges and Schools
4 to grant baccalaureate degrees.

5 (d) Any institution that offers only avocational
6 programs or courses, examination preparation programs or
7 courses, contract training programs or courses, continuing
8 education, or professional development programs or courses.

9 (e) Any institution that was exempt from licensure in
10 2001 under s. 246.085(1)(b), Florida Statutes 2001, as long as
11 it maintains these qualifying criteria: the institution is
12 incorporated in this state, the institution's credits or
13 degrees are accepted for credit by at least three colleges
14 that are fully accredited by an agency recognized by the
15 United States Department of Education, the institution was
16 exempt under that category prior to July 1, 1982, and the
17 institution does not enroll any students who receive state or
18 federal financial aid for education. Such an institution shall
19 notify the commission and apply for licensure if it no longer
20 meets these criteria.

21 (f) A religious college may operate without
22 governmental oversight if the college annually verifies by
23 sworn affidavit to the commission that:

24 1. The name of the institution includes a religious
25 modifier or the name of a religious patriarch, saint, person,
26 or symbol of the church.

27 2. The institution offers only educational programs
28 that prepare students for religious vocations as ministers,
29 professionals, or laypersons in the categories of ministry,
30 counseling, theology, education, administration, music, fine
31 arts, media communications, or social work.

1 3. The titles of degrees issued by the institution
2 cannot be confused with secular degree titles. For this
3 purpose, each degree title must include a religious modifier
4 that immediately precedes, or is included within, any of the
5 following degrees: Associate of Arts, Associate of Science,
6 Bachelor of Arts, Bachelor of Science, Master of Arts, Master
7 of Science, Doctor of Philosophy, and Doctor of Education. The
8 religious modifier must be placed on the title line of the
9 degree, on the transcript, and whenever the title of the
10 degree appears in official school documents or publications.

11 4. The duration of all degree programs offered by the
12 institution is consistent with the standards of the
13 commission.

14 5. The institution's consumer practices are consistent
15 with those required by s. 1005.04.

16
17 The commission may provide such a religious institution a
18 letter stating that the institution has met the requirements
19 of state law and is not subject to governmental oversight.

20 (g) Any institution that is regulated by the Federal
21 Aviation Administration, another agency of the Federal
22 Government, or an agency of the state whose regulatory laws
23 are similar in nature and purpose to those of the commission
24 and require minimum educational standards, for at least
25 curriculum, instructors, and academic progress and provide
26 protection against fraudulent, deceptive, and substandard
27 education practices.

28 (2) The Department of Education may contract with the
29 Commission on Independent Education to provide services for
30 independent postsecondary educational institutions not under
31 the jurisdiction of the commission relating to licensure of

1 postsecondary technical certificate and diploma programs that
2 such institutions may wish to offer and preliminary review of
3 programs such institutions may wish to offer which are beyond
4 the scope of the institutions's current accreditation status.
5 Upon completion of its review, the commission shall forward
6 its recommendation to the department for final action. The
7 department shall assess the institution seeking such services
8 the cost to the commission of providing such services.
9 Revenues collected pursuant to this provision shall be
10 deposited in the Institutional Assessment Trust Fund.

11 Section 252. Part II of chapter 1005, Florida
12 Statutes, shall be entitled "Commission for Independent
13 Education" and shall consist of ss. 1005.21-1005.22.

14 Section 253. Section 1005.21, Florida Statutes, is
15 created to read:

16 1005.21 Commission for Independent Education.--

17 (1) There is established in the Department of
18 Education the Commission for Independent Education. The
19 department shall serve as the administrative agent of the
20 commission by providing services, including payroll,
21 procurement, and legal counsel. The commission shall exercise
22 independently all powers, duties, and functions prescribed by
23 law. The commission shall authorize the granting of diplomas
24 and degrees by any independent postsecondary educational
25 institution under its jurisdiction.

26 (2) The Commission for Independent Education shall
27 consist of seven members who are residents of this state. The
28 commission shall function in matters concerning independent
29 postsecondary educational institutions in consumer protection,
30 program improvement, and licensure for institutions under its
31 purview. The Governor shall appoint the members of the

1 commission who are subject to confirmation by the Senate. The
2 membership of the commission shall consist of:
3 (a) Two representatives of independent colleges or
4 universities licensed by the commission.
5 (b) Two representatives of independent,
6 nondegree-granting schools licensed by the commission.
7 (c) One member from a public school district or
8 community college who is an administrator of career and
9 technical education.
10 (d) One representative of a college that meets the
11 criteria of s. 1005.06(1)(f).
12 (e) One lay member who is not affiliated with an
13 independent postsecondary educational institution.
14 (3) The members of the commission shall be appointed
15 to 3-year terms and until their successors are appointed and
16 qualified. If a vacancy on the commission occurs before the
17 expiration of a term, the Governor shall appoint a successor
18 to serve the unexpired portion of the term.
19 (4) The commission shall meet at least four times each
20 fiscal year.
21 (5) Members of the commission are entitled to
22 reimbursement for travel and per diem expenses, as provided in
23 s. 112.061, while performing their duties.
24 (6) Each member is accountable to the Governor for the
25 proper performance of the duties of his or her office. The
26 Governor may remove from office any member for cause.
27 Section 254. Section 1005.22, Florida Statutes, is
28 created to read:
29 1005.22 Powers and duties of commission.--
30 (1) The commission shall:
31

- 1 (a) Hold meetings as necessary to administer its
2 duties.
- 3 (b) Annually select a chairperson and a vice
4 chairperson, appoint and review an executive director, and
5 authorize the executive director to appoint employees of the
6 commission.
- 7 (c) Adopt and use an official seal in the
8 authentication of its acts.
- 9 (d) Make rules for its own governance.
- 10 (e) Administer the provisions of this chapter. To this
11 end, the commission has the following administrative powers
12 and responsibilities:
- 13 1. The commission shall adopt rules pursuant to ss.
14 120.536(1) and 120.54 for the operation and establishment of
15 independent postsecondary educational institutions. The
16 commission shall submit the rules to the State Board of
17 Education for approval or disapproval. If the state board does
18 not act on a rule within 60 days after receiving it, the rule
19 shall be filed immediately with the Department of State.
- 20 2. The commission shall submit an annual budget to the
21 State Board of Education.
- 22 3. The commission shall transmit all fees, donations,
23 and other receipts of money to the Institutional Assessment
24 Trust Fund.
- 25 4. The commission shall expend funds as necessary to
26 assist in the application and enforcement of its powers and
27 duties. The Chief Financial Officer shall pay out all moneys
28 and funds as directed under this chapter upon vouchers
29 approved by the Department of Education for all lawful
30 purposes necessary to administering this chapter. The
31 commission shall make annual reports to the State Board of

1 Education showing in detail amounts received and all
2 expenditures. The commission shall include in its annual
3 report to the State Board of Education a statement of its
4 major activities during the period covered by the report.
5 (f) Maintain a record of its proceedings.
6 (g) Cooperate with other state and federal agencies
7 and other nongovernmental agencies in administering its
8 duties.
9 (h) Cause to be investigated criminal justice
10 information, as defined in s. 943.045, for each owner,
11 administrator, and agent employed by an institution applying
12 for licensure from the commission.
13 (i) Serve as a central agency for collecting and
14 distributing current information regarding institutions
15 licensed by the commission.
16 (j) Inform independent postsecondary educational
17 institutions of laws adopted by the Legislature and rules
18 adopted by the State Board of Education and the commission and
19 of their responsibility to follow those laws and rules.
20 (k) Establish and publicize the procedures for
21 receiving and responding to complaints from students, faculty,
22 and others concerning institutions or programs under the
23 purview of the commission, and keep records of such complaints
24 in order to determine the frequency and nature of complaints
25 with respect to specific institutions of higher education.
26 (l) Provide annually to the Office of Student
27 Financial Assistance of the Department of Education
28 information and documentation that can be used to determine an
29 institution's eligibility to participate in state student
30 financial assistance programs.
31

- 1 (m) Coordinate and convey annual reports to the
2 Commissioner of Education relating to campus crime statistics,
3 the assessment of physical plant safety, and the antihazing
4 policies of nonpublic postsecondary educational institutions
5 eligible to receive state-funded student assistance, as
6 required by law.
- 7 (n) Identify and report to the Office of Student
8 Financial Assistance the accrediting associations recognized
9 by the United States Department of Education which have
10 standards that are comparable to the minimum standards
11 required to operate an institution at that level in this
12 state.
- 13 (o) Assure that an institution is not required to
14 operate without a current license because of the schedule of
15 commission meetings or application procedures, if the
16 institution has met the commission's requirements for
17 licensure or license renewal.
- 18 (2) The commission may:
- 19 (a) Sue or be sued.
- 20 (b) Enter into contracts with the Federal Government,
21 with other departments of the state, or with individuals.
- 22 (c) Receive bequests and gifts, subject to any
23 restrictions upon which the commission and the donor agree.
- 24 (d) Appoint standing or special committees to assist
25 it in carrying out its responsibilities. Committees may
26 include members who are not commission members or
27 representatives of licensed postsecondary institutions.
- 28 (e) Advise the Governor, the Legislature, the State
29 Board of Education, the Council for Education Policy Research
30 and Improvement, and the Commissioner of Education on issues
31 relating to private postsecondary education.

1 (f) Delegate to the chairperson of the commission the
2 responsibility for signing final orders.

3 (g) Assist independent postsecondary educational
4 institutions in formulating articulation agreements with
5 public and other independent institutions.

6 (h) Establish and operate additional offices in the
7 central and southern part of the state if the concentration of
8 licensed institutions renders such an office economically
9 feasible.

10 (i) Establish and administer the Student Protection
11 Fund pursuant to s. 1005.37.

12 Section 255. Part III of chapter 1005, Florida
13 Statutes, shall be entitled "Licensure of Nonpublic
14 Postsecondary Educational Institutions" and shall consist of
15 ss. 1005.31-1005.39.

16 Section 256. Section 1005.31, Florida Statutes, is
17 created to read:

18 1005.31 Licensure of institutions.--

19 (1) Each college or school operating within this state
20 must obtain licensure from the commission unless the
21 institution is not under the commission's purview or
22 jurisdiction as provided in s. 1005.06.

23 (2) The commission shall develop minimum standards by
24 which to evaluate institutions for licensure. These standards
25 must include at least the institution's name, financial
26 stability, purpose, administrative organization, admissions
27 and recruitment, educational programs and curricula,
28 retention, completion, career placement, faculty, learning
29 resources, student personnel services, physical plant and
30 facilities, publications, and disclosure statements about the
31 status of the institution with respect to professional

1 certification and licensure. The commission may adopt rules to
2 ensure that institutions licensed under this section meet
3 these standards in ways that are appropriate to achieve the
4 stated intent of this chapter, including provisions for
5 nontraditional or distance education programs and delivery.

6 (3) The commission shall recognize an institution
7 based on the institution's highest educational offering and
8 shall adopt rules for licensure that include reporting
9 requirements for each level of licensure.

10 (4) Approved-applicant status shall be extended to all
11 institutions that have submitted a complete application, as
12 defined in rule, for provisional licensure and paid all
13 attendant fees. In granting approved-applicant status, the
14 commission shall provide to commission staff and the
15 institution a list of specific omissions or deficiencies.
16 Institutions granted approved-applicant status may not
17 advertise, offer programs of study, collect tuition or fees,
18 or engage in any other activities not specifically approved by
19 the commission. If the commission, or the commission staff if
20 specifically directed by the commission, determines that the
21 omissions or deficiencies have been provided for or corrected,
22 the institution may be awarded a provisional license.

23 (5) Provisional licensure shall be granted to an
24 applicant for initial licensure for a period not to exceed 1
25 year when the commission determines that the applicant is in
26 substantial compliance with the standards for licensure. A
27 provisional license granted for initial licensure may be
28 extended for up to 1 additional year. A licensed institution
29 that has undergone a substantive change, as defined by rule,
30 must be granted a provisional license for a period of time
31 determined by the commission, after which period the

1 institution may apply for a different status. A provisional
2 license may include conditions required by the commission, and
3 all conditions must be met before the institution may receive
4 a different licensure status.

5 (6) An annual license shall be granted to an
6 institution holding a provisional license, or seeking a
7 renewal of an annual license, upon demonstrating full
8 compliance with licensure standards. An annual license may be
9 extended for up to 1 year if the institution meets the
10 requirements set by rule for such an extension.

11 (7) An institution may not conduct a program unless
12 specific authority is granted in its license.

13 (8) A license granted by the commission is not
14 transferable to another institution or to another agent, and
15 an institution's license does not transfer when the
16 institution's ownership changes.

17 (a) A licensed institution must notify the commission
18 prior to a change of ownership or control. The commission
19 shall adopt procedures for interim executive approval of a
20 change of ownership or control if the next scheduled meeting
21 of the commission occurs after the scheduled date of the
22 change of ownership or control.

23 (b) The commission may adopt rules governing changes
24 of ownership or control.

25 (9) An independent postsecondary educational
26 institution or any person acting on behalf of such an
27 institution may not publish any advertisement soliciting
28 students or offering a credential before the institution is
29 duly licensed by the commission or while the institution is
30 under an injunction against operating, soliciting students, or
31 offering an educational credential.

1 (10) The commission shall establish minimum standards
2 for the approval of agents. The commission may adopt rules to
3 ensure that licensed agents meet these standards and uphold
4 the intent of this chapter. An agent may not solicit
5 prospective students in this state for enrollment in any
6 independent postsecondary educational institution under the
7 commission's purview or in any out-of-state independent
8 postsecondary educational institution unless the agent has
9 received a license as prescribed by the commission.

10 (11) A student of a foreign medical school may not
11 engage in a clinical clerkship in this state unless the
12 foreign medical school has received a license, in the case of
13 a core clerkship or an ongoing regular program of clerkships,
14 or has received individual approval, in the case of an
15 occasional elective clerkship. The commission may adopt rules
16 to administer this subsection.

17 (12) The granting of a license is not an
18 accreditation.

19 (13) As a condition of licensure, an independent
20 college or university must provide the commission with a copy
21 of its antihazing policy.

22 Section 257. Section 1005.32, Florida Statutes, is
23 created to read:

24 1005.32 Licensure by means of accreditation.--

25 (1) An independent postsecondary educational
26 institution that meets the following criteria may apply for a
27 license by means of accreditation from the commission:

28 (a) The institution has operated legally in this state
29 for at least 5 consecutive years.

30 (b) The institution holds institutional accreditation
31 by an accrediting agency evaluated and approved by the

1 commission as having standards substantially equivalent to the
2 commission's licensure standards.

3 (c) The institution has no unresolved complaints or
4 actions in the past 12 months.

5 (d) The institution meets minimum requirements for
6 financial responsibility as determined by the commission.

7 (e) The institution is a Florida corporation.

8 (2) An institution that was exempt from licensure in
9 2001 under s. 246.085(1)(a), Florida Statutes 2001, may retain
10 an exemption until the commission issues it a license by means
11 of accreditation as provided in this section.

12 (3) The commission may not require an institution
13 granted a license by means of accreditation to submit reports
14 that differ from the reports required by its accrediting
15 association, except that each institution must file with the
16 commission an annual audit report and follow the commission's
17 requirements for orderly closing, including provisions for
18 trainout or refunds and arranging for the proper disposition
19 of student and institutional records.

20 (4) An institution granted a license by means of
21 accreditation must apply for and receive another level of
22 licensure before the institution may offer courses or programs
23 that exceed the scope or level of its accreditation.

24 (5) Institutions granted a license by means of
25 accreditation must comply with the standards of fair consumer
26 practices as established in rule by the commission.

27 (6) A license by means of accreditation is valid for
28 the same period as the qualifying grant of accreditation.

29 (7) A license by means of accreditation may be denied,
30 placed on probation, or revoked for repeated failure to comply
31 with the requirements of this section. The commission shall

1 adopt rules for these actions. Revocation or denial of a
2 license by means of accreditation requires that the
3 institution immediately obtain an annual license.

4 Section 258. Section 1005.33, Florida Statutes, is
5 created to read:

6 1005.33 License period and renewal.--

7 (1) As required by rule, the commission shall
8 periodically review each license to determine if the
9 institution is in compliance with this chapter and should have
10 its license renewed. The commission may extend an annual or
11 provisional license if a good-faith effort has been made by
12 the institution and agent. The commission shall determine what
13 constitutes compliance or a good-faith effort and may adopt
14 rules to administer this section.

15 (2) A licensed independent postsecondary educational
16 institution that seeks to expand or modify its programs or
17 degrees to be conferred or to add new locations must seek
18 prior approval from the commission. The commission shall adopt
19 rules for the approval of modified or additional programs,
20 degrees, and locations.

21 (3) On the effective date of this act, an institution
22 that, in 2002, held the status of "Permission to Operate"
23 under s. 246.093, Florida Statutes 2001, has 90 days to seek
24 and obtain licensure from the commission. Ninety days after
25 this act takes effect, that status no longer authorizes an
26 institution to operate in Florida.

27 Section 259. Section 1005.34, Florida Statutes, is
28 created to read:

29 1005.34 Fair consumer practices; condition of
30 operation.--The commission shall adopt rules to ensure the

31

1 protection of students, including rules establishing fair
2 consumer practices pursuant to s. 1005.04.

3 (1) The commission may not grant or renew a license
4 unless the institution seeking the action provides the
5 commission with a sworn statement of compliance with rules
6 regarding fair consumer practices.

7 (2) The commission may examine any complaint against
8 an institution under its jurisdiction and, if the institution
9 is found to be routinely handling these matters correctly, the
10 complaint shall be considered closed. Complaints under this
11 subsection against accredited institutions, if not resolved,
12 shall be forwarded to the accrediting agency for any
13 appropriate action. The institution shall notify the
14 commission of any and all actions taken by the accrediting
15 agency in response to the complaint.

16 (3) Failure to comply with this section is cause for
17 denial or revocation of a license.

18 Section 260. Section 1005.35, Florida Statutes, is
19 created to read:

20 1005.35 Fees.--

21 (1) The Commission for Independent Education shall
22 annually establish a fee schedule to generate, from fees, the
23 amount of revenue appropriated for its operation.

24 (2) The commission shall include, as a part of its
25 legislative budget request, a proposed fee schedule to
26 generate the appropriated fee revenue required in the General
27 Appropriations Act. The commission may adjust the fee amounts
28 to generate the fee revenue required in the General
29 Appropriations Act but may not add fee categories without the
30 Legislature's approval. The fee schedule proposed in the

31

1 legislative budget request takes effect unless the Legislature
2 requires changes.

3 (3) The commission shall charge each licensed
4 institution a base fee to cover the cost of routine services,
5 such as data collection and dissemination. The base fee may be
6 higher for institutions with a large enrollment but may not
7 exceed one-half of 1 percent of the amount appropriated for
8 the commission.

9 (4) The commission shall assess workload fees to
10 institutions for specific services that relate to:

11 (a) Licensure.

12 (b) Annual reviews.

13 (c) Special reviews.

14 (d) Site visits.

15 (e) Resolution of complaints.

16 (f) Approval to use the term "college" or
17 "university."

18 (g) Participation in the Student Protection Fund
19 established pursuant to s. 1005.37.

20 (h) Other workload activities as allowed by law.

21 (5) The commission may assess late fees for an
22 institution's failure to timely submit required materials.

23 (6) All fees shall be submitted through the Department
24 of Education to the Chief Financial Officer, to be deposited
25 in the Institutional Assessment Trust Fund.

26 (7) All fees authorized in this section are
27 administrative fees and are not refundable unless paid in
28 error. The commission may deduct from an institution's future
29 fee collection any unintentional overpayment.

30 Section 261. Section 1005.36, Florida Statutes, is
31 created to read:

1 1005.36 Institutional closings.--
2 (1) The Legislature intends to protect students and
3 the independent sector of postsecondary education from the
4 detriment caused by licensed institutions that cease operation
5 without providing for the proper completion of student
6 training or for the appropriate refund of student fees. To
7 serve this intention, the Commission for Independent Education
8 may prevent the operation in this state of a licensed
9 independent postsecondary educational institution by an owner
10 who has unlawfully closed another institution and the
11 commission may exercise control over student records upon
12 closure of a licensed institution if the institution does not
13 provide an orderly closure.
14 (2) At least 30 days prior to closing an institution,
15 its owners, directors, or administrators shall notify the
16 commission in writing of the closure of the institution. The
17 owners, directors, and administrators must organize an orderly
18 closure of the institution, which means at least providing for
19 the completion of training of its students. The commission
20 must approve any such plan. An owner, director, or
21 administrator who fails to notify the commission at least 30
22 days prior to the institution's closure, or who fails to
23 organize the orderly closure of the institution and the
24 trainout of the students, commits a misdemeanor of the second
25 degree, punishable as provided in s. 775.082 or s. 775.083.
26 (3) If the commission finds that an institution has
27 ceased operating without providing for the proper access to
28 student records, the commission may require the institution to
29 convey all student records to the commission office or to
30 another location designated by the commission or its staff.
31 The commission shall make copies of records available to

1 bankruptcy trustees upon request and to the student or those
2 designated by the student. Confidentiality of the records
3 shall be maintained to the extent required by law. The
4 commission may seek civil penalties not to exceed \$10,000 from
5 any owner, director, or administrator of an institution who
6 knowingly destroys, abandons, or fails to convey or provide
7 for the safekeeping of institutional and student records. The
8 commission may use moneys in the Student Protection Fund to
9 facilitate the retrieval or safekeeping of records from an
10 institution that has closed.

11 (4) The commission may refer matters it deems
12 appropriate to the Department of Legal Affairs or the state
13 attorney for investigation and prosecution.

14 Section 262. Section 1005.37, Florida Statutes, is
15 created to read:

16 1005.37 Student Protection Fund.--

17 (1) The commission shall establish and administer a
18 statewide, fee-supported financial program through which funds
19 will be available to complete the training of a student who
20 enrolls in a nonpublic school that terminates a program or
21 ceases operation before the student has completed his or her
22 program of study. The financial program is named the Student
23 Protection Fund.

24 (2) The commission is authorized to assess a fee from
25 the schools within its jurisdiction for such purpose. The
26 commission shall assess a licensed school an additional fee
27 for its eligibility for the Student Protection Fund.

28 (3) If a licensed school terminates a program before
29 all students complete it, the commission shall also assess
30 that school a fee adequate to pay the full cost to the Student
31 Protection Fund of completing the training of students.

1 (4) The fund shall consist entirely of fees assessed
2 to licensed schools and shall not be funded under any
3 circumstances by public funds, nor shall the commission make
4 payments or be obligated to make payments in excess of the
5 assessments actually received from licensed schools and
6 deposited in the Institutional Assessment Trust Fund to the
7 credit of the Student Protection Fund.

8 (5) At each commission meeting, the commission shall
9 consider the need for and shall make required assessments,
10 shall review the collection status of unpaid assessments and
11 take all necessary steps to collect them, and shall review all
12 moneys in the fund and expenses incurred since the last
13 reporting period. This review must include administrative
14 expenses, moneys received, and payments made to students or to
15 lending institutions.

16 (6) Staff of the commission must immediately inform
17 the commission upon learning of the closing of a licensed
18 school or the termination of a program that could expose the
19 fund to liability.

20 (7) The Student Protection Fund must be actuarially
21 sound, periodically audited by the Auditor General in
22 connection with his or her audit of the Department of
23 Education, and reviewed to determine if additional fees must
24 be charged to schools eligible to participate in the fund.

25 Section 263. Section 1005.38, Florida Statutes, is
26 created to read:

27 1005.38 Actions against a licensee and other
28 penalties.--

29 (1) The commission may deny, place on probation, or
30 revoke any provisional license, annual license, licence by
31 means of accreditation, agent's license, or other

1 authorization required by this chapter. The commission shall
2 adopt rules for taking these actions. The commission may
3 impose an administrative fine of not more than \$5,000 if an
4 institution is on probation for a period under conditions that
5 require oversight by the commission or its staff. The fine
6 shall be deposited into the Institutional Assessment Trust
7 Fund.

8 (2) The commission may conduct an investigation to
9 determine if an applicant for a new institutional license, or
10 the owners, directors, or administrators of the institution,
11 previously closed an institution, failed to arrange for
12 completion of student training or issue appropriate refunds,
13 or had its license to operate an institution revoked or denied
14 in this state or in another state or jurisdiction.

15 (3) Any person who has been convicted of, or entered a
16 plea of guilty or nolo contendere to, a crime that relates to
17 the unlawful operation or management of an institution is
18 ineligible to own, operate, manage, or be a registered agent
19 for a licensed institution in this state, and may not be a
20 director or an officer in a corporation that owns or operates
21 a licensed institution. Such a person may not operate or serve
22 in a management or supervisory position in a licensed
23 institution.

24 (4) The commission may deny an application for any
25 operating status if the commission determines that the
26 applicant or its owners, officers, directors, or
27 administrators were previously operating an institution in
28 this state or in another state or jurisdiction in a manner
29 contrary to the health, education, or welfare of the public.
30 The commission may consider factors such as the previous
31 denial or revocation of an institutional license; prior

1 criminal or civil administrative proceedings regarding the
2 operation and management of an institution; other types of
3 criminal proceedings involving fraud, deceit, dishonesty, or
4 moral turpitude; failure of the institution to be properly
5 closed, including completing the training or providing for the
6 trainout of its students; and failure to issue appropriate
7 refunds. The commission may require an applicant or its
8 owners, officers, directors, or administrators to provide the
9 commission with information under oath regarding the prior
10 operation of an institution and to provide criminal justice
11 information, the cost of which must be borne by the applicant
12 in addition to license fees.

13 (5) The commission may obtain an injunction or take
14 any action it deems necessary against any institution or agent
15 in violation of this chapter, but such proceedings and orders
16 do not bar the imposition of any other penalties that may be
17 imposed for the violation.

18 (6) The commission may conduct disciplinary
19 proceedings through an investigation of any suspected
20 violation of this chapter, including a finding of probable
21 cause and making reports to any law enforcement agency or
22 regulatory agency.

23 (a) The commission shall notify an institution or
24 individual of the substance of any complaint that is under
25 investigation unless the executive director and chairperson of
26 the board concur that notification would impede the
27 investigation. The commission may also withhold notification
28 to a person under investigation for an act that constitutes a
29 criminal offense.

30 (b) The determination of probable cause shall be made
31 by a majority vote of the probable-cause panel, the membership

1 of which shall be provided by rule. After the panel declares a
2 finding of probable cause, the commission may issue an
3 administrative complaint and prosecute such complaint under
4 chapter 120.

5 (c) A privilege against civil liability is granted to
6 any informant or any witness who provides information in good
7 faith for an investigation or proceeding conducted under this
8 section.

9 (7) The commission may issue a cease and desist order
10 in conjunction with an administrative complaint or notice of
11 denial of licensure, if necessary to protect the health,
12 safety, or welfare of students, prospective students, or the
13 public. An unlicensed institution that advertises or causes
14 advertisements to be made public through which students are
15 solicited for enrollment or are offered diplomas or degrees is
16 in violation of this chapter. The commission shall adopt rules
17 that direct the issuance of an injunction against operating,
18 advertising, or offering diplomas or degrees without a
19 license. Each day of operation after a cease and desist letter
20 is delivered constitutes a separate violation for purposes of
21 assessing fines or seeking civil penalties.

22 (a) A cease and desist order may be mandatory or
23 prohibitory in form and may order a postsecondary institution
24 to cease and desist from specified conduct or from failing to
25 engage in specified conduct necessary to achieve the
26 regulatory purposes of this chapter.

27 (b) A cease and desist order may include an order to
28 cease enrollment of students whom the institution cannot
29 adequately serve, to modify curricula or methods of
30 instruction to ensure the education or training of the type
31 and quality represented in the institutional catalog, or to

1 cease from advertising or to publish or broadcast corrective
2 or clarifying advertising to overcome the effects of previous
3 allegedly deceptive or misleading advertising.

4 (c) A cease and desist order takes effect immediately
5 upon issuance and remains in effect until the commission takes
6 final agency action.

7 (d) The commission shall adopt rules to direct
8 procedures by which an affected party is entitled to a formal
9 or informal review of a cease and desist order and may request
10 the commission or the Division of Administrative Hearings to
11 modify or abate a cease and desist order. If a party is
12 aggrieved by a cease and desist order after seeking to have
13 the order abated or modified, the party may seek interlocutory
14 judicial review by the appropriate district court of appeal
15 pursuant to the applicable rules of appellate procedure.

16 (e) In addition to or in lieu of any remedy provided
17 in this section, the commission may seek the imposition of a
18 civil penalty through the circuit court for any violation for
19 which the commission may issue a notice to cease and desist
20 under this section.

21 (8) The commission shall adopt rules to identify
22 grounds for imposing disciplinary actions, which must include
23 at least the following grounds:

24 (a) Attempting to obtain action from the commission by
25 fraudulent misrepresentation, bribery, or through an error of
26 the commission.

27 (b) Action against a license or operation imposed
28 under the authority of another state, territory, or country.

29 (c) Delegating professional responsibilities to a
30 person who is not qualified by training, experience, or
31 licensure to perform the responsibilities.

1 (d) False, deceptive, or misleading advertising.

2 (e) Conspiring to coerce, intimidate, or preclude
3 another licensee from lawfully advertising his or her
4 services.

5 Section 264. Section 1005.39, Florida Statutes, is
6 created to read:

7 1005.39 Continuing education and training for
8 administrators and faculty.--

9 (1) The commission is authorized to ensure that the
10 administrators of licensed institutions are qualified to
11 conduct the operations of their respective positions and to
12 require such administrators and faculty to receive continuing
13 education and training as adopted by rule of the commission.
14 The positions for which the commission may review
15 qualifications and require continuing education and training
16 may include the positions of chief administrator or officer,
17 director of education or training, placement director,
18 admissions director, and financial aid director and faculty
19 members.

20 (2) The training of each administrator and faculty
21 member shall be the type of training necessary to assure
22 compliance with statutes and rules of the commission and the
23 State Board of Education and with those of other state or
24 federal agencies in relation to the responsibilities of the
25 respective positions.

26 (3) The commission shall adopt general qualifications
27 for each of the respective positions and establish guidelines
28 for the minimum amount and type of continuing education and
29 training to be required. The continuing education and training
30 may be provided by the commission, appropriate state or
31 federal agencies, or professional organizations familiar with

1 the requirements of the particular administrative positions.
2 The actual curricula should be left to the discretion of those
3 agencies and organizations.

4 (4) Evidence of the administrator's and faculty
5 member's compliance with the continuing education and training
6 requirements established by the commission may be included in
7 the initial and renewal application forms provided by the
8 commission. Actual records of the continuing education and
9 training received by administrators and faculty shall be
10 maintained at the institution and available for inspection at
11 all times.

12 (5) Qualifications of administrators and faculty in
13 their respective fields, as well as continuing education and
14 training, may be established by the commission as a condition
15 of an application for licensure by a new institution or for
16 renewal of a license.

17 Section 265. Chapter 1006, Florida Statutes, shall be
18 entitled "Support for Learning" and shall consist of ss.
19 1006.02-1006.71.

20 Section 266. Part I of chapter 1006, Florida Statutes,
21 shall be entitled "Public K-12 Education Support for Learning
22 and Student Services" and shall consist of ss.
23 1006.02-1006.27.

24 Section 267. Part I.a. of chapter 1006, Florida
25 Statutes, shall be entitled "Learning Services Generally" and
26 shall consist of ss. 1006.02-1006.04.

27 Section 268. Section 1006.02, Florida Statutes, is
28 created to read:

29 1006.02 Provision of information to students and
30 parents regarding school-to-work transition.--

31

1 (1) All public K-12 schools shall document the manner
2 in which they have prepared students to enter the workforce,
3 including information regarding the provision of accurate,
4 timely career and curricular counseling to students. This
5 information shall include a delineation of available career
6 opportunities, educational requirements associated with each
7 career, educational institutions that prepare students to
8 enter each career, and student financial aid available to
9 enable students to pursue any postsecondary instruction
10 required to enter that career. This information shall also
11 delineate school procedures for identifying individual student
12 interests and aptitudes which enable students to make informed
13 decisions about the curriculum that best addresses their
14 individual interests and aptitudes while preparing them to
15 enroll in postsecondary education and enter the workforce.
16 This information shall include recommended high school
17 coursework that prepares students for success in college-level
18 work. The information shall be made known to parents and
19 students annually through inclusion in the school's handbook,
20 manual, or similar documents or other communications regularly
21 provided to parents and students.

22 (2) The information required by this section shall
23 delineate the availability of applied instruction that uses
24 concrete, real-world examples to elicit demonstrated student
25 competence comparable to the student performance standards
26 delineated for corresponding traditional college-preparatory
27 courses, and shall also delineate the support services
28 available for students who need assistance to successfully
29 complete instruction necessary to enroll in postsecondary
30 education or enter the workforce.

31

1 (3) The information required by this section shall
2 delineate the availability of instruction that enables
3 students to acquire the technical skills associated with
4 specific clusters of occupations as well as employability
5 skills that apply to most occupations, and shall describe and
6 identify the availability of workplace-based learning
7 experiences. Any school that conducts secondary career
8 education programs shall identify any agreements through which
9 each program articulates into corresponding postsecondary
10 programs.

11 (4) Prior to each student's graduation from high
12 school, the school shall assess the student's preparation to
13 enter the workforce, in accordance with the commissioner's
14 identification of the employability skills associated with
15 successful entry into the workforce, and shall provide the
16 student and the student's parent or guardian with the results
17 of this assessment.

18 Section 269. Section 1006.03, Florida Statutes, is
19 created to read:

20 1006.03 Diagnostic and learning resource centers.--

21 (1) The department shall maintain regional diagnostic
22 and learning resource centers for exceptional students, to
23 assist in the provision of medical, physiological,
24 psychological, and educational testing and other services
25 designed to evaluate and diagnose exceptionalities, to make
26 referrals for necessary instruction and services, and to
27 facilitate the provision of instruction and services to
28 exceptional students. The department shall cooperate with the
29 Department of Children and Family Services in identifying
30 service needs and areas.

31

- 1 (2) Within its identified service area, each regional
2 center shall:
- 3 (a) Provide assistance to parents, teachers, and other
4 school personnel and community organizations in locating and
5 identifying exceptional children and planning educational
6 programs for them.
- 7 (b) Assist in the provision of services for
8 exceptional children, using to the maximum, but not
9 supplanting, the existing facilities and services of each
10 district.
- 11 (c) Provide orientation meetings at least annually for
12 teachers, principals, supervisors, and community agencies to
13 familiarize them with center facilities and services for
14 exceptional children.
- 15 (d) Plan, coordinate, and assist in the implementation
16 of inservice training programs, consistent with each
17 district's program of staff development, for the development
18 and updating of attitudes, skills, and instructional practices
19 and procedures necessary to the education of exceptional
20 children.
- 21 (e) Assist districts in the identification, selection,
22 acquisition, use, and evaluation of media and materials
23 appropriate to the implementation of instructional programs
24 based on individual educational plans for exceptional
25 children.
- 26 (f) Provide for the dissemination and diffusion of
27 significant information and promising practices derived from
28 educational research, demonstration, and other projects.
- 29 (g) Assist in the delivery, modification, and
30 integration of instructional technology, including
31

1 microcomputer applications and adaptive and assistive devices,
2 appropriate to the unique needs of exceptional students.

3 (3) Diagnostic and resource centers may provide
4 testing and evaluation services to private school students and
5 other children who are not enrolled in public schools.

6 (4) Diagnostic and learning resource centers may
7 assist districts in providing testing and evaluation services
8 for infants and preschool children with or at risk of
9 developing disabilities, and may assist districts in providing
10 interdisciplinary training and resources to parents of infants
11 and preschool children with or at risk of developing
12 disabilities and to school readiness programs.

13 Section 270. Section 1006.035, Florida Statutes, is
14 created to read:

15 1006.035 Dropout reentry and mentor project.--

16 (1) There is created a dropout reentry and mentor
17 project to be coordinated on a pilot basis by the Florida
18 Agricultural and Mechanical University National Alumni
19 Association and implemented in Tallahassee, Jacksonville,
20 Daytona Beach, and Miami.

21 (2) The project shall identify 15 black students in
22 each location who have dropped out of high school but were not
23 encountering academic difficulty when they left school.
24 Students chosen to participate may not have a high school
25 diploma, be enrolled in an adult general education program
26 which includes a GED program or an adult high school, or be
27 enrolled in a technical school. Students may be employed but
28 must be able to adjust their work schedules to accommodate
29 classes and project sessions. Priority must be given to
30 students who have dropped out of school within the last 3
31 years.

- 1 (3) In identifying participants, the following factors
2 must be considered:
- 3 (a) The student's performance in school before
4 dropping out.
- 5 (b) The student's performance on aptitude and
6 achievement tests.
- 7 (c) The student's desire to reenter school.
- 8 (4) In each of the four locations, the project shall
9 identify 15 high-achieving minority students to serve as
10 one-on-one mentors to the students who are being reentered in
11 school. An alumnus of Bethune-Cookman College, Florida
12 Memorial College, Edward Waters College, or Florida
13 Agricultural and Mechanical University shall be assigned to
14 each pair of students. Student mentors and alumni must serve
15 as role models and resource people for the students who are
16 being reentered in school.
- 17 (5) Selected project participants shall be evaluated
18 and enrolled in a GED program, regular high school, technical
19 school, or alternative school. In conjunction with school
20 guidance personnel, project staff shall design a supplemental
21 program to reinforce basic skills, provide additional
22 counseling, and offer tutorial assistance. Weekly, project
23 staff shall monitor students' attendance, performance,
24 homework, and attitude toward school.
- 25 (6) The project shall use tests to identify students'
26 interests and academic weaknesses. Based on the test results,
27 an individualized study program shall be developed for each
28 reentry student.
- 29 (7) The 15 alumni at each location must meet with
30 their assigned reentry students and high achievers, together,
31 at least once per week. All reentry students must meet as a

1 group at least once per week for structured, organized
2 activities that include instruction in test-taking skills,
3 positive attitude, coping, study habits, budgeting time,
4 setting goals, career choices, homework assistance, and
5 conflict resolution.

6 (8) Followup interviews with both the reentry students
7 and high achievers must be conducted after 1 year to determine
8 the project's impact.

9 Section 271. Section 1006.04, Florida Statutes, is
10 created to read:

11 1006.04 Educational multiagency services for students
12 with severe emotional disturbance.--

13 (1)(a) An intensive, integrated educational program; a
14 continuum of mental health treatment services; and, when
15 needed, residential services are necessary to enable students
16 with severe emotional disturbance to develop appropriate
17 behaviors and demonstrate academic and career education
18 skills. The small incidence of severe emotional disturbance in
19 the total school population requires multiagency programs to
20 provide access to appropriate services for all students with
21 severe emotional disturbance. District school boards should
22 provide educational programs, and state departments and
23 agencies administering children's mental health funds should
24 provide mental health treatment and residential services when
25 needed, forming a multiagency network to provide support for
26 students with severe emotional disturbance.

27 (b) The program goals for each component of the
28 multiagency network are to enable students with severe
29 emotional disturbance to learn appropriate behaviors, reduce
30 dependency, and fully participate in all aspects of school and
31 community living; to develop individual programs for students

1 with severe emotional disturbance, including necessary
2 educational, residential, and mental health treatment
3 services; to provide programs and services as close as
4 possible to the student's home in the least restrictive manner
5 consistent with the student's needs; and to integrate a wide
6 range of services necessary to support students with severe
7 emotional disturbance and their families.

8 (2) The department may award grants to district school
9 boards for statewide planning and development of the
10 multiagency network for students with severe emotional
11 disturbance. The educational services shall be provided in a
12 manner consistent with the requirements of ss. 1003.57 and
13 402.22.

14 (3) State departments and agencies may use appropriate
15 funds for the multiagency network for students with severe
16 emotional disturbance.

17 Section 272. Part I.b. of chapter 1006, Florida
18 Statutes, shall be entitled "Student Food and Health Services"
19 and shall consist of ss. 1006.06-1006.063.

20 Section 273. Section 1006.06, Florida Statutes, is
21 created to read:

22 1006.06 School food service programs.--

23 (1) In recognition of the demonstrated relationship
24 between good nutrition and the capacity of students to develop
25 and learn, it is the policy of the state to provide standards
26 for school food service and to require district school boards
27 to establish and maintain an appropriate private school food
28 service program consistent with the nutritional needs of
29 students.

30
31

1 (2) The State Board of Education shall adopt rules
2 covering the administration and operation of the school food
3 service programs.

4 (3) Each district school board shall consider the
5 recommendations of the district school superintendent and
6 adopt policies to provide for an appropriate food and
7 nutrition program for students consistent with federal law and
8 State Board of Education rule.

9 (4) The state shall provide the state National School
10 Lunch Act matching requirements. The funds provided shall be
11 distributed in such a manner as to comply with the
12 requirements of the National School Lunch Act.

13 (5)(a) Each district school board shall implement
14 school breakfast programs in all elementary schools that make
15 breakfast available to all students in kindergarten through
16 grade 6 in each district school, unless the elementary school
17 goes only through grade 5, in which case the requirement shall
18 apply only through grade 5. Each district school board shall
19 implement breakfast programs in all elementary schools in
20 which students are eligible for free and reduced price lunch
21 meals, to the extent specifically funded in the General
22 Appropriations Act. A district school board may operate a
23 breakfast program providing for food preparation at the school
24 site or in central locations with distribution to designated
25 satellite schools or any combination thereof.

26 (b) The commissioner shall make every reasonable
27 effort to ensure that any school designated a "severe need
28 school" receives the highest rate of reimbursement to which it
29 is entitled pursuant to 42 U.S.C. s. 1773 for each free and
30 reduced price breakfast served.

31

1 (c) The department shall calculate and distribute a
2 school district breakfast supplement for each school year by
3 multiplying the state breakfast rate as specified in the
4 General Appropriations Act by the number of free and reduced
5 price breakfast meals served.

6 (d) The Legislature shall provide sufficient funds in
7 the General Appropriations Act to reimburse participating
8 school districts for the difference between the average
9 federal reimbursement for free and reduced price breakfasts
10 and the average statewide cost for breakfasts.

11 Section 274. Section 1006.0605, Florida Statutes, is
12 created to read:

13 1006.0605 Students' summer nutrition.--

14 (1) Each district school superintendent shall report
15 to the department any activity or initiative that provides
16 access to a food service program during school vacation
17 periods of over 2 weeks to students who are eligible for free
18 or reduced-price meals. The report shall include any
19 developed or implemented plans for how the school district
20 will sponsor, host, or vend the federal Summer Food Service
21 Program.

22 (2) The district school superintendent shall submit
23 the report to the department by February 1, 2004. Prior to
24 submitting the report to the department, the district school
25 superintendent shall report this information to the district
26 school board.

27 (3) By March 1, 2004, the department shall submit to
28 the President of the Senate, the Speaker of the House of
29 Representatives, the chairs of the education committees in the
30 Senate and the House of Representatives, and the State Board
31

1 of Education a report compiling the school district
2 information.

3 Section 275. Section 1006.061, Florida Statutes, is
4 created to read:

5 1006.061 Child abuse, abandonment, and neglect
6 policy.--Each district school board shall:

7 (1) Post in a prominent place in each school a notice
8 that, pursuant to chapter 39, all employees and agents of the
9 district school board have an affirmative duty to report all
10 actual or suspected cases of child abuse, abandonment, or
11 neglect; have immunity from liability if they report such
12 cases in good faith; and have a duty to comply with child
13 protective investigations and all other provisions of law
14 relating to child abuse, abandonment, and neglect. The notice
15 shall also include the statewide toll-free telephone number of
16 the central abuse hotline.

17 (2) Require the district school superintendent, or the
18 superintendent's designee, at the request of the Department of
19 Children and Family Services, to act as a liaison to the
20 Department of Children and Family Services and the child
21 protection team, as defined in s. 39.01, when in a case of
22 suspected child abuse, abandonment, or neglect or an unlawful
23 sexual offense involving a child the case is referred to such
24 a team; except that this does not relieve or restrict the
25 Department of Children and Family Services from discharging
26 its duty and responsibility under the law to investigate and
27 report every suspected or actual case of child abuse,
28 abandonment, or neglect or unlawful sexual offense involving a
29 child.

30 Section 276. Section 1006.062, Florida Statutes, is
31 created to read:

1 1006.062 Administration of medication and provision of
2 medical services by district school board personnel.--

3 (1) Notwithstanding the provisions of the Nurse
4 Practice Act, part I of chapter 464, district school board
5 personnel may assist students in the administration of
6 prescription medication when the following conditions have
7 been met:

8 (a) Each district school board shall include in its
9 approved school health services plan a procedure to provide
10 training, by a registered nurse, a licensed practical nurse, a
11 physician licensed pursuant to chapter 458 or chapter 459, or
12 a physician assistant licensed pursuant to chapter 458 or
13 chapter 459, to the school personnel designated by the school
14 principal to assist students in the administration of
15 prescribed medication. Such training may be provided in
16 collaboration with other school districts, through contract
17 with an education consortium, or by any other arrangement
18 consistent with the intent of this subsection.

19 (b) Each district school board shall adopt policies
20 and procedures governing the administration of prescription
21 medication by district school board personnel. The policies
22 and procedures shall include, but not be limited to, the
23 following provisions:

24 1. For each prescribed medication, the student's
25 parent shall provide to the school principal a written
26 statement which grants to the school principal or the
27 principal's designee permission to assist in the
28 administration of such medication and which explains the
29 necessity for the medication to be provided during the school
30 day, including any occasion when the student is away from
31 school property on official school business. The school

1 principal or the principal's trained designee shall assist the
2 student in the administration of the medication.

3 2. Each prescribed medication to be administered by
4 district school board personnel shall be received, counted,
5 and stored in its original container. When the medication is
6 not in use, it shall be stored in its original container in a
7 secure fashion under lock and key in a location designated by
8 the school principal.

9 (2) There shall be no liability for civil damages as a
10 result of the administration of the medication when the person
11 administering the medication acts as an ordinarily reasonably
12 prudent person would have acted under the same or similar
13 circumstances.

14 (3) Nonmedical district school board personnel shall
15 not be allowed to perform invasive medical services that
16 require special medical knowledge, nursing judgment, and
17 nursing assessment, including, but not limited to:

18 (a) Sterile catheterization.

19 (b) Nasogastric tube feeding.

20 (c) Cleaning and maintaining a tracheostomy and deep
21 suctioning of a tracheostomy.

22 (4) Nonmedical assistive personnel shall be allowed to
23 perform health-related services upon successful completion of
24 child-specific training by a registered nurse or advanced
25 registered nurse practitioner licensed under chapter 464, a
26 physician licensed pursuant to chapter 458 or chapter 459, or
27 a physician assistant licensed pursuant to chapter 458 or
28 chapter 459. All procedures shall be monitored periodically
29 by a nurse, advanced registered nurse practitioner, physician
30 assistant, or physician, including, but not limited to:

31 (a) Intermittent clean catheterization.

1 (b) Gastrostomy tube feeding.
2 (c) Monitoring blood glucose.
3 (d) Administering emergency injectable medication.
4 (5) For all other invasive medical services not listed
5 in this subsection, a registered nurse or advanced registered
6 nurse practitioner licensed under chapter 464, a physician
7 licensed pursuant to chapter 458 or chapter 459, or a
8 physician assistant licensed pursuant to chapter 458 or
9 chapter 459 shall determine if nonmedical district school
10 board personnel shall be allowed to perform such service.

11 (6) Each district school board shall establish
12 emergency procedures in accordance with s. 381.0056(5) for
13 life-threatening emergencies.

14 (7) District school board personnel shall not refer
15 students to or offer students at school facilities
16 contraceptive services without the consent of a parent or
17 legal guardian. To the extent that this paragraph conflicts
18 with any provision of chapter 381, the provisions of chapter
19 381 control.

20 Section 277. Section 1006.063, Florida Statutes, is
21 created to read:

22 1006.063 Eye-protective devices required in certain
23 laboratory courses.--

24 (1) Eye-protective devices shall be worn by students,
25 teachers, and visitors in courses including, but not limited
26 to, chemistry, physics, or chemical-physical laboratories, at
27 any time at which the individual is engaged in or observing an
28 activity or the use of hazardous substances likely to cause
29 injury to the eyes. Activity or the use of hazardous
30 substances likely to cause injury to the eye includes:

31

1 (a) Heat treatment; tempering or kiln firing of any
2 metal or other materials;
3 (b) Working with caustic or explosive materials; or
4 (c) Working with hot liquids or solids, including
5 chemicals which are flammable, caustic, toxic, or irritating.
6 (2) District school boards shall furnish plano safety
7 glasses or devices for students, may provide such glasses to
8 teachers, and shall furnish such equipment for all visitors to
9 such classrooms or laboratories, or may purchase such plano
10 safety glasses or devices in large quantities and sell them at
11 cost to students and teachers, but shall not purchase,
12 furnish, or dispense prescription glasses or lenses.
13 Section 278. Part I.c. of chapter 1006, Florida
14 Statutes, shall be entitled "Student Discipline and School
15 Safety" and shall consist of ss. 1006.07-1006.145.
16 Section 279. Section 1006.07, Florida Statutes, is
17 created to read:
18 1006.07 District school board duties relating to
19 student discipline and school safety.--The district school
20 board shall provide for the proper accounting for all
21 students, for the attendance and control of students at
22 school, and for proper attention to health, safety, and other
23 matters relating to the welfare of students, including:
24 (1) CONTROL OF STUDENTS.--
25 (a) Adopt rules for the control, discipline, in-school
26 suspension, suspension, and expulsion of students and decide
27 all cases recommended for expulsion. Suspension hearings are
28 exempted from the provisions of chapter 120. Expulsion
29 hearings shall be governed by ss. 120.569 and 120.57(2) and
30 are exempt from s. 286.011. However, the student's parent must
31 be given notice of the provisions of s. 286.011 and may elect

1 to have the hearing held in compliance with that section. The
2 district school board may prohibit the use of corporal
3 punishment, if the district school board adopts or has adopted
4 a written program of alternative control or discipline.

5 (b) Require each student at the time of initial
6 registration for school in the school district to note
7 previous school expulsions, arrests resulting in a charge, and
8 juvenile justice actions the student has had, and have the
9 authority as the district school board of a receiving school
10 district to honor the final order of expulsion or dismissal of
11 a student by any in-state or out-of-state public district
12 school board or private school, or lab school, for an act
13 which would have been grounds for expulsion according to the
14 receiving district school board's code of student conduct, in
15 accordance with the following procedures:

16 1. A final order of expulsion shall be recorded in the
17 records of the receiving school district.

18 2. The expelled student applying for admission to the
19 receiving school district shall be advised of the final order
20 of expulsion.

21 3. The district school superintendent of the receiving
22 school district may recommend to the district school board
23 that the final order of expulsion be waived and the student be
24 admitted to the school district, or that the final order of
25 expulsion be honored and the student not be admitted to the
26 school district. If the student is admitted by the district
27 school board, with or without the recommendation of the
28 district school superintendent, the student may be placed in
29 an appropriate educational program at the direction of the
30 district school board.

31

1 (2) CODE OF STUDENT CONDUCT.--Adopt a code of student
2 conduct for elementary schools and a code of student conduct
3 for middle and high schools and distribute the appropriate
4 code to all teachers, school personnel, students, and parents,
5 at the beginning of every school year. Each code shall be
6 organized and written in language that is understandable to
7 students and parents and shall be discussed at the beginning
8 of every school year in student classes, school advisory
9 council meetings, and parent and teacher association or
10 organization meetings. Each code shall be based on the rules
11 governing student conduct and discipline adopted by the
12 district school board and shall be made available in the
13 student handbook or similar publication. Each code shall
14 include, but is not limited to:

15 (a) Consistent policies and specific grounds for
16 disciplinary action, including in-school suspension,
17 out-of-school suspension, expulsion, and any disciplinary
18 action that may be imposed for the possession or use of
19 alcohol on school property or while attending a school
20 function or for the illegal use, sale, or possession of
21 controlled substances as defined in chapter 893.

22 (b) Procedures to be followed for acts requiring
23 discipline, including corporal punishment.

24 (c) An explanation of the responsibilities and rights
25 of students with regard to attendance, respect for persons and
26 property, knowledge and observation of rules of conduct, the
27 right to learn, free speech and student publications,
28 assembly, privacy, and participation in school programs and
29 activities.

30 (d) Notice that illegal use, possession, or sale of
31 controlled substances, as defined in chapter 893, or

1 possession of electronic telephone pagers, by any student
2 while the student is upon school property or in attendance at
3 a school function is grounds for disciplinary action by the
4 school and may also result in criminal penalties being
5 imposed.

6 (e) Notice that the possession of a firearm or weapon
7 ad defined in chapter 790 by any student while the student is
8 on school property or in attendance at a school function is
9 grounds for disciplinary action and may also result in
10 criminal prosecution.

11 (f) Notice that violence against any district school
12 board personnel by a student is grounds for in-school
13 suspension, out-of-school suspension, expulsion, or imposition
14 of other disciplinary action by the school and may also result
15 in criminal penalties being imposed.

16 (g) Notice that violation of district school board
17 transportation policies, including disruptive behavior on a
18 school bus or at a school bus stop, by a student is grounds
19 for suspension of the student's privilege of riding on a
20 school bus and may be grounds for disciplinary action by the
21 school and may also result in criminal penalties being
22 imposed.

23 (h) Notice that violation of the district school
24 board's sexual harassment policy by a student is grounds for
25 in-school suspension, out-of-school suspension, expulsion, or
26 imposition of other disciplinary action by the school and may
27 also result in criminal penalties being imposed.

28 (i) Policies to be followed for the assignment of
29 violent or disruptive students to an alternative educational
30 program.

31

1 (j) Notice that any student who is determined to have
2 brought a firearm or weapon, as defined in chapter 790, to
3 school, to any school function, or onto any school-sponsored
4 transportation, or to have possessed a firearm at school, will
5 be expelled, with or without continuing educational services,
6 from the student's regular school for a period of not less
7 than 1 full year and referred to the criminal justice or
8 juvenile justice system; provided, however, that nothing
9 herein shall require the district school board to apply such
10 requirements to a firearm or weapon that is lawfully stored in
11 a locked vehicle on school property, or for activities
12 approved and authorized by the district school board when the
13 board has adopted appropriate safeguards to ensure student
14 safety. District school boards may assign the student to a
15 disciplinary program or second chance school for the purpose
16 of continuing educational services during the period of
17 expulsion. District school superintendents may consider the
18 1-year expulsion requirement on a case-by-case basis and
19 request the district school board to modify the requirement by
20 assigning the student to a disciplinary program or second
21 chance school if the request for modification is in writing
22 and it is determined to be in the best interest of the student
23 and the school system.

24 (k) Notice that any student who is determined to have
25 made a threat or false report, as defined by ss. 790.162 and
26 790.163, respectively, involving school or school personnel's
27 property, school transportation, or a school-sponsored
28 activity will be expelled, with or without continuing
29 educational services, from the student's regular school for a
30 period of not less than 1 full year and referred for criminal
31 prosecution. District school boards may assign the student to

1 a disciplinary program or second chance school for the purpose
2 of continuing educational services during the period of
3 expulsion. District school superintendents may consider the
4 1-year expulsion requirement on a case-by-case basis and
5 request the district school board to modify the requirement by
6 assigning the student to a disciplinary program or second
7 chance school if it is determined to be in the best interest
8 of the student and the school system.

9 (3) STUDENT CRIME WATCH PROGRAM.--By resolution of the
10 district school board, implement a student crime watch program
11 to promote responsibility among students and to assist in the
12 control of criminal behavior within the schools.

13 (4) EMERGENCY DRILLS; EMERGENCY PROCEDURES.--

14 (a) Formulate and prescribe policies and procedures
15 for emergency drills and for actual emergencies, including,
16 but not limited to, fires, natural disasters, and bomb
17 threats, for all the public schools of the district which
18 comprise grades K-12. District school board policies shall
19 include commonly used alarm system responses for specific
20 types of emergencies and verification by each school that
21 drills have been provided as required by law and fire
22 protection codes.

23 (b) The district school board shall establish model
24 emergency management and emergency preparedness procedures for
25 the following life-threatening emergencies:

- 26 1. Weapon-use and hostage situations.
27 2. Hazardous materials or toxic chemical spills.
28 3. Weather emergencies, including hurricanes,
29 tornadoes, and severe storms.
30 4. Exposure as a result of a manmade emergency.

31

1 (5) EDUCATIONAL SERVICES IN DETENTION
2 FACILITIES.--Offer educational services to minors who have not
3 graduated from high school and eligible students with
4 disabilities under the age of 22 who have not graduated with a
5 standard diploma or its equivalent who are detained in a
6 county or municipal detention facility as defined in s.
7 951.23. These educational services shall be based upon the
8 estimated length of time the student will be in the facility
9 and the student's current level of functioning. District
10 school superintendents or their designees shall be notified by
11 the county sheriff or chief correctional officer, or his or
12 her designee, upon the assignment of a student under the age
13 of 21 to the facility. A cooperative agreement with the
14 district school board and applicable law enforcement units
15 shall be developed to address the notification requirement and
16 the provision of educational services to these students.

17 (6) SAFETY AND SECURITY BEST PRACTICES.--Use the
18 Safety and Security Best Practices developed by the Office of
19 Program Policy Analysis and Government Accountability to
20 conduct a self-assessment of the school districts' current
21 safety and security practices. Based on these self-assessment
22 findings, the district school superintendent shall provide
23 recommendations to the district school board which identify
24 strategies and activities that the district school board
25 should implement in order to improve school safety and
26 security. Annually each district school board must receive the
27 self-assessment results at a publicly noticed district school
28 board meeting to provide the public an opportunity to hear the
29 district school board members discuss and take action on the
30 report findings. Each district school superintendent shall
31 report the self-assessment results and school board action to

1 the commissioner within 30 days after the district school
2 board meeting.

3 Section 280. Section 1006.08, Florida Statutes, is
4 created to read:

5 1006.08 District school superintendent duties relating
6 to student discipline and school safety.--

7 (1) The district school superintendent shall recommend
8 plans to the district school board for the proper accounting
9 for all students of school age, for the attendance and control
10 of students at school, for the proper attention to health,
11 safety, and other matters which will best promote the welfare
12 of students. When the district school superintendent makes a
13 recommendation for expulsion to the district school board, he
14 or she shall give written notice to the student and the
15 student's parent of the recommendation, setting forth the
16 charges against the student and advising the student and his
17 or her parent of the student's right to due process as
18 prescribed by ss. 120.569 and 120.57(2). When district school
19 board action on a recommendation for the expulsion of a
20 student is pending, the district school superintendent may
21 extend the suspension assigned by the principal beyond 10
22 school days if such suspension period expires before the next
23 regular or special meeting of the district school board.

24 (2) Notwithstanding the provisions of s. 985.04(4) or
25 any other provision of law to the contrary, the court shall,
26 within 48 hours of the finding, notify the appropriate
27 district school superintendent of the name and address of any
28 student found to have committed a delinquent act, or who has
29 had adjudication of a delinquent act withheld which, if
30 committed by an adult, would be a felony, or the name and
31 address of any student found guilty of a felony. Notification

1 shall include the specific delinquent act found to have been
2 committed or for which adjudication was withheld, or the
3 specific felony for which the student was found guilty.

4 (3) Except to the extent necessary to protect the
5 health, safety, and welfare of other students, the information
6 obtained by the district school superintendent pursuant to
7 this section may be released only to appropriate school
8 personnel or as otherwise provided by law.

9 Section 281. Section 1006.09, Florida Statutes, is
10 created to read:

11 1006.09 Duties of school principal relating to student
12 discipline and school safety.--

13 (1)(a) Subject to law and to the rules of the State
14 Board of Education and the district school board, the
15 principal in charge of the school or the principal's designee
16 shall develop policies for delegating to any teacher or other
17 member of the instructional staff or to any bus driver
18 transporting students of the school responsibility for the
19 control and direction of students. The principal or the
20 principal's designee shall consider the recommendation for
21 discipline made by a teacher, other member of the
22 instructional staff, or a bus driver when making a decision
23 regarding student referral for discipline.

24 (b) The principal or the principal's designee may
25 suspend a student only in accordance with the rules of the
26 district school board. The principal or the principal's
27 designee shall make a good faith effort to immediately inform
28 a student's parent by telephone of a student's suspension and
29 the reasons for the suspension. Each suspension and the
30 reasons for the suspension shall be reported in writing within
31 24 hours to the student's parent by United States mail. Each

1 suspension and the reasons for the suspension shall also be
2 reported in writing within 24 hours to the district school
3 superintendent. A good faith effort shall be made by the
4 principal or the principal's designee to employ parental
5 assistance or other alternative measures prior to suspension,
6 except in the case of emergency or disruptive conditions which
7 require immediate suspension or in the case of a serious
8 breach of conduct as defined by rules of the district school
9 board. Such rules shall require oral and written notice to the
10 student of the charges and an explanation of the evidence
11 against him or her prior to the suspension. Each student shall
12 be given an opportunity to present his or her side of the
13 story. No student shall be suspended for unexcused tardiness,
14 lateness, absence, or truancy. The principal or the
15 principal's designee may suspend any student transported to or
16 from school at public expense from the privilege of riding on
17 a school bus for violation of district school board
18 transportation policies, which shall include a policy
19 regarding behavior at school bus stops, and the principal or
20 the principal's designee shall give notice in writing to the
21 student's parent and to the district school superintendent
22 within 24 hours. School personnel shall not be held legally
23 responsible for suspensions of students made in good faith.

24 (c) The principal or the principal's designee may
25 recommend to the district school superintendent the expulsion
26 of any student who has committed a serious breach of conduct,
27 including, but not limited to, willful disobedience, open
28 defiance of authority of a member of his or her staff,
29 violence against persons or property, or any other act which
30 substantially disrupts the orderly conduct of the school. A
31 recommendation of expulsion or assignment to a second chance

1 school may also be made for any student found to have
2 intentionally made false accusations that jeopardize the
3 professional reputation, employment, or professional
4 certification of a teacher or other member of the school
5 staff, according to the district school board code of student
6 conduct. Any recommendation of expulsion shall include a
7 detailed report by the principal or the principal's designated
8 representative on the alternative measures taken prior to the
9 recommendation of expulsion.

10 (d) The principal or the principal's designee shall
11 include an analysis of suspensions and expulsions in the
12 annual report of school progress.

13 (2) Suspension proceedings, pursuant to rules of the
14 State Board of Education, may be initiated against any
15 enrolled student who is formally charged with a felony, or
16 with a delinquent act which would be a felony if committed by
17 an adult, by a proper prosecuting attorney for an incident
18 which allegedly occurred on property other than public school
19 property, if that incident is shown, in an administrative
20 hearing with notice provided to the parents of the student by
21 the principal of the school pursuant to rules adopted by the
22 State Board of Education and to rules developed pursuant to s.
23 1001.54, to have an adverse impact on the educational program,
24 discipline, or welfare in the school in which the student is
25 enrolled. Any student who is suspended as the result of such
26 proceedings may be suspended from all classes of instruction
27 on public school grounds during regular classroom hours for a
28 period of time, which may exceed 10 days, as determined by the
29 district school superintendent. The suspension shall not
30 affect the delivery of educational services to the student,
31 and the student shall be immediately enrolled in a daytime

1 alternative education program, or an evening alternative
2 education program, where appropriate. If the court determines
3 that the student did commit the felony or delinquent act which
4 would have been a felony if committed by an adult, the
5 district school board may expel the student, provided that
6 expulsion under this subsection shall not affect the delivery
7 of educational services to the student in any residential,
8 nonresidential, alternative, daytime, or evening program
9 outside of the regular school setting. Any student who is
10 subject to discipline or expulsion for unlawful possession or
11 use of any substance controlled under chapter 893 may be
12 entitled to a waiver of the discipline or expulsion:

13 (a) If the student divulges information leading to the
14 arrest and conviction of the person who supplied the
15 controlled substance to him or her, or if the student
16 voluntarily discloses his or her unlawful possession of the
17 controlled substance prior to his or her arrest. Any
18 information divulged which leads to arrest and conviction is
19 not admissible in evidence in a subsequent criminal trial
20 against the student divulging the information.

21 (b) If the student commits himself or herself, or is
22 referred by the court in lieu of sentence, to a state-licensed
23 drug abuse program and successfully completes the program.

24 (3) A student may be disciplined or expelled for
25 unlawful possession or use of any substance controlled under
26 chapter 893 upon the third violation of this provision.

27 (4) When a student has been the victim of a violent
28 crime perpetrated by another student who attends the same
29 school, the school principal shall make full and effective use
30 of the provisions of ss. 1006.09(2) and 1006.13(5). A school
31 principal who fails to comply with this subsection shall be

1 ineligible for any portion of the performance pay policy
2 incentive under s. 1012.22(1)(c). However, if any party
3 responsible for notification fails to properly notify the
4 school, the school principal shall be eligible for the
5 incentive.

6 (5) Any recommendation for the suspension or expulsion
7 of a student with a disability must be made in accordance with
8 rules adopted by the State Board of Education.

9 (6) Each school principal must ensure that
10 standardized forms prescribed by rule of the State Board of
11 Education are used to report data concerning school safety and
12 discipline to the department. The school principal must
13 develop a plan to verify the accuracy of reported incidents.

14 (7) The State Board of Education shall adopt by rule a
15 standardized form to be used by each school principal to
16 report data concerning school safety and discipline.

17 (8) The school principal shall require all school
18 personnel to report to the principal or principal's designee
19 any suspected unlawful use, possession, or sale by a student
20 of any controlled substance, as defined in s. 893.02; any
21 counterfeit controlled substance, as defined in s. 831.31; any
22 alcoholic beverage, as defined in s. 561.01(4); or model glue.
23 School personnel are exempt from civil liability when
24 reporting in good faith to the proper school authority such
25 suspected unlawful use, possession, or sale by a student.
26 Only a principal or principal's designee is authorized to
27 contact a parent or legal guardian of a student regarding this
28 situation. Reports made and verified under this subsection
29 shall be forwarded to an appropriate agency. The principal or
30 principal's designee shall timely notify the student's parent

31

1 that a verified report made under this subsection with respect
2 to the student has been made and forwarded.

3 (9) A school principal or a school employee designated
4 by the principal, if she or he has reasonable suspicion that a
5 prohibited or illegally possessed substance or object is
6 contained within a student's locker or other storage area, may
7 search the locker or storage area. The district school board
8 shall require and each school principal shall cause to be
9 posted in each public K-12 school, in a place readily seen by
10 students, a notice stating that a student's locker or other
11 storage area is subject to search, upon reasonable suspicion,
12 for prohibited or illegally possessed substances or objects.
13 This subsection does not prohibit the use of metal detectors
14 or specially trained animals in the course of a search for
15 illegally possessed substances or objects.

16 Section 282. Section 1006.10, Florida Statutes, is
17 created to read:

18 1006.10 Authority of school bus drivers and district
19 school boards relating to student discipline and student
20 safety on school buses.--

21 (1) The school bus driver shall require order and good
22 behavior by all students being transported on school buses.

23 (2) The district school board shall require a system
24 of progressive discipline of transported students for actions
25 which are prohibited by the code of student conduct.
26 Disciplinary actions, including suspension of students from
27 riding on district school board owned or contracted school
28 buses, shall be subject to district school board policies and
29 procedures and may be imposed by the principal or the
30 principal's designee. The principal or the principal's

31

1 designee may delegate any disciplinary authority to school bus
2 drivers except for suspension of students from riding the bus.

3 (3) The school bus driver shall control students
4 during the time students are on the school bus, but shall not
5 have such authority when students are waiting at the school
6 bus stop or when students are en route to or from the school
7 bus stop except when the bus is present at the bus stop.

8 (4) If an emergency should develop due to the conduct
9 of students on the bus, the school bus driver may take such
10 steps as are immediately necessary to protect the students on
11 the bus.

12 (5) School bus drivers shall not be required to
13 operate a bus under conditions in which one or more students
14 pose a clear and present danger to the safety of the driver or
15 other students, or the safety of the bus while in operation.
16 The district school board shall have measures in place
17 designed to protect the school bus driver from threats or
18 physical injury from students.

19 (6) District school boards may use transportation,
20 school safety, or FEFP funds to provide added security for
21 buses transporting disruptive or delinquent students to and
22 from school or other educational activities.

23 (7) In the case of a student having engaged in violent
24 or blatantly unsafe actions while riding the school bus, the
25 district school board shall take corrective measures to
26 ensure, to the extent feasible, that such actions are not
27 repeated prior to reassigning the student to the bus.

28 Section 283. Section 1006.11, Florida Statutes, is
29 created to read:

30 1006.11 Standards for use of reasonable force.--
31

1 (1) The State Board of Education shall adopt standards
2 for the use of reasonable force by district school board
3 personnel to maintain a safe and orderly learning environment.
4 Such standards shall be distributed to each school in the
5 state and shall provide guidance to district school board
6 personnel in receiving the limitations on liability specified
7 in subsection (2).

8 (2) Except in the case of excessive force or cruel and
9 unusual punishment, a teacher or other member of the
10 instructional staff, a principal or the principal's designated
11 representative, or a school bus driver shall not be civilly or
12 criminally liable for any action carried out in conformity
13 with the State Board of Education and district school board
14 rules regarding the control, discipline, suspension, and
15 expulsion of students, including, but not limited to, any
16 exercise of authority under s. 1006.09 or s. 1003.32.

17 Section 284. Section 1006.12, Florida Statutes, is
18 created to read:

19 1006.12 School resource officers and school safety
20 officers.--

21 (1) District school boards may establish school
22 resource officer programs, through a cooperative agreement
23 with law enforcement agencies or in accordance with subsection
24 (2).

25 (a) School resource officers shall be certified law
26 enforcement officers, as defined in s. 943.10(1), who are
27 employed by a law enforcement agency as defined in s.
28 943.10(4). The powers and duties of a law enforcement officer
29 shall continue throughout the employee's tenure as a school
30 resource officer.

31

1 (b) School resource officers shall abide by district
2 school board policies and shall consult with and coordinate
3 activities through the school principal, but shall be
4 responsible to the law enforcement agency in all matters
5 relating to employment, subject to agreements between a
6 district school board and a law enforcement agency. Activities
7 conducted by the school resource officer which are part of the
8 regular instructional program of the school shall be under the
9 direction of the school principal.

10 (2)(a) School safety officers shall be law enforcement
11 officers, as defined in s. 943.10(1), certified under the
12 provisions of chapter 943 and employed by either a law
13 enforcement agency or by the district school board. If the
14 officer is employed by the district school board, the district
15 school board is the employing agency for purposes of chapter
16 943, and must comply with the provisions of that chapter.

17 (b) A district school board may commission one or more
18 school safety officers for the protection and safety of school
19 personnel, property, and students within the school district.
20 The district school superintendent may recommend and the
21 district school board may appoint one or more school safety
22 officers.

23 (c) A school safety officer has and shall exercise the
24 power to make arrests for violations of law on district school
25 board property and to arrest persons, whether on or off such
26 property, who violate any law on such property under the same
27 conditions that deputy sheriffs are authorized to make
28 arrests. A school safety officer has the authority to carry
29 weapons when performing his or her official duties.

30 (d) A district school board may enter into mutual aid
31 agreements with one or more law enforcement agencies as

1 provided in chapter 23. A school safety officer's salary may
2 be paid jointly by the district school board and the law
3 enforcement agency, as mutually agreed to.

4 Section 285. Section 1006.13, Florida Statutes, is
5 created to read:

6 1006.13 Policy of zero tolerance for crime and
7 victimization.--

8 (1) Each district school board shall adopt a policy of
9 zero tolerance for:

10 (a) Crime and substance abuse, including the reporting
11 of delinquent acts and crimes occurring whenever and wherever
12 students are under the jurisdiction of the district school
13 board.

14 (b) Victimization of students, including taking all
15 steps necessary to protect the victim of any violent crime
16 from any further victimization.

17 (2) The zero tolerance policy shall require students
18 found to have committed one of the following offenses to be
19 expelled, with or without continuing educational services,
20 from the student's regular school for a period of not less
21 than 1 full year, and to be referred to the criminal justice
22 or juvenile justice system.

23 (a) Bringing a firearm or weapon, as defined in
24 chapter 790, to school, to any school function, or onto any
25 school-sponsored transportation or possessing a firearm at
26 school; provided, however, that nothing herein shall require
27 the district school board to apply such requirements to a
28 firearm or weapon that is lawfully stored in a locked vehicle
29 on school property, or for activities approved and authorized
30 by the district school board when the board has adopted
31 appropriate safeguards to ensure student safety.

1 (b) Making a threat or false report, as defined by ss.
2 790.162 and 790.163, respectively, involving school or school
3 personnel's property, school transportation, or a
4 school-sponsored activity.

5
6 District school boards may assign the student to a
7 disciplinary program for the purpose of continuing educational
8 services during the period of expulsion. District school
9 superintendents may consider the 1-year expulsion requirement
10 on a case-by-case basis and request the district school board
11 to modify the requirement by assigning the student to a
12 disciplinary program or second chance school if the request
13 for modification is in writing and it is determined to be in
14 the best interest of the student and the school system. If a
15 student committing any of the offenses in this subsection is a
16 student with a disability, the district school board shall
17 comply with applicable State Board of Education rules.

18 (3) Each district school board shall enter into
19 agreements with the county sheriff's office and local police
20 department specifying guidelines for ensuring that felonies
21 and violent misdemeanors, whether committed by a student or
22 adult, and delinquent acts that would be felonies or violent
23 misdemeanors if committed by an adult, are reported to law
24 enforcement. Each district school board shall adopt a
25 cooperative agreement, pursuant to s. 1003.52(13) with the
26 Department of Juvenile Justice, that specifies guidelines for
27 ensuring that all no contact orders entered by the court are
28 reported and enforced and that all steps necessary are taken
29 to protect the victim of any such crime. Such agreements shall
30 include the role of school resource officers, if applicable,
31 in handling reported incidents, special circumstances in which

1 school officials may handle incidents without filing a report
2 to law enforcement, and a procedure for ensuring that school
3 personnel properly report appropriate delinquent acts and
4 crimes. The school principal shall be responsible for ensuring
5 that all school personnel are properly informed as to their
6 responsibilities regarding crime reporting, that appropriate
7 delinquent acts and crimes are properly reported, and that
8 actions taken in cases with special circumstances are properly
9 taken and documented.

10 (4) Notwithstanding any other provision of law, each
11 district school board shall adopt rules providing that any
12 student found to have committed a violation of s. 784.081(1),
13 (2), or (3) shall be expelled or placed in an alternative
14 school setting or other program, as appropriate. Upon being
15 charged with the offense, the student shall be removed from
16 the classroom immediately and placed in an alternative school
17 setting pending disposition.

18 (5)(a) Notwithstanding any provision of law
19 prohibiting the disclosure of the identity of a minor,
20 whenever any student who is attending public school is
21 adjudicated guilty of or delinquent for, or is found to have
22 committed, regardless of whether adjudication is withheld, or
23 pleads guilty or nolo contendere to, a felony violation of:

24 1. Chapter 782, relating to homicide;

25 2. Chapter 784, relating to assault, battery, and
26 culpable negligence;

27 3. Chapter 787, relating to kidnapping, false
28 imprisonment, luring or enticing a child, and custody
29 offenses;

30 4. Chapter 794, relating to sexual battery;
31

1 5. Chapter 800, relating to lewdness and indecent
2 exposure;
3 6. Chapter 827, relating to abuse of children;
4 7. Section 812.13, relating to robbery;
5 8. Section 812.131, relating to robbery by sudden
6 snatching;
7 9. Section 812.133, relating to carjacking; or
8 10. Section 812.135, relating to home-invasion
9 robbery,
10
11 and, before or at the time of such adjudication, withholding
12 of adjudication, or plea, the offender was attending a school
13 attended by the victim or a sibling of the victim of the
14 offense, the Department of Juvenile Justice shall notify the
15 appropriate district school board of the adjudication or plea,
16 the requirements of this paragraph, and whether the offender
17 is prohibited from attending that school or riding on a school
18 bus whenever the victim or a sibling of the victim is
19 attending the same school or riding on the same school bus,
20 except as provided pursuant to a written disposition order
21 under s. 985.23(1)(d). Upon receipt of such notice, the
22 district school board shall take appropriate action to
23 effectuate the provisions of paragraph (b).
24 (b) Any offender described in paragraph (a), who is
25 not exempted as provided in paragraph (a), shall not attend
26 any school attended by the victim or a sibling of the victim
27 of the offense or ride on a school bus on which the victim or
28 a sibling of the victim is riding. The offender shall be
29 permitted by the district school board to attend another
30 school within the district in which the offender resides,
31 provided the other school is not attended by the victim or

1 sibling of the victim of the offense; or the offender may be
2 permitted by another district school board to attend a school
3 in that district if the offender is unable to attend any
4 school in the district in which the offender resides.

5 (c) If the offender is unable to attend any other
6 school in the district in which the offender resides and is
7 prohibited from attending school in another school district,
8 the district school board in the school district in which the
9 offender resides shall take every reasonable precaution to
10 keep the offender separated from the victim while on school
11 grounds or on school transportation. The steps to be taken by
12 a district school board to keep the offender separated from
13 the victim shall include, but are not limited to, in-school
14 suspension of the offender and the scheduling of classes,
15 lunch, or other school activities of the victim and the
16 offender so as not to coincide.

17 (d) The offender, or the parents of the offender if
18 the offender is a juvenile, shall be responsible for arranging
19 and paying for transportation associated with or required by
20 the offender's attending another school or that would be
21 required as a consequence of the prohibition against riding on
22 a school bus on which the victim or a sibling of the victim is
23 riding. However, the offender or the parents of the offender
24 shall not be charged for existing modes of transportation that
25 can be used by the offender at no additional cost to the
26 district school board.

27 Section 286. Section 1006.14, Florida Statutes, is
28 created to read:

29 1006.14 Secret societies prohibited in public K-12
30 schools.--

31

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,

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 287. 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.

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 288. 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.

1 Section 289. 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 290. 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

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

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

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

1 4. The charter school student must meet the same
2 standards of acceptance, behavior, and performance that are
3 required of other students in extracurricular activities.

4 5. The charter school student must register with the
5 school his or her intent to participate in interscholastic
6 extracurricular activities as a representative of the school
7 before the beginning date of the season for the activity in
8 which he or she wishes to participate. A charter school
9 student must be able to participate in curricular activities
10 if that is a requirement for an extracurricular activity.

11 6. A student who transfers from a charter school
12 program to a traditional public school before or during the
13 first grading period of the school year is academically
14 eligible to participate in interscholastic extracurricular
15 activities during the first grading period if the student has
16 a successful evaluation from the previous school year,
17 pursuant to subparagraph 2.

18 7. Any public school or private school student who has
19 been unable to maintain academic eligibility for participation
20 in interscholastic extracurricular activities is ineligible to
21 participate in such activities as a charter school student
22 until the student has successfully completed one grading
23 period in a charter school pursuant to subparagraph 2. to
24 become eligible to participate as a charter school student.

25 (4) The student standards for participation in
26 interscholastic extracurricular activities must be applied
27 beginning with the student's first semester of the 9th grade.
28 Each student must meet such other requirements for
29 participation as may be established by the district school
30 board; however, a district school board may not establish
31 requirements for participation in interscholastic

1 extracurricular activities which make participation in such
2 activities less accessible to home education students than to
3 other students. Except as set forth in paragraph (3)(c),
4 evaluation processes or requirements that are placed on home
5 education student participants may not go beyond those that
6 apply under s. 1002.41 to home education students generally.
7 (5) Any organization or entity that regulates or
8 governs interscholastic extracurricular activities of public
9 schools:
10 (a) Shall permit home education associations to join
11 as member schools.
12 (b) Shall not discriminate against any eligible
13 student based on an educational choice of public, private, or
14 home education.
15 (6) Public schools are prohibited from membership in
16 any organization or entity which regulates or governs
17 interscholastic extracurricular activities and discriminates
18 against eligible students in public, private, or home
19 education.
20 (7) Any insurance provided by district school boards
21 for participants in extracurricular activities shall cover the
22 participating home education student. If there is an
23 additional premium for such coverage, the participating home
24 education student shall pay the premium.
25 Section 291. Section 1006.16, Florida Statutes, is
26 created to read:
27 1006.16 Insuring school students engaged in athletic
28 activities against injury.--Any district school board, school
29 athletic association, or school may formulate, conduct, and
30 purchase a plan or method of insuring, or may self-insure,
31 school students against injury sustained by reason of such

1 students engaging and participating in the athletic activities
2 conducted or sponsored by the district school board,
3 association, or school in which such students are enrolled. A
4 district school board, school athletic association, or school
5 may add a surcharge to the fee charged for admission to
6 athletic events as a means of producing revenue to purchase
7 such insurance or to provide self-insurance. Any district
8 school board may pay for all or part of such plan or method of
9 insurance or self-insurance from available district school
10 board funds.

11 Section 292. Section 1006.17, Florida Statutes, is
12 created to read:

13 1006.17 Sponsorship of athletic activities similar to
14 those for which scholarships offered; rulemaking.--

15 (1) If a district school board sponsors an athletic
16 activity or sport that is similar to a sport for which a state
17 university or public community college offers an athletic
18 scholarship, it must sponsor the athletic activity or sport
19 for which a scholarship is offered. This section does not
20 affect academic requirements for participation or prevent the
21 school districts or community colleges from sponsoring
22 activities in addition to those for which scholarships are
23 provided.

24 (2) If a Florida public community college sponsors an
25 athletic activity or sport that is similar to a sport for
26 which a state university offers an athletic scholarship, it
27 must sponsor the athletic activity or sport for which a
28 scholarship is offered.

29 (3) Two athletic activities or sports that are similar
30 may be offered simultaneously.

31

1 (4) If the level of participation is insufficient to
2 warrant continuation of an athletic activity or sport, the
3 school may offer an alternative athletic activity or sport.

4 (5) The State Board of Education shall adopt rules to
5 administer this section, including rules that determine which
6 athletic activities are similar to sports for which state
7 universities and community colleges offer scholarships.

8 Section 293. Section 1006.18, Florida Statutes, is
9 created to read:

10 1006.18 Cheerleader safety standards.--The Florida
11 High School Activities Association or successor organization
12 shall adopt statewide uniform safety standards for student
13 cheerleaders and spirit groups that participate in any school
14 activity or extracurricular student activity. The Florida High
15 School Activities Association or successor organization shall
16 adopt the "Official High School Spirit Rules," published by
17 the National Federation of State High School Associations, as
18 the statewide uniform safety standards.

19 Section 294. Section 1006.19, Florida Statutes, is
20 created to read:

21 1006.19 Audit of records of nonprofit corporations and
22 associations handling interscholastic activities.--

23 (1) Each nonprofit association or corporation that
24 operates for the purpose of supervising and controlling
25 interscholastic activities of public high schools and whose
26 membership is composed of duly certified representatives of
27 public high schools, and whose rules and regulations are
28 established by members thereof, shall have an annual financial
29 audit of its accounts and records by an independent certified
30 public accountant retained by it and paid from its funds. The

31

1 accountant shall furnish a copy of the audit report to the
2 Auditor General.

3 (2) Any such nonprofit association or corporation
4 shall keep adequate and complete records of all moneys
5 received by it, including the source and amount, and all
6 moneys spent by it, including salaries, fees, expenses, travel
7 allowances, and all other items of expense. All records of
8 any such organization shall be open for inspection by the
9 Auditor General.

10 Section 295. Section 1006.20, Florida Statutes, is
11 created to read:

12 1006.20 Athletics in public K-12 schools.--

13 (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida
14 High School Activities Association is designated as the
15 governing nonprofit organization of athletics in Florida
16 public schools. If the Florida High School Activities
17 Association fails to meet the provisions of this section, the
18 commissioner shall designate a nonprofit organization to
19 govern athletics with the approval of the State Board of
20 Education. The organization is not to be a state agency as
21 defined in s. 120.52. The organization shall be subject to the
22 provisions of s. 1006.19. A private school that wishes to
23 engage in high school athletic competition with a public high
24 school may become a member of the organization. The bylaws of
25 the organization are to be the rules by which high school
26 athletic programs in its member schools, and the students who
27 participate in them, are governed, unless otherwise
28 specifically provided by statute. For the purposes of this
29 section, "high school" includes grades 6 through 12.

30 (2) ADOPTION OF BYLAWS.--
31

1 (a) The organization shall adopt bylaws that, unless
2 specifically provided by statute, establish eligibility
3 requirements for all students who participate in high school
4 athletic competition in its member schools. The bylaws
5 governing residence and transfer shall allow the student to be
6 eligible in the school in which he or she first enrolls each
7 school year, or makes himself or herself a candidate for an
8 athletic team by engaging in a practice prior to enrolling in
9 any member school. The student shall be eligible in that
10 school so long as he or she remains enrolled in that school.
11 Subsequent eligibility shall be determined and enforced
12 through the organization's bylaws.

13 (b) The organization shall adopt bylaws that
14 specifically prohibit the recruiting of students for athletic
15 purposes. The bylaws shall prescribe penalties and an appeals
16 process for athletic recruiting violations.

17 (c) The organization shall adopt bylaws that require
18 all students participating in interscholastic athletic
19 competition or who are candidates for an interscholastic
20 athletic team to satisfactorily pass a medical evaluation each
21 year prior to participating in interscholastic athletic
22 competition or engaging in any practice, tryout, workout, or
23 other physical activity associated with the student's
24 candidacy for an interscholastic athletic team. Such medical
25 evaluation can only be administered by a practitioner licensed
26 under the provisions of chapter 458, chapter 459, chapter 460,
27 or s. 464.012, and in good standing with the practitioner's
28 regulatory board. The bylaws shall establish requirements for
29 eliciting a student's medical history and performing the
30 medical evaluation required under this paragraph, which shall
31 include minimum standards for the physical capabilities

1 necessary for participation in interscholastic athletic
2 competition as contained in a uniform preparticipation
3 physical evaluation form. The evaluation form shall provide a
4 place for the signature of the practitioner performing the
5 evaluation with an attestation that each examination procedure
6 listed on the form was performed by the practitioner or by
7 someone under the direct supervision of the practitioner. The
8 form shall also contain a place for the practitioner to
9 indicate if a referral to another practitioner was made in
10 lieu of completion of a certain examination procedure. The
11 form shall provide a place for the practitioner to whom the
12 student was referred to complete the remaining sections and
13 attest to that portion of the examination. Practitioners
14 administering medical evaluations pursuant to this subsection
15 must know the minimum standards established by the
16 organization and certify that the student meets the standards.
17 If the practitioner determines that there are any abnormal
18 findings in the cardiovascular system, the student may not
19 participate unless a subsequent EKG or other cardiovascular
20 assessment indicates that the abnormality will not place the
21 student at risk during such participation. Results of such
22 medical evaluation must be provided to the school. No student
23 shall be eligible to participate in any interscholastic
24 athletic competition or engage in any practice, tryout,
25 workout, or other physical activity associated with the
26 student's candidacy for an interscholastic athletic team until
27 the results of the medical evaluation verifying that the
28 student has satisfactorily passed the evaluation have been
29 received and approved by the school.

30 (d) Notwithstanding the provisions of paragraph (c), a
31 student may participate in interscholastic athletic

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, no person or entity shall be held liable
6 for any injury or other damages suffered by such student as a
7 result of his or her participation in athletics unless the
8 injury or damages are caused by unlawful activity, gross
9 negligence, or willful and wanton misconduct.

10 (3) GOVERNING STRUCTURE OF THE ORGANIZATION.--

11 (a) The organization shall operate as a representative
12 democracy in which the sovereign authority is within its
13 member schools. Except as provided in this section, the
14 organization shall govern its affairs through its bylaws.

15 (b) Each member school, on its annual application for
16 membership, shall name its official representative to the
17 organization. This representative must be either the school
18 principal or his or her designee. That designee must either be
19 an assistant principal or athletic director housed within that
20 same school.

21 (c) The organization's membership shall be divided
22 along existing county lines into four contiguous and compact
23 administrative regions, each containing an equal or nearly
24 equal number of member schools to ensure equitable
25 representation on the organization's board of directors,
26 representative assembly, and committee on appeals.

27 (4) BOARD OF DIRECTORS.--

28 (a) The executive authority of the organization shall
29 be vested in its board of directors. The board of directors
30 shall be composed of 15 persons, as follows:

31

- 1 1. Four public member school representatives, one
2 electd from among its public school representative members
3 within each of the four administrative regions.
- 4 2. Four nonpublic member school representatives, one
5 electd from among its nonpublic school representative members
6 within each of the four administrative regions.
- 7 3. Two representatives appointed by the commissioner,
8 one appointed from the two northernmost administrative regions
9 and one appointed from the two southernmost administrative
10 regions.
- 11 4. Two district school superintendents, one electd
12 from the two northernmost administrative regions by the
13 members in those regions and one electd from the two
14 southernmost administrative regions by the members in those
15 regions.
- 16 5. Two district school board members, one electd from
17 the two northernmost administrative regions by the members in
18 those regions and one electd from the two southernmost
19 administrative regions by the members in those regions.
- 20 6. The commissioner or his or her designee from the
21 department executive staff.
- 22 (b) A quorum of the board of directors shall consist
23 of nine members.
- 24 (c) The board of directors shall elect a president and
25 a vice president from among its members. These officers shall
26 also serve as officers of the organization.
- 27 (d) Members of the board of directors shall serve
28 terms of 3 years and are eligible to succeed themselves only
29 once. A member of the board of directors, other than the
30 commissioner or his or her designee, may serve a maximum of 6
31 consecutive years. The organization's bylaws shall establish a

1 rotation of terms to ensure that a majority of the members'
2 terms do not expire concurrently.
3 (e) The authority and duties of the board of
4 directors, acting as a body and in accordance with the
5 organization's bylaws, are as follows:
6 1. To act as the incorporated organization's board of
7 directors and to fulfill its obligations as required by the
8 organization's charter and articles of incorporation.
9 2. To establish such guidelines, regulations,
10 policies, and procedures as are authorized by the bylaws.
11 3. To provide an organization commissioner, who shall
12 have the authority to waive the bylaws of the organization in
13 order to comply with statutory changes.
14 4. To levy annual dues and other fees and to set the
15 percentage of contest receipts to be collected by the
16 organization.
17 5. To approve the budget of the organization.
18 6. To organize and conduct statewide interscholastic
19 competitions, which may or may not lead to state
20 championships, and to establish the terms and conditions for
21 these competitions.
22 7. To act as an administrative board in the
23 interpretation of, and final decision on, all questions and
24 appeals arising from the directing of interscholastic
25 athletics of member schools.
26 (5) REPRESENTATIVE ASSEMBLY.--
27 (a) The legislative authority of the organization is
28 vested in its representative assembly.
29 (b) The representative assembly shall be composed of
30 the following:
31

- 1 1. An equal number of member school representatives
2 from each of the four administrative regions.
- 3 2. Four district school superintendents, one elected
4 from each of the four administrative regions by the district
5 school superintendents in their respective administrative
6 regions.
- 7 3. Four district school board members, one elected
8 from each of the four administrative regions by the district
9 school board members in their respective administrative
10 regions.
- 11 4. The commissioner or his or her designee from the
12 department executive staff.
- 13 (c) The organization's bylaws shall establish the
14 number of member school representatives to serve in the
15 representative assembly from each of the four administrative
16 regions and shall establish the method for their selection.
- 17 (d) No member of the board of directors other than the
18 commissioner or his or her designee can serve in the
19 representative assembly.
- 20 (e) The representative assembly shall elect a
21 chairperson and a vice chairperson from among its members.
- 22 (f) Elected members of the representative assembly
23 shall serve terms of 2 years and are eligible to succeed
24 themselves for two additional terms. An elected member, other
25 than the commissioner or his or her designee, may serve a
26 maximum of 6 consecutive years in the representative assembly.
- 27 (g) A quorum of the representative assembly consists
28 of one more than half of its members.
- 29 (h) The authority of the representative assembly is
30 limited to its sole duty, which is to consider, adopt, or
31 reject any proposed amendments to the organization's bylaws.

- 1 (i) The representative assembly shall meet as a body
2 annually. A two-thirds majority of the votes cast by members
3 present is required for passage of any proposal.
- 4 (6) PUBLIC LIAISON ADVISORY COMMITTEE.--
- 5 (a) The organization shall establish, sustain, fund,
6 and provide staff support to a public liaison advisory
7 committee composed of the following:
- 8 1. The commissioner or his or her designee.
9 2. A member public school principal.
10 3. A member private school principal.
11 4. A member school principal who is a member of a
12 racial minority.
- 13 5. An active athletic director.
- 14 6. An active coach, who is employed full time by a
15 member school.
- 16 7. A student athlete.
- 17 8. A district school superintendent.
- 18 9. A district school board member.
- 19 10. A member of the Florida House of Representatives.
- 20 11. A member of the Florida Senate.
- 21 12. A parent of a high school student.
- 22 13. A member of a home education association.
- 23 14. A representative of the business community.
- 24 15. A representative of the news media.
- 25 (b) No member of the board of directors, committee on
26 appeals, or representative assembly is eligible to serve on
27 the public liaison advisory committee.
- 28 (c) The public liaison advisory committee shall elect
29 a chairperson and vice chairperson from among its members.
- 30 (d) The authority and duties of the public liaison
31 advisory committee are as follows:

1 1. To act as a conduit through which the general
2 public may have input into the decisionmaking process of the
3 organization and to assist the organization in the development
4 of procedures regarding the receipt of public input and
5 disposition of complaints related to high school athletic and
6 competition programs.

7 2. To conduct public hearings annually in each of the
8 four administrative regions during which interested parties
9 may address issues regarding the effectiveness of the rules,
10 operation, and management of the organization.

11 3. To conduct an annual evaluation of the organization
12 as a whole and present a report of its findings, conclusion,
13 and recommendations to the board of directors, to the
14 commissioner, and to the respective education committees of
15 the Florida Senate and the Florida House of Representatives.
16 The recommendations must delineate policies and procedures
17 that will improve the implementation and oversight of high
18 school athletic programs by the organization.

19 (e) The public liaison advisory committee shall meet
20 four times annually. Additional meetings may be called by the
21 committee chairperson, the organization president, or the
22 organization commissioner.

23 (7) APPEALS.--

24 (a) The organization shall establish a procedure of
25 due process which ensures each student the opportunity to
26 appeal an unfavorable ruling with regard to his or her
27 eligibility to compete. The initial appeal shall be made to a
28 committee on appeals within the administrative region in which
29 the student lives. The organization's bylaws shall establish
30 the number, size, and composition of the committee on appeals.

31

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 aforementioned individuals or bodies. All proposed amendments
31 must be submitted directly to the representative assembly for

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 296. 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

1 Section 297. Section 1006.21, Florida Statutes, is
2 created to read:

3 1006.21 Duties of district school superintendent and
4 district school board regarding transportation.--

5 (1) The district school superintendent shall ascertain
6 which students should be transported to school or to school
7 activities, determine the most effective arrangement of
8 transportation routes to accommodate these students; recommend
9 such routing to the district school board; recommend plans and
10 procedures for providing facilities for the economical and
11 safe transportation of students; recommend such rules and
12 regulations as may be necessary and see that all rules and
13 regulations relating to the transportation of students
14 approved by the district school board, as well as regulations
15 of the state board, are properly carried into effect, as
16 prescribed in this chapter.

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

29 (3) District school boards, after considering
30 recommendations of the district school superintendent:

31

1 (a) Shall provide transportation for each student in
2 prekindergarten disability programs and in kindergarten
3 through grade 12 membership in a public school when, and only
4 when, transportation is necessary to provide adequate
5 educational facilities and opportunities which otherwise would
6 not be available and to transport students whose homes are
7 more than a reasonable walking distance, as defined by rules
8 of the State Board of Education, from the nearest appropriate
9 school.

10 (b) Shall provide transportation for public elementary
11 school students in membership whose grade level does not
12 exceed grade 6, and may provide transportation for public
13 school students in membership in grades 7 through 12, if such
14 students are subjected to hazardous walking conditions as
15 provided in s. 1006.23 while en route to or from school.

16 (c) May provide transportation for public school
17 migrant, exceptional, nursery, and other public school
18 students in membership below kindergarten; kindergarten
19 through grade 12 students in membership in a public school;
20 and adult students in membership in adult career and
21 technical, basic, and high school graduation programs in a
22 public school when, and only when, transportation is necessary
23 to provide adequate educational facilities and opportunities
24 which otherwise would not be available.

25 (d) May provide transportation for the transportation
26 disadvantaged as defined in s. 427.011 and for other
27 school-age children as provided for in s. 1006.261.

28 (e) Shall provide necessary transportation to pregnant
29 students or student parents, and the children of those
30 students, when the district school board operates a teenage
31 parent program pursuant to s. 1003.54.

1 (f) May provide transportation for other persons to
2 events or activities in which the district school board or
3 school has agreed to participate or cosponsor. The district
4 school board shall adopt a policy to address liability for
5 trips pursuant to this paragraph.

6 (g) May provide transportation for welfare transition
7 program participants as defined in s. 414.0252.

8 (4) In each case in which transportation of students
9 is impracticable in the opinion of the district school board,
10 the district school board may take steps for making available
11 educational facilities as are authorized by law or rule of the
12 State Board of Education and as, in the opinion of the
13 district school board, are practical.

14 Section 298. Section 1006.22, Florida Statutes, is
15 created to read:

16 1006.22 Safety and health of students being
17 transported.--Maximum regard for safety and adequate
18 protection of health are primary requirements that must be
19 observed by district school boards in routing buses,
20 appointing drivers, and providing and operating equipment, in
21 accordance with all requirements of law and rules of the State
22 Board of Education in providing transportation pursuant to s.
23 1006.21:

24 (1) District school boards shall use school buses, as
25 defined in s. 1006.25, for all regular transportation. Regular
26 transportation or regular use means transportation of students
27 to and from school or school-related activities that are part
28 of a scheduled series or sequence of events to the same
29 location. "Students" means, for the purposes of this section,
30 students enrolled in the public schools in prekindergarten
31 disability programs and in kindergarten through grade 12.

1 District school boards may regularly use motor vehicles other
2 than school buses only under the following conditions:

3 (a) When the transportation is for physically
4 handicapped or isolated students and the district school board
5 has elected to provide for the transportation of the student
6 through written or oral contracts or agreements.

7 (b) When the transportation is a part of a
8 comprehensive contract for a specialized educational program
9 between a district school board and a service provider who
10 provides instruction, transportation, and other services.

11 (c) When the transportation is provided through a
12 public transit system.

13 (d) When the transportation of students is necessary
14 or practical in a motor vehicle owned or operated by a
15 district school board other than a school bus, such
16 transportation must be provided in designated seating
17 positions in a passenger car not to exceed 8 students or in a
18 multipurpose passenger vehicle designed to transport 10 or
19 fewer persons which meets all applicable federal motor vehicle
20 safety standards. Multipurpose passenger vehicles classified
21 as utility vehicles with a wheelbase of 110 inches or less
22 which are required by federal motor vehicle standards to
23 display a rollover warning label may not be used.

24
25 When students are transported in motor vehicles, the occupant
26 crash protection system provided by the vehicle manufacturer
27 must be used unless the student's physical condition prohibits
28 such use.

29 (2) Except as provided in subsection (1), district
30 school boards may authorize the transportation of students in
31

1 privately owned motor vehicles on a case-by-case basis only in
2 the following circumstances:

3 (a) When a student is ill or injured and must be taken
4 home or to a medical treatment facility under nonemergency
5 circumstances; and

6 1. The school has been unable to contact the student's
7 parent or the parent or responsible adult designated by the
8 parent is not available to provide the transportation;

9 2. Proper adult supervision of the student is
10 available at the location to which the student is being
11 transported;

12 3. The transportation is approved by the school
13 principal, or a school administrator designated by the
14 principal to grant or deny such approval, or in the absence of
15 the principal and designee, by the highest ranking school
16 administrator or teacher available under the circumstances;
17 and

18 4. If the school has been unable to contact the parent
19 prior to the transportation, the school shall continue to seek
20 to contact the parent until the school is able to notify the
21 parent of the transportation and the pertinent circumstances.

22 (b) When the transportation is in connection with a
23 school function or event regarding which the district school
24 board or school has undertaken to participate or to sponsor or
25 provide the participation of students; and

26 1. The function or event is a single event that is not
27 part of a scheduled series or sequence of events to the same
28 location, such as, but not limited to, a field trip, a
29 recreational outing, an interscholastic competition or
30 cooperative event, an event connected with an extracurricular
31 activity offered by the school, or an event connected to an

1 educational program, such as, but not limited to, a job
2 interview as part of a cooperative education program;
3 2. Transportation is not available, as a practical
4 matter, using a school bus or school district passenger car;
5 and
6 3. Each student's parent is notified, in writing,
7 regarding the transportation arrangement and gives written
8 consent before a student is transported in a privately owned
9 motor vehicle.
10 (c) When a district school board requires employees
11 such as school social workers and attendance officers to use
12 their own motor vehicles to perform duties of employment, and
13 such duties include the occasional transportation of students.
14 (3) When approval is granted for the transportation of
15 students in a privately owned vehicle, the provisions of s.
16 1006.24 regarding liability for tort claims are applicable.
17 District school board employees who provide approved
18 transportation in privately owned vehicles are acting within
19 the scope of their employment. Parents or other responsible
20 adults who provide approved transportation in privately owned
21 vehicles have the same exposure to, and protections from,
22 risks of personal liability as do district school board
23 employees acting within the scope of their employment.
24 (4) Each district school board may establish policies
25 that restrict the use of privately owned motor vehicles to
26 circumstances that are more limited than are described in this
27 section or that prohibit such use. Each district school board
28 may establish written policies that provide for more extensive
29 requirements for approval, parental notification and consent
30 procedures, insurance coverage, driver qualifications, or a
31 combination of these.

1 (5) When transportation is authorized in privately
2 owned vehicles, students may be transported only in designated
3 seating positions and must use the occupant crash protection
4 system provided by the vehicle manufacturer.

5 (6) District school boards may contract with a common
6 carrier to transport students to and from in-season and
7 postseason athletic contests and to and from a school function
8 or event in which the district school board or a school has
9 undertaken to participate or to provide for or sponsor the
10 participation of students.

11 (7) Transportation for adult students may be provided
12 by any appropriate means as authorized by the district school
13 board when the transportation is accepted as a responsibility
14 by the district school board as provided in s. 1006.21.

15 (8) Notwithstanding any other provision of this
16 section, in an emergency situation that constitutes an
17 imminent threat to student health or safety, school personnel
18 may take whatever action is necessary under the circumstances
19 to protect student health and safety.

20 (9) Except as provided in s. 1006.261, transportation
21 is not the responsibility of the district school board in
22 connection with any event or activity that is not an event or
23 activity offered by the district school board or an event or
24 an activity in which the district school board or school has
25 agreed to participate, cosponsor, or require the participation
26 of students, and the district school board has no liability
27 for transportation arranged and provided by parents or other
28 parties to such events or activities.

29 (10) Each district school board shall designate and
30 adopt a specific plan for adequate examination, maintenance,
31 and repair of transportation equipment. Examination of the

1 mechanical and safety condition of each school bus must be
2 made as required pursuant to rule of the State Board of
3 Education. The State Board of Education shall base the rule on
4 student safety considerations.

5 (11) The district school superintendent shall notify
6 the district school board of any school bus that does not meet
7 all requirements of law and rules of the State Board of
8 Education, and the district school board shall, if the school
9 bus is in an unsafe condition, withdraw it from use as a
10 school bus until the bus meets the requirements. The
11 department may inspect or have inspected any school bus to
12 determine whether the bus meets requirements of law and rules
13 of the State Board of Education. The department may, after due
14 notice to a district school board that any school bus does not
15 meet certain requirements of law and rules of the State Board
16 of Education, rule that the bus must be withdrawn from use as
17 a school bus, this ruling to be effective immediately or upon
18 a date specified in the ruling, whereupon the district school
19 board shall withdraw the school bus from use as a school bus
20 until it meets requirements of law and rules of the State
21 Board of Education and until the department has officially
22 revoked the pertinent ruling. Notwithstanding any other
23 provisions of this chapter, general purpose urban transit
24 systems are declared qualified to transport students to and
25 from school.

26 (12)(a) The routing and scheduling of school buses
27 must be planned to eliminate the necessity for students to
28 stand while a school bus is in motion. When circumstances of
29 an emergency nature, as defined by written district school
30 board policy, temporarily require transporting students on
31 school buses in excess of the rated seating capacity, the

1 buses must proceed at a reduced rate of speed to maximize
2 safety of the students, taking into account existing traffic
3 conditions. Each district school board is responsible for
4 prompt relief of the emergency condition by providing
5 additional equipment, bus rerouting, bus rescheduling, or
6 other appropriate remedial action, and must maintain written
7 district school board policies to address such situations.
8 (b) Each district school board, after considering
9 recommendations from the district school superintendent, shall
10 designate, by map or otherwise, or shall provide by district
11 school board rule for the designation of, nontransportation
12 zones that are composed of all areas in the school district
13 from which it is unnecessary or impracticable to furnish
14 transportation. Nontransportation zones must be designated
15 annually before the opening of school and the designation of
16 bus routes for the succeeding school year. Each district
17 school board, after considering recommendations from the
18 district school superintendent, shall specifically designate,
19 or shall provide by district school board rule for the
20 designation of, specific routes to be traveled regularly by
21 school buses, and each route must meet the requirements
22 prescribed by rules of the State Board of Education.
23 (c) Each district school board shall establish school
24 bus stops, or provide by district school board rule for the
25 establishment of school bus stops, as necessary at the most
26 reasonably safe locations available. Where unusual traffic
27 hazards exist at school bus stops on roads maintained by the
28 state outside of municipalities, the Department of
29 Transportation, in concurrence and cooperation with and upon
30 request of the district school board, shall place signs at
31 such bus stops warning motorists of the location of the stops.

1 (13) The State Board of Education may adopt rules to
2 implement this section as are necessary or desirable in the
3 interest of student health and safety.

4 Section 299. Section 1006.23, Florida Statutes, is
5 created to read:

6 1006.23 Hazardous walking conditions.--

7 (1) DEFINITION.--As used in this section, "student"
8 means any public elementary school student whose grade level
9 does not exceed grade 6.

10 (2) TRANSPORTATION; CORRECTION OF HAZARDS.--

11 (a) It is intended that district school boards and
12 other governmental entities work cooperatively to identify
13 conditions that are hazardous along student walking routes to
14 school and that district school boards provide transportation
15 to students who would be subjected to such conditions. It is
16 further intended that state or local governmental entities
17 having jurisdiction correct such hazardous conditions within a
18 reasonable period of time.

19 (b) Upon a determination pursuant to this section that
20 a condition is hazardous to students, the district school
21 board shall request a determination from the state or local
22 governmental entity having jurisdiction regarding whether the
23 hazard will be corrected and, if so, regarding a projected
24 completion date. State funds shall be allocated for the
25 transportation of students subjected to such hazards, provided
26 that such funding shall cease upon correction of the hazard or
27 upon the projected completion date, whichever occurs first.

28 (3) IDENTIFICATION OF HAZARDOUS CONDITIONS.--When a
29 request for review is made to the district school
30 superintendent or the district school superintendent's
31 designee concerning a condition perceived to be hazardous to

1 students in that district who live within the 2-mile limit and
2 who walk to school, such condition shall be inspected by a
3 representative of the school district and a representative of
4 the state or local governmental entity that has jurisdiction
5 over the perceived hazardous location. The district school
6 superintendent or his or her designee and the state or local
7 governmental entity or its representative shall then make a
8 final determination that is mutually agreed upon regarding
9 whether the hazardous condition meets the state criteria
10 pursuant to this section. The district school superintendent
11 or his or her designee shall report this final determination
12 to the department.

13 (4) STATE CRITERIA FOR DETERMINING HAZARDOUS WALKING
14 CONDITIONS.--

15 (a) Walkways parallel to the road.--

16 1. It shall be considered a hazardous walking
17 condition with respect to any road along which students must
18 walk in order to walk to and from school if there is not an
19 area at least 4 feet wide adjacent to the road, having a
20 surface upon which students may walk without being required to
21 walk on the road surface. In addition, whenever the road along
22 which students must walk is uncurbed and has a posted speed
23 limit of 55 miles per hour, the area as described above for
24 students to walk upon shall be set off the road by no less
25 than 3 feet from the edge of the road.

26 2. The provisions of subparagraph 1. do not apply when
27 the road along which students must walk:

28 a. Is in a residential area which has little or no
29 transient traffic;

30
31

1 b. Is a road on which the volume of traffic is less
2 than 180 vehicles per hour, per direction, during the time
3 students walk to and from school; or

4 c. Is located in a residential area and has a posted
5 speed limit of 30 miles per hour or less.

6 (b) Walkways perpendicular to the road.--It shall be
7 considered a hazardous walking condition with respect to any
8 road across which students must walk in order to walk to and
9 from school:

10 1. If the traffic volume on the road exceeds the rate
11 of 360 vehicles per hour, per direction (including all lanes),
12 during the time students walk to and from school and if the
13 crossing site is uncontrolled. For purposes of this
14 subsection, an "uncontrolled crossing site" is an intersection
15 or other designated crossing site where no crossing guard,
16 traffic enforcement officer, or stop sign or other traffic
17 control signal is present during the times students walk to
18 and from school.

19 2. If the total traffic volume on the road exceeds
20 4,000 vehicles per hour through an intersection or other
21 crossing site controlled by a stop sign or other traffic
22 control signal, unless crossing guards or other traffic
23 enforcement officers are also present during the times
24 students walk to and from school.

25
26 Traffic volume shall be determined by the most current traffic
27 engineering study conducted by a state or local governmental
28 agency.

29 Section 300. Section 1006.24, Florida Statutes, is
30 created to read:

31 1006.24 Tort liability; liability insurance.--

1 (1) Each district school board shall be liable for
2 tort claims arising out of any incident or occurrence
3 involving a school bus or other motor vehicle owned,
4 maintained, operated, or used by the district school board to
5 transport persons, to the same extent and in the same manner
6 as the state or any of its agencies or subdivisions is liable
7 for tort claims under s. 768.28, except that the total
8 liability to persons being transported for all claims or
9 judgments of such persons arising out of the same incident or
10 occurrence shall not exceed an amount equal to \$5,000
11 multiplied by the rated seating capacity of the school bus or
12 other vehicle, as determined by rules of the State Board of
13 Education, or \$100,000, whichever is greater. The provisions
14 of s. 768.28 apply to all claims or actions brought against
15 district school boards, as authorized in this subsection.

16 (2) Each district school board may secure and keep in
17 force a medical payments plan or medical payments insurance on
18 school buses and other vehicles. If a medical payments plan or
19 insurance is provided, it shall be carried in a sum of no less
20 than \$500 per person.

21 (3) Expenses, costs, or premiums to protect against
22 liability for torts as provided in this section may be paid
23 from any available funds of the district school board.

24 (4) If vehicles used in transportation are not owned
25 by the district school board, the district school board may
26 require owners of such vehicles to show evidence of adequate
27 insurance during the time that such vehicles are in the
28 services of the district school board.

29 Section 301. Section 1006.25, Florida Statutes, is
30 created to read:

31

1 1006.25 School buses.--School buses shall be defined
2 and meet specifications as follows:
3 (1) DEFINITION.--For the purpose of this part, a
4 "school bus" is a motor vehicle regularly used for the
5 transportation of prekindergarten disability program and
6 kindergarten through grade 12 students of the public schools
7 to and from school or to and from school activities, and
8 owned, operated, rented, contracted, or leased by any district
9 school board, except:
10 (a) Passenger cars, multipurpose passenger vehicles,
11 and trucks as defined in 49 C.F.R. part 571.
12 (b) Motor vehicles subject to, and meeting all
13 requirements of, the United States Department of
14 Transportation, Federal Motor Carrier Safety Regulations under
15 Title 49, Code of Federal Regulations and operated by carriers
16 operating under the jurisdiction of these regulations but not
17 used exclusively for the transportation of public school
18 students.
19 (2) SPECIFICATIONS.--Each school bus as defined in 49
20 C.F.R. part 571 and subsection (1) that is rented, leased,
21 purchased, or contracted for must meet the applicable federal
22 motor vehicle safety standards and other specifications as
23 prescribed by rules of the State Board of Education.
24 (3) STANDARDS FOR LEASED VEHICLES.--A motor vehicle
25 owned and operated by a county or municipal transit authority
26 that is leased by the district school board for transportation
27 of public school students must meet such standards as the
28 State Board of Education establishes by rule. A school bus
29 authorized by a district school board to carry passengers
30 other than school students must have the words "School Bus"
31 and any other signs and insignia that mark or designate it as

1 a school bus covered, removed, or otherwise concealed while
2 such passengers are being transported.

3 (4) OCCUPANT PROTECTION SYSTEMS.--Students may be
4 transported only in designated seating positions, except as
5 provided in s. 1006.22(12), and must use the occupant crash
6 protection system provided by the manufacturer, which system
7 must comply with the requirements of 49 C.F.R. part 571 or
8 with specifications of the State Board of Education.

9 Section 302. Section 1006.261, Florida Statutes, is
10 created to read:

11 1006.261 Use of school buses for public purposes.--

12 (1)(a) Each district school board may enter into
13 agreements with the governing body of a county or municipality
14 in the school district or any state agency or agencies
15 established or identified to assist the transportation
16 disadvantaged, as defined in s. 427.011, including the
17 elderly, pursuant to Pub. L. No. 89-73, as amended, for the
18 use of the school buses of the school district by departments,
19 boards, commissions, or officers of such county or
20 municipality or of the state for county, municipal, or state
21 purposes, including transportation of the transportation
22 disadvantaged. Each such agreement shall provide for
23 reimbursement of the district school board, in full or in
24 part, for the proportionate share of fixed and operating costs
25 incurred by the district school board attributable to the use
26 of the buses pursuant to the agreement.

27 (b) Each district school board may enter into
28 agreements with regional workforce boards for the provision of
29 transportation services to participants in the welfare
30 transition program. Agreements must provide for reimbursement
31 in full or in part for the proportionate share of fixed and

1 operating costs incurred by the district school board
2 attributable to the use of buses in accordance with the
3 agreement.

4 (c) Each district school board may enter into
5 agreements with nonprofit corporations and nonprofit civic
6 associations and groups to allow the use of school buses to
7 transport school-age children for activities sponsored by such
8 associations and groups, including, but not limited to, the
9 Girl Scouts, the Boy Scouts, 4-H Clubs, the Y.M.C.A., and
10 similar groups. The use of school buses for these activities
11 shall be pursuant to rules adopted by the district school
12 board and with compensation to the district school board at
13 least equal to the costs incurred by the board for such use.

14 (2)(a) The governing body or state agency or agencies
15 established or identified pursuant to Pub. L. No. 89-73, or
16 the nonprofit corporation or nonprofit civic organization or
17 group, or an agency established or identified to assist the
18 transportation disadvantaged as defined in s. 427.011, shall
19 indemnify and hold harmless the district school board from any
20 and all liability by virtue of the use of the buses pursuant
21 to an agreement authorized by this section.

22 (b) For purposes of liability for negligence, state
23 agencies or subdivisions as defined in s. 768.28(2) shall be
24 covered by s. 768.28. Every other corporation or organization
25 shall provide liability insurance coverage in the minimum
26 amounts of \$100,000 on any claim or judgment and \$200,000 on
27 all claims and judgments arising from the same incident or
28 occurrence.

29 (3) When the buses are used for nonschool purposes
30 other than the transportation of the transportation
31 disadvantaged, the flashing red lights and white strobe lights

1 shall not be used, and the "School Bus" inscriptions on the
2 front and rear of the buses shall be covered or concealed.

3 Section 303. Section 1006.27, Florida Statutes, is
4 created to read:

5 1006.27 Pooling of school buses and related purchases
6 by district school boards; transportation services
7 contracts.--

8 (1) The department shall assist district school boards
9 in securing school buses, contractual needs, equipment, and
10 supplies at as reasonable prices as possible by providing a
11 plan under which district school boards may voluntarily pool
12 their bids for such purchases. The department shall prepare
13 bid forms and specifications, obtain quotations of prices and
14 make such information available to district school boards in
15 order to facilitate this service. District school boards from
16 time to time, as prescribed by State Board of Education rule,
17 shall furnish the department with information concerning the
18 prices paid for such items and the department shall furnish to
19 district school boards periodic information concerning the
20 lowest prices at which school buses, equipment, and related
21 supplies are available based upon comparable specifications.

22 (2) If a contract between any district school board
23 and any person, business, or entity to provide the district
24 school board with school bus service for the transportation of
25 students in the district provides that the person, business,
26 or entity shall own, operate, and maintain school buses for
27 such service, the district school board may purchase the
28 number of buses needed for the district through the department
29 and sell them to the person, business, or entity as a part of
30 the contract for such service.

31

1 Section 304. Part I.f. of chapter 1006, Florida
2 Statutes, shall be entitled "Instructional Materials for K-12
3 Public Education" and shall consist of ss. 1006.28-1006.43.

4 Section 305. Section 1006.28, Florida Statutes, is
5 created to read:

6 1006.28 Duties of district school board, district
7 school superintendent; and school principal regarding K-12
8 instructional materials.--

9 (1) DISTRICT SCHOOL BOARD.--The district school board
10 has the duty to provide adequate instructional materials for
11 all students in accordance with the requirements of this part.
12 The term "adequate instructional materials" means a sufficient
13 number of textbooks or sets of materials serving as the basis
14 for instruction for each student in the core courses of
15 mathematics, language arts, social studies, science, reading,
16 and literature, except for instruction for which the school
17 advisory council approves the use of a program that does not
18 include a textbook as a major tool of instruction. The
19 district school board has the following specific duties:

20 (a) Courses of study; adoption.--Adopt courses of
21 study for use in the schools of the district.

22 (b) Textbooks.--Provide for proper requisitioning,
23 distribution, accounting, storage, care, and use of all
24 instructional materials furnished by the state and furnish
25 such other instructional materials as may be needed. The
26 district school board shall assure that instructional
27 materials used in the district are consistent with the
28 district goals and objectives and the curriculum frameworks
29 adopted by rule of the State Board of Education, as well as
30 with the state and district performance standards provided for
31 in s. 1001.03(1).

1 (c) Other instructional materials.--Provide such other
2 teaching accessories and aids as are needed for the school
3 district's educational program.
4 (d) School library media services; establishment and
5 maintenance.--Establish and maintain a program of school
6 library media services for all public schools in the district,
7 including school library media centers, or school library
8 media centers open to the public, and, in addition such
9 traveling or circulating libraries as may be needed for the
10 proper operation of the district school system.
11 (2) DISTRICT SCHOOL SUPERINTENDENT.--
12 (a) The district school superintendent has the duty to
13 recommend such plans for improving, providing, distributing,
14 accounting for, and caring for textbooks and other
15 instructional aids as will result in general improvement of
16 the district school system, as prescribed in this part, in
17 accordance with adopted district school board rules
18 prescribing the duties and responsibilities of the district
19 school superintendent regarding the requisition, purchase,
20 receipt, storage, distribution, use, conservation, records,
21 and reports of, and management practices and property
22 accountability concerning, instructional materials, and
23 providing for an evaluation of any instructional materials to
24 be requisitioned that have not been used previously in the
25 district's schools. The district school superintendent must
26 keep adequate records and accounts for all financial
27 transactions for funds collected pursuant to subsection (3),
28 as a component of the educational service delivery scope in a
29 school district best financial management practices review
30 under s. 1008.35.
31

1 (b) Each district school superintendent shall notify
2 the department by April 1 of each year the state-adopted
3 instructional materials that will be requisitioned for use in
4 his or her school district. The notification shall include a
5 district school board plan for instructional materials use to
6 assist in determining if adequate instructional materials have
7 been requisitioned.

8 (3) SCHOOL PRINCIPAL.--The school principal has the
9 following duties for the management and care of instructional
10 materials at the school:

11 (a) Proper use of instructional materials.--The
12 principal shall assure that instructional materials are used
13 to provide instruction to students enrolled at the grade level
14 or levels for which the materials are designed, pursuant to
15 adopted district school board rule. The school principal shall
16 communicate to parents the manner in which instructional
17 materials are used to implement the curricular objectives of
18 the school.

19 (b) Money collected for lost or damaged books;
20 enforcement.--The school principal shall collect from each
21 student or the student's parent the purchase price of any
22 instructional material the student has lost, destroyed, or
23 unnecessarily damaged and to report and transmit the money
24 collected to the district school superintendent. If
25 instructional materials lost, destroyed, or damaged have been
26 in school use for more than 1 year, a sum ranging between 50
27 and 75 percent of the purchase price of the book shall be
28 collected, determined by the physical condition of the book.
29 The failure to collect such sum upon reasonable effort by the
30 school principal may result in the suspension of the student
31 from participation in extracurricular activities or

1 satisfaction of the debt by the student through community
2 service activities at the school site as determined by the
3 school principal, pursuant to policies adopted by district
4 school board rule.

5 (c) Sale of instructional materials.--The school
6 principal, upon request of the parent of a student in the
7 school, shall sell to the parent any instructional materials
8 used in the school. All such sales shall be made pursuant to
9 rule adopted by the district school board, and the principal
10 shall annually provide information to parents that they may
11 purchase instructional materials and how to purchase the
12 materials.

13 (d) Disposition of funds.--All money collected from
14 the sale, exchange, loss, or damage of instructional materials
15 shall be transmitted to the district school superintendent to
16 be deposited in the district school board fund and added to
17 the district appropriation for instructional materials.

18 (e) Accounting for textbooks.--Principals shall see
19 that all books are fully and properly accounted for as
20 prescribed by adopted rules of the district school board.

21 Section 306. Section 1006.29, Florida Statutes, is
22 created to read:

23 1006.29 State instructional materials committees.--

24 (1) Each school year, not later than April 15, the
25 commissioner shall appoint state instructional materials
26 committees composed of persons actively engaged in teaching or
27 in the supervision of teaching in the public elementary,
28 middle, or high schools and representing the major fields and
29 levels in which instructional materials are used in the public
30 schools and, in addition, lay citizens not professionally
31 connected with education. Committee members shall receive

1 training pursuant to subsection (5) in competencies related to
2 the evaluation and selection of instructional materials.

3 (a) There shall be ten or more members on each
4 committee: At least 50 percent of the members shall be
5 classroom teachers who are certified in an area directly
6 related to the academic area or level being considered for
7 adoption, two shall be laypersons, one shall be a district
8 school board member, and two shall be supervisors of teachers.
9 The committee must have the capacity or expertise to address
10 the broad racial, ethnic, socioeconomic, and cultural
11 diversity of the state's student population. Personnel
12 selected as teachers of the year at the school, district,
13 regional, or state level are encouraged to serve on
14 instructional materials committees.

15 (b) The membership of each committee must reflect the
16 broad racial, ethnic, socioeconomic, and cultural diversity of
17 the state, including a balanced representation from the
18 state's geographic regions.

19 (c) The commissioner shall determine annually the
20 areas in which instructional materials shall be submitted for
21 adoption, taking into consideration the desires of the
22 district school boards. The commissioner shall also determine
23 the number of titles to be adopted in each area.

24 (2)(a) All appointments shall be as prescribed in this
25 section. No member shall serve more than two consecutive
26 terms on any committee. All appointments shall be for
27 18-month terms. All vacancies shall be filled in the manner
28 of the original appointment for only the time remaining in the
29 unexpired term. At no time may a district school board have
30 more than one representative on a committee. The commissioner

31

1 and a member of the department whom he or she shall designate
2 shall be additional and ex officio members of each committee.

3 (b) The names and mailing addresses of the members of
4 the state instructional materials committees shall be made
5 public when appointments are made.

6 (c) The district school board shall be reimbursed for
7 the actual cost of substitute teachers for each workday that a
8 member of its instructional staff is absent from his or her
9 assigned duties for the purpose of rendering service to the
10 state instructional materials committee. In addition,
11 committee members shall be reimbursed for travel expenses and
12 per diem in accordance with s. 112.061 for actual service in
13 meetings of committees called by the commissioner. Payment of
14 such travel expenses shall be made by the Treasurer from the
15 appropriation for the administration of the instructional
16 materials program, on warrants to be drawn by the Comptroller
17 upon requisition approved by the commissioner.

18 (d) Any member of a committee may be removed by the
19 commissioner for cause.

20 (3) All references in the law to the state
21 instructional materials committee shall apply to each
22 committee created by this section.

23 (4) For purposes of state adoption, "instructional
24 materials" means items having intellectual content that by
25 design serve as a major tool for assisting in the instruction
26 of a subject or course. These items may be available in bound,
27 unbound, kit, or package form and may consist of hardbacked or
28 softbacked textbooks, consumables, learning laboratories,
29 manipulatives, electronic media, and computer courseware or
30 software. The term does not include electronic or computer
31 hardware even if such hardware is bundled with software or

1 other electronic media, nor does it include equipment or
2 supplies.
3 (5) The department shall develop a training program
4 for persons selected to serve on state instructional materials
5 committees. The program shall be structured to assist
6 committee members in developing the skills necessary to make
7 valid, culturally sensitive, and objective decisions regarding
8 the content and rigor of instructional materials. All persons
9 serving on instructional materials committees must complete
10 the training program prior to beginning the review and
11 selection process.
12 Section 307. Section 1006.30, Florida Statutes, is
13 created to read:
14 1006.30 Affidavit of state instructional materials
15 committee members.--Before transacting any business, each
16 member of a state committee shall make an affidavit, to be
17 filed with the commissioner, that:
18 (1) The member will faithfully discharge the duties
19 imposed upon him or her as a member of the committee.
20 (2) The member has no interest, and while a member of
21 the committee he or she will assume no interest, in any
22 publishing or manufacturing organization which produces or
23 sells instructional materials.
24 (3) The member is in no way connected, and while a
25 member of the committee he or she will assume no connection,
26 with the distribution of the instructional materials.
27 (4) The member is not pecuniarily interested, and
28 while a member of the committee he or she will assume no
29 pecuniary interest, directly or indirectly, in the business or
30 profits of any person engaged in manufacturing, publishing, or
31

1 selling instructional materials designed for use in the public
2 schools.

3 (5) The member will not accept any emolument or
4 promise of future reward of any kind from any publisher or
5 manufacturer of instructional materials or his or her agent or
6 anyone interested in, or intending to bias his or her judgment
7 in any way in, the selection of any materials to be adopted.

8 (6) It is unlawful for any member of a state
9 instructional materials committee to discuss matters relating
10 to instructional materials submitted for adoption with any
11 agent of a publisher or manufacturer of instructional
12 materials, either directly or indirectly, except during the
13 period when the committee has been called into session for the
14 purpose of evaluating instructional materials submitted for
15 adoption. Such discussions shall be limited to official
16 meetings of the committee and in accordance with procedures
17 prescribed by the commissioner for that purpose.

18 Section 308. Section 1006.31, Florida Statutes, is
19 created to read:

20 1006.31 Duties of each state instructional materials
21 committee.--The duties of each state instructional materials
22 committee are:

23 (1) PLACE AND TIME OF MEETING.--To meet at the call of
24 the commissioner, at a place in the state designated by him or
25 her, for the purpose of evaluating and recommending
26 instructional materials for adoption by the state. All
27 meetings of state instructional materials committees shall be
28 announced publicly in the Florida Administrative Weekly at
29 least 2 weeks prior to the date of convening. All meetings of
30 the committees shall be open to the public.

31

1 (2) ORGANIZATION.--To elect a chair and vice chair for
2 each adoption. An employee of the department shall serve as
3 secretary to the committee and keep an accurate record of its
4 proceedings. All records of committee motions and votes, and
5 summaries of committee debate shall be incorporated into a
6 publishable document and shall be available for public
7 inspection and duplication.

8 (3) PROCEDURES.--To adhere to procedures prescribed by
9 the commissioner for evaluating instructional materials
10 submitted by publishers and manufacturers in each adoption.

11 (4) EVALUATION OF INSTRUCTIONAL MATERIALS.--To
12 evaluate carefully all instructional materials submitted, to
13 ascertain which instructional materials, if any, submitted for
14 consideration best implement the selection criteria developed
15 by the commissioner and those curricular objectives included
16 within applicable performance standards provided for in s.
17 1001.03(1).

18 (a) When recommending instructional materials for use
19 in the schools, each committee shall include only
20 instructional materials that accurately portray the ethnic,
21 socioeconomic, cultural, and racial diversity of our society,
22 including men and women in professional, career and technical,
23 and executive roles, and the role and contributions of the
24 entrepreneur and labor in the total development of this state
25 and the United States.

26 (b) When recommending instructional materials for use
27 in the schools, each committee shall include only materials
28 which accurately portray, whenever appropriate, humankind's
29 place in ecological systems, including the necessity for the
30 protection of our environment and conservation of our natural
31 resources and the effects on the human system of the use of

1 tobacco, alcohol, controlled substances, and other dangerous
2 substances.

3 (c) When recommending instructional materials for use
4 in the schools, each committee shall require such materials as
5 it deems necessary and proper to encourage thrift, fire
6 prevention, and humane treatment of people and animals.

7 (d) When recommending instructional materials for use
8 in the schools, each committee shall require, when appropriate
9 to the comprehension of students, that materials for social
10 science, history, or civics classes contain the Declaration of
11 Independence and the Constitution of the United States. No
12 instructional materials shall be recommended by any committee
13 for use in the schools which contain any matter reflecting
14 unfairly upon persons because of their race, color, creed,
15 national origin, ancestry, gender, or occupation.

16 (e) All instructional materials recommended by each
17 committee for use in the schools shall be, to the satisfaction
18 of each committee, accurate, objective, and current and suited
19 to the needs and comprehension of students at their respective
20 grade levels. Instructional materials committees shall
21 consider for adoption materials developed for academically
22 talented students such as those enrolled in advanced placement
23 courses.

24 (5) REPORT OF COMMITTEE.--Each committee, after a
25 thorough study of all data submitted on each instructional
26 material, and after each member has carefully evaluated each
27 instructional material, shall present a written report to the
28 commissioner. Such report shall be made public, and shall
29 include:

30
31

1 (a) A description of the procedures used in
2 determining the instructional materials to be recommended to
3 the commissioner.

4 (b) Recommendations of instructional materials for
5 each grade and subject field in the curriculum of public
6 elementary, middle, and high schools in which adoptions are to
7 be made. If deemed advisable, the committee may include such
8 other information, expression of opinion, or recommendation as
9 would be helpful to the commissioner. If there is a
10 difference of opinion among the members of the committee as to
11 the merits of any instructional materials, any member may file
12 an expression of his or her individual opinion.

13
14 The findings of the committees, including the evaluation of
15 instructional materials, shall be in sessions open to the
16 public. All decisions leading to determinations of the
17 committees shall be by roll call vote, and at no time will a
18 secret ballot be permitted.

19 Section 309. Section 1006.32, Florida Statutes, is
20 created to read:

21 1006.32 Prohibited acts.--

22 (1) No publisher or manufacturer of instructional
23 material, or any representative thereof, shall offer to give
24 any emolument, money, or other valuable thing, or any
25 inducement, to any district school board official or member of
26 a state-level instructional materials committee to directly or
27 indirectly introduce, recommend, vote for, or otherwise
28 influence the adoption or purchase of any instructional
29 materials.

30 (2) No district school board official or member of a
31 state instructional materials committee shall solicit or

1 accept any emolument, money, or other valuable thing, or any
2 inducement, to directly or indirectly introduce, recommend,
3 vote for, or otherwise influence the adoption or purchase of
4 any instructional material.

5 (3) No district school board or publisher may
6 participate in a pilot program of materials being considered
7 for adoption during the 18-month period before the official
8 adoption of the materials by the commissioner. Any pilot
9 program during the first 2 years of the adoption period must
10 have the prior approval of the commissioner.

11 (4) Any publisher or manufacturer of instructional
12 materials or representative thereof or any district school
13 board official or state instructional materials committee
14 member, who violates any provision of this section commits a
15 misdemeanor of the second degree, punishable as provided in s.
16 775.082 or s. 775.083. Any representative of a publisher or
17 manufacturer who violates any provision of this section, in
18 addition to any other penalty, shall be banned from practicing
19 business in the state for a period of 1 calendar year. Any
20 district school board official or state instructional
21 materials committee member who violates any provision of this
22 section, in addition to any other penalty, shall be removed
23 from his or her official position.

24 (5) Nothing in this section shall be construed to
25 prevent any publisher, manufacturer, or agent from supplying,
26 for purposes of examination, necessary sample copies of
27 instructional materials to any district school board official
28 or instructional materials committee member.

29 (6) Nothing in this section shall be construed to
30 prevent a district school board official or instructional
31

1 materials committee member from receiving sample copies of
2 instructional materials.

3 (7) Nothing contained in this section shall be
4 construed to prohibit or restrict a district school board
5 official from receiving royalties or other compensation, other
6 than compensation paid to him or her as commission for
7 negotiating sales to district school boards, from the
8 publisher or manufacturer of instructional materials written,
9 designed, or prepared by such district school board official,
10 and adopted by the commissioner or purchased by any district
11 school board. No district school board official shall be
12 allowed to receive royalties on any materials not on the
13 state-adopted list purchased for use by his or her district
14 school board.

15 (8) No district school superintendent, district school
16 board member, teacher, or other person officially connected
17 with the government or direction of public schools shall
18 receive during the months actually engaged in performing
19 duties under his or her contract any private fee, gratuity,
20 donation, or compensation, in any manner whatsoever, for
21 promoting the sale or exchange of any school book, map, or
22 chart in any public school, or be an agent for the sale or the
23 publisher of any school textbook or reference work, or be
24 directly or indirectly pecuniarily interested in the
25 introduction of any such textbook, and any such agency or
26 interest shall disqualify any person so acting or interested
27 from holding any district school board employment whatsoever,
28 and the person commits a misdemeanor of the second degree,
29 punishable as provided in s. 775.082 or s. 775.083; provided
30 that this subsection shall not be construed as preventing the

31

1 adoption of any book written in whole or in part by a Florida
2 author.

3 Section 310. Section 1006.33, Florida Statutes, is
4 created to read:

5 1006.33 Bids or proposals; advertisement and its
6 contents.--

7 (1)(a) Beginning on or before May 15 of any year in
8 which an instructional materials adoption is to be initiated,
9 the department shall advertise in the Florida Administrative
10 Weekly 4 weeks preceding the date on which the bids shall be
11 received, that at a certain designated time, not later than
12 June 15, sealed bids or proposals to be deposited with the
13 department will be received from publishers or manufacturers
14 for the furnishing of instructional materials proposed to be
15 adopted as listed in the advertisement beginning April 1
16 following the adoption.

17 (b) The advertisement shall state that each bidder
18 shall furnish specimen copies of all instructional materials
19 submitted, at a time designated by the department, which
20 specimen copies shall be identical with the copies approved
21 and accepted by the members of the state instructional
22 materials committee, as prescribed in this section, and with
23 the copies furnished to the department and district school
24 superintendents, as provided in this part.

25 (c) The advertisement shall state that a contract
26 covering the adoption of the instructional materials shall be
27 for a definite term.

28 (d) The advertisement shall fix the time within which
29 the required contract must be executed and shall state that
30 the department reserves the right to reject any or all bids.

31

1 (e) The advertisement shall give information as to how
2 specifications which have been adopted by the department in
3 regard to paper, binding, cover boards, and mechanical makeup
4 can be secured. In adopting specifications, the department
5 shall make an exception for instructional materials that are
6 college-level texts and that do not meet department physical
7 specifications for secondary materials, if the publisher
8 guarantees replacement during the term of the contract.

9 (2) The bids submitted shall be for furnishing the
10 designated materials in accordance with specifications of the
11 department. The bid shall state the lowest wholesale price at
12 which the materials will be furnished, at the time the
13 adoption period provided in the contract begins, delivered
14 f.o.b. to the Florida depository of the publisher,
15 manufacturer, or bidder.

16 (3) The department shall require each publisher or
17 manufacturer of instructional materials who submits a bid
18 under this part to deposit with the department such sum of
19 money or certified check as may be determined by the
20 department, the amount to be not less than \$500 and not more
21 than \$2,500, according to the number of instructional
22 materials covered by the bid, which deposit shall be forfeited
23 to the state and placed in the General Revenue Fund if the
24 bidder making the deposit fails or refuses to execute the
25 contract and bond within 30 days after receipt of the contract
26 in case his or her bid or proposal is accepted. The
27 commissioner shall, upon determining that the deposit is
28 correct and proper, transmit the deposit to the Treasurer, who
29 shall deposit the funds for credit to the Textbook Bid Trust
30 Fund and issue his or her official receipt.

31

1 (4) Specimen copies of all instructional materials
2 that have been made the bases of contracts under this part
3 shall, upon request for the purpose of public inspection, be
4 made available by the publisher to the department and the
5 district school superintendent of each district school board
6 that adopts the instructional materials from the state list
7 upon request for the purpose of public inspection. All
8 contracts and bonds executed under this part shall be signed
9 in triplicate. One copy of each contract and an original of
10 each bid, whether accepted or rejected, shall be preserved
11 with the department for at least 3 years after termination of
12 the contract.

13 Section 311. Section 1006.34, Florida Statutes, is
14 created to read:

15 1006.34 Powers and duties of the commissioner and the
16 department in selecting and adopting instructional
17 materials.--

18 (1) PROCEDURES FOR EVALUATING INSTRUCTIONAL
19 MATERIALS.--The commissioner shall prescribe the procedures by
20 which the department shall evaluate instructional materials
21 submitted by publishers and manufacturers in each adoption.
22 Included in these procedures shall be provisions which afford
23 each publisher or manufacturer or his or her representative an
24 opportunity to present to members of the state instructional
25 materials committees the merits of each instructional material
26 submitted in each adoption.

27 (2) SELECTION AND ADOPTION OF INSTRUCTIONAL
28 MATERIALS.--

29 (a) The department shall notify all publishers and
30 manufacturers of instructional materials who have submitted
31 bids that within 3 weeks after the deadline for receiving

1 bids, at a designated time and place, it will open the bids
2 submitted and deposited with it. At the time and place
3 designated, the bids shall be opened, read, and tabulated in
4 the presence of the bidders or their representatives. No one
5 may revise his or her bid after the bids have been filed.
6 When all bids have been carefully considered, the commissioner
7 shall, from the list of suitable, usable, and desirable
8 instructional materials reported by the state instructional
9 materials committee, select and adopt instructional materials
10 for each grade and subject field in the curriculum of public
11 elementary, middle, and high schools in which adoptions are
12 made and in the subject areas designated in the advertisement.
13 The adoption shall continue for the period specified in the
14 advertisement, beginning on the ensuing April 1. The adoption
15 shall not prevent the extension of a contract as provided in
16 subsection (3). The commissioner shall always reserve the
17 right to reject any and all bids. The commissioner may ask for
18 new sealed bids from publishers or manufacturers whose
19 instructional materials were recommended by the state
20 instructional materials committee as suitable, usable, and
21 desirable; specify the dates for filing such bids and the date
22 on which they shall be opened; and proceed in all matters
23 regarding the opening of bids and the awarding of contracts as
24 required by this part. In all cases, bids shall be accompanied
25 by a cash deposit or certified check of from \$500 to \$2,500,
26 as the commissioner may direct. The department, in adopting
27 instructional materials, shall give due consideration both to
28 the prices bid for furnishing instructional materials and to
29 the report and recommendations of the state instructional
30 materials committee. When the commissioner has finished with
31 the report of the state instructional materials committee, the

1 report shall be filed and preserved with the department and
2 shall be available at all times for public inspection.

3 (b) In the selection of instructional materials,
4 library books, and other reading material used in the public
5 school system, the standards used to determine the propriety
6 of the material shall include:

7 1. The age of the students who normally could be
8 expected to have access to the material.

9 2. The educational purpose to be served by the
10 material. In considering instructional materials for classroom
11 use, priority shall be given to the selection of materials
12 which encompass the state and district school board
13 performance standards provided for in s. 1001.03(1) and which
14 include the instructional objectives contained within the
15 curriculum frameworks approved by rule of the State Board of
16 Education.

17 3. The degree to which the material would be
18 supplemented and explained by mature classroom instruction as
19 part of a normal classroom instructional program.

20 4. The consideration of the broad racial, ethnic,
21 socioeconomic, and cultural diversity of the students of this
22 state.

23
24 No book or other material containing hard-core pornography or
25 otherwise prohibited by s. 847.012 shall be used or available
26 within any public school district.

27 (3) CONTRACT WITH PUBLISHERS OR MANUFACTURERS;
28 BOND.--As soon as practicable after the commissioner has
29 adopted any instructional materials and all bidders that have
30 secured the adoption of any instructional materials have been
31 notified thereof by registered letter, the Department of Legal

1 Affairs shall prepare a contract in proper form with every
2 bidder awarded the adoption of any instructional materials.
3 Each contract shall be executed by the Governor and Secretary
4 of State under the seal of the state, one copy to be kept by
5 the contractor, one copy to be filed with the Department of
6 State, and one copy to be filed with the department. After
7 giving due consideration to comments by the district school
8 boards, the commissioner, with the agreement of the publisher,
9 may extend or shorten a contract period for a period not to
10 exceed 2 years; and the terms of any such contract shall
11 remain the same as in the original contract. Any publisher or
12 manufacturer to whom any contract is let under this part must
13 give bond in such amount as the commissioner requires, payable
14 to the state, conditioned for the faithful, honest, and exact
15 performance of the contract. The bond must provide for the
16 payment of reasonable attorney's fees in case of recovery in
17 any suit thereon. The surety on the bond must be a guaranty or
18 surety company lawfully authorized to do business in the
19 state; however, the bond shall not be exhausted by a single
20 recovery but may be sued upon from time to time until the full
21 amount thereof is recovered, and the department may at any
22 time, after giving 30 days' notice, require additional
23 security or additional bond. The form of any bond or bonds or
24 contract or contracts under this part shall be prepared and
25 approved by the Department of Legal Affairs. At the discretion
26 of the commissioner, a publisher or manufacturer to whom any
27 contract is let under this part may be allowed a cash deposit
28 in lieu of a bond, conditioned for the faithful, honest, and
29 exact performance of the contract. The cash deposit, payable
30 to the department, shall be placed in the Textbook Bid Trust
31 Fund. The department may recover damages on the cash deposit

1 given by the contractor for failure to furnish instructional
2 materials, the sum recovered to inure to the General Revenue
3 Fund.
4 (4) REGULATIONS GOVERNING THE CONTRACT.--The
5 department may, from time to time, take any necessary actions,
6 consistent with this part, to secure the prompt and faithful
7 performance of all instructional materials contracts; and if
8 any contractor fails or refuses to furnish instructional
9 materials as provided in this part or otherwise breaks his or
10 her contract, the department may sue on the required bond in
11 the name of the state, in the courts of the state having
12 jurisdiction, and recover damages on the bond given by the
13 contractor for failure to furnish instructional materials, the
14 sum recovered to inure to the General Revenue Fund.
15 (5) RETURN OF DEPOSITS.--
16 (a) The successful bidder shall be notified by
17 registered mail of the award of contract and shall, within 30
18 days after receipt of the contract, execute the proper
19 contract and post the required bond. When the bond and
20 contract have been executed, the department shall notify the
21 Comptroller and request that a warrant be issued against the
22 Textbook Bid Trust Fund payable to the successful bidder in
23 the amount deposited pursuant to this part. The Comptroller
24 shall issue and forward the warrant to the department for
25 distribution to the bidder.
26 (b) At the same time or prior thereto, the department
27 shall inform the Comptroller of the names of the unsuccessful
28 bidders. Upon receipt of such notice, the Comptroller shall
29 issue warrants against the Textbook Bid Trust Fund payable to
30 the unsuccessful bidders in the amounts deposited pursuant to
31

1 this part and shall forward the warrants to the department for
2 distribution to the unsuccessful bidders.

3 (c) One copy of each contract and an original of each
4 bid, whether accepted or rejected, shall be preserved with the
5 department for at least 3 years after the termination of the
6 contract.

7 (6) DEPOSITS FORFEITED.--If any successful bidder
8 fails or refuses to execute contract and bond within 30 days
9 after receipt of the contract, the cash deposit shall be
10 forfeited to the state and placed by the Treasurer in the
11 General Revenue Fund.

12 (7) FORFEITURE OF CONTRACT AND BOND.--If any publisher
13 or manufacturer of instructional materials fails or refuses to
14 furnish a book, or books, or other instructional materials as
15 provided in the contract, his or her bond is forfeited and the
16 department shall make another contract on such terms as it may
17 find desirable, after giving due consideration to the
18 recommendations of the commissioner.

19 Section 312. Section 1006.35, Florida Statutes, is
20 created to read:

21 1006.35 Accuracy of instructional materials.--

22 (1) In addition to relying on statements of publishers
23 or manufacturers of instructional materials, the commissioner
24 may conduct or cause to be conducted an independent
25 investigation to determine the accuracy of state-adopted
26 instructional materials.

27 (2) When errors in state-adopted materials are
28 confirmed, the publisher of the materials shall provide to
29 each district school board that has purchased the materials
30 the corrections in a format approved by the commissioner.

31

1 (3) The commissioner may remove materials from the
2 list of state-adopted materials if he or she finds that the
3 content is in error and the publisher refuses to correct the
4 error when notified by the department.

5 (4) The commissioner may remove materials from the
6 list of state-adopted materials at the request of the
7 publisher if, in his or her opinion, there is no material
8 impact on the state's education goals.

9 Section 313. Section 1006.36, Florida Statutes, is
10 created to read:

11 1006.36 Term of adoption for instructional
12 materials.--

13 (1) The term of adoption of any instructional
14 materials must be a 6-year period beginning on April 1
15 following the adoption, except that the commissioner may
16 approve terms of adoption of less than 6 years for materials
17 in content areas which require more frequent revision. Any
18 contract for instructional materials may be extended as
19 prescribed in s. 1006.34(3).

20 (2) The department shall publish annually an official
21 schedule of subject areas to be called for adoption for each
22 of the succeeding 2 years, and a tentative schedule for years
23 3, 4, 5, and 6. If extenuating circumstances warrant, the
24 commissioner may order the department to add one or more
25 subject areas to the official schedule, in which event the
26 commissioner shall develop criteria for such additional
27 subject area or areas and make them available to publishers as
28 soon as practicable before the date on which bids are due. The
29 schedule shall be developed so as to promote balance among the
30 subject areas so that the required expenditure for new

31

1 instructional materials is approximately the same each year in
2 order to maintain curricular consistency.

3 Section 314. Section 1006.37, Florida Statutes, is
4 created to read:

5 1006.37 Requisition of instructional materials from
6 publisher's depository.--

7 (1) The district school superintendent shall
8 requisition adopted instructional materials from the
9 depository of the publisher with whom a contract has been
10 made. However, the superintendent shall requisition current
11 instructional materials to provide each student with a
12 textbook or other materials as a major tool of instruction in
13 core courses of the subject areas specified in s. 1006.40(2).
14 These materials must be requisitioned within the first 2 years
15 of the adoption cycle, except for instructional materials
16 related to growth of student membership or instructional
17 materials maintenance needs. The superintendent may
18 requisition instructional materials in the core subject areas
19 specified in s. 1006.40(2) that are related to growth of
20 student membership or instructional materials maintenance
21 needs during the 3rd, 4th, 5th, and 6th years of the original
22 contract period.

23 (2) The district school superintendent shall verify
24 that the requisition is complete and accurate and order the
25 depository to forward to him or her the adopted instructional
26 materials shown by the requisition. The depository shall
27 prepare an invoice of the materials shipped, including
28 shipping charges, and mail it to the superintendent to whom
29 the shipment is being made. The superintendent shall pay the
30 depository within 60 days after receipt of the requisitioned

31

1 materials from the appropriation for the purchase of adopted
2 instructional materials.

3 Section 315. Section 1006.38, Florida Statutes, is
4 created to read:

5 1006.38 Duties, responsibilities, and requirements of
6 instructional materials publishers and
7 manufacturers.--Publishers and manufacturers of instructional
8 materials, or their representatives, shall:

9 (1) Comply with all provisions of this part.

10 (2) Deliver fully developed specimen copies of all
11 instructional materials upon which bids are based to each
12 member of a state instructional materials committee. At the
13 conclusion of the review process, manufacturers submitting
14 samples of instructional materials are entitled to the return
15 thereof, at the expense of the manufacturers; or, in the
16 alternative, the manufacturers are entitled to reimbursement
17 by the individual committee members for the retail value of
18 the samples.

19 (3) Submit, at a time designated in s. 1006.33, the
20 following information:

21 (a) Detailed specifications of the physical
22 characteristics of the instructional materials. The publisher
23 or manufacturer shall comply with these specifications if the
24 instructional materials are adopted and purchased in completed
25 form.

26 (b) Written proof that the publisher has provided
27 written correlations to appropriate curricular objectives
28 included within applicable performance standards provided for
29 in s. 1001.03(1).

30
31

- 1 (4) Make available for purchase by any district school
2 board any diagnostic, criterion-referenced, or other tests
3 that they may develop.
- 4 (5) Furnish the instructional materials offered by
5 them at a price in the state which, including all costs of
6 transportation to their depositories, shall not exceed the
7 lowest price at which they offer such instructional materials
8 for adoption or sale to any state or school district in the
9 United States.
- 10 (6) Reduce automatically the price of the
11 instructional materials to any district school board to the
12 extent that reductions are made elsewhere in the United
13 States.
- 14 (7) Provide any instructional materials free of charge
15 in the state to the same extent as they are provided free of
16 charge to any state or school district in the United States.
- 17 (8) Guarantee that all copies of any instructional
18 materials sold in this state will be at least equal in quality
19 to the copies of such instructional materials that are sold
20 elsewhere in the United States and will be kept revised, free
21 from all errors, and up-to-date as may be required by the
22 department.
- 23 (9) Agree that any supplementary material developed at
24 the district or state level does not violate the author's or
25 publisher's copyright, provided such material is developed in
26 accordance with the doctrine of fair use.
- 27 (10) Not in any way, directly or indirectly, become
28 associated or connected with any combination in restraint of
29 trade in instructional materials, nor enter into any
30 understanding, agreement, or combination to control prices or
31

1 restrict competition in the sale of instructional materials
2 for use in the state.
3 (11) Maintain or contract with a depository in the
4 state.
5 (12) For the core subject areas specified in s.
6 1006.40(2), maintain in the depository for the first 2 years
7 of the contract an inventory of instructional materials
8 sufficient to receive and fill orders.
9 (13) For the core subject areas specified in s.
10 1006.40(2), ensure the availability of an inventory sufficient
11 to receive and fill orders for instructional materials for
12 growth, including the opening of a new school, and replacement
13 during the 3rd and subsequent years of the original contract
14 period.
15 (14) For all other subject areas, maintain in the
16 depository an inventory of instructional materials sufficient
17 to receive and fill orders.
18 (15) Accurately and fully disclose only the names of
19 those persons who actually authored the instructional
20 materials. In addition to the penalties provided in
21 subsection (17), the commissioner may remove from the list of
22 state-adopted instructional materials those instructional
23 materials whose publisher or manufacturer misleads the
24 purchaser by falsely representing genuine authorship.
25 (16) Grant, without prior written request, for any
26 copyright held by the publisher or its agencies automatic
27 permission to the department or its agencies for the
28 reproduction of textbooks and supplementary materials in
29 braille or large print or in the form of sound recordings, for
30 use by visually impaired students or other students with
31 disabilities that would benefit from use of the materials.

1 (17) Upon the willful failure of the publisher or
2 manufacturer to comply with the requirements of this section,
3 be liable to the department in the amount of 3 times the total
4 sum which the publisher or manufacturer was paid in excess of
5 the price required under subsections (5) and (6) and in the
6 amount of 3 times the total value of the instructional
7 materials and services which the district school board is
8 entitled to receive free of charge under subsection (7).

9 Section 316. Section 1006.39, Florida Statutes, is
10 created to read:

11 1006.39 Production and dissemination of educational
12 materials and products by department.--

13 (1) Educational materials and products developed by or
14 under the direction of the department, through research and
15 development or other efforts, including those subject to
16 copyright, patent, or trademark, shall be made available for
17 use by teachers, students, administrators, and other
18 appropriate persons in the state system of education at the
19 earliest practicable date and in the most economical and
20 efficient manner possible.

21 (2) To accomplish this objective the department may
22 publish, produce, or have produced educational materials and
23 products and make them readily available for appropriate use
24 in the state system of education. The department may charge
25 an amount adequate to cover the essential cost of producing
26 and disseminating such materials and products in the state
27 system of education and may sell copies for educational use to
28 private schools in the state and to the public.

29 (3) All proceeds from the sale of educational
30 materials and products shall be remitted to the Treasurer and
31 shall be kept in a separate fund to be known as the

1 "Educational Media and Technology Trust Fund" and, when
2 properly budgeted as approved by the Legislature and the
3 Executive Office of the Governor, used to pay the cost of
4 producing and disseminating educational materials and
5 products.

6 (4) In cases in which the educational materials or
7 products are of such nature, or the circumstances are such,
8 that it is not practicable or feasible for the department to
9 produce or have produced materials and products so developed,
10 it may, after review and approval by the Department of State,
11 license, lease, assign, sell, or otherwise give written
12 consent to any person, firm or corporation for the manufacture
13 or use thereof, on a royalty basis, or for such other
14 consideration as the department finds proper and in the best
15 interest of the state. The department shall protect
16 educational materials and products against improper or
17 unlawful use or infringement and enforce the collection of any
18 sums due for the manufacture or use thereof by any other
19 party.

20 (5) The department shall not enter into the business
21 of producing or publishing textbooks, or the contents therein,
22 for general use in classrooms.

23 Section 317. Section 1006.40, Florida Statutes, is
24 created to read:

25 1006.40 Use of instructional materials allocation;
26 instructional materials, library books, and reference books;
27 repair of books.--

28 (1) On or before July 1 each year, the commissioner
29 shall certify to each district school superintendent the
30 estimated allocation of state funds for instructional
31

1 materials, computed pursuant to the provisions of s. 1011.67
2 for the ensuing fiscal year.

3 (2)(a) Each district school board must purchase
4 current instructional materials to provide each student with a
5 textbook or other instructional materials as a major tool of
6 instruction in core courses of the appropriate subject areas
7 of mathematics, language arts, science, social studies,
8 reading, and literature for kindergarten through grade 12.
9 Such purchase must be made within the first 2 years of the
10 effective date of the adoption cycle. Unless specifically
11 provided for in the General Appropriations Act, the cost of
12 instructional materials purchases required by this paragraph
13 shall not exceed the amount of the district's allocation for
14 instructional materials, pursuant to s. 1011.67, for the
15 previous 2 years.

16 (b) The requirement in paragraph (a) does not apply to
17 contracts in existence before April 1, 2000, or to a purchase
18 related to growth of student membership in the district or for
19 instructional materials maintenance needs.

20 (3)(a) Each district school board shall use the annual
21 allocation for the purchase of instructional materials
22 included on the state-adopted list, except as otherwise
23 authorized in paragraphs (b) and (c). No less than 50 percent
24 of the annual allocation shall be used to purchase items which
25 will be used to provide instruction to students at the level
26 or levels for which the materials are designed.

27 (b) Up to 50 percent of the annual allocation may be
28 used for the purchase of instructional materials, including
29 library and reference books and nonprint materials, not
30 included on the state-adopted list and for the repair and
31 renovation of textbooks and library books.

1 (c) District school boards may use 100 percent of that
2 portion of the annual allocation designated for the purchase
3 of instructional materials for kindergarten, and 75 percent of
4 that portion of the annual allocation designated for the
5 purchase of instructional materials for first grade, to
6 purchase materials not on the state-adopted list.

7 (4) The funds described in subsection (3) which
8 district school boards may use to purchase materials not on
9 the state-adopted list shall be used for the purchase of
10 instructional materials or other items having intellectual
11 content which assist in the instruction of a subject or
12 course. These items may be available in bound, unbound, kit,
13 or package form and may consist of hardbacked or softbacked
14 textbooks, replacements for items which were part of
15 previously purchased instructional materials, consumables,
16 learning laboratories, manipulatives, electronic media,
17 computer courseware or software, and other commonly accepted
18 instructional tools as prescribed by district school board
19 rule. The funds available to district school boards for the
20 purchase of materials not on the state-adopted list may not be
21 used to purchase electronic or computer hardware even if such
22 hardware is bundled with software or other electronic media,
23 nor may such funds be used to purchase equipment or supplies.
24 However, when authorized to do so in the General
25 Appropriations Act, a school or district school board may use
26 a portion of the funds available to it for the purchase of
27 materials not on the state-adopted list to purchase science
28 laboratory materials and supplies.

29 (5) Each district school board shall adopt rules, and
30 each district school superintendent shall implement
31

1 procedures, that will assure the maximum use by the students
2 of the authorized instructional materials.

3 (6) District school boards may issue purchase orders
4 subsequent to February 1 in an aggregate amount which does not
5 exceed 20 percent of the current year's allocation, and
6 subsequent to April 1 in an aggregate amount which does not
7 exceed 90 percent of the current year's allocation, for the
8 purpose of expediting the delivery of instructional materials
9 which are to be paid for from the ensuing year's allocation.

10 (7) In any year in which the total instructional
11 materials allocation for a school district has not been
12 expended or obligated prior to June 30, the district school
13 board shall carry forward the unobligated amount and shall add
14 it to the next year's allocation.

15 Section 318. Section 1006.41, Florida Statutes, is
16 created to read:

17 1006.41 Disposal of instructional materials.--

18 (1) Instructional materials that have become
19 unserviceable or surplus or are no longer on state contract
20 may be disposed of, under adopted rule of the district school
21 board, by:

22 (a) Giving or lending the materials to other public
23 education programs within the district or state, to the
24 teachers to use in developing supplementary teaching
25 materials, to students or others, or to any charitable
26 organization, governmental agency, home education students,
27 private school, or state.

28 (b) Selling the materials to used book dealers,
29 recycling plants, pulp mills, or other persons, firms, or
30 corporations upon such terms as are most economically
31 advantageous to the district school board.

1 (2) The district school board may prescribe by rule
2 the manner for destroying instructional materials that cannot
3 be disposed of as provided in subsection (1).

4 (3) All moneys received for the sale, exchange, or
5 other disposition of instructional materials shall be
6 deposited in the district school fund and added to the
7 district appropriation for instructional materials.

8 (4) Instructional materials which have been sold,
9 exchanged, lost, destroyed, or damaged and for which proper
10 charges have been assessed and collected, and instructional
11 materials which have been destroyed by fire or storm damage or
12 by order of a competent health officer or the district school
13 superintendent, shall be dropped from the record of
14 instructional materials for which, as provided by law,
15 district school boards are held responsible.

16 Section 319. Section 1006.42, Florida Statutes, is
17 created to read:

18 1006.42 Responsibility of students and parents for
19 instructional materials.--

20 (1) All instructional materials purchased under the
21 provisions of this part are the property of the district
22 school board. When distributed to the students, these
23 instructional materials are on loan to the students while they
24 are pursuing their courses of study and are to be returned at
25 the direction of the school principal or the teacher in
26 charge. Each parent of a student to whom or for whom
27 instructional materials have been issued, is liable for any
28 loss or destruction of, or unnecessary damage to, the
29 instructional materials or for failure of the student to
30 return the instructional materials when directed by the school

31

1 principal or the teacher in charge, and shall pay for such
2 loss, destruction, or unnecessary damage as provided by law.

3 (2) Nothing in this part shall be construed to
4 prohibit parents from exercising their right to purchase
5 instructional materials from the district school board.

6 Section 320. Section 1006.43, Florida Statutes, is
7 created to read:

8 1006.43 Expenses; budget request.--

9 (1) The commissioner shall include in the department's
10 annual legislative budget a request for funds in an amount
11 sufficient to provide the necessary expense for:

12 (a) The instructional materials committees.

13 (b) Instructional materials for use by partially
14 sighted students.

15 (c) Other specific and necessary state expenses with
16 regard to the instructional materials program.

17 (2) The department may arrange for distribution
18 adopted textbooks which are prepared in various media for the
19 use of partially sighted children enrolled in the Florida
20 schools.

21 Section 321. Part II of chapter 1006, Florida
22 Statutes, shall be entitled "Public Postsecondary Education
23 Support for Learning and Student Services" and shall consist
24 of ss. 1006.50-1006.71.

25 Section 322. Section 1006.50, Florida Statutes, is
26 created to read:

27 1006.50 Student handbooks.--

28 (1) Each community college and state university shall
29 compile and update annually a student handbook that includes,
30 but is not limited to, a comprehensive calendar that

31 emphasizes important dates and deadlines, student rights and

1 responsibilities, appeals processes available to students, and
2 a roster of contact persons within the administrative staff
3 available to respond to student inquiries.

4 (2) Each student handbook shall list the legal and
5 institution-specific sanctions that will be imposed upon
6 students who violate the law or institutional policies
7 regarding controlled substances and alcoholic beverages.

8 (3) Each student handbook shall provide information
9 related to acquired immune deficiency syndrome (AIDS)
10 education or identify sites from which AIDS education
11 information may be obtained.

12 Section 323. Section 1006.51, Florida Statutes, is
13 created to read:

14 1006.51 Student ombudsman office.--

15 (1) There is created at each community college and
16 state university a student ombudsman office, which is
17 accountable to the president.

18 (2) Each institution must have an established
19 procedure by which a student may appeal to the office of the
20 ombudsman a decision that is related to the student's access
21 to courses and credit granted toward the degree. Detailed
22 information concerning this procedure must be included in the
23 institution's catalog.

24 (3) Each community college and state university shall
25 develop minimum standards for the role of ombudsman or student
26 advocate. The standards shall address the issue of
27 notification of students of opportunities for assistance or
28 appeal.

29 Section 324. Section 1006.52, Florida Statutes, is
30 created to read:

31 1006.52 Student records.--

1 (1) Each university may prescribe the content and
2 custody of records and reports which the university may
3 maintain on its students. Such records are confidential and
4 exempt from the provisions of s. 119.07(1) and are open to
5 inspection only as provided in s. 1002.22.

6 (2) Rules of the State Board of Education may
7 prescribe the content and custody of records and reports which
8 a community college may maintain on its students. Such records
9 are confidential and exempt from s. 119.07(1) and are open to
10 inspection only as provided in s. 1002.22.

11 Section 325. Section 1006.53, Florida Statutes, is
12 created to read:

13 1006.53 Religious observances.--Each public
14 postsecondary educational institution shall adopt a policy in
15 accordance with rules of the State Board of Education which
16 reasonably accommodates the religious observance, practice,
17 and belief of individual students in regard to admissions,
18 class attendance, and the scheduling of examinations and work
19 assignments. Each policy shall include a grievance procedure
20 by which a student who believes that he or she has been
21 unreasonably denied an educational benefit due to his or her
22 religious belief or practices may seek redress. Such policy
23 shall be made known to faculty and students annually in
24 inclusion in the institution's handbook, manual, or other
25 similar document regularly provided to faculty and students.

26 Section 326. Section 1006.54, Florida Statutes, is
27 created to read:

28 1006.54 Universities; public documents distributed to
29 libraries.--The general library of each state university may
30 receive copies of reports of state officials, departments, and
31 institutions and all other state documents published by the

1 state. Each officer of the state empowered by law to
2 distribute such public documents may transmit without charge,
3 except for payment of shipping costs, the number of copies of
4 each public document desired upon requisition from the
5 librarian. It is the duty of the library to keep public
6 documents in a convenient form accessible to the public. The
7 library, under rules formulated by the university board of
8 trustees, is authorized to exchange documents for those of
9 other states, territories, and countries.

10 Section 327. Section 1006.55, Florida Statutes, is
11 created to read:

12 1006.55 Law libraries of certain institutions of
13 higher learning designated as state legal depositories.--

14 (1) The law libraries of the University of Florida,
15 Florida State University, Florida International University,
16 Florida Agricultural and Mechanical University, Stetson
17 University, Nova University, and the University of Miami are
18 designated as state legal depositories.

19 (2) Each officer of the state empowered by law to
20 distribute legal publications may transmit, upon payment of
21 shipping costs or cash on delivery, to the state legal
22 depositories copies of such publications as requested.
23 However, the number of copies transmitted shall be limited to:

24 (a) Eight copies of each volume of General Acts and
25 each volume of Special Acts to each of the state legal
26 depositories;

27 (b) Up to a maximum number of each volume of the
28 Florida Statutes and each supplement volume, computed on the
29 basis of one set for every 10 students enrolled during the
30 school year, based upon the average enrollment as certified by
31 the registrar; and

1 (c) One copy of each journal of the House of
2 Representatives and each journal of the Senate to each state
3 legal depository.

4 (3) It is the duty of the librarian of any depository
5 to keep all public documents in a convenient form accessible
6 to the public.

7 (4) The libraries of all community colleges are
8 designated as state depositories for the Florida Statutes and
9 supplements published by or under the authority of the state;
10 these depositories each may receive upon request one copy of
11 each volume without charge, except for payment of shipping
12 costs.

13 Section 328. Section 1006.56, Florida Statutes, is
14 created to read:

15 1006.56 Specified university publications; activities;
16 trust funds.--

17 (1) Subject to the approval of the appropriate
18 university, the Florida Law Review, the Florida State
19 University Law Review, the Florida State University Journal of
20 Land Use and Environmental Law, the University of Florida
21 Journal of Law and Public Policy, and the Florida
22 International Law Journal of the University of Florida are
23 authorized to engage in the following activities relating to
24 their respective publications, notwithstanding the contrary
25 provision of any statute, rule, or regulation of the state or
26 its subdivisions or agencies:

27 (a) The grant of reprint rights relating to any or all
28 issues of the Florida Law Review, the Florida State University
29 Law Review, the Florida State University Journal of Land Use
30 and Environmental Law, the University of Florida Journal of
31 Law and Public Policy, or the Florida International Law

1 Journal of the University of Florida, or any of the materials,
2 articles, or ideas contained therein;

3 (b) The sale for adequate consideration of any or all
4 past or future stock and inventory of published issues of the
5 Florida Law Review, the Florida State University Law Review,
6 the Florida State University Journal of Land Use and
7 Environmental Law, the University of Florida Journal of Law
8 and Public Policy, or the Florida International Law Journal of
9 the University of Florida, or portions thereof; and

10 (c) The retention of the proceeds obtained under
11 paragraph (a) or paragraph (b) together with all moneys
12 received by the Florida Law Review or the Florida State
13 University Law Review from current or future subscriptions,
14 sale of individual issues, sale of advertising, binding
15 service, royalties, donations, and all other sources except
16 direct or indirect appropriations from the state, its
17 subdivisions, or agencies.

18 (2) Moneys retained by the Florida Law Review pursuant
19 to this section shall be placed in a trust fund to be known as
20 the Florida Law Review Trust Fund. Moneys retained by the
21 Florida State University Law Review pursuant to this section
22 shall be placed in a trust fund to be known as the Florida
23 State University Law Review Trust Fund. Moneys retained by the
24 Florida State University Journal of Land Use and Environmental
25 Law pursuant to this section shall be placed in a trust fund
26 to be known as the Florida State University Journal of Land
27 Use and Environmental Law Trust Fund. Moneys retained by the
28 University of Florida Journal of Law and Public Policy
29 pursuant to this section shall be placed in a trust fund to be
30 known as the University of Florida Journal of Law and Public
31 Policy Trust Fund. Moneys retained by the Florida

1 International Law Journal of the University of Florida
2 pursuant to this section shall be placed in a trust fund to be
3 known as the Florida International Law Journal of the
4 University of Florida Trust Fund. Such trust funds shall be
5 used to pay or supplement the payment of printing costs or
6 other costs incident to the publication of the respective law
7 reviews and law journals and shall be administered by the dean
8 of each college of law or his or her faculty designee.

9 (3) Printing of such publications shall be let upon
10 contract to the lowest responsive bidder, in accordance with
11 s. 283.33, except when the additional costs incurred in
12 changing from the current printer to the new low bidder exceed
13 the savings reflected in the bid prices. Such additional costs
14 shall not exceed 10 percent of the lowest bid price.

15 Section 329. Section 1006.57, Florida Statutes, is
16 created to read:

17 1006.57 Certain books furnished by Clerk of Supreme
18 Court.--

19 (1) The Clerk of the Supreme Court of the state shall
20 furnish the State Board of Education three bound copies of
21 each volume of the Florida Supreme Court Reports as the same
22 are issued and published for the use of the schools of law of
23 the University of Florida, the Florida State University,
24 Florida International University, and Florida Agricultural and
25 Mechanical University.

26 (2) The Clerk of the Supreme Court shall transmit to
27 said schools of law any law books coming into his or her
28 possession for the Supreme Court which are not necessary for
29 said court. The clerk of said court shall furnish said Supreme
30 Court Reports and said surplus law books without cost to said
31 law schools.

1 Section 330. Section 1006.58, Florida Statutes, is
2 created to read:

3 1006.58 Collections management for museums and
4 galleries of state universities.--

5 (1) State universities may enter into contracts or
6 agreements with or without competitive bidding, as
7 appropriate, for the restoration of objects of art, art
8 history, or natural history in their collections or for the
9 purchase of objects of art, art history, or natural history
10 which are to be added to their collections.

11 (2) State universities may sell any art, art history,
12 or natural history object in their museum or gallery
13 collections if the university determines that it is no longer
14 appropriate for the collection. The proceeds of the sale shall
15 be deposited in the Acquisition, Restoration, and Conservation
16 Trust Fund or other appropriate trust fund of the university.
17 Each state university museum or gallery shall function
18 entirely separate from every state university museum or
19 gallery. State universities also may exchange any art, art
20 history, or natural history object which the university
21 museums or galleries judge is of equivalent or greater value
22 to their museums or galleries.

23 (3) No employee, representative, or agent of a
24 university shall receive a commission, fee, or financial
25 benefit in connection with the sale or exchange of a work of
26 art, art history, or natural history, nor may he or she be a
27 business associate of any individual, firm, or organization
28 involved in the sale or exchange.

29 (4)(a) Each university may establish an Acquisition,
30 Restoration, and Conservation Trust Fund or utilize an
31 appropriate existing trust fund.

1 (b) The president of each university may delegate the
2 following authority to the museum or gallery directors and
3 governing bodies of the museums or galleries:

4 1. To enter into contracts for the restoration or
5 purchase of art, art history, or natural history objects, with
6 or without competitive bidding, as appropriate.

7 2. To sell art, art history, or natural history
8 objects in museum or gallery collections, the proceeds of
9 which shall be deposited in the Acquisition, Restoration, and
10 Conservation Trust Fund or other appropriate existing trust
11 fund.

12 3. To exchange art, art history, or natural history
13 objects of equal or greater value with any other state
14 university.

15 Section 331. Section 1006.59, Florida Statutes, is
16 created to read:

17 1006.59 The Historically Black College and University
18 Library Improvement Program.--

19 (1) It is the intent of the Legislature to enhance the
20 quality of the libraries at Florida Agricultural and
21 Mechanical University, Bethune-Cookman College, Edward Waters
22 College, and Florida Memorial College.

23 (2) There is created the Historically Black College
24 and University Library Improvement Program to be administered
25 by the Department of Education. The primary objectives of the
26 program shall be to increase each library's holdings by 500 to
27 1,000 books per year, to increase library use by students and
28 faculty, and to enhance the professional growth of librarians
29 by providing inservice training. At least 50 percent of
30 library acquisitions shall be in the humanities, with the
31 balance to be in all other disciplines. It is the intent of

1 the Legislature to provide general revenue funds each year to
2 support this program.

3 (3) Each institution shall submit to the State Board
4 of Education a plan for enhancing its library through the
5 following activities:

6 (a) Each institution shall increase the number of
7 volumes by purchasing replacement books and new titles. Funds
8 shall not be used to purchase periodicals or nonprint media.
9 The goal of these purchases is to meet the needs of students
10 and faculty in disciplines that have recently been added to
11 the curriculum, in traditional academic fields that have been
12 expanded, or in academic fields in which rapid changes in
13 technology result in accelerated obsolescence of related
14 library holdings.

15 (b) A committee composed of librarians and faculty at
16 each institution shall assess the adequacy of library holdings
17 in all academic areas. The committee shall develop a list of
18 resources that need to be replaced. Based on its assessment of
19 the current collection, the committee shall develop a
20 prioritized list of recommended acquisitions and shall submit
21 such list to the college or university president.

22 Section 332. Section 1006.60, Florida Statutes, is
23 created to read:

24 1006.60 Codes of conduct; disciplinary measures;
25 rulemaking authority.--

26 (1) Each community college and state university may
27 adopt, by rule, codes of conduct and appropriate penalties for
28 violations of rules by students, to be administered by the
29 institution. Such penalties, unless otherwise provided by law,
30 may include: reprimand; restitution; fines; withholding of
31 diplomas or transcripts pending compliance with rules,

1 completion of any student judicial process or sanction, or
2 payment of fines; restrictions on the use of or removal from
3 campus facilities; community service; educational
4 requirements; and the imposition of probation, suspension,
5 dismissal, or expulsion.

6 (2) Each community college and state university may
7 adopt, by rule, a code of conduct and appropriate penalties
8 for violations of rules by student organizations, to be
9 administered by the institution. Such penalties, unless
10 otherwise provided by law, may include: reprimand;
11 restitution; suspension, cancellation, or revocation of the
12 registration or official recognition of a student
13 organization; and restrictions on the use of, or removal from,
14 campus facilities.

15 (3) Sanctions authorized by such codes of conduct may
16 be imposed only for acts or omissions in violation of rules
17 adopted by the institution, including rules adopted under this
18 section, rules of the State Board of Education, county and
19 municipal ordinances, and the laws of this state, the United
20 States, or any other state.

21 (4) Each community college and state university may
22 establish and adopt, by rule, codes of appropriate penalties
23 for violations of rules governing student academic honesty.
24 Such penalties, unless otherwise provided by law, may include:
25 reprimand; reduction of grade; denial of academic credit;
26 invalidation of university credit or of the degree based upon
27 such credit; probation; suspension; dismissal; or expulsion.
28 In addition to any other penalties that may be imposed, an
29 individual may be denied admission or further registration,
30 and the institution may invalidate academic credit for work
31 done by a student and may invalidate or revoke the degree

1 based upon such credit if it is determined that the student
2 has made false, fraudulent, or incomplete statements in the
3 application, residence affidavit, or accompanying documents or
4 statements in connection with, or supplemental to, the
5 application for admission to or graduation from the
6 institution.

7 (5) Each community college and state university shall
8 adopt rules for the lawful discipline of any student who
9 intentionally acts to impair, interfere with, or obstruct the
10 orderly conduct, processes, and functions of the institution.
11 Said rules may apply to acts conducted on or off campus when
12 relevant to such orderly conduct, processes, and functions.

13 Section 333. Section 1006.61, Florida Statutes, is
14 created to read:

15 1006.61 Participation by students in disruptive
16 activities at public postsecondary educational institution;
17 penalties.--

18 (1) Any person who accepts the privilege extended by
19 the laws of this state of attendance at any public
20 postsecondary educational institution shall, by attending such
21 institution, be deemed to have given his or her consent to the
22 policies of that institution, the State Board of Education,
23 and the laws of this state. Such policies shall include
24 prohibition against disruptive activities at public
25 postsecondary educational institutions.

26 (2) After it has been determined that a student of a
27 state institution of higher learning has participated in
28 disruptive activities, such student may be immediately
29 expelled from the institution for a minimum of 2 years.

30 Section 334. Section 1006.62, Florida Statutes, is
31 created to read:

1 1006.62 Expulsion and discipline of students of
2 community colleges and state universities.--

3 (1) Each student in a community college or state
4 university is subject to federal and state law, respective
5 county and municipal ordinances, and all rules and regulations
6 of the State Board of Education or board of trustees of the
7 institution.

8 (2) Violation of these published laws, ordinances, or
9 rules and regulations may subject the violator to appropriate
10 action by the institution's authorities.

11 (3) Each president of a community college or state
12 university may, after notice to the student of the charges and
13 after a hearing thereon, to expel, suspend, or otherwise
14 discipline any student who is found to have violated any law,
15 ordinance, or rule or regulation of the State Board of
16 Education or of the board of trustees of the institution. A
17 student may be entitled to waiver of expulsion:

18 (a) If the student provides substantial assistance in
19 the identification, arrest, or conviction of any of his or her
20 accomplices, accessories, coconspirators, or principals or of
21 any other person engaged in violations of chapter 893 within a
22 state university or community college;

23 (b) If the student voluntarily discloses his or her
24 violations of chapter 893 prior to his or her arrest; or

25 (c) If the student commits himself or herself, or is
26 referred by the court in lieu of sentence, to a state-licensed
27 drug abuse program and successfully completes the program.

28 Section 335. Section 1006.63, Florida Statutes, is
29 created to read:

30 1006.63 Hazing prohibited.--

31

1 (1) As used in this section, "hazing" means any action
2 or situation that recklessly or intentionally endangers the
3 mental or physical health or safety of a student for the
4 purpose of initiation or admission into or affiliation with
5 any organization operating under the sanction of a
6 postsecondary institution. Such term includes, but is not
7 limited to, any brutality of a physical nature, such as
8 whipping, beating, branding, forced calisthenics, exposure to
9 the elements, forced consumption of any food, liquor, drug, or
10 other substance, or other forced physical activity which could
11 adversely affect the physical health or safety of the student,
12 and also includes any activity which would subject the student
13 to extreme mental stress, such as sleep deprivation, forced
14 exclusion from social contact, forced conduct which could
15 result in extreme embarrassment, or other forced activity
16 which could adversely affect the mental health or dignity of
17 the student.

18 (2) Public and nonpublic postsecondary educational
19 institutions whose students receive state student financial
20 assistance must adopt a written antihazing policy and under
21 such policy must adopt rules prohibiting students or other
22 persons associated with any student organization from engaging
23 in hazing.

24 (3) Public and nonpublic postsecondary educational
25 institutions must provide a program for the enforcement of
26 such rules and must adopt appropriate penalties for violations
27 of such rules, to be administered by the person at the
28 institution responsible for the sanctioning of such
29 organizations.

30 (a) Such penalties at community colleges and state
31 universities may include the imposition of fines; the

1 withholding of diplomas or transcripts pending compliance with
2 the rules or pending payment of fines; and the imposition of
3 probation, suspension, or dismissal.

4 (b) In the case of an organization at a community
5 college or state university which authorizes hazing in blatant
6 disregard of such rules, penalties may also include rescission
7 of permission for that organization to operate on campus
8 property or to otherwise operate under the sanction of the
9 institution.

10 (c) All penalties imposed under the authority of this
11 subsection shall be in addition to any penalty imposed for
12 violation of any of the criminal laws of this state or for
13 violation of any other rule of the institution to which the
14 violator may be subject.

15 (4) Rules adopted pursuant hereto shall apply to acts
16 conducted on or off campus whenever such acts are deemed to
17 constitute hazing.

18 (5) Upon approval of the antihazing policy of a
19 community college or state university and of the rules and
20 penalties adopted pursuant thereto, the institution shall
21 provide a copy of such policy, rules, and penalties to each
22 student enrolled in that institution and shall require the
23 inclusion of such policy, rules, and penalties in the bylaws
24 of every organization operating under the sanction of the
25 institution.

26 Section 336. Section 1006.64, Florida Statutes, is
27 created to read:

28 1006.64 Suspension and removal from office of elected
29 student government officials; referendum.--The student
30 government association of each community college and state
31 university shall establish a process to provide for the

1 removal from office of any elected student government official
2 who has been convicted of a violation of criminal law or has
3 been found civilly liable for an act of moral turpitude, after
4 all available rights of judicial appeal have been exercised or
5 waived or have expired. The process shall include a procedure
6 for the immediate suspension of the student government
7 official from elected office following the conviction or civil
8 finding and during any appeal, and shall provide for the
9 temporary successor to the subject office pending completion
10 of any appeal. The process must also include a procedure for
11 registered students to petition for a referendum recommending
12 to the student government association the removal of a student
13 official from elected office. The referendum must be held
14 within 60 days of filing of the petition. The recommendation
15 to remove the subject official from elected office shall be
16 made by majority vote of the students participating in the
17 referendum. The action of a student government association
18 under this section shall be subject to an appeal to the
19 university or community college president or designee.

20 Section 337. Section 1006.65, Florida Statutes, is
21 created to read:

22 1006.65 Safety issues in courses offered by public
23 postsecondary educational institutions.--

24 (1) The State Board of Education shall adopt rules to
25 ensure that policies and procedures are in place to protect
26 the health and safety of students, instructional personnel,
27 and visitors who participate in courses offered by a public
28 postsecondary educational institution.

29 (2) Such policies and procedures shall be guided by
30 industry standards for practices in the course content area

31

1 and shall conform with all related and relevant state and
2 federal health and safety requirements.

3 Section 338. Section 1006.66, Florida Statutes, is
4 created to read:

5 1006.66 Regulation of traffic at universities.--

6 (1) As defined under this section:

7 (a) "Traffic," when used as a noun, means the use or
8 occupancy of, and the movement in, on, or over, streets, ways,
9 walks, roads, alleys, and parking areas by vehicles,
10 pedestrians, or ridden or herded animals.

11 (b) "Adjacent municipality" means a municipality which
12 is contiguous or adjacent to, or which contains within its
13 boundaries all or part of the grounds of, a university; except
14 that, if the grounds of a university are not within or
15 contiguous to a municipality, "adjacent municipality" means
16 the county seat of the county which contains within its
17 boundaries all or part of the grounds of the university.

18 (c) "Grounds" includes all of the campus and grounds
19 of the university, whether it be the campus proper or outlying
20 or noncontiguous land of the university within the county.

21 (d) "Law enforcement officers" include municipal
22 police, patrol officers, traffic officers, sheriffs, deputies,
23 highway patrol officers, and county traffic officers assigned
24 to duty on the grounds of the university; campus police,
25 traffic officers, guards, parking patrollers, and other
26 noncommissioned personnel designated for traffic purposes by
27 the university; and other law enforcement officers as defined
28 in s. 943.10(1).

29 (e) "University traffic infraction" means a
30 noncriminal violation of university parking and traffic rules
31 which is not included under s. 318.14 or s. 318.17 or any

1 municipal ordinance, which is not punishable by incarceration,
2 and for which there is no right to trial by jury or to
3 court-appointed counsel.

4 (f) "Traffic authority" means an individual or a group
5 of individuals at each university, authorized and appointed by
6 the president of the university to adjudicate university
7 traffic infractions.

8 (2) Each university board of trustees shall adopt
9 rules that govern traffic on the grounds of the university;
10 that provide penalties for the infraction of such traffic
11 rules; and that the university finds necessary, convenient, or
12 advisable for the safety or welfare of the students, faculty
13 members, or other persons. Copies of the rules shall be posted
14 at the university on public bulletin boards where notices are
15 customarily posted, filed with the city clerk or corresponding
16 municipal or county officer, and made available to any person
17 requesting same. When adopted, the rules shall be enforceable
18 as herein provided. All ordinances of the adjacent
19 municipality relating to traffic that are not in conflict or
20 inconsistent with the traffic rules adopted by the individual
21 university shall extend and be applicable to the grounds of
22 the university. The provisions of chapter 316 shall extend and
23 be applicable to the grounds of the university, and the rules
24 adopted by the individual university shall not conflict with
25 any section of that chapter.

26 (3) Any person who violates any of those rules adopted
27 by the individual institution shall be deemed to have
28 committed a university traffic infraction and shall be fined
29 or penalized as provided by the rules adopted by the
30 institution. Any person who violates any traffic regulation

31

1 enumerated in chapter 316 shall be charged, and the cause
2 shall proceed, in accordance with chapters 316 and 318.

3 (4) A person charged with a university traffic
4 infraction shall elect the option prescribed in paragraph (a)
5 or the option prescribed in paragraph (b). If neither option
6 is exercised within the prescribed time by the person charged
7 with a university traffic infraction, an additional fine or
8 penalty may be assessed, and shall be payable, in accordance
9 with the rules of the university.

10 (a) The person charged may pay the applicable
11 infraction fine, either by mail or in person, within the time
12 period specified in the rules of the individual university. A
13 schedule of infraction fines applicable to each university
14 shall be adopted by the university.

15 (b) The person charged may elect to appear before the
16 university traffic authority for administrative determination
17 pursuant to procedures enumerated in the rules of such
18 university.

19 (5) Each university is authorized to approve the
20 establishment of a university traffic authority to hear
21 violations of traffic rules. In such cases as come before the
22 authority, the university traffic authority shall determine
23 whether the person is guilty or not guilty of the charge. In
24 the case of a finding of guilt, the authority shall, in its
25 discretion, impose an appropriate penalty pursuant to
26 subsection (3).

27 (6) This section shall provide the exclusive
28 procedures for the adjudication of university traffic
29 infractions.

30 (7) Moneys collected from parking assessments and
31 infraction fines shall be deposited in appropriate funds and

1 shall be used to defray the administrative and operating costs
2 of the traffic and parking program at the institution, to
3 provide for additional parking facilities on campus, or for
4 student loan purposes.

5 Section 339. Section 1006.67, Florida Statutes, is
6 created to read:

7 1006.67 Report of campus crime statistics and
8 assessment of physical plant safety.--

9 (1) Each postsecondary educational institution shall
10 prepare an annual report of campus crime statistics for
11 submission to the Department of Education. The data for these
12 reports may be taken from the Florida Department of Law
13 Enforcement Annual Report. The Department of Education shall
14 prescribe the format for institutional submission.

15 (2) Each postsecondary institution shall prepare a
16 report of crime statistics as reported under subsection (1)
17 for the most recent 3-year period. The report shall be updated
18 annually. The institution shall give notice that this report
19 is available upon request.

20 (3) The Commissioner of Education shall convey the
21 reports required by this section to the President of the
22 Senate and the Speaker of the House of Representatives no
23 later than March 1 of each year.

24 Section 340. Section 1006.68, Florida Statutes, is
25 created to read:

26 1006.68 HIV and AIDS policy.--Each community college
27 and state university shall develop a comprehensive policy that
28 addresses the provision of instruction, information, and
29 activities regarding human immunodeficiency virus infection
30 and acquired immune deficiency syndrome. Such instruction,
31 information, or activities shall emphasize the known modes of

1 transmission of human immunodeficiency virus infection and
2 acquired immune deficiency syndrome, signs and symptoms,
3 associated risk factors, appropriate behavior and attitude
4 change, and means used to control the spread of human
5 immunodeficiency virus infection and acquired immune
6 deficiency syndrome.

7 Section 341. Section 1006.70, Florida Statutes, is
8 created to read:

9 1006.70 Sponsorship of athletic activities similar to
10 those for which scholarships offered; rulemaking.--

11 (1) If a district school board sponsors an athletic
12 activity or sport that is similar to a sport for which a
13 community college or state university offers an athletic
14 scholarship, it must sponsor the athletic activity or sport
15 for which a scholarship is offered. This section does not
16 affect academic requirements for participation or prevent the
17 districts or community colleges from sponsoring activities in
18 addition to those for which scholarships are provided.

19 (2) If a community college sponsors an athletic
20 activity or sport that is similar to a sport for which a state
21 university offers an athletic scholarship, it must sponsor the
22 athletic activity or sport for which a scholarship is offered.

23 (3) Two athletic activities or sports that are similar
24 may be offered simultaneously.

25 (4) If the level of participation is insufficient to
26 warrant continuation of an athletic activity or sport, the
27 school may offer an alternative athletic activity or sport.

28 (5) The State Board of Education shall adopt rules to
29 administer this section, including rules that determine which
30 athletic activities are similar to sports for which public
31 postsecondary educational institutions offer scholarships.

1 Section 342. Section 1006.71, Florida Statutes, is
2 created to read:

3 1006.71 Gender equity in intercollegiate athletics.--

4 (1) GENDER EQUITY PLAN.--

5 (a) Each community college and state university shall
6 develop a gender equity plan pursuant to s. 1000.05.

7 (b) The plan shall include consideration of equity in
8 sports offerings, participation, availability of facilities,
9 scholarship offerings, and funds allocated for administration,
10 recruitment, comparable coaching, publicity and promotion, and
11 other support costs.

12 (c) The Commissioner of Education shall annually
13 assess the progress of each institution's plan and advise the
14 State Board of Education regarding compliance.

15 (d) Each board of trustees of a public community
16 college or state university shall annually evaluate the
17 presidents on the extent to which the gender equity goals have
18 been achieved.

19 (e) To determine the proper level of support for
20 women's athletic scholarships, an equity plan may determine,
21 where appropriate, that support for women's scholarships may
22 be disproportionate to the support of scholarships for men.

23 (f) If a community college or state university is not
24 in compliance with Title IX of the Education Amendments of
25 1972 and the Florida Educational Equity Act, the State Board
26 of Education shall:

27 1. Declare the institution ineligible for competitive
28 state grants.

29 2. Withhold funds sufficient to obtain compliance.

30
31

1 The institution shall remain ineligible and the funds shall
2 not be paid until the institution comes into compliance or the
3 Commissioner of Education approves a plan for compliance.

4 (2) FUNDING.--

5 (a) An equitable portion of all separate athletic fees
6 shall be designated for women's intercollegiate athletics.

7 (b) The level of funding and percentage share of
8 support for women's intercollegiate athletics shall be
9 determined by the State Board of Education. The level of
10 funding and percentage share attained in the 1980-1981 fiscal
11 year shall be the minimum level and percentage maintained by
12 each institution, except as the State Board of Education
13 otherwise directs for the purpose of assuring equity.
14 Consideration shall be given by the State Board of Education
15 to emerging athletic programs at institutions which may not
16 have the resources to secure external funds to provide
17 athletic opportunities for women. It is the intent that the
18 effect of any redistribution of funds among institutions shall
19 not negate the requirements as set forth in this section.

20 (c) In addition to the above amount, an amount equal
21 to the sales taxes collected from admission to athletic events
22 sponsored by a state university shall be retained and utilized
23 by each university to support women's athletics.

24 (3) STATE BOARD OF EDUCATION.--The State Board of
25 Education shall assure equal opportunity for female athletes
26 and establish:

27 (a) Guidelines for reporting of intercollegiate
28 athletics data concerning financial, program, and facilities
29 information for review by the State Board of Education
30 annually.

31 (b) Systematic audits for the evaluation of such data.

1 (c) Criteria for determining and assuring equity.

2 Section 343. Chapter 1007, Florida Statutes, shall be
3 entitled "Articulation and Access" and shall consist of ss.
4 1007.01-1007.34.

5 Section 344. Part I of chapter 1007, Florida Statutes,
6 shall be entitled "General Provisions" and shall consist of s.
7 1007.01.

8 Section 345. Section 1007.01, Florida Statutes, is
9 created to read:

10 1007.01 Articulation; legislative intent; purpose;
11 role of the State Board of Education.--

12 (1) It is the intent of the Legislature to facilitate
13 articulation and seamless integration of the K-20 education
14 system by building and sustaining relationships among K-20
15 public organizations, between public and private
16 organizations, and between the education system as a whole and
17 Florida's communities. The purpose of building and sustaining
18 these relationships is to provide for the efficient and
19 effective progression and transfer of students within the
20 education system and to allow students to proceed toward their
21 educational objectives as rapidly as their circumstances
22 permit.

23 (2) To improve and facilitate articulation systemwide,
24 the State Board of Education shall develop policies and
25 guidelines with input from statewide K-20 advisory groups
26 established by the Commissioner of Education relating to:

27 (a) The alignment between the exit requirements of one
28 system and the admissions requirements of another system into
29 which students typically transfer.

30 (b) The identification of common courses, the level of
31 courses, institutional participation in a statewide course

1 numbering system, and the transferability of credits among
2 such institutions.

3 (c) Identification of courses that meet general
4 education or common degree program prerequisite requirements
5 at public postsecondary educational institutions.

6 (d) Dual enrollment course equivalencies.

7 (e) Articulation agreements.

8 Section 346. Part II of chapter 1007, Florida
9 Statutes, shall be entitled "Articulation" and shall consist
10 of ss. 1007.21-1007.28.

11 Section 347. Section 1007.21, Florida Statutes, is
12 created to read:

13 1007.21 Readiness for postsecondary education and the
14 workplace.--

15 (1) It is the intent of the Legislature that students
16 and parents set early achievement and career goals for the
17 student's post-high school experience. This section sets forth
18 a model which schools, through their school advisory councils,
19 may choose to implement to ensure that students are ready for
20 postsecondary education and the workplace. If such a program
21 is adopted, students and their parents shall have the option
22 of participating in this model to plan the student's secondary
23 level course of study. Parents and students are to become
24 partners with school personnel in educational choice. Clear
25 academic course expectations shall be made available to all
26 students by allowing both student and parent or guardian
27 choice.

28 (2)(a) Students entering the 9th grade and their
29 parents shall be active participants in choosing an
30 end-of-high-school student destination based upon both student
31 and parent or guardian goals. Four or more destinations should

1 be available with bridges between destinations to enable
2 students to shift destinations should they choose to change
3 goals. The destinations shall accommodate the needs of
4 students served in exceptional education programs to the
5 extent appropriate for individual students. Exceptional
6 education students may continue to follow the courses outlined
7 in the district school board student progression plan.
8 Participating students and their parents shall choose among
9 destinations, which must include:
10 1. Four-year college or university, community college
11 plus university, or military academy.
12 2. Two-year postsecondary degree.
13 3. Postsecondary career and technical certificate.
14 4. Immediate employment or entry-level military.
15 (b) The student progression model toward a chosen
16 destination shall include:
17 1. A "path" of core courses leading to each of the
18 destinations provided in paragraph (a).
19 2. A recommended group of electives which shall help
20 define each path.
21 3. Provisions for a teacher, school administrator,
22 other school staff member, or community volunteer to be
23 assigned to a student as an "academic advocate" if parental or
24 guardian involvement is lacking.
25 (c) The common placement test authorized in ss.
26 1001.03(10) and 1008.30 or a similar test may be administered
27 to all high school second semester sophomores who have chosen
28 one of the four destinations. The results of the placement
29 test shall be used to target additional instructional needs in
30 reading, writing, and mathematics prior to graduation.
31

1 (d) Ample opportunity shall be provided for students
2 to move from one destination to another, and some latitude
3 shall exist within each destination, to meet the individual
4 needs of students.
5 (e) Destinations specified in subparagraphs (a)1., 2.,
6 and 3. shall support the goals of the Tech Prep program.
7 Students participating in Tech Prep shall be enrolled in
8 articulated, sequential programs of study that include a
9 technical component and at least a minimum of a postsecondary
10 certificate or 2-year degree.
11 (f) In order for these destinations to be attainable,
12 the business community shall be encouraged to support
13 real-world internships and apprenticeships.
14 (g) All students shall be encouraged to take part in
15 service learning opportunities.
16 (h) High school equivalency diploma preparation
17 programs shall not be a choice for high school students
18 leading to any of the four destinations provided in paragraph
19 (a) since the appropriate coursework, counseling component,
20 and career preparation cannot be ensured.
21 (i) Schools shall ensure that students and parents are
22 made aware of the destinations available and provide the
23 necessary coursework to assist the student in reaching the
24 chosen destination. Students and parents shall be made aware
25 of the student's progress toward the chosen destination.
26 (j) The Department of Education shall offer technical
27 assistance to school districts to ensure that the destinations
28 offered also meet the academic standards adopted by the state.
29 (3)(a) Access to Level I courses for graduation credit
30 and for pursuit of a declared destination shall be limited to
31

1 only those students for whom assessment indicates a more
2 rigorous course of study would be inappropriate.

3 (b) The school principal shall:

4 1. Designate a member of the existing instructional or
5 administrative staff to serve as a specialist to help
6 coordinate the use of student achievement strategies to help
7 students succeed in their coursework. The specialist shall
8 also assist teachers in integrating the academic and career
9 and technical curricula, utilizing technology, providing
10 feedback regarding student achievement, and implementing the
11 Blueprint for Career Preparation and Tech Prep programs.

12 2. Institute strategies to eliminate reading, writing,
13 and mathematics deficiencies of secondary students.

14 Section 348. Section 1007.22, Florida Statutes, is
15 created to read:

16 1007.22 Articulation; postsecondary institution
17 coordination and collaboration.--

18 (1) The university boards of trustees, community
19 college boards of trustees, and district school boards may
20 establish intrainstitutional and interinstitutional programs
21 to maximize articulation. Programs may include
22 upper-division-level courses offered at the community college,
23 distance learning, transfer agreements that facilitate the
24 transfer of credits between public and nonpublic postsecondary
25 institutions, and the concurrent enrollment of students at a
26 community college and a state university to enable students to
27 take any level of baccalaureate degree coursework.

28 (2) The levels of postsecondary education shall
29 collaborate in further developing and providing articulated
30 programs in which students can proceed toward their
31 educational objectives as rapidly as their circumstances

1 permit. Time-shortened educational programs, as well as the
2 use of acceleration mechanisms, shall include, but not be
3 limited to, the International Baccalaureate, credit by
4 examination or demonstration of competency, advanced
5 placement, early admissions, and dual enrollment.

6 (3) Public postsecondary educational institutions
7 -serving the same students in a geographic and service area are
8 encouraged to establish appropriate interinstitutional
9 mechanisms to achieve cooperative planning and delivery of
10 academic programs and related services, share a high-cost
11 instructional facility and equipment, coordinate credit and
12 noncredit outreach activities, have access to each other's
13 library and media holdings and services, and provide
14 cooperative campus activities and consultative relationships
15 for the discussion and resolution of interinstitutional issues
16 and problems which discourage student access or transfer.

17 (4) Public postsecondary education institutions are
18 encouraged to include independent colleges and universities
19 and industries within their service areas in mutual planning
20 of a comprehensive, complementary, cost-effective array of
21 undergraduate and beginning graduate programs of study to
22 serve that geographic area.

23 Section 349. Section 1007.23, Florida Statutes, is
24 created to read:

25 1007.23 Statewide articulation agreement.--

26 (1) The State Board of Education shall establish in
27 rule a statewide articulation agreement that governs:

28 (a) Articulation between secondary and postsecondary
29 education;

30 (b) Admission of associate in arts degree graduates
31 from community colleges and state universities;

1 (c) Admission of applied technology diploma program
2 graduates from community colleges or technical centers;
3 (d) Admission of associate in science degree and
4 associate in applied science degree graduates from community
5 colleges;
6 (e) The use of acceleration mechanisms, including
7 nationally standardized examinations through which students
8 may earn credit;
9 (f) General education requirements and statewide
10 course numbers as provided for in ss. 1007.24 and 1007.25; and
11 (g) Articulation among programs in nursing.
12 (2) The articulation agreement must specifically
13 provide that every associate in arts graduate of a community
14 college shall have met all general education requirements and
15 must be granted admission to the upper division of a state
16 university except to a limited access or teacher certification
17 program or a major program requiring an audition. After
18 admission has been granted to students under provisions of
19 this section and to university students who have successfully
20 completed 60 credit hours of coursework, including 36 hours of
21 general education, and met the requirements of s. 1008.29,
22 admission shall be granted to state university and community
23 college students who have successfully completed 60 credit
24 hours of work, including 36 hours of general education.
25 Community college associate in arts graduates shall receive
26 priority for admission to a state university over out-of-state
27 students. Orientation programs and student handbooks provided
28 to freshman enrollees and transfer students at state
29 universities must include an explanation of this provision of
30 the articulation agreement.
31

1 (3) The articulation agreement must guarantee the
2 statewide articulation of appropriate workforce development
3 programs and courses between school districts and community
4 colleges and specifically provide that every applied
5 technology diploma graduate must be granted the same amount of
6 credit upon admission to an associate in science degree or
7 associate in applied science degree program unless it is a
8 limited access program. Preference for admission must be given
9 to graduates who are residents of Florida.

10 (4) The articulation agreement must guarantee the
11 statewide articulation of appropriate courses within associate
12 in science degree programs to baccalaureate degree programs.
13 Courses within an associate in applied science degree program
14 may articulate into a baccalaureate degree program on an
15 individual or block basis as authorized in local
16 interinstitutional articulation agreements.

17 Section 350. Section 1007.235, Florida Statutes, is
18 created to read:

19 1007.235 District interinstitutional articulation
20 agreements.--

21 (1) District school superintendents and community
22 college presidents shall jointly develop and implement a
23 comprehensive articulated acceleration program for the
24 students enrolled in their respective school districts and
25 service areas. Within this general responsibility, each
26 superintendent and president shall develop a comprehensive
27 interinstitutional articulation agreement for the school
28 district and community college that serves the school
29 district. The district school superintendent and president
30 shall establish an articulation committee for the purpose of
31 developing this agreement. Each state university president is

1 encouraged to designate a university representative to
2 participate in the development of the interinstitutional
3 articulation agreements for each school district within the
4 university service area.

5 (2) The district interinstitutional articulation
6 agreement for each school year must be completed before high
7 school registration for the fall term of the following school
8 year. The agreement must include, but is not limited to, the
9 following components:

10 (a) A ratification or modification of all existing
11 articulation agreements.

12 (b)1. A delineation of courses and programs available
13 to students eligible to participate in dual enrollment. This
14 delineation must include a plan for the community college to
15 provide guidance services to participating students on the
16 selection of courses in the dual enrollment program. The
17 process of community college guidance should make maximum use
18 of the automated advisement system for community colleges. The
19 plan must assure that each dual enrollment student is
20 encouraged to identify a postsecondary education objective
21 with which to guide the course selection. At a minimum, each
22 student's plan should include a list of courses that will
23 result in an Applied Technology Diploma, an Associate in
24 Science degree, or an Associate in Arts degree. If the student
25 identifies a baccalaureate degree as the objective, the plan
26 must include courses that will meet the general education
27 requirements and any prerequisite requirements for entrance
28 into a selected baccalaureate degree program.

29 2. A delineation of the process by which students and
30 their parents are informed about opportunities to participate
31 in articulated acceleration programs.

- 1 3. A delineation of the process by which students and
2 their parents exercise their option to participate in an
3 articulated acceleration program.
- 4 4. A delineation of high school credits earned for
5 completion of each dual enrollment course.
- 6 5. Provision for postsecondary courses that meet the
7 criteria for inclusion in a district articulated acceleration
8 program to be counted toward meeting the graduation
9 requirements of s. 1003.43.
- 10 6. An identification of eligibility criteria for
11 student participation in dual enrollment courses and programs.
- 12 7. A delineation of institutional responsibilities
13 regarding student screening prior to enrollment and monitoring
14 student performance subsequent to enrollment in dual
15 enrollment courses and programs.
- 16 8. An identification of the criteria by which the
17 quality of dual enrollment courses and programs are to be
18 judged and a delineation of institutional responsibilities for
19 the maintenance of instructional quality.
- 20 9. A delineation of institutional responsibilities for
21 assuming the cost of dual enrollment courses and programs that
22 includes such responsibilities for student instructional
23 materials.
- 24 10. An identification of responsibility for providing
25 student transportation if the dual enrollment instruction is
26 conducted at a facility other than the high school campus.
- 27 11. A delineation of the process for converting
28 college credit hours earned through dual enrollment and early
29 admission programs to high school credit based on mastery of
30 course outcomes as determined by the Department of Education
31 in accordance with s. 1007.271(6).

1 (c) Mechanisms and strategies for reducing the
2 incidence of postsecondary remediation in math, reading, and
3 writing for first-time-enrolled recent high school graduates,
4 based upon the findings in the postsecondary
5 readiness-for-college report produced pursuant to s. 1008.37.
6 Each articulation committee shall annually analyze and assess
7 the effectiveness of the mechanisms toward meeting the goal of
8 reducing postsecondary remediation needs. Results of the
9 assessment shall be annually presented to participating
10 district school boards and community college boards of
11 trustees and shall include, but not be limited to:
12 1. Mechanisms currently being initiated.
13 2. An analysis of problems and corrective actions.
14 3. Anticipated outcomes.
15 4. Strategies for the better preparation of students
16 upon graduation from high school.
17 5. An analysis of costs associated with the
18 implementation of postsecondary remedial education and
19 secondary-level corrective actions.
20 6. The identification of strategies for reducing costs
21 of the delivery of postsecondary remediation for recent high
22 school graduates, including the consideration and assessment
23 of alternative instructional methods and services such as
24 those produced by private providers.
25
26 Wherever possible, public schools and community colleges are
27 encouraged to share resources, form partnerships with private
28 industries, and implement innovative strategies and mechanisms
29 such as distance learning, summer student and faculty
30 workshops, parental involvement activities, and the
31 distribution of information over the Internet.

1 (d) Mechanisms and strategies for promoting "tech
2 prep" programs of study. Such mechanisms should raise
3 awareness about the programs, promote enrollment in the
4 programs, and articulate students from a secondary portion
5 into a planned, related postsecondary portion of a sequential
6 program of study that leads to a terminal postsecondary career
7 or technical education degree or certificate.

8 (3) The district interinstitutional articulation
9 agreement shall include a plan that outlines the mechanisms
10 and strategies for improving the preparation of elementary,
11 middle, and high school teachers. Effective collaboration
12 among school districts, postsecondary institutions, and
13 practicing educators is essential to improving teaching in
14 Florida's elementary and secondary schools and consequently,
15 the retention and success of students through high school
16 graduation and into postsecondary education. Professional
17 development programs shall be developed cooperatively and
18 include curricular content which focuses upon local and state
19 needs and responds to state, national, and district policy and
20 program priorities. School districts and community colleges
21 are encouraged to develop plans which utilize new
22 technologies, address critical needs in their implementation,
23 and include both preservice and inservice initiatives.

24 (4) The district school superintendent is responsible
25 for incorporating, either directly or by reference, all dual
26 enrollment courses contained within the district
27 interinstitutional articulation agreement within the district
28 school board's student progression plan.

29 (5) The Department of Education shall review each
30 articulation agreement and certify the statewide course number
31

1 of postsecondary courses that meet each district's graduation
2 requirements.

3 (6) District school boards and community colleges may
4 enter into additional interinstitutional articulation
5 agreements with state universities for the purposes of this
6 section. School districts may also enter into
7 interinstitutional articulation agreements with eligible
8 independent colleges and universities pursuant to s.
9 1011.62(1)(i).

10 (7) State universities and community colleges may
11 enter into interinstitutional articulation agreements with
12 nonpublic secondary schools pursuant to s. 1007.271(2).

13 Section 351. Section 1007.24, Florida Statutes, is
14 created to read:

15 1007.24 Statewide course numbering system.--

16 (1) The Department of Education shall develop,
17 coordinate, and maintain a statewide course numbering system
18 for postsecondary and dual enrollment education in school
19 districts, public postsecondary educational institutions, and
20 participating nonpublic postsecondary educational institutions
21 that will improve program planning, increase communication
22 among all delivery systems, and facilitate student
23 acceleration and the transfer of students and credits between
24 public school districts, public postsecondary educational
25 institutions, and participating nonpublic educational
26 institutions. The continuing maintenance of the system shall
27 be accomplished with the assistance of appropriate faculty
28 committees representing public and participating nonpublic
29 educational institutions.

30 (2) The Commissioner of Education shall appoint
31 faculty committees representing faculties of participating

1 institutions to recommend a single level for each course,
2 including postsecondary career and technical education
3 courses, included in the statewide course numbering system.

4 (a) Any course designated as an upper-division-level
5 course must be characterized by a need for advanced academic
6 preparation and skills that a student would be unlikely to
7 achieve without significant prior coursework.

8 (b) A course that is offered as part of an associate
9 in science degree program and as an upper-division course for
10 a baccalaureate degree shall be designated for both the lower
11 and upper division.

12 (c) A course designated as lower-division may be
13 offered by any community college.

14 (3) The Commissioner of Education shall recommend to
15 the State Board of Education the levels for the courses.

16 (4) The statewide course numbering system shall
17 include the courses at the recommended levels.

18 (5) The registration process at each state university
19 and community college shall include the courses at their
20 designated levels and statewide course number.

21 (6) Nonpublic colleges and schools that are fully
22 accredited by a regional or national accrediting agency
23 recognized by the United States Department of Education and
24 are either eligible to participate in the William L. Boyd, IV,
25 Florida Resident Access Grant or have been issued a regular
26 license pursuant to s. 1005.31, may participate in the
27 statewide course numbering system pursuant to s. 1007.24.
28 Participating colleges and schools shall bear the costs
29 associated with inclusion in the system and shall meet the
30 terms and conditions for institutional participation in the
31 system. The department shall adopt a fee schedule that

1 includes the expenses incurred through data processing,
2 faculty task force travel and per diem, and staff and clerical
3 support time. Such fee schedule may differentiate between the
4 costs associated with initial course inclusion in the system
5 and costs associated with subsequent course maintenance in the
6 system. Decisions regarding initial course inclusion and
7 subsequent course maintenance must be made within 360 days
8 after submission of the required materials and fees by the
9 institution. The Department of Education may select a date by
10 which colleges must submit requests for new courses to be
11 included, and may delay review of courses submitted after that
12 date until the next year's cycle. Any college that currently
13 participates in the system, and that participated in the
14 system prior to July 1, 1986, shall not be required to pay the
15 costs associated with initial course inclusion in the system.
16 Fees collected for participation in the statewide course
17 numbering system pursuant to the provisions of this section
18 shall be deposited in the Institutional Assessment Trust Fund.
19 Any nonpublic, nonprofit college or university that is
20 eligible to participate in the statewide course numbering
21 system shall not be required to pay the costs associated with
22 participation in the system. No college or school shall
23 record student transcripts or document courses offered by the
24 college or school in accordance with this subsection unless
25 the college or school is actually participating in the system
26 pursuant to rules of the State Board of Education. Any
27 college or school deemed to be in violation of this section
28 shall be subject to the provisions of s. 1005.38.

29 (7) Any student who transfers among postsecondary
30 institutions that are fully accredited by a regional or
31 national accrediting agency recognized by the United States

1 Department of Education and that participate in the statewide
2 course numbering system shall be awarded credit by the
3 receiving institution for courses satisfactorily completed by
4 the student at the previous institutions. Credit shall be
5 awarded if the courses are judged by the appropriate statewide
6 course numbering system faculty committees representing school
7 districts, public postsecondary educational institutions, and
8 participating nonpublic postsecondary educational institutions
9 to be academically equivalent to courses offered at the
10 receiving institution, including equivalency of faculty
11 credentials, regardless of the public or nonpublic control of
12 the previous institution. The Department of Education shall
13 ensure that credits to be accepted by a receiving institution
14 are generated in courses for which the faculty possess
15 credentials that are comparable to those required by the
16 accrediting association of the receiving institution. The
17 award of credit may be limited to courses that are entered in
18 the statewide course numbering system. Credits awarded
19 pursuant to this subsection shall satisfy institutional
20 requirements on the same basis as credits awarded to native
21 students.

22 (8) The State Board of Education shall adopt rules
23 that provide for the conduct of regularly scheduled purges of
24 courses that are listed in the statewide course numbering
25 system but have not been taught at an institution for the
26 preceding 5 years. These rules must include waiver provisions
27 that allow course continuation if an institution has
28 reasonable cause for having not offered a course within the
29 5-year limit and an expectation that the course will be
30 offered again within the following 5 years.

31

1 Section 352. Section 1007.25, Florida Statutes, is
2 created to read:

3 1007.25 General education courses; common
4 prerequisites; and other degree requirements.--

5 (1) The department shall identify the degree programs
6 offered by public postsecondary educational institutions.

7 (2) The department shall identify postsecondary career
8 and technical education programs offered by community colleges
9 and district school boards. The department shall also identify
10 career and technical courses designated as college credit
11 courses applicable toward a career and technical education
12 diploma or degree. Such courses must be identified within the
13 statewide course numbering system.

14 (3) The department shall identify those courses that
15 meet general education requirements within the subject areas
16 of communication, mathematics, social sciences, humanities,
17 and natural sciences. The courses shall be identified by their
18 statewide course code number. All public postsecondary
19 educational institutions shall accept these general education
20 courses.

21 (4) The department shall identify those courses
22 offered by universities and accepted for credit toward a
23 degree. The department shall identify courses designated as
24 either general education or required as a prerequisite for a
25 degree. The courses shall be identified by their statewide
26 course number.

27 (5) The department shall identify common prerequisite
28 courses and course substitutions for degree programs across
29 all institutions. Common degree program prerequisites shall be
30 offered and accepted by all state universities and community
31 colleges, except in cases approved by the State Board of

1 Education pursuant to s. 1001.02(2)(x). The department shall
2 develop a centralized database containing the list of courses
3 and course substitutions that meet the prerequisite
4 requirements for each baccalaureate degree program.

5 (6) The boards of trustees of the community colleges
6 and state universities shall identify their core curricula,
7 which shall include courses required by the State Board of
8 Education. The universities and community colleges shall work
9 with their school districts to assure that high school
10 curricula coordinate with the core curricula and to prepare
11 students for college-level work. Core curricula for associate
12 in arts programs shall be adopted in rule by the State Board
13 of Education and shall include 36 semester hours of general
14 education courses in the subject areas of communication,
15 mathematics, social sciences, humanities, and natural
16 sciences.

17 (7) An associate in arts degree shall require no more
18 than 60 semester hours of college credit, including 36
19 semester hours of general education coursework. Except for
20 college-preparatory coursework required pursuant to s.
21 1008.30, all required coursework shall count toward the
22 associate in arts degree or the baccalaureate degree.

23 (8) A baccalaureate degree program shall require no
24 more than 120 semester hours of college credit, including 36
25 semester hours of general education coursework, unless prior
26 approval has been granted by the State Board of Education.

27 (9) A student who received an associate in arts degree
28 for successfully completing 60 semester credit hours may
29 continue to earn additional credits at a community college.
30 The university must provide credit toward the student's
31 baccalaureate degree for an additional community college

1 course if, according to the statewide course numbering, the
2 community college course is a course listed in the university
3 catalog as required for the degree or as prerequisite to a
4 course required for the degree. Of the courses required for
5 the degree, at least half of the credit hours required for the
6 degree shall be achievable through courses designated as lower
7 division, except in degree programs approved by the State
8 Board of Education.

9 (10) Students at state universities may request
10 associate in arts certificates if they have successfully
11 completed the minimum requirements for the degree of associate
12 in arts (A.A.). The university must grant the student an
13 associate in arts degree if the student has successfully
14 completed minimum requirements for college-level communication
15 and computation skills adopted by the State Board of Education
16 and 60 academic semester hours or the equivalent within a
17 degree program area, with 36 semester hours in general
18 education courses in the subject areas of communication,
19 mathematics, social sciences, humanities, and natural
20 sciences, consistent with the general education requirements
21 specified in the articulation agreement pursuant to s.
22 1007.23.

23 (11) The Commissioner of Education shall appoint
24 faculty committees representing both community college and
25 public school faculties to recommend to the commissioner for
26 approval by the State Board of Education a standard program
27 length and appropriate occupational completion points for each
28 postsecondary career and technical certificate program,
29 diploma, and degree.

30 Section 353. Section 1007.261, Florida Statutes, is
31 created to read:

1 1007.261 State universities; admissions of
2 students.--Each university board of trustees is authorized to
3 adopt rules governing the admission of students, subject to
4 this section and rules of the State Board of Education.
5 (1) Minimum academic standards for undergraduate
6 admission to a university include:
7 (a) Each student must have received a high school
8 diploma pursuant to s. 1003.43, or its equivalent, except as
9 provided in s. 1007.271(2)-(5) or completed a home education
10 program according to s. 1002.41.
11 (b) Each student must have successfully completed a
12 college-preparatory curriculum of 19 credits, as defined in
13 rules of the State Board of Education, including at least 2
14 credits of sequential foreign language at the secondary level
15 or the equivalent of such instruction at the postsecondary
16 level. A student who completes a home education program
17 according to s. 1002.41 is not required to document completion
18 of the 19 credits required by this paragraph. A student whose
19 native language is not English is exempt from the foreign
20 language requirement, provided that the student demonstrates
21 proficiency in the native language. If a standardized test is
22 not available in the student's native language for the
23 demonstration of proficiency, the university may provide an
24 alternative method of assessment. The State Board of Education
25 shall adopt rules for the articulation of foreign language
26 competency and equivalency between secondary and postsecondary
27 institutions. A student who received an associate in arts
28 degree prior to September 1, 1989, or who enrolled in a
29 program of studies leading to an associate degree from a
30 community college prior to August 1, 1989, and maintains
31

1 continuous enrollment shall be exempt from this admissions
2 requirement.
3 (c) Each student must have submitted a test score from
4 the Scholastic Assessment Test of the College Entrance
5 Examination Board or the American College Testing Program.
6 (2) The minimum admission standards adopted by the
7 State Board of Education or a university board of trustees
8 must permit a student to earn at least 4 of the 19 credits
9 constituting the college-preparatory curriculum required for
10 admission as electives in any one of the following manners:
11 (a) Successful completion of any course identified in
12 the Department of Education course code directory as level two
13 or higher in one or more of the following subject areas:
14 English, mathematics, natural science, social science, and
15 foreign language;
16 (b) Successful completion of any course identified in
17 the Department of Education course code directory as level
18 three in the same or related disciplines;
19 (c) Any combination of the courses identified in
20 paragraphs (a) and (b); or
21 (d) Successful completion of two credits from the
22 courses identified in paragraph (a), plus no more than two
23 total credits from the following categories of courses:
24 1. Courses identified in the Department of Education
25 course code directory as ROTC and military training;
26 2. Courses identified in the Department of Education
27 course code directory as level two in art-visual arts, dance,
28 drama-theatre arts, language arts, or music; or
29 3. Any additional courses determined to be equivalent
30 by the Department of Education.
31

1 (3) Each university may admit a limited number of
2 students notwithstanding the admission requirements of
3 paragraph (1)(b) relating to credits in foreign language, if
4 there is evidence that the applicant is expected to do
5 successful academic work at the admitting university. The
6 percent of applicants admitted under this subsection may not
7 exceed a level established for the university by the State
8 Board of Education. Any lower-division student admitted
9 without meeting the foreign language requirement must earn
10 such credits prior to admission to the upper division of a
11 state university. Any associate in arts degree graduate from a
12 community college or university in Florida, or other
13 upper-division transfer student, admitted without meeting the
14 foreign language requirement, must earn such credits prior to
15 graduation from a state university. Students shall be exempt
16 from the provisions of this subsection if they can demonstrate
17 proficiency in American sign language equivalent to that of
18 students who have completed two credits of such instruction in
19 high school.

20 (4) Nonresident students may be admitted to the
21 university upon such terms as the university may establish.
22 However, such terms shall include, but shall not be limited
23 to: completion of a secondary school curriculum which
24 includes 4 years of English; 3 years each of mathematics,
25 science, and social sciences; and 2 years of a foreign
26 language.

27 (5) Within the admission standards provided for in
28 subsection (1), the State Board of Education shall develop
29 procedures for weighting courses which are necessary to meet
30 the requirements of a college-preparatory curriculum at a
31 higher value than less rigorous courses. Credits received in

1 such courses shall be given greater value in determining
2 admission by universities than cumulative grade point averages
3 in high school.

4 (6) Consideration shall be given to the past actions
5 of any person applying for admission as a student to any state
6 university, either as a new applicant, an applicant for
7 continuation of studies, or a transfer student, when such
8 actions have been found to disrupt or interfere with the
9 orderly conduct, processes, functions, or programs of any
10 other university, college, or community college.

11 (7) In any application for admission by a student as a
12 citizen of the state, the applicant, if 18 years of age, or,
13 if a minor, his or her parents or guardian shall make and file
14 with such application a written statement under oath that such
15 applicant is a citizen and resident of the state and entitled,
16 as such, to admission upon the terms and conditions prescribed
17 for citizens and residents of the state.

18 (8) Rules of the State Board of Education shall
19 require the use of scores on tests of college-level
20 communication and computation skills provided in s. 1008.29 as
21 a condition for admission of students to upper-division
22 instructional programs from community colleges, including
23 those who have been awarded associate in arts degrees. Use of
24 such test scores as an admission requirement shall extend
25 equally and uniformly to students enrolled in lower divisions
26 in a state university and to transfer students from other
27 colleges and universities. The tests shall be required for
28 community college students seeking associate in arts degrees
29 and students seeking admission to upper-division instructional
30 programs in a state university. The use of test scores prior

31

1 to August 1, 1984, shall be limited to student counseling and
2 curriculum improvement.

3 (9) For the purposes of this section, American sign
4 language constitutes a foreign language. Florida high schools
5 may offer American sign language as a for-credit elective or
6 as a substitute for any already authorized foreign language
7 requirement.

8 (10) A Florida resident who is denied admission as an
9 undergraduate to a state university for failure to meet the
10 high school grade point average requirement may appeal the
11 decision to the university and request a recalculation of the
12 grade point average including in the revised calculation the
13 grades earned in up to three credits of advanced fine arts
14 courses. The university shall provide the student with a
15 description of the appeals process at the same time as
16 notification of the admissions decision. The university shall
17 recalculate the student's grade point average using the
18 additional courses and advise the student of any changes in
19 the student's admission status. For purposes of this section,
20 fine arts courses include courses in music, drama, painting,
21 sculpture, speech, debate, or a course in any art form that
22 requires manual dexterity. Advanced level fine arts courses
23 include fine arts courses identified in the course code
24 directory as Advanced Placement, pre-International
25 Baccalaureate, or International Baccalaureate, or fine arts
26 courses taken in the third or fourth year of a fine arts
27 curriculum.

28 Section 354. Section 1007.262, Florida Statutes, is
29 created to read:

30 1007.262 Foreign language competence; equivalence
31 determinations.--The Department of Education shall identify

1 the competencies demonstrated by students upon the successful
2 completion of 2 credits of sequential high school foreign
3 language instruction. For the purpose of determining
4 postsecondary equivalence pursuant to s. 1007.261(1)(b), the
5 department shall develop rules through which community
6 colleges correlate such competencies to the competencies
7 required of students in the colleges' respective courses.
8 Based on this correlation, each community college shall
9 identify the minimum number of postsecondary credits that
10 students must earn in order to demonstrate a level of
11 competence in a foreign language at least equivalent to that
12 of students who have completed 2 credits of such instruction
13 in high school. The department may also specify alternative
14 means by which students can demonstrate equivalent foreign
15 language competence, including means by which a student whose
16 native language is not English may demonstrate proficiency in
17 the native language. A student who demonstrates proficiency in
18 a native language other than English is exempt from the
19 requirement of completing foreign language courses at the
20 secondary or postsecondary level.

21 Section 355. Section 1007.263, Florida Statutes, is
22 created to read:

23 1007.263 Community colleges; admissions of
24 students.--Each community college board of trustees is
25 authorized to adopt rules governing admissions of students
26 subject to this section and rules of the State Board of
27 Education. These rules shall include the following:

28 (1) Admissions counseling shall be provided to all
29 students entering college credit programs, which counseling
30 shall utilize tests to measure achievement of college-level
31

1 communication and computation competencies by all students
2 entering college credit programs.
3 (2) Admission to associate degree programs is subject
4 to minimum standards adopted by the State Board of Education
5 and shall require:
6 (a) A standard high school diploma, a high school
7 equivalency diploma as prescribed in s. 1003.435, previously
8 demonstrated competency in college credit postsecondary
9 coursework, or, in the case of a student who is home educated,
10 a signed affidavit submitted by the student's parent or legal
11 guardian attesting that the student has completed a home
12 education program pursuant to the requirements of s. 1002.41.
13 Students who are enrolled in a dual enrollment or early
14 admission program pursuant to ss. 1007.27 and 1007.271 and
15 secondary students enrolled in college-level instruction
16 creditable toward the associate degree, but not toward the
17 high school diploma, shall be exempt from this requirement.
18 (b) A demonstrated level of achievement of
19 college-level communication and computation skills.
20 (c) Any other requirements established by the board of
21 trustees.
22 (3) Admission to other programs within the community
23 college shall include education requirements as established by
24 the board of trustees.
25
26 Each board of trustees shall establish policies that notify
27 students about, and place students into, adult basic
28 education, adult secondary education, or other instructional
29 programs that provide students with alternatives to
30 traditional college-preparatory instruction, including private
31 provider instruction. A student is prohibited from enrolling

1 in additional college-level courses until the student scores
2 above the cut-score on all sections of the common placement
3 test.

4 Section 356. Section 1007.264, Florida Statutes, is
5 created to read:

6 1007.264 Impaired and learning disabled persons;
7 admission and graduation, substitute requirements; rules.--Any
8 person who is hearing impaired, visually impaired, or
9 dyslexic, or who has a specific learning disability, shall be
10 eligible for reasonable substitution for any requirement for
11 admission into a public postsecondary educational institution,
12 admission into a program of study, or graduation, where
13 documentation can be provided that the person's failure to
14 meet the requirement is related to the disability and where
15 the failure to meet the graduation requirement or program
16 admission requirement does not constitute a fundamental
17 alteration in the nature of the program. The State Board of
18 Education shall adopt rules to implement this section and
19 shall develop substitute requirements where appropriate.

20 Section 357. Section 1007.27, Florida Statutes, is
21 created to read:

22 1007.27 Articulated acceleration mechanisms.--

23 (1) It is the intent of the Legislature that a variety
24 of articulated acceleration mechanisms be available for
25 secondary and postsecondary students attending public
26 educational institutions. It is intended that articulated
27 acceleration serve to shorten the time necessary for a student
28 to complete the requirements associated with the conference of
29 a high school diploma and a postsecondary degree, broaden the
30 scope of curricular options available to students, or increase
31 the depth of study available for a particular subject.

1 Articulated acceleration mechanisms shall include, but not be
2 limited to, dual enrollment as provided for in s. 1007.271,
3 early admission, advanced placement, credit by examination,
4 the International Baccalaureate Program, and the Advanced
5 International Certificate of Education Program. Credit earned
6 through the Florida Virtual School shall provide additional
7 opportunities for early graduation and acceleration.

8 (2) The Department of Education shall identify the
9 minimum scores, maximum credit, and course or courses for
10 which credit is to be awarded for each College Level
11 Examination Program (CLEP) general examination, CLEP subject
12 examination, College Board Advanced Placement Program
13 examination, and International Baccalaureate examination. In
14 addition, the department shall identify such courses in the
15 general education core curriculum of each state university and
16 community college.

17 (3) Each community college and state university must
18 award credit for specific courses for which competency has
19 been demonstrated by successful passage of one of the
20 examinations in subsection (2) unless the award of credit
21 duplicates credit already awarded. Community colleges and
22 state universities may not exempt students from courses
23 without the award of credit if competencies have been so
24 demonstrated.

25 (4) It is the intent of the Legislature to provide
26 articulated acceleration mechanisms for students who are in
27 home education programs, as defined in s. 1003.01(11),
28 consistent with the educational opportunities available to
29 public and private secondary school students. Home education
30 students may participate in dual enrollment, career and
31 technical dual enrollment, early admission, and credit by

1 examination. Credit earned by home education students through
2 dual enrollment shall apply toward the completion of a home
3 education program that meets the requirements of s. 1002.41.
4 (5) Early admission shall be a form of dual enrollment
5 through which eligible secondary students enroll in a
6 postsecondary institution on a full-time basis in courses that
7 are creditable toward the high school diploma and the
8 associate or baccalaureate degree. Students enrolled pursuant
9 to this subsection shall be exempt from the payment of
10 registration, matriculation, and laboratory fees.
11 (6) Advanced placement shall be the enrollment of an
12 eligible secondary student in a course offered through the
13 Advanced Placement Program administered by the College Board.
14 Postsecondary credit for an advanced placement course shall be
15 limited to students who score a minimum of 3, on a 5-point
16 scale, on the corresponding Advanced Placement Examination.
17 The specific courses for which students receive such credit
18 shall be determined by the department. Students of Florida
19 public secondary schools enrolled pursuant to this subsection
20 shall be exempt from the payment of any fees for
21 administration of the examination regardless of whether or not
22 the student achieves a passing score on the examination.
23 (7) Credit by examination shall be the program through
24 which secondary and postsecondary students generate
25 postsecondary credit based on the receipt of a specified
26 minimum score on nationally standardized general or
27 subject-area examinations. For the purpose of statewide
28 application, such examinations and the corresponding minimum
29 scores required for an award of credit shall be delineated by
30 the State Board of Education in the statewide articulation
31 agreement. The maximum credit generated by a student pursuant

1 to this subsection shall be mitigated by any related
2 postsecondary credit earned by the student prior to the
3 administration of the examination. This subsection shall not
4 preclude community colleges and universities from awarding
5 credit by examination based on student performance on
6 examinations developed within and recognized by the individual
7 postsecondary institutions.

8 (8) The International Baccalaureate Program shall be
9 the curriculum in which eligible secondary students are
10 enrolled in a program of studies offered through the
11 International Baccalaureate Program administered by the
12 International Baccalaureate Office. The State Board of
13 Education shall establish rules which specify the cutoff
14 scores and International Baccalaureate Examinations which will
15 be used to grant postsecondary credit at community colleges
16 and universities. Any such rules, which have the effect of
17 raising the required cutoff score or of changing the
18 International Baccalaureate Examinations which will be used to
19 grant postsecondary credit, shall only apply to students
20 taking International Baccalaureate Examinations after such
21 rules are adopted by the State Board of Education. Students
22 shall be awarded a maximum of 30 semester credit hours
23 pursuant to this subsection. The specific course for which a
24 student receives such credit shall be determined by the
25 department. Students enrolled pursuant to this subsection
26 shall be exempt from the payment of any fees for
27 administration of the examinations regardless of whether or
28 not the student achieves a passing score on the examination.

29 (9) The Advanced International Certificate of
30 Education Program shall be the curriculum in which eligible
31 secondary students are enrolled in a program of studies

1 offered through the Advanced International Certificate of
2 Education Program administered by the University of Cambridge
3 Local Examinations Syndicate. The State Board of Education
4 shall establish rules which specify the cutoff scores and
5 Advanced International Certificate of Education examinations
6 which will be used to grant postsecondary credit at community
7 colleges and universities. Any such rules, which have the
8 effect of raising the required cutoff score or of changing the
9 Advanced International Certification of Education examinations
10 which will be used to grant postsecondary credit, shall apply
11 to students taking Advanced International Certificate of
12 Education Examinations after such rules are adopted by the
13 State Board of Education. Students shall be awarded a maximum
14 of 30 semester credit hours pursuant to this subsection. The
15 specific course for which a student receives such credit shall
16 be determined by the community college or university that
17 accepts the student for admission. Students enrolled pursuant
18 to this subsection shall be exempt from the payment of any
19 fees for administration of the examinations regardless of
20 whether or not the student achieves a passing score on the
21 examination.

22 (10) Any student who earns 9 or more credits from one
23 or more of the acceleration mechanisms provided for in this
24 section is exempt from any requirement of a public
25 postsecondary educational institution mandating enrollment
26 during a summer term.

27 Section 358. Section 1007.271, Florida Statutes, is
28 created to read:

29 1007.271 Dual enrollment programs.--

30 (1) The dual enrollment program is the enrollment of
31 an eligible secondary student or home education student in a

1 postsecondary course creditable toward a career and technical
2 certificate or an associate or baccalaureate degree.

3 (2) For the purpose of this section, an eligible
4 secondary student is a student who is enrolled in a Florida
5 public secondary school or in a Florida private secondary
6 school which is in compliance with s. 1002.42(2) and conducts
7 a secondary curriculum pursuant to s. 1003.43. Students
8 enrolled in postsecondary instruction that is not creditable
9 toward the high school diploma shall not be classified as dual
10 enrollments. Students who are eligible for dual enrollment
11 pursuant to this section shall be permitted to enroll in dual
12 enrollment courses conducted during school hours, after school
13 hours, and during the summer term. Instructional time for such
14 enrollment may exceed 900 hours; however, the school district
15 may only report the student for a maximum of 1.0 FTE, as
16 provided in s. 1011.61(4). Any student so enrolled is exempt
17 from the payment of registration, matriculation, and
18 laboratory fees. Vocational-preparatory instruction,
19 college-preparatory instruction and other forms of
20 precollegiate instruction, as well as physical education
21 courses that focus on the physical execution of a skill rather
22 than the intellectual attributes of the activity, are
23 ineligible for inclusion in the dual enrollment program.
24 Recreation and leisure studies courses shall be evaluated
25 individually in the same manner as physical education courses
26 for potential inclusion in the program.

27 (3) The Department of Education shall adopt guidelines
28 designed to achieve comparability across school districts of
29 both student qualifications and teacher qualifications for
30 dual enrollment courses. Student qualifications must
31 demonstrate readiness for college-level coursework if the

1 student is to be enrolled in college courses. Student
2 qualifications must demonstrate readiness for career and
3 technical-level coursework if the student is to be enrolled in
4 career and technical courses. In addition to the common
5 placement examination, student qualifications for enrollment
6 in college credit dual enrollment courses must include a 3.0
7 unweighted grade point average, and student qualifications for
8 enrollment in career and technical certificate dual enrollment
9 courses must include a 2.0 unweighted grade point average.
10 Exceptions to the required grade point averages may be granted
11 if the educational entities agree and the terms of the
12 agreement are contained within the dual enrollment
13 interinstitutional articulation agreement. Community college
14 boards of trustees may establish additional admissions
15 criteria, which shall be included in the district
16 interinstitutional articulation agreement developed according
17 to s. 1007.235, to ensure student readiness for postsecondary
18 instruction. Additional requirements included in the agreement
19 shall not arbitrarily prohibit students who have demonstrated
20 the ability to master advanced courses from participating in
21 dual enrollment courses. District school boards may not refuse
22 to enter into an agreement with a local community college if
23 that community college has the capacity to offer dual
24 enrollment courses.

25 (4) Career and technical dual enrollment shall be
26 provided as a curricular option for secondary students to
27 pursue in order to earn a series of elective credits toward
28 the high school diploma. However, career and technical dual
29 enrollment shall not supplant student acquisition of the
30 diploma. Career and technical dual enrollment shall be
31 available for secondary students seeking a degree or

1 certificate from a complete job-preparatory program, but shall
2 not sustain student enrollment in isolated career and
3 technical courses. It is the intent of the Legislature that
4 career and technical dual enrollment reflect the interests and
5 aptitudes of the student. The provision of a comprehensive
6 academic and career and technical dual enrollment program
7 within the area technical center or community college is
8 supportive of legislative intent; however, such provision is
9 not mandatory.

10 (5) Each district school board shall inform all
11 secondary students of dual enrollment as an educational option
12 and mechanism for acceleration. Students shall be informed of
13 eligibility criteria, the option for taking dual enrollment
14 courses beyond the regular school year, and the 24 minimum
15 academic credits required for graduation. District school
16 boards shall annually assess the demand for dual enrollment
17 and other advanced courses, and the district school board
18 shall consider strategies and programs to meet that demand.

19 (6) The Commissioner of Education shall appoint
20 faculty committees representing public school, community
21 college, and university faculties to identify postsecondary
22 courses that meet the high school graduation requirements of
23 s. 1003.43, and to establish the number of postsecondary
24 semester credit hours of instruction and equivalent high
25 school credits earned through dual enrollment pursuant to s.
26 1007.271 that are necessary to meet high school graduation
27 requirements. Such equivalencies shall be determined solely on
28 comparable course content and not on seat time traditionally
29 allocated to such courses in high school. The Commissioner of
30 Education shall recommend to the State Board of Education
31 those courses identified to meet high school graduation

1 requirements, based on mastery of course outcomes, by their
2 statewide course number, and all high schools shall accept
3 these postsecondary education courses toward meeting the
4 requirements of s. 1003.43.

5 (7) Early admission shall be a form of dual enrollment
6 through which eligible secondary students enroll in a
7 postsecondary institution on a full-time basis in courses that
8 are creditable toward the high school diploma and the
9 associate or baccalaureate degree. Students enrolled pursuant
10 to this subsection shall be exempt from the payment of
11 registration, matriculation, and laboratory fees.

12 (8) Career and technical early admission is a form of
13 career and technical dual enrollment through which eligible
14 secondary students enroll full time in an area technical
15 center or a community college in courses that are creditable
16 toward the high school diploma and the certificate or
17 associate degree. Participation in the career and technical
18 early admission program shall be limited to students who have
19 completed a minimum of 6 semesters of full-time secondary
20 enrollment, including studies undertaken in the ninth grade.
21 Students enrolled pursuant to this section are exempt from the
22 payment of registration, matriculation, and laboratory fees.

23 (9) The State Board of Education shall adopt rules for
24 any dual enrollment programs involving requirements for high
25 school graduation.

26 (10)(a) The dual enrollment program for home education
27 students consists of the enrollment of an eligible home
28 education secondary student in a postsecondary course
29 creditable toward an associate degree, a career or technical
30 certificate, or a baccalaureate degree. To participate in the

31

1 dual enrollment program, an eligible home education secondary
2 student must:

3 1. Provide proof of enrollment in a home education
4 program pursuant to s. 1002.41.

5 2. Be responsible for his or her own instructional
6 materials and transportation unless provided for otherwise.

7 (b) Each technical center, community college, and
8 state university shall:

9 1. Delineate courses and programs for dually enrolled
10 home education students. Courses and programs may be added,
11 revised, or deleted at any time.

12 2. Identify eligibility criteria for home education
13 student participation, not to exceed those required of other
14 dually enrolled students.

15 (11) The Department of Education shall approve any
16 course for inclusion in the dual enrollment program that is
17 contained within the statewide course numbering system.
18 However, college-preparatory and other forms of precollegiate
19 instruction, and physical education and other courses that
20 focus on the physical execution of a skill rather than the
21 intellectual attributes of the activity, may not be so
22 approved, but must be evaluated individually for potential
23 inclusion in the dual enrollment program.

24 (12) The Department of Education shall develop a
25 statement on transfer guarantees which will inform students,
26 prior to enrollment in a dual enrollment course, of the
27 potential for the dual enrollment course to articulate as an
28 elective or a general education course into a postsecondary
29 education certificate or degree program. The statement shall
30 be provided to each district school superintendent, who shall
31 include the statement in the information provided to all

1 secondary students as required pursuant to this subsection.

2 The statement may also include additional information,
3 including, but not limited to, dual enrollment options,
4 guarantees, privileges, and responsibilities.

5 (13) It is the intent of the Legislature that students
6 who meet the eligibility requirements of this subsection and
7 who choose to participate in dual enrollment programs be
8 exempt from the payment of registration, matriculation, and
9 laboratory fees.

10 (14) Instructional materials assigned for use within
11 dual enrollment courses shall be made available to dual
12 enrollment students from Florida public high schools free of
13 charge. This subsection shall not be construed to prohibit a
14 community college from providing instructional materials at no
15 cost to a home education student or student from a private
16 school. Students enrolled in postsecondary instruction not
17 creditable toward a high school diploma shall not be
18 considered dual enrollments and shall be required to assume
19 the cost of instructional materials necessary for such
20 instruction.

21 (15) Instructional materials purchased by a district
22 school board or community college board of trustees on behalf
23 of dual enrollment students shall be the property of the board
24 against which the purchase is charged.

25 (16) School districts and community colleges must
26 weigh college-level dual enrollment courses the same as honors
27 courses and advanced placement courses when grade point
28 averages are calculated. Alternative grade calculation or
29 weighting systems that discriminate against dual enrollment
30 courses are prohibited.

31

1 (17) The Commissioner of Education may approve dual
2 enrollment agreements for limited course offerings that have
3 statewide appeal. Such programs shall be limited to a single
4 site with multiple county participation.

5 Section 359. Section 1007.272, Florida Statutes, is
6 created to read:

7 1007.272 Joint dual enrollment and advanced placement
8 instruction.--

9 (1) Each school district, community college, and state
10 university may conduct advanced placement instruction within
11 dual enrollment courses. Each joint dual enrollment and
12 advanced placement course shall be incorporated within and
13 subject to the provisions of the district interinstitutional
14 articulation agreement pursuant to s. 1007.235. Such agreement
15 shall certify that each joint dual enrollment and advanced
16 placement course integrates, at a minimum, the course
17 structure recommended by the College Board and the structure
18 that corresponds to the common course number.

19 (2) Each student enrolled in a joint dual enrollment
20 and advanced placement course may be funded pursuant to either
21 the dual enrollment or advanced placement formula specified in
22 s. 1011.62; however, no student shall be funded through both
23 programs for enrollment in a course provided through this
24 section. The district school board reporting enrollments for
25 such courses shall utilize the funding formula that more
26 closely approximates the cost of conducting the course. No
27 student shall be reported for advanced placement funding who
28 fails to meet the examination requirement for such funding.

29 (3) Postsecondary credit for student completion of a
30 joint dual enrollment and advanced placement course shall be
31 awarded, based on the stated preference of the student, as

1 either dual enrollment or advanced placement credit; however,
2 an award of advanced placement credit shall be limited to
3 students who score a minimum of 3, on a 5-point scale, on the
4 Advanced Placement Examination. No student shall claim double
5 credit based on the completion of a single joint dual
6 enrollment and advanced placement course, nor shall any
7 student enrolled pursuant to this section be required to
8 complete the Advanced Placement Examination.

9 Section 360. Section 1007.28, Florida Statutes, is
10 created to read:

11 1007.28 Computer-assisted student advising
12 system.--The State Board of Education shall establish and
13 maintain within the Department of Education a single,
14 statewide computer-assisted student advising system, which
15 must be an integral part of the process of advising,
16 registering, and certifying students for graduation. It is
17 intended that an advising system be the primary advising and
18 tracking tool for students enrolled in public postsecondary
19 educational institutions and be accessible to all Florida
20 students. The state universities and community colleges shall
21 interface institutional systems with the computer-assisted
22 advising system required by this section. The State Board of
23 Education shall prescribe by rule the roles and
24 responsibilities of the department, the state universities,
25 and the community colleges in the design, implementation,
26 promotion, development, and analysis of the system. The system
27 shall consist of a degree audit and an articulation component
28 that includes the following characteristics:

29 (1) The system shall constitute an integral part of
30 the process of advising students and assisting them in course
31

1 selection. The system shall be accessible to students in the
2 following ways:
3 (a) A student must be able to access the system, at
4 any time, to identify course options that will meet the
5 requirements of a selected path toward a degree.
6 (b) A status report from the system shall be generated
7 and sent with each grade report to each student enrolled in
8 public postsecondary educational institutions with a declared
9 major.
10 (2) The system shall be an integral part of the
11 registration process at public postsecondary educational
12 institutions. As part of the process, the system shall:
13 (a) Provide reports that document each student's
14 status toward completion of a degree.
15 (b) Verify that a student has completed requirements
16 for graduation.
17 (3) The system must provide students information
18 related to career descriptions and corresponding educational
19 requirements, admissions requirements, and available sources
20 of student financial assistance. Such advising must enable
21 students to examine their interests and aptitudes for the
22 purpose of curricular and career planning.
23 (4) The system must provide management information to
24 decisionmakers, including information relating student
25 enrollment patterns and course demands to plans for
26 corresponding course offerings and information useful in
27 planning the student registration process.
28 Section 361. Part III of chapter 1007, Florida
29 Statutes, shall be entitled "Access to Postsecondary
30 Education" and shall consist of ss. 1007.31-1007.34.
31

1 Section 362. Section 1007.31, Florida Statutes, is
2 created to read:

3 1007.31 Limited access programs.--

4 (1) The State Board of Education shall establish
5 criteria for assigning limited access status to an educational
6 program and a process for the periodic review of such programs
7 so that a university board of trustees can determine the need
8 for retention or removal of limited access status.

9 (2) Each university board of trustees shall monitor
10 limited access programs within the university and conduct
11 periodic reviews of such programs to determine the need for
12 retention or removal of the limited access status.

13 Section 363. Section 1007.32, Florida Statutes, is
14 created to read:

15 1007.32 Transfer students.--

16 (1) Each university shall provide registration
17 opportunities for transfer students that allow such students
18 access to high demand courses comparable to that provided
19 native students.

20 (2) Each university that provides an orientation
21 program for freshman enrollees shall also provide orientation
22 programs for transfer students.

23 Section 364. Section 1007.33, Florida Statutes, is
24 created to read:

25 1007.33 Site-determined baccalaureate degree access.--

26 (1) The Legislature recognizes that public and private
27 postsecondary educational institutions play essential roles in
28 improving the quality of life and economic well-being of the
29 state and its residents. The Legislature also recognizes that
30 economic development needs and the educational needs of
31 place-bound, nontraditional students have increased the demand

1 for local access to baccalaureate degree programs. In some,
2 but not all, geographic regions, baccalaureate degree programs
3 are being delivered successfully at the local community
4 college through agreements between the community college and
5 4-year postsecondary institutions within or outside of the
6 state. It is therefore the intent of the Legislature to
7 further expand access to baccalaureate degree programs through
8 the use of community colleges.

9 (2) A community college may enter into a formal
10 agreement pursuant to the provisions of s. 1007.22 for the
11 delivery of specified baccalaureate degree programs.

12 (3) A community college may develop a proposal to
13 deliver specified baccalaureate degree programs in its
14 district to meet local workforce needs. The proposal must be
15 submitted to the State Board of Education for approval. The
16 community college's proposal must include the following
17 information:

18 (a) Demand for the baccalaureate degree program is
19 identified by the workforce development board, local
20 businesses and industry, local chambers of commerce, and
21 potential students.

22 (b) Unmet need for graduates of the proposed degree
23 program is substantiated.

24 (c) The community college has the facilities and
25 academic resources to deliver the program.

26
27 The proposal must be submitted to the Council for Education
28 Policy Research and Improvement for review and comment. Upon
29 approval of the State Board of Education for the specific
30 degree program or programs, the community college shall pursue
31 regional accreditation by the Commission on Colleges of the

1 Southern Association of Colleges and Schools. Any additional
2 baccalaureate degree programs the community college wishes to
3 offer must be approved by the State Board of Education.

4 (4) A community college may not terminate its
5 associate in arts or associate in science degree programs as a
6 result of the authorization provided in subsection (3). The
7 Legislature intends that the primary mission of a community
8 college, including a community college that offers
9 baccalaureate degree programs, continues to be the provision
10 of associate degrees that provide access to a university.

11 Section 365. Section 1007.34, Florida Statutes, is
12 created to read:

13 1007.34 College reach-out program.--

14 (1) There is established a college reach-out program
15 to increase the number of low-income educationally
16 disadvantaged students in grades 6-12 who, upon high school
17 graduation, are admitted to and successfully complete
18 postsecondary education. Participants should be students who
19 otherwise would be unlikely to seek admission to a community
20 college, state university, or independent postsecondary
21 institution without special support and recruitment efforts.
22 The State Board of Education shall adopt rules that provide
23 for the following:

24 (a) Definition of "low-income educationally
25 disadvantaged student."

26 (b) Specific criteria and guidelines for selection of
27 college reach-out participants.

28 (2) In developing the definition for "low-income
29 educationally disadvantaged student," the State Board of
30 Education shall include such factors as: the family's taxable
31 income; family receipt of temporary cash assistance in the

1 preceding year; family receipt of public assistance in the
2 preceding year; the student's cumulative grade point average;
3 the student's promotion and attendance patterns; the student's
4 performance on state standardized tests; the student's
5 enrollment in mathematics and science courses; and the
6 student's participation in a dropout prevention program.

7 (3) To participate in the college reach-out program, a
8 postsecondary educational institution may submit a proposal to
9 the Department of Education. The State Board of Education
10 shall consider the proposals and determine which proposals to
11 implement as programs that will strengthen the educational
12 motivation and preparation of low-income educationally
13 disadvantaged students.

14 (4) Postsecondary educational institutions that
15 participate in the program must provide procedures for
16 continuous contact with students from the point at which they
17 are selected for participation until they enroll in a
18 postsecondary educational institution. These procedures must
19 assist students in selecting courses required for graduation
20 from high school and admission to a postsecondary educational
21 institution and ensure that students continue to participate
22 in program activities. Institutions that participate must
23 provide on-campus academic and advisory activities during
24 summer vacation and provide opportunities for interacting with
25 college and university students as mentors, tutors, or role
26 models. Proposals submitted by universities and consortia
27 involving universities must provide students with an
28 opportunity to live on campus.

29 (5) In selecting proposals for approval, the State
30 Board of Education shall give preference to:

31

- 1 (a) Proposals submitted jointly by two or more
2 eligible postsecondary educational institutions.
- 3 (b) A program that will use institutional, federal, or
4 private resources to supplement state appropriations.
- 5 (c) An applicant that has demonstrated success in
6 conducting similar programs.
- 7 (d) A program that includes innovative approaches,
8 provides a great variety of activities, and includes a large
9 percentage of low-income educationally disadvantaged minority
10 students in the college reach-out program.
- 11 (e) An applicant that demonstrates commitment to the
12 program by proposing to match the grant funds at least
13 one-to-one in cash or services, with cash being the preferred
14 match.
- 15 (f) An applicant that demonstrates an interest in
16 cultural diversity and that addresses the unmet regional needs
17 of varying communities.
- 18 (6) A participating postsecondary educational
19 institution is encouraged to use its resources to meet program
20 objectives. A participating postsecondary educational
21 institution must establish an advisory committee composed of
22 high school and middle school personnel, as well as community
23 leaders, to provide advice and assistance in implementing its
24 program.
- 25 (7) A proposal must contain the following information:
- 26 (a) A statement of purpose that includes a description
27 of the need for, and the results expected from, the proposed
28 program.
- 29 (b) An identification of the service area that names
30 the schools to be served, provides community and school
31

1 demographics, and sets forth the postsecondary enrollment
2 rates of high school graduates within the area.
3 (c) An identification of existing programs for
4 enhancing the academic performance of minority and low-income
5 educationally disadvantaged students for enrollment in
6 postsecondary education.
7 (d) A description of the proposed program that
8 describes criteria to be used to identify schools for
9 participation in the program. At least 60 percent of the
10 students recruited in any one year must be in grades 6-9.
11 (e) A description of the program activities that must
12 support the following goals:
13 1. Motivate students to pursue a postsecondary
14 education.
15 2. Enhance students' basic learning skills and
16 performance.
17 3. Strengthen students' and parents' understanding of
18 the benefits of postsecondary education.
19 4. Foster academic, personal, and career development
20 through supplemental instruction.
21 (f) An evaluation component that provides for the
22 collection, maintenance, retrieval, and analysis of the data
23 required by this paragraph. The data must be used to assess
24 the extent to which programs have accomplished specific
25 objectives and achieved the goals of the college reach-out
26 program. The Department of Education shall develop
27 specifications and procedures for the collection and
28 transmission of the data. The annual project evaluation
29 component must contain:
30 1. The student identification number and social
31 security number, if available; the name of the public school

- 1 attended; gender; ethnicity; grade level; and grade point
2 average of each participant at the time of entry into the
3 program.
- 4 2. The grade point average, grade, and promotion
5 status of each of the participants in the program at the end
6 of the academic year and any suspension or expulsion of a
7 participant, if applicable.
- 8 3. The number and percentage of high school
9 participants who satisfactorily complete 2 sequential years of
10 a foreign language and Level 2 and 3 mathematics and science
11 courses.
- 12 4. The number and percentage of participants eligible
13 for high school graduation who receive a standard high school
14 diploma or a high school equivalency diploma, pursuant to s.
15 229.814.
- 16 5. The number and percentage of 12th grade
17 participants who are accepted for enrollment and who enroll in
18 a postsecondary educational institution.
- 19 6. The number of participants who receive
20 scholarships, grant aid, and work-study awards.
- 21 7. The number and percentage of participants who
22 enroll in a public postsecondary educational institution and
23 who fail to achieve a passing score, as defined in State Board
24 of Education rule, on college placement tests pursuant to s.
25 1008.30.
- 26 8. The number and percentage of participants who
27 enroll in a postsecondary educational institution and have a
28 minimum cumulative 2.0 grade point average on a 4.0 scale by
29 the end of the second semester.
- 30 9. The number of disabled students participating in
31 the project and the nature of their disabilities.

- 1 (8) Proposals must be funded competitively in
2 accordance with the following methodology:
- 3 (a) The funds appropriated must be distributed to
4 projects on the basis of minimum standards that include:
- 5 1. A summer residency program of at least 1 week in
6 duration.
- 7 2. A minimum number of hours of academic instructional
8 and developmental activities, career counseling, and personal
9 counseling.
- 10 (b) Subject to legislative appropriations,
11 continuation projects that satisfy the minimum requirements
12 should have their funds increased each year by the same
13 percentage as the rate of inflation. Projects funded for 3
14 consecutive years should have a cumulative institutional cash
15 match of not less than 50 percent of the total cost of the
16 project over the 3-year period. Any college reach-out program
17 project operating for 3 years which does not provide the
18 minimum 50-percent institutional cash match must not be
19 considered for continued funding.
- 20 (9) The Commissioner of Education shall appoint an
21 advisory council to review the proposals and recommend to the
22 State Board of Education an order of priority for funding the
23 proposals.
- 24 (10) On or before February 15 of each year, each
25 participating institution shall submit to the Department of
26 Education an interim report containing program expenditures
27 and participant information as required in State Board of
28 Education rules.
- 29 (11) On or before November 1 of each year,
30 postsecondary educational institutions participating in the
31 program shall submit to the Department of Education an

1 end-of-the-year report on the effectiveness of their
2 participation in the program. The end-of-the-year report must
3 include, without limitation:
4 (a) A copy of the certificate-of-expenditures form
5 showing expenditures by category, state grant funds, and
6 institutional matching in cash and in-kind services.
7 (b) A listing of students participating in the program
8 by grade level, gender, and race.
9 (c) A statement of how the program addresses the four
10 program goals identified in paragraph (7)(e).
11 (d) A brief description and analysis of program
12 characteristics and activities critical to program success.
13 (e) A description of the cooperation received from
14 other units or organizations.
15 (f) An explanation of the program's outcomes,
16 including data related to student performance on the measures
17 provided for in paragraph (7)(f).
18 (12) By February 15 of each year, the Department of
19 Education shall submit to the President of the Senate, the
20 Speaker of the House of Representatives, the Commissioner of
21 Education, and the Governor a report that evaluates the
22 effectiveness of the college reach-out program. To the extent
23 feasible, the performance of college reach-out program
24 participants must be compared to the performance of comparable
25 cohorts of students in public school and postsecondary
26 education.
27 (13) Funding for the college reach-out program shall
28 be provided in the General Appropriations Act.
29 Section 366. Chapter 1008, Florida Statutes, shall be
30 entitled "Assessment and Accountability" and shall consist of
31 ss. 1008.01-1008.51.

1 Section 367. Part I of chapter 1008, Florida Statutes,
2 shall be entitled "Assessment, K-20" and shall consist of ss.
3 1008.21-1008.30.

4 Section 368. Effective upon this act becoming a law,
5 section 1008.21, Florida Statutes, is created to read:

6 1008.21 School readiness uniform screening
7 (kindergarten).--

8 (1) The Department of Education shall implement the
9 school readiness uniform screening developed by the Florida
10 Partnership for School Readiness, and shall require that all
11 school districts administer the kindergarten uniform screening
12 to each kindergarten student in the district school system
13 upon the student's entry into kindergarten.

14 (2)(a) The Department of Education shall implement the
15 school readiness uniform screening to validate the system
16 recommended by the Florida Partnership for School Readiness as
17 part of a comprehensive evaluation design. Beginning with the
18 2002-2003 school year, the department shall require that all
19 school districts administer the school readiness uniform
20 screening to each kindergarten student in the district school
21 system upon the student's entry into kindergarten. Children
22 who enter public school for the first time in first grade must
23 be administered the school readiness uniform screening adopted
24 for use in first grade. The department shall incorporate
25 school readiness data into the K-20 data warehouse for
26 longitudinal tracking.

27 (b) The uniform screening shall provide objective data
28 regarding the following expectations for school readiness
29 which shall include, at a minimum:
30
31

- 1 1. The child's immunizations and other health
2 requirements as necessary, including appropriate vision and
3 hearing screening and examinations.
4 2. The child's physical development.
5 3. The child's compliance with rules, limitations, and
6 routines.
7 4. The child's ability to perform tasks.
8 5. The child's interactions with adults.
9 6. The child's interactions with peers.
10 7. The child's ability to cope with challenges.
11 8. The child's self-help skills.
12 9. The child's ability to express his or her needs.
13 10. The child's verbal communication skills.
14 11. The child's problem-solving skills.
15 12. The child's ability to follow verbal directions.
16 13. The child's demonstration of curiosity,
17 persistence, and exploratory behavior.
18 14. The child's interest in books and other printed
19 materials.
20 15. The child's ability to pay attention to stories.
21 16. The child's participation in art and music
22 activities.
23 17. The child's ability to identify colors, geometric
24 shapes, letters of the alphabet, numbers, and spatial and
25 temporal relationships.
26 Section 369. Section 1008.22, Florida Statutes, is
27 created to read:
28 1008.22 Student assessment program for public
29 schools.--
30 (1) PURPOSE.--The primary purposes of the student
31 assessment program are to provide information needed to

1 improve the public schools by enhancing the learning gains of
2 all students and to inform parents of the educational progress
3 of their public school children. The program must be designed
4 to:

5 (a) Assess the annual learning gains of each student
6 toward achieving the Sunshine State Standards appropriate for
7 the student's grade level.

8 (b) Provide data for making decisions regarding school
9 accountability and recognition.

10 (c) Identify the educational strengths and needs of
11 students and the readiness of students to be promoted to the
12 next grade level or to graduate from high school with a
13 standard high school diploma.

14 (d) Assess how well educational goals and performance
15 standards are met at the school, district, and state levels.

16 (e) Provide information to aid in the evaluation and
17 development of educational programs and policies.

18 (f) Provide information on the performance of Florida
19 students compared with others across the United States.

20 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
21 intent to participate in the measurement of national
22 educational goals. The Commissioner of Education shall direct
23 Florida school districts to participate in the administration
24 of the National Assessment of Educational Progress, or a
25 similar national assessment program, both for the national
26 sample and for any state-by-state comparison programs which
27 may be initiated. Such assessments must be conducted using
28 the data collection procedures, the student surveys, the
29 educator surveys, and other instruments included in the
30 National Assessment of Educational Progress or similar program
31 being administered in Florida. The results of these

1 assessments shall be included in the annual report of the
2 Commissioner of Education specified in this section. The
3 administration of the National Assessment of Educational
4 Progress or similar program shall be in addition to and
5 separate from the administration of the statewide assessment
6 program.

7 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
8 shall design and implement a statewide program of educational
9 assessment that provides information for the improvement of
10 the operation and management of the public schools, including
11 schools operating for the purpose of providing educational
12 services to youth in Department of Juvenile Justice programs.
13 Pursuant to the statewide assessment program, the commissioner
14 shall:

15 (a) Submit to the State Board of Education a list that
16 specifies student skills and competencies to which the goals
17 for education specified in the state plan apply, including,
18 but not limited to, reading, writing, science, and
19 mathematics. The skills and competencies must include
20 problem-solving and higher-order skills as appropriate and
21 shall be known as the Sunshine State Standards as defined in
22 s. 1000.21. The commissioner shall select such skills and
23 competencies after receiving recommendations from educators,
24 citizens, and members of the business community. The
25 commissioner shall submit to the State Board of Education
26 revisions to the list of student skills and competencies in
27 order to maintain continuous progress toward improvements in
28 student proficiency.

29 (b) Develop and implement a uniform system of
30 indicators to describe the performance of public school
31 students and the characteristics of the public school

1 districts and the public schools. These indicators must
2 include, without limitation, information gathered by the
3 comprehensive management information system created pursuant
4 to s. 1008.385 and student achievement information obtained
5 pursuant to this section.

6 (c) Develop and implement a student achievement
7 testing program known as the Florida Comprehensive Assessment
8 Test (FCAT) as part of the statewide assessment program, to be
9 administered annually in grades 3 through 10 to measure
10 reading, writing, science, and mathematics. Other content
11 areas may be included as directed by the commissioner. The
12 testing program must be designed so that:

13 1. The tests measure student skills and competencies
14 adopted by the State Board of Education as specified in
15 paragraph (a). The tests must measure and report student
16 proficiency levels in reading, writing, mathematics, and
17 science. The commissioner shall provide for the tests to be
18 developed or obtained, as appropriate, through contracts and
19 project agreements with private vendors, public vendors,
20 public agencies, postsecondary educational institutions, or
21 school districts. The commissioner shall obtain input with
22 respect to the design and implementation of the testing
23 program from state educators and the public.

24 2. The testing program will include a combination of
25 norm-referenced and criterion-referenced tests and include, to
26 the extent determined by the commissioner, questions that
27 require the student to produce information or perform tasks in
28 such a way that the skills and competencies he or she uses can
29 be measured.

30 3. Each testing program, whether at the elementary,
31 middle, or high school level, includes a test of writing in

1 which students are required to produce writings that are then
2 scored by appropriate methods.
3 4. A score is designated for each subject area tested,
4 below which score a student's performance is deemed
5 inadequate. The school districts shall provide appropriate
6 remedial instruction to students who score below these levels.
7 5. Students must earn a passing score on the grade 10
8 assessment test described in this paragraph in reading,
9 writing, and mathematics to qualify for a regular high school
10 diploma. The State Board of Education shall designate a
11 passing score for each part of the grade 10 assessment test.
12 In establishing passing scores, the state board shall consider
13 any possible negative impact of the test on minority students.
14 All students who took the grade 10 FCAT during the 2000-2001
15 school year shall be required to earn the passing scores in
16 reading and mathematics established by the State Board of
17 Education for the March 2001 test administration. Such
18 students who did not earn the established passing scores and
19 must repeat the grade 10 FCAT are required to earn the passing
20 scores established for the March 2001 test administration.
21 All students who take the grade 10 FCAT for the first time in
22 March 2002 and thereafter shall be required to earn the
23 passing scores in reading and mathematics established by the
24 State Board of Education for the March 2002 test
25 administration. The State Board of Education shall adopt
26 rules which specify the passing scores for the grade 10 FCAT.
27 Any such rules, which have the effect of raising the required
28 passing scores, shall only apply to students taking the grade
29 10 FCAT after such rules are adopted by the State Board of
30 Education.
31

1 6. Participation in the testing program is mandatory
2 for all students attending public school, including students
3 served in Department of Juvenile Justice programs, except as
4 otherwise prescribed by the commissioner. If a student does
5 not participate in the statewide assessment, the district must
6 notify the student's parent and provide the parent with
7 information regarding the implications of such
8 nonparticipation. If modifications are made in the student's
9 instruction to provide accommodations that would not be
10 permitted on the statewide assessment tests, the district must
11 notify the student's parent of the implications of such
12 instructional modifications. A parent must provide signed
13 consent for a student to receive instructional modifications
14 that would not be permitted on the statewide assessments and
15 must acknowledge in writing that he or she understands the
16 implications of such accommodations. The State Board of
17 Education shall adopt rules, based upon recommendations of the
18 commissioner, for the provision of test accommodations and
19 modifications of procedures as necessary for students in
20 exceptional education programs and for students who have
21 limited English proficiency. Accommodations that negate the
22 validity of a statewide assessment are not allowable.

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

26 8. District school boards must provide instruction to
27 prepare students to demonstrate proficiency in the skills and
28 competencies necessary for successful grade-to-grade
29 progression and high school graduation. If a student is
30 provided with accommodations or modifications that are not
31 allowable in the statewide assessment program, as described in

1 the test manuals, the district must inform the parent in
2 writing and must provide the parent with information regarding
3 the impact on the student's ability to meet expected
4 proficiency levels in reading, writing, and math. The
5 commissioner shall conduct studies as necessary to verify that
6 the required skills and competencies are part of the district
7 instructional programs.

8 9. The Department of Education must develop, or
9 select, and implement a common battery of assessment tools
10 that will be used in all juvenile justice programs in the
11 state. These tools must accurately measure the skills and
12 competencies established in the Florida Sunshine State
13 Standards.

14
15 The commissioner may design and implement student testing
16 programs, for any grade level and subject area, necessary to
17 effectively monitor educational achievement in the state.

18 (d) Conduct ongoing research to develop improved
19 methods of assessing student performance, including, without
20 limitation, the use of technology to administer tests, score,
21 or report the results of, the use of electronic transfer of
22 data, the development of work-product assessments, and the
23 development of process assessments.

24 (e) Conduct ongoing research and analysis of student
25 achievement data, including, without limitation, monitoring
26 trends in student achievement, identifying school programs
27 that are successful, and analyzing correlates of school
28 achievement.

29 (f) Provide technical assistance to school districts
30 in the implementation of state and district testing programs
31 and the use of the data produced pursuant to such programs.

1 (4) DISTRICT TESTING PROGRAMS.--Each district school
2 board shall periodically assess student performance and
3 achievement within each school of the district. The assessment
4 programs must be based upon local goals and objectives that
5 are compatible with the state plan for education and that
6 supplement the skills and competencies adopted by the State
7 Board of Education. All school districts must participate in
8 the statewide assessment program designed to measure annual
9 student learning and school performance. All district school
10 boards shall report assessment results as required by the
11 state management information system.

12 (5) SCHOOL TESTING PROGRAMS.--Each public school shall
13 participate in the statewide assessment program, unless
14 specifically exempted by state board rule based on serving a
15 specialized population for which standardized testing is not
16 appropriate. Student performance data shall be analyzed and
17 reported to parents, the community, and the state. Student
18 performance data shall be used in developing objectives of the
19 school improvement plan, evaluation of instructional
20 personnel, evaluation of administrative personnel, assignment
21 of staff, allocation of resources, acquisition of
22 instructional materials and technology, performance-based
23 budgeting, and promotion and assignment of students into
24 educational programs. The analysis of student performance data
25 also must identify strengths and needs in the educational
26 program and trends over time. The analysis must be used in
27 conjunction with the budgetary planning processes developed
28 pursuant to s. 1008.385 and the development of the programs of
29 remediation.

30
31

1 (6) REQUIRED ANALYSES.--The commissioner shall
2 provide, at a minimum, for the following analyses of data
3 produced by the student achievement testing program:
4 (a) The statistical system for the annual assessments
5 shall use measures of student learning, such as the FCAT, to
6 determine teacher, school, and school district statistical
7 distributions, which shall be determined using available data
8 from the FCAT, and other data collection as deemed appropriate
9 by the Department of Education, to measure the differences in
10 student prior year achievement compared to the current year
11 achievement for the purposes of accountability and
12 recognition.
13 (b) The statistical system shall provide the best
14 estimates of teacher, school, and school district effects on
15 student progress. The approach used by the department shall be
16 approved by the commissioner before implementation.
17 (c) The annual testing program shall be administered
18 to provide for valid statewide comparisons of learning gains
19 to be made for purposes of accountability and recognition. The
20 commissioner shall establish a schedule for the administration
21 of the statewide assessments. In establishing such schedule,
22 the commissioner is charged with the duty to accomplish the
23 latest possible administration of the statewide assessments
24 and the earliest possible provision of the results to the
25 school districts feasible within available technology and
26 specific appropriation. District school boards shall not
27 establish school calendars that jeopardize or limit the valid
28 testing and comparison of student learning gains.
29 (7) LOCAL ASSESSMENTS.--Measurement of the learning
30 gains of students in all subjects and grade levels other than
31 subjects and grade levels required for the state student

1 achievement testing program is the responsibility of the
2 school districts.

3 (8) APPLICABILITY OF TESTING STANDARDS.--A student
4 must meet the testing requirements for high school graduation
5 that were in effect at the time the student entered 9th grade,
6 provided the student's enrollment was continuous.

7 (9) RULES.--The State Board of Education shall adopt
8 rules pursuant to ss. 120.536(1) and 120.54 to implement the
9 provisions of this section.

10 Section 370. Section 1008.23, Florida Statutes, is
11 created to read:

12 1008.23 Confidentiality of assessment
13 instruments.--All examination and assessment instruments,
14 including developmental materials and workpapers directly
15 related thereto, which are prepared, prescribed, or
16 administered pursuant to ss. 1003.43, 1008.22, and 1008.25
17 shall be confidential and exempt from the provisions of s.
18 119.07(1) and from s. 1001.52. Provisions governing access,
19 maintenance, and destruction of such instruments and related
20 materials shall be prescribed by rules of the State Board of
21 Education.

22 Section 371. Section 1008.24, Florida Statutes, is
23 created to read:

24 1008.24 Test security.--

25 (1) It is unlawful for anyone knowingly and willfully
26 to violate test security rules adopted by the State Board of
27 Education for mandatory tests administered by or through the
28 State Board of Education or the Commissioner of Education to
29 students, educators, or applicants for certification or
30 administered by school districts pursuant to s. 1008.22, or,
31 with respect to any such test, knowingly and willfully to:

- 1 (a) Give examinees access to test questions prior to
2 testing;
- 3 (b) Copy, reproduce, or use in any manner inconsistent
4 with test security rules all or any portion of any secure test
5 booklet;
- 6 (c) Coach examinees during testing or alter or
7 interfere with examinees' responses in any way;
- 8 (d) Make answer keys available to examinees;
- 9 (e) Fail to follow security rules for distribution and
10 return of secure test as directed, or fail to account for all
11 secure test materials before, during, and after testing;
- 12 (f) Fail to follow test administration directions
13 specified in the test administration manuals; or
- 14 (g) Participate in, direct, aid, counsel, assist in,
15 or encourage any of the acts prohibited in this section.
- 16 (2) Any person who violates this section commits a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.
- 19 (3) A district school superintendent, a president of a
20 public postsecondary educational institution, or a president
21 of a nonpublic postsecondary educational institution shall
22 cooperate with the Commissioner of Education in any
23 investigation concerning the administration of a test
24 administered pursuant to state statute or rule.
- 25 Section 372. Section 1008.25, Florida Statutes, is
26 created to read:
- 27 1008.25 Public school student progression; remedial
28 instruction; reporting requirements.--
- 29 (1) INTENT.--It is the intent of the Legislature that
30 each student's progression from one grade to another be
31 determined, in part, upon proficiency in reading, writing,

1 science, and mathematics; that district school board policies
2 facilitate such proficiency; and that each student and his or
3 her parent be informed of that student's academic progress.
4 (2) COMPREHENSIVE PROGRAM.--Each district school board
5 shall establish a comprehensive program for student
6 progression which must include:
7 (a) Standards for evaluating each student's
8 performance, including how well he or she masters the
9 performance standards approved by the State Board of
10 Education.
11 (b) Specific levels of performance in reading,
12 writing, science, and mathematics for each grade level,
13 including the levels of performance on statewide assessments
14 as defined by the commissioner, below which a student must
15 receive remediation, or be retained within an intensive
16 program that is different from the previous year's program and
17 that takes into account the student's learning style.
18 (c) Appropriate alternative placement for a student
19 who has been retained 2 or more years.
20 (3) ALLOCATION OF RESOURCES.--District school boards
21 shall allocate remedial and supplemental instruction resources
22 to students in the following priority:
23 (a) Students who are deficient in reading by the end
24 of grade 3.
25 (b) Students who fail to meet performance levels
26 required for promotion consistent with the district school
27 board's plan for student progression required in paragraph
28 (2)(b).
29 (4) ASSESSMENT AND REMEDIATION.--
30 (a) Each student must participate in the statewide
31 assessment tests required by s. 1008.22. Each student who does

1 not meet specific levels of performance as determined by the
2 district school board in reading, writing, science, and
3 mathematics for each grade level, or who does not meet
4 specific levels of performance as determined by the
5 commissioner on statewide assessments at selected grade
6 levels, must be provided with additional diagnostic
7 assessments to determine the nature of the student's
8 difficulty and areas of academic need.

9 (b) The school in which the student is enrolled must
10 develop, in consultation with the student's parent, and must
11 implement an academic improvement plan designed to assist the
12 student in meeting state and district expectations for
13 proficiency. Beginning with the 2002-2003 school year, if the
14 student has been identified as having a deficiency in reading,
15 the academic improvement plan shall identify the student's
16 specific areas of deficiency in phonemic awareness, phonics,
17 fluency, comprehension, and vocabulary; the desired levels of
18 performance in these areas; and the instructional and support
19 services to be provided to meet the desired levels of
20 performance. Schools shall also provide for the frequent
21 monitoring of the student's progress in meeting the desired
22 levels of performance. District school boards shall assist
23 schools and teachers to implement research-based reading
24 activities that have been shown to be successful in teaching
25 reading to low-performing students. Remedial instruction
26 provided during high school may not be in lieu of English and
27 mathematics credits required for graduation.

28 (c) Upon subsequent evaluation, if the documented
29 deficiency has not been remediated in accordance with the
30 academic improvement plan, the student may be retained. Each
31 student who does not meet the minimum performance expectations

1 defined by the Commissioner of Education for the statewide
2 assessment tests in reading, writing, science, and mathematics
3 must continue to be provided with remedial or supplemental
4 instruction until the expectations are met or the student
5 graduates from high school or is not subject to compulsory
6 school attendance.

7 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

8 (a) It is the ultimate goal of the Legislature that
9 every student read at or above grade level. Any student who
10 exhibits a substantial deficiency in reading, based upon
11 locally determined or statewide assessments conducted in
12 kindergarten or grade 1, grade 2, or grade 3, or through
13 teacher observations, must be given intensive reading
14 instruction immediately following the identification of the
15 reading deficiency. The student's reading proficiency must be
16 reassessed by locally determined assessments or through
17 teacher observations at the beginning of the grade following
18 the intensive reading instruction. The student must continue
19 to be provided with intensive reading instruction until the
20 reading deficiency is remedied.

21 (b) Beginning with the 2002-2003 school year, if the
22 student's reading deficiency, as identified in paragraph (a),
23 is not remedied by the end of grade 3, as demonstrated by
24 scoring at Level 2 or higher on the statewide assessment test
25 in reading for grade 3, the student must be retained.

26 (c) Beginning with the 2002-2003 school year, the
27 parent of any student who exhibits a substantial deficiency in
28 reading, as described in paragraph (a), must be notified in
29 writing of the following:

30 1. That his or her child has been identified as having
31 a substantial deficiency in reading.

1 2. A description of the current services that are
2 provided to the child.

3 3. A description of the proposed supplemental
4 instructional services and supports that will be provided to
5 the child that are designed to remediate the identified area
6 of reading deficiency.

7 4. That if the child's reading deficiency is not
8 remediated by the end of grade 3, the child must be retained
9 unless he or she is exempt from mandatory retention for good
10 cause.

11 (6) ELIMINATION OF SOCIAL PROMOTION.--

12 (a) No student may be assigned to a grade level based
13 solely on age or other factors that constitute social
14 promotion.

15 (b) The district school board may only exempt students
16 from mandatory retention, as provided in paragraph (5)(b), for
17 good cause. Good cause exemptions shall be limited to the
18 following:

19 1. Limited English proficient students who have had
20 less than 2 years of instruction in an English for Speakers of
21 Other Languages program.

22 2. Students with disabilities whose individual
23 education plan indicates that participation in the statewide
24 assessment program is not appropriate, consistent with the
25 requirements of State Board of Education rule.

26 3. Students who demonstrate an acceptable level of
27 performance on an alternative standardized reading assessment
28 approved by the State Board of Education.

29 4. Students who demonstrate, through a student
30 portfolio, that the student is reading on grade level as
31 evidenced by demonstration of mastery of the Sunshine State

1 Standards in reading equal to at least a Level 2 performance
2 on the FCAT.

3 5. Students with disabilities who participate in the
4 FCAT and who have an individual education plan or a Section
5 504 plan that reflects that the student has received the
6 intensive remediation in reading, as required by paragraph
7 (4)(b), for more than 2 years but still demonstrates a
8 deficiency in reading and was previously retained in
9 kindergarten, grade 1, or grade 2.

10 6. Students who have received the intensive
11 remediation in reading as required by paragraph (4)(b) for 2
12 or more years but still demonstrate a deficiency in reading
13 and who were previously retained in kindergarten, grade 1, or
14 grade 2 for a total of 2 years. Intensive reading instruction
15 for students so promoted must include an altered instructional
16 day based upon an academic improvement plan that includes
17 specialized diagnostic information and specific reading
18 strategies for each student. The district school board shall
19 assist schools and teachers to implement reading strategies
20 that research has shown to be successful in improving reading
21 among low performing readers.

22 (c) Requests for good cause exemptions for students
23 from the mandatory retention requirement as described in
24 subparagraphs (b)3. and 4. shall be made consistent with the
25 following:

26 1. Documentation shall be submitted from the student's
27 teacher to the school principal that indicates that the
28 promotion of the student is appropriate and is based upon the
29 student's academic record. In order to minimize paperwork
30 requirements, such documentation shall consist only of the

31

1 existing academic improvement plan, individual educational
2 plan, if applicable, report card, or student portfolio.

3 2. The school principal shall review and discuss such
4 recommendation with the teacher and make the determination as
5 to whether the student should be promoted or retained. If the
6 school principal determines that the student should be
7 promoted, the school principal shall make such recommendation
8 in writing to the district school superintendent. The
9 district school superintendent shall accept or reject the
10 school principal's recommendation in writing.

11 (7) ANNUAL REPORT.--

12 (a) In addition to the requirements in paragraph
13 (5)(b), each district school board must annually report to the
14 parent of each student the progress of the student towards
15 achieving state and district expectations for proficiency in
16 reading, writing, science, and mathematics. The district
17 school board must report to the parent the student's results
18 on each statewide assessment test. The evaluation of each
19 student's progress must be based upon the student's classroom
20 work, observations, tests, district and state assessments, and
21 other relevant information. Progress reporting must be
22 provided to the parent in writing in a format adopted by the
23 district school board.

24 (b) Beginning with the 2001-2002 school year, each
25 district school board must annually publish in the local
26 newspaper, and report in writing to the State Board of
27 Education by September 1 of each year, the following
28 information on the prior school year:

29 1. The provisions of this section relating to public
30 school student progression and the district school board's
31 policies and procedures on student retention and promotion.

1 2. By grade, the number and percentage of all students
2 in grades 3 through 10 performing at Levels 1 and 2 on the
3 reading portion of the FCAT.

4 3. By grade, the number and percentage of all students
5 retained in grades 3 through 10.

6 4. Information on the total number of students who
7 were promoted for good cause, by each category of good cause
8 as specified in paragraph (6)(b).

9 5. Any revisions to the district school board's policy
10 on student retention and promotion from the prior year.

11 (8) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--

12 (a) The State Board of Education shall have authority
13 as provided in s. 1008.32 to enforce this section.

14 (b) The State Board of Education shall adopt rules
15 pursuant to ss. 120.536(1) and 120.54 for the administration
16 of this section.

17 (9) TECHNICAL ASSISTANCE.--The department shall
18 provide technical assistance as needed to aid district school
19 boards in administering this section.

20 Section 373. Section 1008.29, Florida Statutes, is
21 created to read:

22 1008.29 College-level communication and mathematics
23 skills examination (CLAST).--

24 (1) It is the intent of the Legislature that the
25 examination of college-level communication and mathematics
26 skills provided in s. 1008.345(3) serve as a mechanism for
27 students to demonstrate that they have mastered the academic
28 competencies prerequisite to upper-division undergraduate
29 instruction. It is further intended that the examination
30 serve as both a summative evaluation instrument prior to
31 student enrollment in upper-division programs and as a source

1 of information for student advisers. It is not intended that
2 student passage of the examination supplant the need for a
3 student to complete the general education curriculum
4 prescribed by an institution.

5 (2) Public postsecondary educational institutions
6 shall administer a minimum of two administrations, one of
7 which may consist of an alternative administration, of the
8 college-level communication and computation skills examination
9 per academic term. Such administrations shall be available to
10 all lower-division students seeking associate in arts or
11 baccalaureate degrees upon completion of at least 18 semester
12 hours or the equivalent. Public postsecondary educational
13 institutions shall report at a minimum the examination scores
14 of all students tested at each administration of the
15 college-level communication and computation skills
16 examination.

17 (3) No public postsecondary educational institution
18 shall confer an associate in arts or baccalaureate degree upon
19 any student who fails to complete successfully the examination
20 of college-level communication and computation skills.
21 Students who received their associate in arts degree prior to
22 September 1, 1982, shall be exempt from the provisions of this
23 subsection.

24 (4) The State Board of Education, by rule, shall set
25 the minimum scores that constitute successful completion of
26 the examination. In establishing the minimum scores that
27 constitute successful completion of the examination, the State
28 Board of Education shall consider any possible negative impact
29 of the tests on minority students. Determinations regarding a
30 student's successful completion of the examination shall be

31

1 based on the minimum standards prescribed by rule for the date
2 the student initially takes the examination.

3 (5) Any student who, in the best professional opinion
4 of the university, has a specific learning disability such
5 that the student can not demonstrate successful completion of
6 one or more sections of the college-level communication and
7 computation skills examination and is achieving at the college
8 level in every area except that of the disability, and whose
9 diagnosis indicates that further remediation will not succeed
10 in overcoming the disability, may appeal through the
11 appropriate dean to a committee appointed by the president or
12 vice president for academic affairs for special consideration.
13 The committee shall examine the evidence of the student's
14 academic and medical records and may hear testimony relevant
15 to the case. The committee may grant a waiver for one or more
16 sections of the college-level communication and computation
17 skills examination based on the results of its review.

18 (6) Each public postsecondary educational institution
19 president shall establish a committee to consider requests for
20 waivers from the provisions of subsection (3). The committee
21 shall be chaired by the chief academic officer of the
22 institution and shall have four additional members appointed
23 by the president: a member of the mathematics department, a
24 member of the English department, the institutional test
25 administrator, and a fourth faculty member from a department
26 other than English or mathematics. Any student who has taken a
27 subtest of the examination required by this section at least
28 four times and has not achieved a passing score, but has
29 otherwise demonstrated proficiency in coursework in the same
30 subject area, may request a waiver from that particular
31 subtest. Waivers shall be considered only after students have

1 been provided test accommodations or other administrative
2 adjustments to permit the accurate measurement of the
3 student's proficiency in the subject areas measured by the
4 examination authorized in this section. The committee shall
5 consider the student's educational records and other evidence
6 as to whether the student should be able to pass the subtest
7 under consideration. A waiver may be recommended to the
8 president upon majority vote of the committee. The president
9 may approve or disapprove the recommendation. The president
10 may not approve a request which the committee has disapproved.
11 If a waiver for a given subtest is approved, the student's
12 transcript shall include a statement that the student did not
13 meet the requirements of subsection (3) and that a waiver was
14 granted.

15 (7) The State Board of Education, by rule, shall
16 establish fees for the administration of the examination to
17 private postsecondary students.

18 (8) The State Board of Education, by rule, shall
19 establish fees for the administration of the examination at
20 times other than regularly scheduled dates to accommodate
21 examinees who are unable to be tested on those dates. The
22 board shall establish the conditions under which examinees may
23 be admitted to the special administrations.

24 (9) Any student fulfilling one or both of the
25 following requirements before completion of associate in arts
26 degree requirements or baccalaureate degree requirements is
27 exempt from the testing requirements of this section:

28 (a) Achieves a score that meets or exceeds a minimum
29 score on a nationally standardized examination, as established
30 by the State Board of Education; or

31

1 (b) Demonstrates successful remediation of any
2 academic deficiencies identified by the college placement test
3 and achieves a cumulative grade point average of 2.5 or above,
4 on a 4.0 scale, in postsecondary-level coursework identified
5 by the State Board of Education. The Department of Education
6 shall specify the means by which a student may demonstrate
7 successful remediation.

8
9 Any student denied a degree prior to January 1, 1996, based on
10 the failure of at least one subtest of the CLAST may use
11 either of the alternatives specified in this subsection for
12 receipt of a degree if such student meets all degree program
13 requirements at the time of application for the degree under
14 the exemption provisions of this subsection. This section does
15 not require a student to take the CLAST before being given the
16 opportunity to use any of the alternatives specified in this
17 subsection. The exemptions provided herein do not apply to
18 requirements for certification as provided in s. 1012.56.

19 Section 374. Section 1008.30, Florida Statutes, is
20 created to read:

21 1008.30 Common placement testing for public
22 postsecondary education.--

23 (1) The State Board of Education shall develop and
24 implement a common placement test for the purpose of assessing
25 the basic computation and communication skills of students who
26 intend to enter a degree program at any public postsecondary
27 educational institution. The State Board of Education shall
28 adopt rules which enable public postsecondary educational
29 institutions to implement appropriate modifications of the
30 test instruments or test procedures for students with
31 disabilities.

1 (2) The common placement testing program shall include
2 at a minimum the following: the capacity to diagnose basic
3 competencies in the areas of English, reading, and mathematics
4 which are essential to perform college-level work;
5 prerequisite skills that relate to progressively advanced
6 instruction in mathematics, such as algebra and geometry;
7 prerequisite skills that relate to progressively advanced
8 instruction in language arts, such as English composition and
9 literature; prerequisite skills which relate to the College
10 Level Academic Skills Test (CLAST); and provision of test
11 information to students on the specific deficiencies.

12 (3) The State Board of Education shall adopt rules
13 that would require high schools to give the common placement
14 test prescribed in this section, or an equivalent test
15 identified by the State Board of Education, at the beginning
16 of the tenth grade year before enrollment in the eleventh
17 grade year in public high school for the purpose of obtaining
18 remedial instruction prior to entering public postsecondary
19 education.

20 (4)(a) Public postsecondary educational institution
21 students who have been identified as requiring additional
22 preparation pursuant to subsection (1) shall enroll in
23 college-preparatory or other adult education pursuant to s.
24 1004.93 in community colleges to develop needed college-entry
25 skills. These students shall be permitted to take courses
26 within their degree program concurrently in other curriculum
27 areas for which they are qualified while enrolled in
28 college-preparatory instruction courses. A student enrolled
29 in a college-preparatory course may concurrently enroll only
30 in college credit courses that do not require the skills
31 addressed in the college-preparatory course. The State Board

1 of Education shall specify the college credit courses that are
2 acceptable for students enrolled in each college-preparatory
3 skill area, pursuant to s. 1001.02(7)(g). A student who wishes
4 to earn an associate in arts or a baccalaureate degree, but
5 who is required to complete a college-preparatory course, must
6 successfully complete the required college-preparatory studies
7 by the time the student has accumulated 12 hours of
8 lower-division college credit degree coursework; however, a
9 student may continue enrollment in degree-earning coursework
10 provided the student maintains enrollment in
11 college-preparatory coursework for each subsequent semester
12 until college-preparatory coursework requirements are
13 completed, and the student demonstrates satisfactory
14 performance in degree-earning coursework. A passing score on
15 a standardized, institutionally developed test must be
16 achieved before a student is considered to have met basic
17 computation and communication skills requirements; however, no
18 student shall be required to retake any test or subtest that
19 was previously passed by said student. Credit awarded for
20 college-preparatory instruction may not be counted towards
21 fulfilling the number of credits required for a degree.

22 (b) The university board of trustees may contract with
23 a community college board of trustees for the community
24 college to provide such instruction on the state university
25 campus. Any state university in which the percentage of
26 incoming students requiring college-preparatory instruction
27 equals or exceeds the average percentage of such students for
28 the community college system may offer college-preparatory
29 instruction without contracting with a community college;
30 however, any state university offering college-preparatory

31

1 instruction as of January 1, 1996, may continue to provide
2 such services.

3 (5) A student may not be enrolled in a college credit
4 mathematics or English course on a dual enrollment basis
5 unless the student has demonstrated adequate precollegiate
6 preparation on the section of the basic computation and
7 communication skills assessment required pursuant to
8 subsection (1) that is appropriate for successful student
9 participation in the course.

10 Section 375. Part II of chapter 1008, Florida
11 Statutes, shall be entitled "Accountability, K-20" and shall
12 consist of ss. 1008.31-1008.46.

13 Section 376. Section 1008.31, Florida Statutes, is
14 created to read:

15 1008.31 Florida's K-20 education performance
16 accountability system; legislative intent; performance-based
17 funding; mission, goals, and systemwide measures.--

18 (1) LEGISLATIVE INTENT.--It is the intent of the
19 Legislature that:

20 (a) The performance accountability system implemented
21 to assess the effectiveness of Florida's seamless K-20
22 education delivery system provide answers to the following
23 questions in relation to its mission and goals:

24 1. What is the public receiving in return for funds it
25 invests in education?

26 2. How effectively is Florida's K-20 education system
27 educating its students?

28 3. How effectively are the major delivery sectors
29 promoting student achievement?

30 4. How are individual schools and postsecondary
31 education institutions performing their responsibility to

1 educate their students as measured by how students are
2 performing and how much they are learning?

3 (b) The State Board of Education recommend to the
4 Legislature systemwide performance standards; the Legislature
5 establish systemwide performance measures and standards; and
6 the systemwide measures and standards provide Floridians with
7 information on what the public is receiving in return for the
8 funds it invests in education and how well the K-20 system
9 educates its students.

10 (c) The State Board of Education establish performance
11 measures and set performance standards for individual
12 components of the public education system, including
13 individual schools and postsecondary educational institutions,
14 with measures and standards based primarily on student
15 achievement.

16 (2) PERFORMANCE-BASED FUNDING.--The State Board of
17 Education shall cooperate with the Commissioner of Education
18 and each delivery system to develop proposals for
19 performance-based funding, using performance measures
20 established by the Legislature. The proposals must provide
21 that at least 10 percent of the state funds appropriated for
22 the K-20 education system are conditional upon meeting or
23 exceeding established performance standards. The State Board
24 of Education must submit the recommendations to the
25 Legislature in the following sequence:

26 (a) By December 1, 2002, recommendations for state
27 universities, for consideration by the 2003 Legislature and
28 implementation in the 2003-2004 fiscal year.

29 (b) By December 1, 2003, recommendations for public
30 schools and workforce education, for consideration by the 2004
31 Legislature and implementation in the 2004-2005 fiscal year.

1 (c) By December 1, 2004, recommendations for community
2 colleges, for consideration by the 2005 Legislature and
3 implementation in the 2005-2006 fiscal year.

4 (d) By December 1, 2005, recommendations for all other
5 programs that receive state funds within the Department of
6 Education.

7 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
8 mission of Florida's K-20 education system shall be to
9 increase the proficiency of all students within one seamless,
10 efficient system, by allowing them the opportunity to expand
11 their knowledge and skills through learning opportunities and
12 research valued by students, parents, and communities, and to
13 maintain an accountability system that measures student
14 progress toward the following goals:

15 (a) Highest student achievement, as measured by:
16 student FCAT performance and annual learning gains; the number
17 and percentage of schools that improve at least one school
18 performance grade designation or maintain a school performance
19 grade designation of "A" pursuant to s. 1008.34; graduation or
20 completion rates at all learning levels; and other measures
21 identified in law or rule.

22 (b) Seamless articulation and maximum access, as
23 measured by: the percentage of students who demonstrate
24 readiness for the educational level they are entering, from
25 kindergarten through postsecondary education and into the
26 workforce; the number and percentage of students needing
27 remediation; the percentage of Floridians who complete
28 associate, baccalaureate, professional, and postgraduate
29 degrees; the number and percentage of credits that articulate;
30 the extent to which each set of exit-point requirements

31

1 matches the next set of entrance-point requirements; and other
2 measures identified in law or rule.

3 (c) Skilled workforce and economic development, as
4 measured by: the number and percentage of graduates employed
5 in their areas of preparation; the percentage of Floridians
6 with high school diplomas and postsecondary education
7 credentials; the percentage of business and community members
8 who find that Florida's graduates possess the skills they
9 need; and other measures identified in law or rule.

10 (d) Quality efficient services, as measured by: cost
11 per completer or graduate; average cost per noncompleter at
12 each educational level; cost disparity across institutions
13 offering the same degrees; the percentage of education
14 customers at each educational level who are satisfied with the
15 education provided; and other measures identified in law or
16 rule.

17 (4) SYSTEMWIDE DATA COLLECTION.--School districts and
18 public postsecondary educational institutions shall maintain
19 information systems that will provide the State Board of
20 Education and the Legislature with information and reports at
21 a level of comprehensiveness and quality no less than that
22 which was available as of June 30, 2001.

23 Section 377. Section 1008.32, Florida Statutes, is
24 created to read:

25 1008.32 State Board of Education oversight enforcement
26 authority.--The State Board of Education shall oversee the
27 performance of district school boards and public postsecondary
28 educational institution boards in enforcement of all laws and
29 rules. District school boards and public postsecondary
30 educational institution boards shall be primarily responsible
31 for compliance with law and state board rule.

1 (1) In order to ensure compliance with law or state
2 board rule, the State Board of Education shall have the
3 authority to request and receive information, data, and
4 reports from school districts and public postsecondary
5 educational institutions. District school superintendents and
6 public postsecondary educational institution presidents are
7 responsible for the accuracy of the information and data
8 reported to the state board.

9 (2) The Commissioner of Education may investigate
10 allegations of noncompliance with law or state board rule and
11 determine probable cause, the commissioner shall report to the
12 State Board of Education which shall require the district
13 school board or public postsecondary educational institution
14 board to document compliance with law or state board rule.

15 (3) If the district school board or public
16 postsecondary educational institution board cannot
17 satisfactorily document compliance, the State Board of
18 Education may order compliance within a specified timeframe.

19 (4) If the State Board of Education determines that a
20 district school board or public postsecondary educational
21 institution board is unwilling or unable to comply with law or
22 state board rule within the specified time, the state board
23 shall have the authority to initiate any of the following
24 actions:

25 (a) Report to the Legislature that the school district
26 or public postsecondary educational institution has been
27 unwilling or unable to comply with law or state board rule and
28 recommend action to be taken by the Legislature.

29 (b) Reduce the discretionary lottery appropriation
30 until the school district or public postsecondary education
31 institution complies with the law or state board rule.

1 (c) Withhold the transfer of state funds,
2 discretionary grant funds, or any other funds specified as
3 eligible for this purpose by the Legislature until the school
4 district or public postsecondary educational institution
5 complies with the law or state board rule.

6 (d) Declare the school district or public
7 postsecondary educational institution ineligible for
8 competitive grants.

9 (e) Require monthly or periodic reporting on the
10 situation related to noncompliance until it is remedied.

11 (5) Nothing in this section shall be construed to
12 create a private cause of action or create any rights for
13 individuals or entities in addition to those provided
14 elsewhere in law or rule.

15 Section 378. Section 1008.33, Florida Statutes, is
16 created to read:

17 1008.33 Authority to enforce public school
18 improvement.--It is the intent of the Legislature that all
19 public schools be held accountable for students performing at
20 acceptable levels. A system of school improvement and
21 accountability that assesses student performance by school,
22 identifies schools in which students are not making adequate
23 progress toward state standards, institutes appropriate
24 measures for enforcing improvement, and provides rewards and
25 sanctions based on performance shall be the responsibility of
26 the State Board of Education.

27 (1) Pursuant to Art. IX of the State Constitution
28 prescribing the duty of the State Board of Education to
29 supervise Florida's public school system and notwithstanding
30 any other statutory provisions to the contrary, the State
31 Board of Education shall intervene in the operation of a

1 district school system when one or more schools in the school
2 district have failed to make adequate progress for 2 school
3 years in a 4-year period. For purposes of determining when a
4 school is eligible for state board action and opportunity
5 scholarships for its students, the terms "2 years in any
6 4-year period" and "2 years in a 4-year period" mean that in
7 any year that a school has a grade of "F," the school is
8 eligible for state board action and opportunity scholarships
9 for its students if it also has had a grade of "F" in any of
10 the previous 3 school years. The State Board of Education may
11 determine that the school district or school has not taken
12 steps sufficient for students in the school to be academically
13 well served. Considering recommendations of the Commissioner
14 of Education, the State Board of Education shall recommend
15 action to a district school board intended to improve
16 educational services to students in each school that is
17 designated as performance grade category "F." Recommendations
18 for actions to be taken in the school district shall be made
19 only after thorough consideration of the unique
20 characteristics of a school, which shall include student
21 mobility rates, the number and type of exceptional students
22 enrolled in the school, and the availability of options for
23 improved educational services. The state board shall adopt by
24 rule steps to follow in this process. Such steps shall
25 provide school districts sufficient time to improve student
26 performance in schools and the opportunity to present evidence
27 of assistance and interventions that the district school board
28 has implemented.

29 (2) The State Board of Education may recommend one or
30 more of the following actions to district school boards to
31 enable students in schools designated as performance grade

1 category "F" to be academically well served by the public
2 school system:
3 (a) Provide additional resources, change certain
4 practices, and provide additional assistance if the state
5 board determines the causes of inadequate progress to be
6 related to school district policy or practice;
7 (b) Implement a plan that satisfactorily resolves the
8 education equity problems in the school;
9 (c) Contract for the educational services of the
10 school, or reorganize the school at the end of the school year
11 under a new school principal who is authorized to hire new
12 staff and implement a plan that addresses the causes of
13 inadequate progress;
14 (d) Allow parents of students in the school to send
15 their children to another district school of their choice; or
16 (e) Other action appropriate to improve the school's
17 performance.
18 (3) In recommending actions to district school boards,
19 the State Board of Education shall specify the length of time
20 available to implement the recommended action. The State
21 Board of Education may adopt rules to further specify how it
22 may respond in specific circumstances. No action taken by the
23 State Board of Education shall relieve a school from state
24 accountability requirements.
25 (4) The State Board of Education may require the
26 Department of Education or Comptroller to withhold any
27 transfer of state funds to the school district if, within the
28 timeframe specified in state board action, the school district
29 has failed to comply with the action ordered to improve the
30 district's low-performing schools. Withholding the transfer of
31 funds shall occur only after all other recommended actions for

1 school improvement have failed to improve performance. The
2 State Board of Education may impose the same penalty on any
3 district school board that fails to develop and implement a
4 plan for assistance and intervention for low-performing
5 schools as specified in s. 1001.42(16)(c).

6 Section 379. Section 1008.34, Florida Statutes, is
7 created to read:

8 1008.34 School grading system; district performance
9 grade.--

10 (1) ANNUAL REPORTS.--The Commissioner of Education
11 shall prepare annual reports of the results of the statewide
12 assessment program which describe student achievement in the
13 state, each district, and each school. The commissioner shall
14 prescribe the design and content of these reports, which must
15 include, without limitation, descriptions of the performance
16 of all schools participating in the assessment program and all
17 of their major student populations as determined by the
18 Commissioner of Education, and must also include the median
19 scores of all eligible students who scored at or in the lowest
20 25th percentile of the state in the previous school year;
21 provided, however, that the provisions of s. 1002.22
22 pertaining to student records apply to this section.

23 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
24 report shall identify schools as being in one of the following
25 grade categories defined according to rules of the State Board
26 of Education:

- 27 (a) "A," schools making excellent progress.
28 (b) "B," schools making above average progress.
29 (c) "C," schools making satisfactory progress.
30 (d) "D," schools making less than satisfactory
31 progress.

1 (e) "F," schools failing to make adequate progress.

2
3 Each school designated in performance grade category "A,"
4 making excellent progress, or having improved at least two
5 performance grade categories, shall have greater authority
6 over the allocation of the school's total budget generated
7 from the FEFP, state categoricals, lottery funds, grants, and
8 local funds, as specified in state board rule. The rule must
9 provide that the increased budget authority shall remain in
10 effect until the school's performance grade declines.

11 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
12 CATEGORIES.--School performance grade category designations
13 itemized in subsection (2) shall be based on the following:

14 (a) Timeframes.--

15 1. School performance grade category designations
16 shall be based on the school's current year performance and
17 the school's annual learning gains.

18 2. A school's performance grade category designation
19 shall be based on a combination of student achievement scores,
20 student learning gains as measured by annual FCAT assessments
21 in grades 3 through 10, and improvement of the lowest 25th
22 percentile of students in the school in reading, math, or
23 writing on the FCAT, unless these students are performing
24 above satisfactory performance.

25 (b) Student assessment data.--Student assessment data
26 used in determining school performance grade categories shall
27 include:

28 1. The aggregate scores of all eligible students
29 enrolled in the school who have been assessed on the FCAT.

30 2. The aggregate scores of all eligible students
31 enrolled in the school who have been assessed on the FCAT,

1 including Florida Writes, and who have scored at or in the
2 lowest 25th percentile of students in the school in reading,
3 math, or writing, unless these students are performing above
4 satisfactory performance.

5
6 The Department of Education shall study the effects of
7 mobility on the performance of highly mobile students and
8 recommend programs to improve the performance of such
9 students. The State Board of Education shall adopt appropriate
10 criteria for each school performance grade category. The
11 criteria must also give added weight to student achievement in
12 reading. Schools designated as performance grade category "C,"
13 making satisfactory progress, shall be required to demonstrate
14 that adequate progress has been made by students in the school
15 who are in the lowest 25th percentile in reading, math, or
16 writing on the FCAT, including Florida Writes, unless these
17 students are performing above satisfactory performance.

18 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
19 shall identify each school's performance as having improved,
20 remained the same, or declined. This school improvement rating
21 shall be based on a comparison of the current year's and
22 previous year's student and school performance data. Schools
23 that improve at least one performance grade category are
24 eligible for school recognition awards pursuant to s. 1008.36.

25 (5) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
26 RATING REPORTS.--School performance grade category
27 designations and improvement ratings shall apply to each
28 school's performance for the year in which performance is
29 measured. Each school's designation and rating shall be
30 published annually by the Department of Education and the
31 school district. Parents shall be entitled to an easy-to-read

1 report card about the designation and rating of the school in
2 which their child is enrolled.

3 (6) RULES.--The State Board of Education shall adopt
4 rules pursuant to ss. 120.536(1) and 120.54 to implement the
5 provisions of this section.

6 (7) PERFORMANCE-BASED FUNDING.--The Legislature may
7 factor in the performance of schools in calculating any
8 performance-based funding policy that is provided for annually
9 in the General Appropriations Act.

10 (8) DISTRICT PERFORMANCE GRADE.--The annual report
11 required by subsection (1) shall include district performance
12 grades, which shall consist of weighted district average
13 grades, by level, for all elementary schools, middle schools,
14 and high schools in the district. A district's weighted
15 average grade shall be calculated by weighting individual
16 school grades determined pursuant to subsection (2) by school
17 enrollment.

18 Section 380. Section 1008.345, Florida Statutes, is
19 created to read:

20 1008.345 Implementation of state system of school
21 improvement and education accountability.--

22 (1) The Commissioner of Education is responsible for
23 implementing and maintaining a system of intensive school
24 improvement and stringent education accountability, which
25 shall include policies and programs to implement the
26 following:

27 (a) A system of data collection and analysis that will
28 improve information about the educational success of
29 individual students and schools, including schools operating
30 for the purpose of providing educational services to youth in
31 Department of Juvenile Justice programs. The information and

1 analyses must be capable of identifying educational programs
2 or activities in need of improvement, and reports prepared
3 pursuant to this paragraph shall be distributed to the
4 appropriate district school boards prior to distribution to
5 the general public. This provision shall not preclude access
6 to public records as provided in chapter 119.

7 (b) A program of school improvement that will analyze
8 information to identify schools, including schools operating
9 for the purpose of providing educational services to youth in
10 Department of Juvenile Justice programs, educational programs,
11 or educational activities in need of improvement.

12 (c) A method of delivering services to assist school
13 districts and schools to improve, including schools operating
14 for the purpose of providing educational services to youth in
15 Department of Juvenile Justice programs.

16 (d) A method of coordinating with the state
17 educational goals and school improvement plans any other state
18 program that creates incentives for school improvement.

19 (2) The commissioner shall be held responsible for the
20 implementation and maintenance of the system of school
21 improvement and education accountability outlined in this
22 section. There shall be an annual determination of whether
23 adequate progress is being made toward implementing and
24 maintaining a system of school improvement and education
25 accountability.

26 (3) The annual feedback report shall be developed by
27 the Department of Education.

28 (4) The commissioner shall review each district school
29 board's feedback report and submit findings to the State Board
30 of Education. If adequate progress is not being made toward
31 implementing and maintaining a system of school improvement

1 and education accountability, the State Board of Education
2 shall direct the commissioner to prepare and implement a
3 corrective action plan. The commissioner and State Board of
4 Education shall monitor the development and implementation of
5 the corrective action plan.

6 (5) The commissioner shall report to the Legislature
7 and recommend changes in state policy necessary to foster
8 school improvement and education accountability. Included in
9 the report shall be a list of the schools, including schools
10 operating for the purpose of providing educational services to
11 youth in Department of Juvenile Justice programs, for which
12 district school boards have developed assistance and
13 intervention plans and an analysis of the various strategies
14 used by the school boards. School reports shall be distributed
15 pursuant to this subsection and s. 1001.42(16)(e) and
16 according to rules adopted by the State Board of Education.

17 (6)(a) The Department of Education shall implement a
18 training program to develop among state and district educators
19 a cadre of facilitators of school improvement. These
20 facilitators shall assist schools and districts to conduct
21 needs assessments and develop and implement school improvement
22 plans to meet state goals.

23 (b) Upon request, the department shall provide
24 technical assistance and training to any school, including any
25 school operating for the purpose of providing educational
26 services to youth in Department of Juvenile Justice programs,
27 school advisory council, district, or district school board
28 for conducting needs assessments, developing and implementing
29 school improvement plans, developing and implementing
30 assistance and intervention plans, or implementing other
31 components of school improvement and accountability. Priority

1 for these services shall be given to schools designated as
2 performance grade category "D" or "F" and school districts in
3 rural and sparsely populated areas of the state.

4 (c) Pursuant to s. 24.121(5)(d), the department shall
5 not release funds from the Educational Enhancement Trust Fund
6 to any district in which a school, including schools operating
7 for the purpose of providing educational services to youth in
8 Department of Juvenile Justice programs, does not have an
9 approved school improvement plan, pursuant to s. 1001.42(16),
10 after 1 full school year of planning and development, or does
11 not comply with school advisory council membership composition
12 requirements pursuant to s. 1001.452. The department shall
13 send a technical assistance team to each school without an
14 approved plan to develop such school improvement plan or to
15 each school without appropriate school advisory council
16 membership composition to develop a strategy for corrective
17 action. The department shall release the funds upon approval
18 of the plan or upon establishment of a plan of corrective
19 action. Notice shall be given to the public of the
20 department's intervention and shall identify each school
21 without a plan or without appropriate school advisory council
22 membership composition.

23 (d) The department shall assign a community assessment
24 team to each school district with a school designated as
25 performance grade category "D" or "F" to review the school
26 performance data and determine causes for the low performance.
27 The team shall make recommendations to the school board, to
28 the department, and to the State Board of Education for
29 implementing an assistance and intervention plan that will
30 address the causes of the school's low performance. The
31 assessment team shall include, but not be limited to, a

1 department representative, parents, business representatives,
2 educators, and community activists, and shall represent the
3 demographics of the community from which they are appointed.
4 (7)(a) Schools designated in performance grade
5 category "A," making excellent progress, shall, if requested
6 by the school, be given deregulated status as specified in s.
7 1003.63(5), (7), (8), (9), and (10).
8 (b) Schools that have improved at least two
9 performance grade categories and that meet the criteria of the
10 Florida School Recognition Program pursuant to s. 1008.36 may
11 be given deregulated status as specified in s. 1003.63(5),
12 (7), (8), (9), and (10).
13 (8) As a part of the system of educational
14 accountability, the Department of Education shall:
15 (a) Develop minimum performance standards for various
16 grades and subject areas, as required in ss. 1001.03, 1008.22,
17 and 1008.34.
18 (b) Administer the statewide assessment testing
19 program created by s. 1008.22.
20 (c) Review the school advisory councils of each
21 district as required by s. 1001.452.
22 (d) Conduct the program evaluations required by s.
23 1001.03.
24 (e) Maintain a listing of college-level communication
25 and mathematics skills defined by the State Board of Education
26 as being associated with successful student performance
27 through the baccalaureate level and submit the same to the
28 State Board of Education for approval.
29 (f) Maintain a listing of tests and other assessment
30 procedures which measure and diagnose student achievement of
31

1 college-level communication and computation skills and submit
2 the same to the State Board of Education for approval.

3 (g) Maintain for the information of the State Board of
4 Education and the Legislature a file of data to reflect
5 achievement of college-level communication and mathematics
6 competencies by students in state universities and community
7 colleges.

8 (h) Develop or contract for, and submit to the State
9 Board of Education for approval, tests which measure and
10 diagnose student achievement of college-level communication
11 and mathematics skills. Any tests and related documents
12 developed are exempt from the provisions of s. 119.07(1). The
13 commissioner shall maintain statewide responsibility for the
14 administration of such tests and may assign administrative
15 responsibilities for the tests to any state university or
16 community college. The state board, upon recommendation of
17 the commissioner, may enter into contracts for such services
18 beginning in one fiscal year and continuing into the next year
19 which are paid from the appropriation for either or both
20 fiscal years.

21 (i) Perform any other functions that may be involved
22 in educational planning, research, and evaluation or that may
23 be required by the commissioner, the State Board of Education,
24 or law.

25 Section 381. Section 1008.35, Florida Statutes, is
26 created to read:

27 1008.35 Best financial management practices for school
28 districts; standards; reviews; designation of school
29 districts.--

30 (1) The purpose of best financial management practices
31 reviews is to improve Florida school district management and

1 use of resources and to identify cost savings. The Office of
2 Program Policy Analysis and Government Accountability (OPPAGA)
3 and the Office of the Auditor General are directed to develop
4 a system for reviewing the financial management practices of
5 school districts. In this system, the Auditor General shall
6 assist OPPAGA in examining district operations to determine
7 whether they meet "best financial management practices."

8 (2) The best financial management practices adopted by
9 the Commissioner of Education may be updated periodically
10 after consultation with the Legislature, the Governor, the
11 Department of Education, school districts, and the Auditor
12 General. OPPAGA shall submit to the Commissioner of Education
13 for review and adoption proposed revisions to the best
14 financial management practices adopted by the commissioner.
15 The best financial management practices, at a minimum, must
16 instill public confidence by addressing the school district's
17 use of resources, identifying ways that the district could
18 save funds, and improving districts' performance
19 accountability systems, including public accountability. To
20 achieve these objectives, best practices shall be developed
21 for, but need not be limited to, the following areas:

- 22 (a) Management structures.
23 (b) Performance accountability.
24 (c) Efficient delivery of educational services,
25 including instructional materials.
26 (d) Administrative and instructional technology.
27 (e) Personnel systems and benefits management.
28 (f) Facilities construction.
29 (g) Facilities maintenance.
30 (h) Student transportation.
31 (i) Food service operations.

1 (j) Cost control systems, including asset management,
2 risk management, financial management, purchasing, internal
3 auditing, and financial auditing.

4
5 In areas for which the commissioner has not adopted best
6 practices, OPPAGA may develop additional best financial
7 management practices, with input from a broad range of
8 stakeholders. OPPAGA shall present any additional best
9 practices to the commissioner for review and adoption. Revised
10 best financial management practices adopted by the
11 commissioner must be used in the next year's scheduled school
12 district reviews conducted according to this section.

13 (3) OPPAGA shall contract with a private firm selected
14 through a formal request for proposal process to perform the
15 review, to the extent that funds are provided for this purpose
16 in the General Appropriations Act each year. When sufficient
17 funds are not provided to contract for all the scheduled best
18 financial management practices reviews, OPPAGA shall conduct
19 the remaining reviews scheduled for that year, except as
20 otherwise provided in this act. At least one member of the
21 private firm review team shall have expertise in school
22 district finance. The scope of the review shall focus on the
23 best practices adopted by the Commissioner of Education,
24 pursuant to subsection (2). OPPAGA may include additional
25 items in the scope of the review after seeking input from the
26 school district and the Department of Education.

27 (4) OPPAGA shall consult with the Commissioner of
28 Education throughout the best practices review process to
29 ensure that the technical expertise of the Department of
30 Education benefits the review process and supports the school
31 districts before, during, and after the review.

1 (5) It is the intent of the Legislature that each
2 school district shall be subject to a best financial
3 management practices review. The Legislature also intends that
4 all school districts shall be reviewed on a continuing 5-year
5 cycle, as follows, unless specified otherwise in the General
6 Appropriations Act, or as provided in this section:

7 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
8 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,
9 Monroe, Osceola, and Bradford.

10 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
11 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
12 and Franklin.

13 (c) Year 3: Palm Beach, Orange, Seminole, Lee,
14 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,
15 Liberty, and Lafayette.

16 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
17 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
18 Hardee, DeSoto, and Glades.

19 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
20 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
21 Washington, and Calhoun.

22 (6)(a) The Joint Legislative Auditing Committee may
23 adjust the schedule of districts to be reviewed when
24 unforeseen circumstances prevent initiation of reviews
25 scheduled in a given year.

26 (b) Once the 5-year cycle has been completed, reviews
27 shall continue, beginning again with those districts included
28 in year one of the cycle unless a district has requested and
29 received a waiver as provided in subsection (17).

30 (7) At the direction of the Joint Legislative Auditing
31 Committee or the President of the Senate and the Speaker of

1 the House of Representatives, and subject to funding by the
2 Legislature, OPPAGA may conduct, or contract with a private
3 firm to conduct, up to two additional best financial
4 management practices reviews in districts not scheduled for
5 review during that year if such review is necessary to address
6 adverse financial conditions.

7 (8) Reviews shall be conducted by OPPAGA and the
8 consultant to the extent specifically funded by the
9 Legislature in the General Appropriations Act for this
10 purpose. Such funds may be used for the cost of reviews by
11 OPPAGA and private consultants contracted by the director of
12 OPPAGA. Costs may include professional services, travel
13 expenses of OPPAGA and staff of the Auditor General, and any
14 other necessary expenses incurred as part of a best financial
15 management practices review.

16 (9) Districts scheduled for review must complete a
17 self-assessment instrument provided by OPPAGA which indicates
18 the school district's evaluation of its performance on each
19 best practice. The district must begin the self-assessment not
20 later than 60 days prior to the commencement of the review.
21 The completed self-assessment instrument and supporting
22 documentation must be submitted to OPPAGA not later than the
23 date of commencement of the review as notified by OPPAGA. The
24 best practice review team will use this self-assessment
25 information during their review of the district.

26 (10) During the review, OPPAGA and the consultant
27 conducting the review, if any, shall hold at least one
28 advertised public forum as part of the review in order to
29 explain the best financial management practices review process
30 and obtain input from students, parents, the business
31 community, and other district residents regarding their

1 concerns about the operations and management of the school
2 district.

3 (11) District reviews conducted under this section
4 must be completed within 6 months after commencement. OPPAGA
5 shall issue a final report to the President of the Senate, the
6 Speaker of the House of Representatives, and the district
7 regarding the district's use of best financial management
8 practices and cost savings recommendations within 60 days
9 after completing the reviews. Copies of the final report shall
10 be provided to the Governor, the Commissioner of Education,
11 and to the chairs of school advisory councils and district
12 advisory councils established pursuant to s. 229.58(1)(a) and
13 (b). The district school board shall notify all members of
14 the school advisory councils and district advisory council by
15 mail that the final report has been delivered to the school
16 district and to the council chairs. The notification shall
17 also inform members of the OPPAGA website address at which an
18 electronic copy of the report is available.

19 (12) After receipt of the final report and before the
20 district school board votes whether to adopt the action plan,
21 or if no action plan was required because the district was
22 found to be using the best practices, the district school
23 board shall hold an advertised public forum to accept public
24 input and review the findings and recommendations of the
25 report. The district school board shall advertise and promote
26 this forum in a manner appropriate to inform school and
27 district advisory councils, parents, school district
28 employees, the business community, and other district
29 residents of the opportunity to attend this meeting. OPPAGA
30 and the consultant, if any, shall also be represented at this
31 forum.

1 (13)(a) If the district is found not to conform to
2 best financial management practices, the report must contain
3 an action plan detailing how the district could meet the best
4 practices within 2 years. The district school board must
5 decide, by a majority plus one vote within 90 days after
6 receipt of the final report, whether or not to implement the
7 action plan and pursue a "Seal of Best Financial Management"
8 awarded by the State Board of Education to qualified school
9 districts. If a district fails to vote on the action plan
10 within 90 days, district school board members may be required
11 to appear and present testimony before a legislative
12 committee, pursuant to s. 11.143.

13 (b) The district school board may vote to reverse a
14 decision not to implement an action plan, provided that the
15 action plan is implemented and there is still sufficient time,
16 as determined by the district school board, to meet the best
17 practices within 2 years after issuance of the final report.

18 (c) Within 90 days after the receipt of the final
19 report, the district school board must notify OPPAGA and the
20 Commissioner of Education in writing of the date and outcome
21 of the district school board vote on whether to adopt the
22 action plan. If the district school board fails to vote on
23 whether to adopt the action plan, the district school
24 superintendent must notify OPPAGA and the Commissioner of
25 Education. The Department of Education may contact the school
26 district, assess the situation, urge the district school board
27 to vote, and offer technical assistance, if needed.

28 (14) If a district school board votes to implement the
29 action plan:

30 (a) No later than 1 year after receipt of the final
31 report, the district school board must submit an initial

1 status report to the President of the Senate, the Speaker of
2 the House of Representatives, the Governor, OPPAGA, the
3 Auditor General, the State Board of Education, and the
4 Commissioner of Education on progress made towards
5 implementing the action plan and whether changes have occurred
6 in other areas of operation that would affect compliance with
7 the best practices.

8 (b) A second status report must be submitted by the
9 school district to the President of the Senate, the Speaker of
10 the House of Representatives, the Governor, OPPAGA, the
11 Auditor General, the Commissioner of Education, and the State
12 Board of Education no later than 1 year after submission of
13 the initial report.

14
15 Status reports are not required once OPPAGA concludes that the
16 district is using best practices.

17 (15) After receipt of each of a district's two status
18 reports required by subsection (14), OPPAGA shall assess the
19 district's implementation of the action plan and progress
20 toward implementing the best financial management practices in
21 areas covered by the plan. Following each assessment, OPPAGA
22 shall issue a report to the President of the Senate, the
23 Speaker of the House of Representatives, and the district
24 indicating whether the district has successfully implemented
25 the best financial management practices. Copies of the report
26 must be provided to the Governor, the Auditor General, the
27 Commissioner of Education, and the State Board of Education.
28 If a district has failed to implement an action plan adopted
29 pursuant to subsection (13), district school board members and
30 the district school superintendent may be required to appear
31 before a legislative committee, pursuant to s. 11.143, to

1 present testimony regarding the district's failure to
2 implement such action plan.
3 (16) District school boards that successfully
4 implement the best financial management practices within 2
5 years, or are determined in the review to be using the best
6 practices, are eligible to receive a "Seal of Best Financial
7 Management." Upon notification to the Commissioner of
8 Education and the State Board of Education by OPPAGA that a
9 district has been found to be using the best financial
10 management practices, the State Board of Education shall award
11 that district a "Seal of Best Financial Management" certifying
12 that the district is adhering to the state's best financial
13 management practices. The State Board of Education designation
14 shall be effective for 5 years from the certification date or
15 until the next review is completed, whichever is later. During
16 the designation period, the district school board shall
17 annually, not later than the anniversary date of the
18 certification, notify OPPAGA, the Auditor General, the
19 Commissioner of Education, and the State Board of Education of
20 any changes in policies or operations or any other situations
21 that would not conform to the state's best financial
22 management practices. The State Board of Education may revoke
23 the designation of a district school board at any time if it
24 determines that a district is no longer complying with the
25 state's best financial management practices. If no such
26 changes have occurred and the district school board determines
27 that the school district continues to conform to the best
28 financial management practices, the district school board
29 shall annually report that information to the State Board of
30 Education, with copies to OPPAGA, the Auditor General, and the
31 Commissioner of Education.

1 (17)(a) A district school board that has been awarded
2 a "Seal of Best Financial Management" by the State Board of
3 Education and has annually reported to the State Board of
4 Education that the district is still conforming to the best
5 financial management practices may request a waiver from
6 undergoing its next scheduled Best Financial Management
7 Practices review.
8 (b) To apply for such waiver, not later than September
9 1 of the fiscal year prior to the fiscal year in which the
10 district is next scheduled for review, the district school
11 board shall certify to OPPAGA and the Department of Education
12 the district school board's determination that the school
13 district is still conforming to the best financial management
14 practices.
15 (c) After consultation with the Department of
16 Education and review of the district school board's
17 determination, OPPAGA may recommend to the Legislative Budget
18 Commission that the district be granted a waiver for the next
19 scheduled Best Financial Management Practices review. If
20 approved for waiver, OPPAGA shall notify the school district
21 and the Department of Education that no review of that
22 district will be conducted during the next scheduled review
23 cycle. In that event, the district school board must continue
24 annual reporting to the State Board of Education as required
25 in subsection (16). District school boards granted a waiver
26 for one review cycle are not eligible for waiver of the next
27 scheduled review cycle.
28 (18) District school boards that receive a best
29 financial management practices review must maintain records
30 that will enable independent verification of the
31

1 implementation of the action plan and any related fiscal
2 impacts.

3 (19) Unrestricted cost savings resulting from
4 implementation of the best financial management practices must
5 be spent at the school and classroom levels for teacher
6 salaries, teacher training, improved classroom facilities,
7 student supplies, textbooks, classroom technology, and other
8 direct student instruction activities. Cost savings identified
9 for a program that has restrictive expenditure requirements
10 shall be used for the enhancement of the specific program.

11 Section 382. Section 1008.36, Florida Statutes, is
12 created to read:

13 1008.36 Florida School Recognition Program.--

14 (1) The Legislature finds that there is a need for a
15 performance incentive program for outstanding faculty and
16 staff in highly productive schools. The Legislature further
17 finds that performance-based incentives are commonplace in the
18 private sector and should be infused into the public sector as
19 a reward for productivity.

20 (2) The Florida School Recognition Program is created
21 to provide financial awards to public schools that:

22 (a) Sustain high performance by receiving a school
23 grade of "A," making excellent progress; or

24 (b) Demonstrate exemplary improvement due to
25 innovation and effort by improving a letter grade.

26 (3) All public schools, including charter schools,
27 that receive a school grade pursuant to s. 1008.34 are
28 eligible to participate in the program.

29 (4) All selected schools shall receive financial
30 awards depending on the availability of funds appropriated and
31 the number and size of schools selected to receive an award.

1 Funds must be distributed to the school's fiscal agent and
2 placed in the school's account and must be used for purposes
3 listed in subsection (5) as determined jointly by the school's
4 staff and school advisory council. If school staff and the
5 school advisory council cannot reach agreement by November 1,
6 the awards must be equally distributed to all classroom
7 teachers currently teaching in the school.

8 (5) School recognition awards must be used for the
9 following:

10 (a) Nonrecurring bonuses to the faculty and staff;

11 (b) Nonrecurring expenditures for educational
12 equipment or materials to assist in maintaining and improving
13 student performance; or

14 (c) Temporary personnel for the school to assist in
15 maintaining and improving student performance.

16
17 Notwithstanding statutory provisions to the contrary,
18 incentive awards are not subject to collective bargaining.

19 Section 383. Section 1008.37, Florida Statutes, is
20 created to read:

21 1008.37 Postsecondary feedback of information to high
22 schools.--

23 (1) The State Board of Education shall adopt rules
24 that require the Commissioner of Education to report to the
25 State Board of Education, the Legislature, and the district
26 school boards on the performance of each
27 first-time-in-postsecondary education student from each public
28 high school in this state who is enrolled in a public
29 postsecondary institution or public technical center. Such
30 reports must be based on information databases maintained by
31 the Department of Education. In addition, the public

1 postsecondary educational institutions and technical centers
2 shall provide district school boards access to information on
3 student performance in regular and preparatory courses and
4 shall indicate students referred for remediation pursuant to
5 s. 1008.30 or s. 1008.28.

6 (2) The Commissioner of Education shall report, by
7 high school, to the State Board of Education and the
8 Legislature, no later than November 31 of each year, on the
9 number of prior year Florida high school graduates who
10 enrolled for the first time in public postsecondary education
11 in this state during the previous summer, fall, or spring
12 term, indicating the number of students whose scores on the
13 common placement test indicated the need for remediation
14 through college-preparatory or vocational-preparatory
15 instruction pursuant to s. 1004.91 or s. 1008.30.

16 (3) The Commissioner of Education shall organize
17 school summary reports and student-level records by school
18 district and high school in which the postsecondary education
19 students were enrolled and report the information to each
20 school district no later than January 31 of each year.

21 (4) As a part of the school improvement plan pursuant
22 to s. 1008.345, the State Board of Education shall ensure that
23 each school district and high school develops strategies to
24 improve student readiness for the public postsecondary level
25 based on annual analysis of the feedback report data.

26 (5) The Commissioner of Education shall annually
27 recommend to the Legislature statutory changes to reduce the
28 incidence of postsecondary remediation in mathematics,
29 reading, and writing for first-time-enrolled recent high
30 school graduates.

31

1 Section 384. Section 1008.38, Florida Statutes, is
2 created to read:

3 1008.38 Articulation accountability process.--The
4 State Board of Education shall develop articulation
5 accountability measures which assess the status of systemwide
6 articulation processes authorized under s. 1007.23. The State
7 Board of Education shall establish an articulation
8 accountability process which at a minimum shall address:

9 (1) The impact of articulation processes on ensuring
10 educational continuity and the orderly and unobstructed
11 transition of students between public secondary and
12 postsecondary education systems and facilitating the
13 transition of students between the public and private sectors.

14 (2) The adequacy of preparation of public secondary
15 students to smoothly articulate to a public postsecondary
16 institution.

17 (3) The effectiveness of articulated acceleration
18 mechanisms available to secondary students.

19 (4) The smooth transfer of community college associate
20 in arts degree graduates to a state university.

21 (5) An examination of degree requirements that exceed
22 the parameters of 60 credit hours for an associate degree and
23 120 hours for a baccalaureate degree in public postsecondary
24 programs.

25 (6) The relationship between the College Level
26 Academic Skills Test Program and articulation to the upper
27 division in public postsecondary institutions.

28 Section 385. Section 1008.385, Florida Statutes, is
29 created to read:

30 1008.385 Educational planning and information
31 systems.--

1 (1) EDUCATIONAL PLANNING.--

2 (a) The Commissioner of Education is responsible for
3 all planning functions for the department, including
4 collection, analysis, and interpretation of all data,
5 information, test results, evaluations, and other indicators
6 that are used to formulate policy, identify areas of concern
7 and need, and serve as the basis for short-range and
8 long-range planning. Such planning shall include assembling
9 data, conducting appropriate studies and surveys, and
10 sponsoring research and development activities designed to
11 provide information about educational needs and the effect of
12 alternative educational practices.

13 (b) Each district school board shall maintain a
14 continuing system of planning and budgeting designed to aid in
15 identifying and meeting the educational needs of students and
16 the public. Provision shall be made for coordination between
17 district school boards and community college boards of
18 trustees concerning the planning for career and technical
19 education and adult educational programs. The major emphasis
20 of the system shall be upon locally determined goals and
21 objectives, the state plan for education, and the Sunshine
22 State Standards developed by the Department of Education and
23 adopted by the State Board of Education. The district
24 planning and budgeting system must include consideration of
25 student achievement data obtained pursuant to ss. 1008.22 and
26 1008.34. The system shall be structured to meet the specific
27 management needs of the district and to align the budget
28 adopted by the district school board with the plan the board
29 has also adopted. Each district school board shall utilize its
30 system of planning and budgeting to emphasize a system of
31 school-based management in which individual school centers

1 become the principal planning units and to integrate planning
2 and budgeting at the school level.

3 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
4 Commissioner of Education shall develop and implement an
5 integrated information system for educational management. The
6 system must be designed to collect, via electronic transfer,
7 all student and school performance data required to ascertain
8 the degree to which schools and school districts are meeting
9 state performance standards, and must be capable of producing
10 data for a comprehensive annual report on school and district
11 performance. In addition, the system shall support, as
12 feasible, the management decisions to be made in each division
13 of the department and at the individual school and district
14 levels. Similar data elements among divisions and levels
15 shall be compatible. The system shall be based on an overall
16 conceptual design; the information needed for such decisions,
17 including fiscal, student, program, personnel, facility,
18 community, evaluation, and other relevant data; and the
19 relationship between cost and effectiveness. The system shall
20 be managed and administered by the commissioner and shall
21 include a district subsystem component to be administered at
22 the district level, with input from the reports-and-forms
23 control management committees. Each district school system
24 with a unique management information system shall assure that
25 compatibility exists between its unique system and the
26 district component of the state system so that all data
27 required as input to the state system is made available via
28 electronic transfer and in the appropriate input format.

29 (a) The specific responsibilities of the commissioner
30 shall include:

31

- 1 1. Consulting with school district representatives in
2 the development of the system design model and implementation
3 plans for the management information system for public school
4 education management;
- 5 2. Providing operational definitions for the proposed
6 system;
- 7 3. Determining the information and specific data
8 elements required for the management decisions made at each
9 educational level, recognizing that the primary unit for
10 information input is the individual school and recognizing
11 that time and effort of instructional personnel expended in
12 collection and compilation of data should be minimized;
- 13 4. Developing standardized terminology and procedures
14 to be followed at all levels of the system;
- 15 5. Developing a standard transmittal format to be used
16 for collection of data from the various levels of the system;
- 17 6. Developing appropriate computer programs to assure
18 integration of the various information components dealing with
19 students, personnel, facilities, fiscal, program, community,
20 and evaluation data;
- 21 7. Developing the necessary programs to provide
22 statistical analysis of the integrated data provided in
23 subparagraph 6. in such a way that required reports may be
24 disseminated, comparisons may be made, and relationships may
25 be determined in order to provide the necessary information
26 for making management decisions at all levels;
- 27 8. Developing output report formats which will provide
28 district school systems with information for making management
29 decisions at the various educational levels;
- 30 9. Developing a phased plan for distributing computer
31 services equitably among all public schools and school

1 districts in the state as rapidly as possible. The plan shall
2 describe alternatives available to the state in providing such
3 computing services and shall contain estimates of the cost of
4 each alternative, together with a recommendation for action.
5 In developing the plan, the feasibility of shared use of
6 computing hardware and software by school districts, community
7 colleges, and universities shall be examined. Laws or
8 administrative rules regulating procurement of data processing
9 equipment, communication services, or data processing services
10 by state agencies shall not be construed to apply to local
11 agencies which share computing facilities with state agencies;
12 10. Assisting the district school systems in
13 establishing their subsystem components and assuring
14 compatibility with current district systems;
15 11. Establishing procedures for continuous evaluation
16 of system efficiency and effectiveness;
17 12. Initiating a reports-management and
18 forms-management system to ascertain that duplication in
19 collection of data does not exist and that forms and reports
20 for reporting under state and federal requirements and other
21 forms and reports are prepared in a logical and uncomplicated
22 format, resulting in a reduction in the number and complexity
23 of required reports, particularly at the school level; and
24 13. Initiating such other actions as are necessary to
25 carry out the intent of the Legislature that a management
26 information system for public school management needs be
27 implemented. Such other actions shall be based on criteria
28 including, but not limited to:
29 a. The purpose of the reporting requirement;
30 b. The origination of the reporting requirement;
31

1 c. The date of origin of the reporting requirement;
2 and
3 d. The date of repeal of the reporting requirement.
4 (b) The specific responsibilities of each district
5 school system shall include:
6 1. Establishing, at the district level, a
7 reports-control and forms-control management system committee
8 composed of school administrators and classroom teachers. The
9 district school board shall appoint school administrator
10 members and classroom teacher members or, in school districts
11 where appropriate, the classroom teacher members shall be
12 appointed by the bargaining agent. Teachers shall constitute a
13 majority of the committee membership. The committee shall
14 periodically recommend procedures to the district school board
15 for eliminating, reducing, revising, and consolidating
16 paperwork and data collection requirements and shall submit to
17 the district school board an annual report of its findings.
18 2. With assistance from the commissioner, developing
19 systems compatibility between the state management information
20 system and unique local systems.
21 3. Providing, with the assistance of the department,
22 inservice training dealing with management information system
23 purposes and scope, a method of transmitting input data, and
24 the use of output report information.
25 4. Establishing a plan for continuous review and
26 evaluation of local management information system needs and
27 procedures.
28 5. Advising the commissioner of all district
29 management information needs.
30
31

1 6. Transmitting required data input elements to the
2 appropriate processing locations in accordance with guidelines
3 established by the commissioner.

4 7. Determining required reports, comparisons, and
5 relationships to be provided to district school systems by the
6 system output reports, continuously reviewing these reports
7 for usefulness and meaningfulness, and submitting recommended
8 additions, deletions, and change requirements in accordance
9 with the guidelines established by the commissioner.

10 8. Being responsible for the accuracy of all data
11 elements transmitted to the department.

12 (c) It is the intent of the Legislature that the
13 expertise in the state system of public education, as well as
14 contracted services, be utilized to hasten the plan for full
15 implementation of a comprehensive management information
16 system.

17 (3) RULES.--The State Board of Education shall adopt
18 rules to administer this section.

19 Section 386. Section 1008.386, Florida Statutes, is
20 created to read:

21 1008.386 Social security numbers used as student
22 identification numbers.--Each district school board shall
23 request that each student enrolled in a public school in this
24 state provide his or her social security number. Each school
25 district shall use social security numbers as student
26 identification numbers in the management information system
27 maintained by the school district. However, a student is not
28 required to provide his or her social security number as a
29 condition for enrollment or graduation. A student satisfies
30 this requirement by presenting to school enrollment officials
31 his or her social security card or a copy of the card. The

1 school district shall include the social security number in
2 the student's permanent records and shall indicate if the
3 student identification number is not a social security number.
4 The Commissioner of Education shall provide assistance to
5 school districts to assure that the assignment of student
6 identification numbers other than social security numbers is
7 kept to a minimum and to avoid duplication of any student
8 identification number.

9 Section 387. Section 1008.39, Florida Statutes, is
10 created to read:

11 1008.39 Florida Education and Training Placement
12 Information Program.--

13 (1) The Department of Education shall develop and
14 maintain a continuing program of information management named
15 the "Florida Education and Training Placement Information
16 Program," the purpose of which is to compile, maintain, and
17 disseminate information concerning the educational histories,
18 placement and employment, enlistments in the United States
19 armed services, and other measures of success of former
20 participants in state educational and workforce development
21 programs. Placement and employment information shall contain
22 data appropriate to calculate job retention and job retention
23 rates.

24 (2) Any project conducted by the Department of
25 Education or the workforce development system that requires
26 placement information shall use information provided through
27 the Florida Education and Training Placement Information
28 Program, and shall not initiate automated matching of records
29 in duplication of methods already in place in the Florida
30 Education and Training Placement Information Program. The
31 department shall implement an automated system which matches

1 the social security numbers of former participants in state
2 educational and training programs with information in the
3 files of state and federal agencies that maintain educational,
4 employment, and United States armed service records and shall
5 implement procedures to identify the occupations of those
6 former participants whose social security numbers are found in
7 employment records, as required by Specific Appropriation
8 337A, chapter 84-220, Laws of Florida; Specific Appropriation
9 337B, chapter 85-119, Laws of Florida; Specific Appropriation
10 350A, chapter 86-167, Laws of Florida; and Specific
11 Appropriation 351, chapter 87-98, Laws of Florida.

12 (3) The Florida Education and Training Placement
13 Information Program must not make public any information that
14 could identify an individual or the individual's employer. The
15 Department of Education must ensure that the purpose of
16 obtaining placement information is to evaluate and improve
17 public programs or to conduct research for the purpose of
18 improving services to the individuals whose social security
19 numbers are used to identify their placement. If an agreement
20 assures that this purpose will be served and that privacy will
21 be protected, the Department of Education shall have access to
22 the unemployment insurance wage reports maintained by the
23 Department of Labor and Employment Security, the files of the
24 Department of Children and Family Services that contain
25 information about the distribution of public assistance, the
26 files of the Department of Corrections that contain records of
27 incarcerations, and the files of the Department of Business
28 and Professional Regulation that contain the results of
29 licensure examination.

30 (4) The Florida Education and Training Placement
31 Information Program may perform longitudinal analyses for all

1 levels of education and workforce development. These analyses
2 must include employment stability, annual earnings, and
3 relatedness of employment to education.

4 Section 388. Section 1008.40, Florida Statutes, is
5 created to read:

6 1008.40 Workforce Development Information System.--The
7 Department of Education shall:

8 (1) Design specifications for the collection and
9 reporting of data and performance specifications for the
10 Workforce Development Information System. This design must
11 enable parallel reporting and state-level access of workforce
12 data necessary to use the data reports as a basis for
13 calculating funding allocations. In addition, the design must
14 be capable of providing reports necessary to comply with other
15 program performance documentation required by state or federal
16 law, without requiring additional data collection or reporting
17 from local educational agencies.

18 (2) Develop the computer programs, software, and edit
19 processes necessary for local and state users to produce a
20 single, unified Workforce Development Information System.

21 Section 389. Section 1008.405, Florida Statutes, is
22 created to read:

23 1008.405 Adult student information.--Each school
24 district and community college shall maintain sufficient
25 information for each student enrolled in workforce development
26 education to allow local and state administrators to locate
27 such student upon the termination of instruction and to
28 determine the appropriateness of student placement in specific
29 instructional programs. The State Board of Education shall
30 adopt, in rule, specific information that must be maintained
31 and acceptable means of maintaining that information.

1 Section 390. Section 1008.41, Florida Statutes, is
2 created to read:

3 1008.41 Workforce Development Education; management
4 information system.--

5 (1) The Commissioner of Education shall coordinate
6 uniform program structures, common definitions, and uniform
7 management information systems for workforce development
8 education for all divisions within the department. In
9 performing these functions, the commissioner shall designate
10 deadlines after which data elements may not be changed for the
11 coming fiscal or school year. School districts and community
12 colleges shall be notified of data element changes at least 90
13 days prior to the start of the subsequent fiscal or school
14 year. Such systems must provide for:

15 (a) Individual student reporting.

16 (b) Compliance with state and federal confidentiality
17 requirements, except that the department shall have access to
18 the unemployment insurance wage reports to collect and report
19 placement information about former students. Such placement
20 reports must not disclose the individual identities of former
21 students.

22 (c) Maximum use of automated technology and records in
23 existing data bases and data systems. To the extent feasible,
24 the Florida Information Resource Network shall be employed for
25 this purpose.

26 (d) Annual reports of student enrollment, completion,
27 and placement by program.

28 (2) The State Board of Education shall identify, by
29 rule, the components to be included in the workforce
30 development education management information system. All such
31

1 components shall be comparable between school districts and
2 community colleges.

3 (3) Planning and evaluation of job-preparatory
4 programs shall be based on standard sources of data and use
5 standard occupational definitions and coding structures,
6 including, but not limited to:

7 (a) The Florida Occupational Information System;

8 (b) The Florida Education and Training Placement
9 Information Program;

10 (c) The Agency for Workforce Innovation;

11 (d) The United States Department of Labor; and

12 (e) Other sources of data developed using

13 statistically valid procedures.

14 Section 391. Section 1008.42, Florida Statutes, is
15 created to read:

16 1008.42 Public information on career and technical
17 education programs.--

18 (1) The Department of Education shall disseminate
19 information derived from the reports required by s. 1008.43.

20 The department shall ensure that the information disseminated
21 does not name or otherwise identify a student, a former
22 student, or the student's employer.

23 (2) The dissemination shall be conducted in accordance
24 with the following procedures:

25 (a) Annually, the Department of Education shall
26 publish the placement rates and average quarterly earnings for
27 students who complete each type of technical certificate
28 program and technical degree program. This information must be
29 aggregated to the state level and must be included in any
30 accountability reports. A program that was created or modified

31

1 so that placement rates cannot be calculated must be so
2 identified in such reports.

3 (b)1. Each district school board shall publish, at a
4 minimum, the most recently available placement rate for each
5 technical certificate program conducted by that school
6 district at the secondary school level and at the technical
7 degree level. The placement rates for the preceding 3 years
8 shall be published if available, shall be included in each
9 publication that informs the public of the availability of the
10 program, and shall be made available to each school guidance
11 counselor. If a program does not have a placement rate, a
12 publication that lists or describes that program must state
13 that the rate is unavailable.

14 2. Each community college shall publish, at a minimum,
15 the most recent placement rate for each technical certificate
16 program and for each technical degree program in its annual
17 catalog. The placement rates for the preceding 3 years shall
18 be published, if available, and shall be included in any
19 publication that informs the public of the availability of the
20 program. If a program does not have a placement rate, the
21 publication that lists or describes that program must state
22 that the rate is unavailable.

23 3. If a school district or a community college has
24 calculated for a program a placement rate that differs from
25 the rate reported by the department, and if each record of a
26 placement was obtained through a process that was capable of
27 being audited, procedurally sound, and consistent statewide,
28 the district or the community college may use the locally
29 calculated placement rate in the report required by this
30 section. However, that rate may not be combined with the rate
31 maintained in the computer files of the Department of

1 Education's Florida Education and Training Placement
2 Information Program.

3 4. An independent career and technical, trade, or
4 business school may not publish a placement rate unless the
5 placement rate was determined as provided by this section.

6 Section 392. Section 1008.43, Florida Statutes, is
7 created to read:

8 1008.43 Career and technical program reporting
9 requirements.--

10 (1)(a) The Department of Education shall develop a
11 system of performance measures in order to evaluate the career
12 and technical education programs as required in s. 1008.42.
13 This system must measure program enrollment, completion rates,
14 placement rates, and amount of earnings at the time of
15 placement. Placement and employment information, where
16 applicable, shall contain data relevant to job retention,
17 including retention rates. The State Board of Education shall
18 adopt by rule the specific measures and any definitions needed
19 to establish the system of performance measures.

20 (b) To measure and report program enrollment and
21 completion rates, the Department of Education shall use data
22 in the automated student databases generated by the public
23 schools and community colleges. To measure and report
24 placement rates and amount of earnings at the time of
25 placement, the department shall use data in the reports
26 produced by the Florida Education and Training Placement
27 Information Program as required in s. 1008.39. If any
28 placement information is not available from the Florida
29 Education and Training Placement Information Program, the
30 school district or the community college may provide placement
31 information collected by the school district or the community

1 college. However, this supplemental information must be
2 verifiable by the department and must not be commingled with
3 the database maintained by the Florida Education and Training
4 Placement Information Program. The State Board of Education
5 shall specify by rule the statistically valid, verifiable,
6 uniform procedures by which school districts and community
7 colleges may collect and report placement information to
8 supplement the reports from the Florida Education and Training
9 Placement Information Program.

10 (c) The State Board of Education shall adopt standards
11 for the department, district school boards, and community
12 college district boards of trustees to use in program
13 planning, program review, and program evaluation. The
14 standards must include, at a minimum, the completion rates,
15 placement rates, and earnings from employment of former
16 students of career and technical education programs.

17 (2) The State Board of Education shall adopt
18 procedures for reviewing the career and technical education
19 programs administered by the district school boards and the
20 community college district boards of trustees when program
21 performance falls below the standards required by this
22 section.

23 (3) Annually the department shall compile the reports
24 submitted in compliance with the rules adopted under this
25 section and shall produce a statewide report that addresses
26 the extent to which school districts and community colleges
27 are meeting the standards established under paragraph (1)(c).

28 (4) The State Board of Education may adopt rules
29 necessary to administer this section.

30 Section 393. Section 1008.45, Florida Statutes, is
31 created to read:

1 1008.45 Community college accountability process.--
2 (1) It is the intent of the Legislature that a
3 management and accountability process be implemented which
4 provides for the systematic, ongoing improvement and
5 assessment of the improvement of the quality and efficiency of
6 the Florida community colleges. Accordingly, the State Board
7 of Education and the community college boards of trustees
8 shall develop and implement an accountability plan to improve
9 and evaluate the instructional and administrative efficiency
10 and effectiveness of the Florida Community College System.
11 This plan shall be designed in consultation with staff of the
12 Governor and the Legislature and must address the following
13 issues:
14 (a) Graduation rates of A.A. and A.S. degree-seeking
15 students compared to first-time-enrolled students seeking the
16 associate degree.
17 (b) Minority student enrollment and retention rates.
18 (c) Student performance, including student performance
19 in college-level academic skills, mean grade point averages
20 for community college A.A. transfer students, and community
21 college student performance on state licensure examinations.
22 (d) Job placement rates of community college career
23 and technical students.
24 (e) Student progression by admission status and
25 program.
26 (f) Career and technical accountability standards
27 identified in s. 1008.42.
28 (g) Institutional assessment efforts related to the
29 requirements of s. III in the Criteria for Accreditation of
30 the Commission on Colleges of the Southern Association of
31 Colleges and Schools.

1 (h) Other measures as identified by the Council for
2 Education Policy Research and Improvement and approved by the
3 State Board of Education.

4 (2) The State Board of Education shall submit an
5 annual report, to coincide with the submission of the agency
6 strategic plan required by law, providing the results of
7 initiatives taken during the prior year and the initiatives
8 and related objective performance measures proposed for the
9 next year.

10 (3) The State Board of Education shall address within
11 the annual evaluation of the performance of the executive
12 director, and the community college boards of trustees shall
13 address within the annual evaluation of the presidents, the
14 achievement of the performance goals established by the
15 accountability process.

16 Section 394. Section 1008.46, Florida Statutes, is
17 created to read:

18 1008.46 State university accountability process.--It
19 is the intent of the Legislature that an accountability
20 process be implemented that provides for the systematic,
21 ongoing evaluation of quality and effectiveness of state
22 universities. It is further the intent of the Legislature that
23 this accountability process monitor performance at the system
24 level in each of the major areas of instruction, research, and
25 public service, while recognizing the differing missions of
26 each of the state universities. The accountability process
27 shall provide for the adoption of systemwide performance
28 standards and performance goals for each standard identified
29 through a collaborative effort involving state universities,
30 the Legislature, and the Governor's Office. These standards
31 and goals shall be consistent with s. 216.011(1) to maintain

1 congruity with the performance-based budgeting process. This
2 process requires that university accountability reports
3 reflect measures defined through performance-based budgeting.
4 The performance-based budgeting measures must also reflect the
5 elements of teaching, research, and service inherent in the
6 missions of the state universities.

7 (1) By December 31 of each year, the State Board of
8 Education shall submit an annual accountability report
9 providing information on the implementation of performance
10 standards, actions taken to improve university achievement of
11 performance goals, the achievement of performance goals during
12 the prior year, and initiatives to be undertaken during the
13 next year. The accountability reports shall be designed in
14 consultation with the Governor's Office, the Office of Program
15 Policy Analysis and Government Accountability, and the
16 Legislature.

17 (2) The State Board of Education shall recommend in
18 the annual accountability report any appropriate modifications
19 to this section.

20 Section 395. Part III of chapter 1008, Florida
21 Statutes, shall be entitled "Council for Education Policy
22 Research and Improvement (CEPRI)" and shall consist of s.
23 1008.51.

24 Section 396. Section 1008.51, Florida Statutes, is
25 created to read:

26 1008.51 Council for Education Policy Research and
27 Improvement.--The Council for Education Policy Research and
28 Improvement is created as an independent office under the
29 Office of Legislative Services, pursuant to s. 11.147. The
30 council shall conduct and review education research, provide
31 independent analysis on education progress, and provide

1 independent evaluation of education issues of statewide
2 concern. The Office of Legislative Services shall provide
3 administrative functions of the council, pursuant to joint
4 policies of the Legislature.

5 (1) The council shall serve as a citizen board for
6 independent policy research and analysis. The council shall be
7 composed of five members appointed by the Governor, two
8 members appointed by the Speaker of the House of
9 Representatives, and two members appointed by the President of
10 the Senate. Each member shall be appointed for a term of 6
11 years. However, for purposes of continuity, the Governor shall
12 appoint two members, the Speaker of the House of
13 Representatives shall appoint one member, and the President of
14 the Senate shall appoint one member for a first term of 4
15 years. Members appointed for 4 years may be reappointed to one
16 additional term. Members shall not include elected officials
17 or employees of public or independent education entities.
18 Members who miss two consecutive meetings may be replaced by
19 the appointing officer.

20 (2) The council shall meet as often as it considers
21 necessary to carry out its duties and responsibilities.
22 Members shall be paid travel and per diem expenses as provided
23 in s. 112.061 while performing their duties under this
24 section.

25 (3) The council shall appoint an executive director,
26 who shall serve at the pleasure of the council and shall
27 perform the duties assigned to him or her by the council. The
28 executive director is the chief administrative officer of the
29 council and shall appoint all employees and staff members of
30 the council, who shall serve under the executive director's
31 direction and control.

1 (4) The council shall:

2 (a) Provide state policymakers, educators, and the
3 public with objective and timely information that supports the
4 seamless K-20 education system and the K-20 education
5 accountability process designed to provide all students an
6 opportunity for a high-quality education, in accordance with
7 the policies and guiding principles of s. 1000.02 and the
8 performance accountability system in s. 1008.31.

9 (b) Explore national and state emerging educational
10 issues and examine how these issues should be addressed by
11 education institutions in Florida.

12 (c) Prepare and submit to the State Board of Education
13 a long-range master plan for education. The plan must include
14 consideration of the promotion of quality, fundamental
15 educational goals, programmatic access, needs for remedial
16 education, regional and state economic development,
17 international education programs, demographic patterns,
18 student demand for programs, needs of particular subgroups of
19 the population, implementation of innovative educational
20 techniques and technology, and requirements of the labor
21 market. The plan must evaluate the capacity of existing
22 programs in public and independent institutions to respond to
23 identified needs, and the council shall recommend efficient
24 alternatives to address unmet needs. The council shall update
25 the master plan at least every 5 years.

26 (d) Prepare and submit for approval by the State Board
27 of Education a long-range performance plan for K-20 education
28 in Florida, and annually review and recommend improvement in
29 the implementation of the plan.

30
31

- 1 (e) Annually report on the progress of public schools
2 and postsecondary education institutions toward meeting
3 educational goals and standards as defined by s. 1008.31.
4 (f) Recommend to the Legislature and the State Board
5 of Education legislation and rules for the educational
6 accountability system that support the policies and guiding
7 principles of s. 1000.02.
8 (g) Recommend to the State Board of Education
9 revisions and new initiatives to further improve the K-20
10 education accountability system.
11 (h) Provide public education institutions and the
12 public with information on the K-20 education accountability
13 system, recommend refinements and improvements, and evaluate
14 issues pertaining to student learning gains.
15 (i) On its own initiative or in response to the
16 Governor, the Legislature, the State Board of Education, or
17 the Commissioner of Education, issue reports and
18 recommendations on matters relating to any education sector.
19 (j) By January 1, 2003, and on a 3-year cycle
20 thereafter, review and make recommendations to the Legislature
21 regarding the activities of research centers and institutes
22 supported with state funds to assess the return on the state's
23 investment in research conducted by public postsecondary
24 education institutions, in coordination with the Leadership
25 Board for Applied Research and Public Service, created
26 pursuant to s. 1004.58.
27 (k) Apply for and receive grants for the study of K-20
28 education system improvement consistent with its
29 responsibilities.
30
31

1 (1) Assist the State Board of Education in the conduct
2 of its educational responsibilities in such capacities as the
3 board considers appropriate.

4 Section 397. Chapter 1009, Florida Statutes, shall be
5 entitled "Educational Scholarships, Fees, and Financial
6 Assistance" and shall consist of ss. 1009.01-1009.9994.

7 Section 398. Part I of chapter 1009, Florida Statutes,
8 shall be entitled "General Provisions" and shall consist of s.
9 1009.01.

10 Section 399. Section 1009.01, Florida Statutes, is
11 created to read:

12 1009.01 Definitions.--The term:

13 (1) "Tuition" means the basic fee charged to a student
14 for instruction provided by a public postsecondary educational
15 institution in this state. A charge for any other purpose
16 shall not be included within this fee.

17 (2) "Out-of-state fee" means the additional fee for
18 instruction provided by a public postsecondary educational
19 institution in this state, which fee is charged to a
20 non-Florida student as defined in rules of the State Board of
21 Education. A charge for any other purpose shall not be
22 included within this fee.

23 Section 400. Part II of chapter 1009, Florida
24 Statutes, shall be entitled "Postsecondary Student Fees" and
25 shall consist of ss. 1009.21-1009.29.

26 Section 401. Section 1009.21, Florida Statutes, is
27 created to read:

28 1009.21 Determination of resident status for tuition
29 purposes.--Students shall be classified as residents or
30 nonresidents for the purpose of assessing tuition in community
31 colleges and state universities.

1 (1) As used in this section:

2 (a) The term "dependent child" means any person,
3 whether or not living with his or her parent, who is eligible
4 to be claimed by his or her parent as a dependent under the
5 federal income tax code.

6 (b) The term "institution of higher education" means
7 any public community college or state university.

8 (c) A "legal resident" or "resident" is a person who
9 has maintained his or her residence in this state for the
10 preceding year, has purchased a home which is occupied by him
11 or her as his or her residence, or has established a domicile
12 in this state pursuant to s. 222.17.

13 (d) The term "parent" means the natural or adoptive
14 parent or legal guardian of a dependent child.

15 (e) A "resident for tuition purposes" is a person who
16 qualifies as provided in subsection (2) for the in-state
17 tuition rate; a "nonresident for tuition purposes" is a person
18 who does not qualify for the in-state tuition rate.

19 (2)(a) To qualify as a resident for tuition purposes:

20 1. A person or, if that person is a dependent child,
21 his or her parent or parents must have established legal
22 residence in this state and must have maintained legal
23 residence in this state for at least 12 months immediately
24 prior to his or her qualification.

25 2. Every applicant for admission to an institution of
26 higher education shall be required to make a statement as to
27 his or her length of residence in the state and, further,
28 shall establish that his or her presence or, if the applicant
29 is a dependent child, the presence of his or her parent or
30 parents in the state currently is, and during the requisite
31 12-month qualifying period was, for the purpose of maintaining

1 a bona fide domicile, rather than for the purpose of
2 maintaining a mere temporary residence or abode incident to
3 enrollment in an institution of higher education.

4 (b) However, with respect to a dependent child living
5 with an adult relative other than the child's parent, such
6 child may qualify as a resident for tuition purposes if the
7 adult relative is a legal resident who has maintained legal
8 residence in this state for at least 12 months immediately
9 prior to the child's qualification, provided the child has
10 resided continuously with such relative for the 5 years
11 immediately prior to the child's qualification, during which
12 time the adult relative has exercised day-to-day care,
13 supervision, and control of the child.

14 (c) The legal residence of a dependent child whose
15 parents are divorced, separated, or otherwise living apart
16 will be deemed to be this state if either parent is a legal
17 resident of this state, regardless of which parent is entitled
18 to claim, and does in fact claim, the minor as a dependent
19 pursuant to federal individual income tax provisions.

20 (3) An individual shall not be classified as a
21 resident for tuition purposes and, thus, shall not be eligible
22 to receive the in-state tuition rate until he or she has
23 provided such evidence related to legal residence and its
24 duration as may be required by officials of the institution of
25 higher education from which he or she seeks the in-state
26 tuition rate.

27 (4) With respect to a dependent child, the legal
28 residence of such individual's parent or parents is prima
29 facie evidence of the individual's legal residence, which
30 evidence may be reinforced or rebutted, relative to the age
31 and general circumstances of the individual, by the other

1 evidence of legal residence required of or presented by the
2 individual. However, the legal residence of an individual
3 whose parent or parents are domiciled outside this state is
4 not prima facie evidence of the individual's legal residence
5 if that individual has lived in this state for 5 consecutive
6 years prior to enrolling or reregistering at the institution
7 of higher education at which resident status for tuition
8 purposes is sought.

9 (5) In making a domiciliary determination related to
10 the classification of a person as a resident or nonresident
11 for tuition purposes, the domicile of a married person,
12 irrespective of sex, shall be determined, as in the case of an
13 unmarried person, by reference to all relevant evidence of
14 domiciliary intent. For the purposes of this section:

15 (a) A person shall not be precluded from establishing
16 or maintaining legal residence in this state and subsequently
17 qualifying or continuing to qualify as a resident for tuition
18 purposes solely by reason of marriage to a person domiciled
19 outside this state, even when that person's spouse continues
20 to be domiciled outside of this state, provided such person
21 maintains his or her legal residence in this state.

22 (b) A person shall not be deemed to have established
23 or maintained a legal residence in this state and subsequently
24 to have qualified or continued to qualify as a resident for
25 tuition purposes solely by reason of marriage to a person
26 domiciled in this state.

27 (c) In determining the domicile of a married person,
28 irrespective of sex, the fact of the marriage and the place of
29 domicile of such person's spouse shall be deemed relevant
30 evidence to be considered in ascertaining domiciliary intent.

31

1 (6) Any nonresident person, irrespective of sex, who
2 marries a legal resident of this state or marries a person who
3 later becomes a legal resident may, upon becoming a legal
4 resident of this state, accede to the benefit of the spouse's
5 immediately precedent duration as a legal resident for
6 purposes of satisfying the 12-month durational requirement of
7 this section.

8 (7) A person shall not lose his or her resident status
9 for tuition purposes solely by reason of serving, or, if such
10 person is a dependent child, by reason of his or her parent's
11 or parents' serving, in the Armed Forces outside this state.

12 (8) A person who has been properly classified as a
13 resident for tuition purposes but who, while enrolled in an
14 institution of higher education in this state, loses his or
15 her resident tuition status because the person or, if he or
16 she is a dependent child, the person's parent or parents
17 establish domicile or legal residence elsewhere shall continue
18 to enjoy the in-state tuition rate for a statutory grace
19 period, which period shall be measured from the date on which
20 the circumstances arose that culminated in the loss of
21 resident tuition status and shall continue for 12 months.
22 However, if the 12-month grace period ends during a semester
23 or academic term for which such former resident is enrolled,
24 such grace period shall be extended to the end of that
25 semester or academic term.

26 (9) Any person who ceases to be enrolled at or who
27 graduates from an institution of higher education while
28 classified as a resident for tuition purposes and who
29 subsequently abandons his or her domicile in this state shall
30 be permitted to reenroll at an institution of higher education
31 in this state as a resident for tuition purposes without the

1 necessity of meeting the 12-month durational requirement of
2 this section if that person has reestablished his or her
3 domicile in this state within 12 months of such abandonment
4 and continuously maintains the reestablished domicile during
5 the period of enrollment. The benefit of this subsection shall
6 not be accorded more than once to any one person.

7 (10) The following persons shall be classified as
8 residents for tuition purposes:

9 (a) Active duty members of the Armed Services of the
10 United States residing or stationed in this state, their
11 spouses, and dependent children.

12 (b) Active duty members of the Armed Services of the
13 United States and their spouses attending a public community
14 college or state university within 50 miles of the military
15 establishment where they are stationed, if such military
16 establishment is within a county contiguous to Florida.

17 (c) United States citizens living on the Isthmus of
18 Panama, who have completed 12 consecutive months of college
19 work at the Florida State University Panama Canal Branch, and
20 their spouses and dependent children.

21 (d) Full-time instructional and administrative
22 personnel employed by state public schools, community
23 colleges, and institutions of higher education, as defined in
24 s. 1000.04, and their spouses and dependent children.

25 (e) Students from Latin America and the Caribbean who
26 receive scholarships from the federal or state government.
27 Any student classified pursuant to this paragraph shall
28 attend, on a full-time basis, a Florida institution of higher
29 education.

30
31

1 (f) Southern Regional Education Board's Academic
2 Common Market graduate students attending Florida's state
3 universities.

4 (g) Full-time employees of state agencies or political
5 subdivisions of the state when the student fees are paid by
6 the state agency or political subdivision for the purpose of
7 job-related law enforcement or corrections training.

8 (h) McKnight Doctoral Fellows and Finalists who are
9 United States citizens.

10 (i) United States citizens living outside the United
11 States who are teaching at a Department of Defense Dependent
12 School or in an American International School and who enroll
13 in a graduate level education program which leads to a Florida
14 teaching certificate.

15 (j) Active duty members of the Canadian military
16 residing or stationed in this state under the North American
17 Air Defense (NORAD) agreement, and their spouses and dependent
18 children, attending a community college or state university
19 within 50 miles of the military establishment where they are
20 stationed.

21 (11) The State Board of Education shall by rule
22 designate classifications of students as residents or
23 nonresidents for tuition purposes at community colleges and
24 state universities.

25 Section 402. Section 1009.22, Florida Statutes, is
26 created to read:

27 1009.22 Workforce development postsecondary student
28 fees.--

29 (1) This section applies to students enrolled in
30 workforce development programs who are reported for funding
31 through the Workforce Development Education Fund, except that

1 college credit fees for the community colleges are governed by
2 s. 1009.23.

3 (2) All students shall be charged fees except students
4 who are exempt from fees or students whose fees are waived.

5 (3)(a) The Commissioner of Education shall provide to
6 the State Board of Education no later than December 31 of each
7 year a schedule of fees for workforce development education,
8 excluding continuing workforce education, for school districts
9 and community colleges. The fee schedule shall be based on the
10 amount of student fees necessary to produce 25 percent of the
11 prior year's average cost of a course of study leading to a
12 certificate or diploma. Except as otherwise provided by law,
13 fees for students who are not residents for tuition purposes
14 must offset the full cost of instruction. Fee-nonexempt
15 students enrolled in vocational-preparatory instruction shall
16 be charged fees equal to the fees charged for certificate
17 career education instruction. Each community college that
18 conducts college-preparatory and vocational-preparatory
19 instruction in the same class section may charge a single fee
20 for both types of instruction.

21 (b) Fees for continuing workforce education shall be
22 locally determined by the district school board or community
23 college board. However, at least 50 percent of the
24 expenditures for the continuing workforce education program
25 provided by the community college or school district must be
26 derived from fees.

27 (c) The State Board of Education shall adopt a fee
28 schedule for school districts and community colleges that
29 produces the fee revenues calculated pursuant to paragraph
30 (a). The schedule so calculated shall take effect, unless
31 otherwise specified in the General Appropriations Act.

1 (d) The State Board of Education shall adopt, by rule,
2 the definitions and procedures that district school boards
3 shall use in the calculation of cost borne by students.

4 (4) A district school board or community college board
5 that has a service area that borders another state may
6 implement a plan for a differential out-of-state fee.

7 (5) Each district school board and community college
8 board of trustees may establish a separate fee for financial
9 aid purposes in an additional amount of up to 10 percent of
10 the student fees collected for workforce development programs
11 funded through the Workforce Development Education Fund. All
12 fees collected shall be deposited into a separate workforce
13 development student financial aid fee trust fund of the school
14 district or community college to support students enrolled in
15 workforce development programs. Any undisbursed balance
16 remaining in the trust fund and interest income accruing to
17 investments from the trust fund shall increase the total funds
18 available for distribution to workforce development education
19 students. Awards shall be based on student financial need and
20 distributed in accordance with a nationally recognized system
21 of need analysis approved by the State Board of Education.
22 Fees collected pursuant to this subsection shall be allocated
23 in an expeditious manner.

24 (6) Each district school board and community college
25 board of trustees may establish a separate fee for capital
26 improvements, technology enhancements, or equipping buildings
27 which may not exceed 5 percent of tuition for resident
28 students or 5 percent of tuition and out-of-state fees for
29 nonresident students. Funds collected by community colleges
30 through these fees may be bonded only for the purpose of
31 financing or refinancing new construction and equipment,

1 renovation, or remodeling of educational facilities. The fee
2 shall be collected as a component part of the tuition and
3 fees, paid into a separate account, and expended only to
4 construct and equip, maintain, improve, or enhance the
5 certificate career education or adult education facilities of
6 the school district or community college. Projects funded
7 through the use of the capital improvement fee must meet the
8 survey and construction requirements of chapter 1013. Pursuant
9 to s. 216.0158, each district school board and community
10 college board of trustees shall identify each project,
11 including maintenance projects, proposed to be funded in whole
12 or in part by such fee. Capital improvement fee revenues may
13 be pledged by a board of trustees as a dedicated revenue
14 source to the repayment of debt, including lease-purchase
15 agreements and revenue bonds, with a term not to exceed 20
16 years, and not to exceed the useful life of the asset being
17 financed, only for the new construction and equipment,
18 renovation, or remodeling of educational facilities. Community
19 colleges may use the services of the Division of Bond Finance
20 of the State Board of Administration to issue any bonds
21 authorized through the provisions of this subsection. Any such
22 bonds issued by the Division of Bond Finance shall be in
23 compliance with the provisions of the State Bond Act. Bonds
24 issued pursuant to the State Bond Act shall be validated in
25 the manner provided by chapter 75. The complaint for such
26 validation shall be filed in the circuit court of the county
27 where the seat of state government is situated, the notice
28 required to be published by s. 75.06 shall be published only
29 in the county where the complaint is filed, and the complaint
30 and order of the circuit court shall be served only on the
31 state attorney of the circuit in which the action is pending.

1 A maximum of 15 cents per credit hour may be allocated from
2 the capital improvement fee for child care centers conducted
3 by the district school board or community college board of
4 trustees.

5 (7) Each district school board and community college
6 board of trustees is authorized to establish a separate fee
7 for technology, not to exceed \$1.80 per credit hour or
8 credit-hour equivalent for resident students and not more than
9 \$5.40 per credit hour or credit-hour equivalent for
10 nonresident students, or the equivalent, to be expended in
11 accordance with technology improvement plans. The technology
12 fee may apply only to associate degree programs and courses.
13 Fifty percent of technology fee revenues may be pledged by a
14 community college board of trustees as a dedicated revenue
15 source for the repayment of debt, including lease-purchase
16 agreements, not to exceed the useful life of the asset being
17 financed. Revenues generated from the technology fee may not
18 be bonded.

19 (8) Each district school board and community college
20 board of trustees is authorized to establish specific fees for
21 workforce development instruction not reported for state
22 funding purposes or for workforce development instruction not
23 reported as state funded full-time equivalent students.
24 District school boards and community college boards of
25 trustees are not required to charge any other fee specified in
26 this section for this type of instruction.

27 (9) Community college boards of trustees and district
28 school boards are not authorized to charge students enrolled
29 in workforce development programs any fee that is not
30 specifically authorized by statute. In addition to tuition,
31 out-of-state, financial aid, capital improvement, and

1 technology fees, as authorized in this section, community
2 college boards of trustees and district school boards are
3 authorized to establish fee schedules for the following user
4 fees and fines: laboratory fees; parking fees and fines;
5 library fees and fines; fees and fines relating to facilities
6 and equipment use or damage; access or identification card
7 fees; duplicating, photocopying, binding, or microfilming
8 fees; standardized testing fees; diploma replacement fees;
9 transcript fees; application fees; graduation fees; and late
10 fees related to registration and payment. Such user fees and
11 fees shall not exceed the cost of the services provided and
12 shall only be charged to persons receiving the service.
13 Parking fee revenues may be pledged by a community college
14 board of trustees as a dedicated revenue source for the
15 repayment of debt, including lease-purchase agreements and
16 revenue bonds with terms not exceeding 20 years and not
17 exceeding the useful life of the asset being financed.
18 Community colleges shall use the services of the Division of
19 Bond Finance of the State Board of Administration to issue any
20 revenue bonds authorized by the provisions of this subsection.
21 Any such bonds issued by the Division of Bond Finance shall be
22 in compliance with the provisions of the State Bond Act. Bonds
23 issued pursuant to the State Bond Act shall be validated in
24 the manner established in chapter 75. The complaint for such
25 validation shall be filed in the circuit court of the county
26 where the seat of state government is situated, the notice
27 required to be published by s. 75.06 shall be published only
28 in the county where the complaint is filed, and the complaint
29 and order of the circuit court shall be served only on the
30 state attorney of the circuit in which the action is pending.
31

1 (10) Each year the State Board of Education shall
2 review and evaluate the percentage of the cost of adult
3 programs and certificate career education programs supported
4 through student fees. For students who are residents for
5 tuition purposes, the schedule adopted pursuant to subsection
6 (3) must produce revenues equal to 25 percent of the prior
7 year's average program cost for college-preparatory and
8 certificate-level workforce development programs. Fees for
9 continuing workforce education shall be locally determined by
10 the district school board or community college board. However,
11 at least 50 percent of the expenditures for the continuing
12 workforce education program provided by the community college
13 or school district must be derived from fees. Except as
14 otherwise provided by law, fees for students who are not
15 residents for tuition purposes must offset the full cost of
16 instruction.

17 (11) Each school district and community college may
18 assess a service charge for the payment of tuition and fees in
19 installments. Such service charge must be approved by the
20 district school board or community college board of trustees.

21 (12) Any school district or community college that
22 reports students who have not paid fees in an approved manner
23 in calculations of full-time equivalent enrollments for state
24 funding purposes shall be penalized at a rate equal to 2 times
25 the value of such enrollments. Such penalty shall be charged
26 against the following year's allocation from the Florida
27 Workforce Development Education Fund or the Community College
28 Program Fund and shall revert to the General Revenue Fund.
29 The State Board of Education shall specify, in rule, approved
30 methods of student fee payment. Such methods must include,
31 but need not be limited to, student fee payment; payment

1 through federal, state, or institutional financial aid; and
2 employer fee payments.

3 (13) Each school district and community college shall
4 report only those students who have actually enrolled in
5 instruction provided or supervised by instructional personnel
6 under contract with the district or community college in
7 calculations of actual full-time enrollments for state funding
8 purposes. A student who has been exempted from taking a
9 course or who has been granted academic or technical credit
10 through means other than actual coursework completed at the
11 granting institution may not be calculated for enrollment in
12 the course from which the student has been exempted or for
13 which the student has been granted credit. School districts
14 and community colleges that report enrollments in violation of
15 this subsection shall be penalized at a rate equal to 2 times
16 the value of such enrollments. Such penalty shall be charged
17 against the following year's allocation from the Workforce
18 Development Education Fund and shall revert to the General
19 Revenue Fund.

20 Section 403. Section 1009.23, Florida Statutes, is
21 created to read:

22 1009.23 Community college student fees.--

23 (1) Unless otherwise provided, the provisions of this
24 section apply only to fees charged for college credit
25 instruction leading to an associate in arts degree, an
26 associate in applied science degree, or an associate in
27 science degree and noncollege credit college-preparatory
28 courses defined in s. 1004.02.

29 (2) All students shall be charged fees except students
30 who are exempt from fees or students whose fees are waived.

31

1 (3) The State Board of Education shall adopt by
2 December 31 of each year a resident fee schedule for the
3 following fall for advanced and professional, associate in
4 science degree, and college-preparatory programs that produce
5 revenues in the amount of 25 percent of the full prior year's
6 cost of these programs. Fees for courses in
7 college-preparatory programs and associate in arts and
8 associate in science degree programs may be established at the
9 same level. In the absence of a provision to the contrary in
10 an appropriations act, the fee schedule shall take effect and
11 the colleges shall expend the funds on instruction. If the
12 Legislature provides for an alternative fee schedule in an
13 appropriations act, the fee schedule shall take effect the
14 subsequent fall semester.

15 (4) Each community college board of trustees shall
16 establish tuition and out-of-state fees, which may vary no
17 more than 10 percent below and 15 percent above the combined
18 total of the fee schedule adopted by the State Board of
19 Education and the technology fee adopted by a board of
20 trustees, provided that any amount from 10 to 15 percent above
21 the fee schedule is used only to support safety and security
22 purposes. In order to assess an additional amount for safety
23 and security purposes, a community college board of trustees
24 must provide written justification to the State Board of
25 Education based on criteria approved by the board of trustees,
26 including, but not limited to, criteria such as local crime
27 data and information, and strategies for the implementation of
28 local safety plans. Should a college decide to increase the
29 tuition fee, the funds raised by increasing the tuition fee
30 must be expended solely for additional safety and security

31

1 purposes and shall not supplant funding expended in the
2 1998-1999 budget for safety and security purposes.

3 (5) Except as otherwise provided in law, the sum of
4 nonresident student tuition and out-of-state fees must be
5 sufficient to defray the full cost of each program.

6 (6) A community college board of trustees that has a
7 service area that borders another state may implement a plan
8 for a differential out-of-state fee.

9 (7) Each community college board of trustees may
10 establish a separate activity and service fee not to exceed 10
11 percent of the tuition fee, according to rules of the State
12 Board of Education. The student activity and service fee shall
13 be collected as a component part of the tuition and fees. The
14 student activity and service fees shall be paid into a student
15 activity and service fund at the community college and shall
16 be expended for lawful purposes to benefit the student body in
17 general. These purposes include, but are not limited to,
18 student publications and grants to duly recognized student
19 organizations, the membership of which is open to all students
20 at the community college without regard to race, sex, or
21 religion.

22 (8)(a) Each community college board of trustees is
23 authorized to establish a separate fee for financial aid
24 purposes in an additional amount up to, but not to exceed, 5
25 percent of the total student tuition or out-of-state fees
26 collected. Each community college board of trustees may
27 collect up to an additional 2 percent if the amount generated
28 by the total financial aid fee is less than \$250,000. If the
29 amount generated is less than \$250,000, a community college
30 that charges tuition and out-of-state fees at least equal to
31 the average fees established by rule may transfer from the

1 general current fund to the scholarship fund an amount equal
2 to the difference between \$250,000 and the amount generated by
3 the total financial aid fee assessment. No other transfer from
4 the general current fund to the loan, endowment, or
5 scholarship fund, by whatever name known, is authorized.

6 (b) All funds collected under this program shall be
7 placed in the loan and endowment fund or scholarship fund of
8 the college, by whatever name known. Such funds shall be
9 disbursed to students as quickly as possible. An amount not
10 greater than 40 percent of the fees collected in a fiscal year
11 may be carried forward unexpended to the following fiscal
12 year. However, funds collected prior to July 1, 1989, and
13 placed in an endowment fund may not be considered part of the
14 balance of funds carried forward unexpended to the following
15 fiscal year.

16 (c) Up to 25 percent or \$300,000, whichever is
17 greater, of the financial aid fees collected may be used to
18 assist students who demonstrate academic merit; who
19 participate in athletics, public service, cultural arts, and
20 other extracurricular programs as determined by the
21 institution; or who are identified as members of a targeted
22 gender or ethnic minority population. The financial aid fee
23 revenues allocated for athletic scholarships and fee
24 exemptions provided pursuant to s. 1009.25(3) for athletes
25 shall be distributed equitably as required by s.
26 1000.05(3)(d). A minimum of 75 percent of the balance of these
27 funds for new awards shall be used to provide financial aid
28 based on absolute need, and the remainder of the funds shall
29 be used for academic merit purposes and other purposes
30 approved by the boards of trustees. Such other purposes shall
31 include the payment of child care fees for students with

1 financial need. The State Board of Education shall develop
2 criteria for making financial aid awards. Each college shall
3 report annually to the Department of Education on the revenue
4 collected pursuant to this paragraph, the amount carried
5 forward, the criteria used to make awards, the amount and
6 number of awards for each criterion, and a delineation of the
7 distribution of such awards. The report shall include an
8 assessment by category of the financial need of every student
9 who receives an award, regardless of the purpose for which the
10 award is received. Awards which are based on financial need
11 shall be distributed in accordance with a nationally
12 recognized system of need analysis approved by the State Board
13 of Education. An award for academic merit shall require a
14 minimum overall grade point average of 3.0 on a 4.0 scale or
15 the equivalent for both initial receipt of the award and
16 renewal of the award.

17 (d) These funds may not be used for direct or indirect
18 administrative purposes or salaries.

19 (9) Any community college that reports students who
20 have not paid fees in an approved manner in calculations of
21 full-time equivalent enrollments for state funding purposes
22 shall be penalized at a rate equal to two times the value of
23 such enrollments. Such penalty shall be charged against the
24 following year's allocation from the Community College Program
25 Fund and shall revert to the General Revenue Fund.

26 (10) Each community college board of trustees is
27 authorized to establish a separate fee for technology, which
28 may not exceed \$1.80 per credit hour or credit-hour equivalent
29 for resident students and not more than \$5.40 per credit hour
30 or credit-hour equivalent for nonresident students, to be
31 expended according to technology improvement plans. The

1 technology fee may apply to both college credit and
2 college-preparatory instruction. Fifty percent of technology
3 fee revenues may be pledged by a community college board of
4 trustees as a dedicated revenue source for the repayment of
5 debt, including lease-purchase agreements, not to exceed the
6 useful life of the asset being financed. Revenues generated
7 from the technology fee may not be bonded.

8 (11) Each community college board of trustees may
9 establish a separate fee for capital improvements, technology
10 enhancements, or equipping student buildings which may not
11 exceed \$1 per credit hour or credit-hour equivalent for
12 residents and which equals or exceeds \$3 per credit hour for
13 nonresidents. Funds collected by community colleges through
14 these fees may be bonded only for the purpose of financing or
15 refinancing new construction and equipment, renovation, or
16 remodeling of educational facilities. The fee shall be
17 collected as a component part of the tuition and fees, paid
18 into a separate account, and expended only to construct and
19 equip, maintain, improve, or enhance the educational
20 facilities of the community college. Projects funded through
21 the use of the capital improvement fee shall meet the survey
22 and construction requirements of chapter 1013. Pursuant to s.
23 216.0158, each community college shall identify each project,
24 including maintenance projects, proposed to be funded in whole
25 or in part by such fee. Capital improvement fee revenues may
26 be pledged by a board of trustees as a dedicated revenue
27 source to the repayment of debt, including lease-purchase
28 agreements and revenue bonds, with a term not to exceed 20
29 years, and not to exceed the useful life of the asset being
30 financed, only for the new construction and equipment,
31 renovation, or remodeling of educational facilities. Community

1 colleges may use the services of the Division of Bond Finance
2 of the State Board of Administration to issue any bonds
3 authorized through the provisions of this subsection. Any such
4 bonds issued by the Division of Bond Finance shall be in
5 compliance with the provisions of the State Bond Act. Bonds
6 issued pursuant to the State Bond Act shall be validated in
7 the manner provided by chapter 75. The complaint for such
8 validation shall be filed in the circuit court of the county
9 where the seat of state government is situated, the notice
10 required to be published by s. 75.06 shall be published only
11 in the county where the complaint is filed, and the complaint
12 and order of the circuit court shall be served only on the
13 state attorney of the circuit in which the action is pending.
14 A maximum of 15 cents per credit hour may be allocated from
15 the capital improvement fee for child care centers conducted
16 by the community college.

17 (12) In addition to tuition, out-of-state, financial
18 aid, capital improvement, student activity and service, and
19 technology fees authorized in this section, each community
20 college board of trustees is authorized to establish fee
21 schedules for the following user fees and fines: laboratory
22 fees; parking fees and fines; library fees and fines; fees and
23 fines relating to facilities and equipment use or damage;
24 access or identification card fees; duplicating, photocopying,
25 binding, or microfilming fees; standardized testing fees;
26 diploma replacement fees; transcript fees; application fees;
27 graduation fees; and late fees related to registration and
28 payment. Such user fees and fines shall not exceed the cost of
29 the services provided and shall only be charged to persons
30 receiving the service. A community college may not charge any
31 fee except as authorized by law or rules of the State Board of

1 Education. Parking fee revenues may be pledged by a community
2 college board of trustees as a dedicated revenue source for
3 the repayment of debt, including lease-purchase agreements and
4 revenue bonds with terms not exceeding 20 years and not
5 exceeding the useful life of the asset being financed.
6 Community colleges shall use the services of the Division of
7 Bond Finance of the State Board of Administration to issue any
8 revenue bonds authorized by the provisions of this subsection.
9 Any such bonds issued by the Division of Bond Finance shall be
10 in compliance with the provisions of the State Bond Act. Bonds
11 issued pursuant to the State Bond Act shall be validated in
12 the manner established in chapter 75. The complaint for such
13 validation shall be filed in the circuit court of the county
14 where the seat of state government is situated, the notice
15 required to be published by s. 75.06 shall be published only
16 in the county where the complaint is filed, and the complaint
17 and order of the circuit court shall be served only on the
18 state attorney of the circuit in which the action is pending.

19 (13) The State Board of Education shall specify, as
20 necessary, by rule, approved methods of student fee payment.
21 Such methods shall include, but not be limited to, student fee
22 payment; payment through federal, state, or institutional
23 financial aid; and employer fee payments.

24 (14) Each community college board of trustees shall
25 report only those students who have actually enrolled in
26 instruction provided or supervised by instructional personnel
27 under contract with the community college in calculations of
28 actual full-time equivalent enrollments for state funding
29 purposes. No student who has been exempted from taking a
30 course or who has been granted academic or technical credit
31 through means other than actual coursework completed at the

1 granting institution shall be calculated for enrollment in the
2 course from which he or she has been exempted or granted
3 credit. Community colleges that report enrollments in
4 violation of this subsection shall be penalized at a rate
5 equal to two times the value of such enrollments. Such penalty
6 shall be charged against the following year's allocation from
7 the Community College Program Fund and shall revert to the
8 General Revenue Fund.

9 (15) Each community college may assess a service
10 charge for the payment of tuition and fees in installments.
11 Such service charge must be approved by the community college
12 board of trustees.

13 (16) The State Board of Education shall adopt a rule
14 specifying the definitions and procedures to be used in the
15 calculation of the percentage of cost paid by students. The
16 rule must provide for the calculation of the full cost of
17 educational programs based on the allocation of all funds
18 provided through the general current fund to programs of
19 instruction, and other activities as provided in the annual
20 expenditure analysis. The rule shall be developed in
21 consultation with the Legislature.

22 Section 404. Section 1009.24, Florida Statutes, is
23 created to read:

24 1009.24 State university student fees.--

25 (1) This section applies to students enrolled in
26 college credit programs at state universities.

27 (2) All students shall be charged fees except students
28 who are exempt from fees or students whose fees are waived.

29 (3) Within proviso in the General Appropriations Act
30 and law, each board of trustees shall set university tuition
31 and fees. The sum of the activity and service, health, and

1 athletic fees a student is required to pay to register for a
2 course shall not exceed 40 percent of the tuition established
3 in law or in the General Appropriations Act. No university
4 shall be required to lower any fee in effect on the effective
5 date of this act in order to comply with this subsection.
6 Within the 40 percent cap, universities may not increase the
7 aggregate sum of activity and service, health, and athletic
8 fees more than 5 percent per year unless specifically
9 authorized in law or in the General Appropriations Act. This
10 subsection does not prohibit a university from increasing or
11 assessing optional fees related to specific activities if
12 payment of such fees is not required as a part of registration
13 for courses.

14 (4) A university that has a service area that borders
15 another state may implement a plan for a differential
16 out-of-state fee.

17 (5) Students who are enrolled in Programs in Medical
18 Sciences are considered graduate students for the purpose of
19 enrollment and student fees.

20 (6) A university board of trustees is authorized to
21 collect for financial aid purposes an amount not to exceed 5
22 percent of the tuition and out-of-state fee. The revenues from
23 fees are to remain at each campus and replace existing
24 financial aid fees. Such funds shall be disbursed to students
25 as quickly as possible. A minimum of 75 percent of funds from
26 the student financial aid fee for new financial aid awards
27 shall be used to provide financial aid based on absolute need.
28 A student who has received an award prior to July 1, 1984,
29 shall have his or her eligibility assessed on the same
30 criteria that were used at the time of his or her original
31 award. The State Board of Education shall develop criteria for

1 making financial aid awards. Each university shall report
2 annually to the Department of Education on the revenue
3 collected pursuant to this subsection, the amount carried
4 forward, the criteria used to make awards, the amount and
5 number of awards for each criterion, and a delineation of the
6 distribution of such awards. The report shall include an
7 assessment by category of the financial need of every student
8 who receives an award, regardless of the purpose for which the
9 award is received. Awards which are based on financial need
10 shall be distributed in accordance with a nationally
11 recognized system of need analysis approved by the State Board
12 of Education. An award for academic merit shall require a
13 minimum overall grade point average of 3.0 on a 4.0 scale or
14 the equivalent for both initial receipt of the award and
15 renewal of the award.

16 (7) The Capital Improvement Trust Fund fee is
17 established as \$2.44 per credit hour per semester. The
18 building fee is established as \$2.32 per credit hour per
19 semester.

20 (8) Each university board of trustees is authorized to
21 establish separate activity and service, health, and athletic
22 fees. When duly established, the fees shall be collected as
23 component parts of tuition and fees and shall be retained by
24 the university and paid into the separate activity and
25 service, health, and athletic funds.

26 (9)(a) Each university board of trustees shall
27 establish a student activity and service fee on the main
28 campus of the university. The university board may also
29 establish a student activity and service fee on any branch
30 campus or center. Any subsequent increase in the activity and
31 service fee must be recommended by an activity and service fee

1 committee, at least one-half of whom are students appointed by
2 the student body president. The remainder of the committee
3 shall be appointed by the university president. A chairperson,
4 appointed jointly by the university president and the student
5 body president, shall vote only in the case of a tie. The
6 recommendations of the committee shall take effect only after
7 approval by the university president, after consultation with
8 the student body president, with final approval by the
9 university board of trustees. An increase in the activity and
10 service fee may occur only once each fiscal year and must be
11 implemented beginning with the fall term. The State Board of
12 Education is responsible for promulgating the rules and
13 timetables necessary to implement this fee.

14 (b) The student activity and service fees shall be
15 expended for lawful purposes to benefit the student body in
16 general. This shall include, but shall not be limited to,
17 student publications and grants to duly recognized student
18 organizations, the membership of which is open to all students
19 at the university without regard to race, sex, or religion.
20 The fund may not benefit activities for which an admission fee
21 is charged to students, except for
22 student-government-association-sponsored concerts. The
23 allocation and expenditure of the fund shall be determined by
24 the student government association of the university, except
25 that the president of the university may veto any line item or
26 portion thereof within the budget when submitted by the
27 student government association legislative body. The
28 university president shall have 15 school days from the date
29 of presentation of the budget to act on the allocation and
30 expenditure recommendations, which shall be deemed approved if
31 no action is taken within the 15 school days. If any line item

1 or portion thereof within the budget is vetoed, the student
2 government association legislative body shall within 15 school
3 days make new budget recommendations for expenditure of the
4 vetoed portion of the fund. If the university president vetoes
5 any line item or portion thereof within the new budget
6 revisions, the university president may reallocate by line
7 item that vetoed portion to bond obligations guaranteed by
8 activity and service fees. Unexpended funds and undisbursed
9 funds remaining at the end of a fiscal year shall be carried
10 over and remain in the student activity and service fund and
11 be available for allocation and expenditure during the next
12 fiscal year.

13 (10) Each university board of trustees shall establish
14 a student health fee on the main campus of the university. The
15 university board of trustees may also establish a student
16 health fee on any branch campus or center. Any subsequent
17 increase in the health fee must be recommended by a health
18 committee, at least one-half of whom are students appointed by
19 the student body president. The remainder of the committee
20 shall be appointed by the university president. A chairperson,
21 appointed jointly by the university president and the student
22 body president, shall vote only in the case of a tie. The
23 recommendations of the committee shall take effect only after
24 approval by the university president, after consultation with
25 the student body president, with final approval by the
26 university board of trustees. An increase in the health fee
27 may occur only once each fiscal year and must be implemented
28 beginning with the fall term. The State Board of Education is
29 responsible for promulgating the rules and timetables
30 necessary to implement this fee.

31

1 (11) Each university board of trustees shall establish
2 a separate athletic fee on the main campus of the university.
3 The university board may also establish a separate athletic
4 fee on any branch campus or center. Any subsequent increase in
5 the athletic fee must be recommended by an athletic fee
6 committee, at least one-half of whom are students appointed by
7 the student body president. The remainder of the committee
8 shall be appointed by the university president. A chairperson,
9 appointed jointly by the university president and the student
10 body president, shall vote only in the case of a tie. The
11 recommendations of the committee shall take effect only after
12 approval by the university president, after consultation with
13 the student body president, with final approval by the
14 university board of trustees. An increase in the athletic fee
15 may occur only once each fiscal year and must be implemented
16 beginning with the fall term. The State Board of Education is
17 responsible for promulgating the rules and timetables
18 necessary to implement this fee.

19 (12) Each university board of trustees is authorized
20 to establish the following fees:

21 (a) A nonrefundable application fee in an amount not
22 to exceed \$30.

23 (b) An orientation fee in an amount not to exceed \$35.

24 (c) A fee for security, access, or identification
25 cards. The annual fee for such a card may not exceed \$10 per
26 card. The maximum amount charged for a replacement card may
27 not exceed \$15.

28 (d) Registration fees for audit and zero-hours
29 registration; a service charge, which may not exceed \$15, for
30 the payment of tuition in installments; and a
31 late-registration fee in an amount not less than \$50 nor more

1 than \$100 to be imposed on students who fail to initiate
2 registration during the regular registration period.

3 (e) A late-payment fee in an amount not less than \$50
4 nor more than \$100 to be imposed on students who fail to pay
5 or fail to make appropriate arrangements to pay (by means of
6 installment payment, deferment, or third-party billing)
7 tuition by the deadline set by each university. Each
8 university may adopt specific procedures or policies for
9 waiving the late-payment fee for minor underpayments.

10 (f) A fee for miscellaneous health-related charges for
11 services provided at cost by the university health center
12 which are not covered by the health fee set under subsection
13 (10).

14 (g) Materials and supplies fees to offset the cost of
15 materials or supplies that are consumed in the course of the
16 student's instructional activities, excluding the cost of
17 equipment replacement, repairs, and maintenance.

18 (h) Housing rental rates and miscellaneous housing
19 charges for services provided by the university at the request
20 of the student.

21 (i) A charge representing the reasonable cost of
22 efforts to collect payment of overdue accounts.

23 (j) A service charge on university loans in lieu of
24 interest and administrative handling charges.

25 (k) A fee for off-campus course offerings when the
26 location results in specific, identifiable increased costs to
27 the university.

28 (l) Library fees and fines, including charges for
29 damaged and lost library materials, overdue reserve library
30 books, interlibrary loans, and literature searches.

31

1 (m) Fees relating to duplicating, photocopying,
2 binding, and microfilming; copyright services; and
3 standardized testing. These fees may be charged only to those
4 who receive the services.

5 (n) Fees and fines relating to the use, late return,
6 and loss and damage of facilities and equipment.

7 (o) A returned-check fee as authorized by s. 832.07(1)
8 for unpaid checks returned to the university.

9 (p) Traffic and parking fines, charges for parking
10 decals, and transportation access fees.

11 (q) An Educational Research Center for Child
12 Development fee for child care and services offered by the
13 center.

14 (r) Fees for transcripts and diploma replacement, not
15 to exceed \$10 per item.

16 (13) The board of trustees of the University of
17 Florida is authorized to establish an admissions deposit fee
18 for the University of Florida College of Dentistry in an
19 amount not to exceed \$200.

20 (14) Each university may assess a service charge for
21 the payment of tuition and fees in installments. Such service
22 charge must be approved by the university board of trustees.

23 Section 405. Section 1009.25, Florida Statutes, is
24 created to read:

25 1009.25 Fee exemptions.--

26 (1) The following students are exempt from any
27 requirement for the payment of tuition and fees, including lab
28 fees, for adult basic, adult secondary, or
29 vocational-preparatory instruction:

30 (a) A student who does not have a high school diploma
31 or its equivalent.

1 (b) A student who has a high school diploma or its
2 equivalent and who has academic skills at or below the eighth
3 grade level pursuant to state board rule. A student is
4 eligible for this exemption from fees if the student's skills
5 are at or below the eighth grade level as measured by a test
6 administered in the English language and approved by the
7 Department of Education, even if the student has skills above
8 that level when tested in the student's native language.

9 (2) The following students are exempt from the payment
10 of tuition and fees, including lab fees, at a school district
11 that provides postsecondary career and technical programs,
12 community college, or state university:

13 (a) A student enrolled in a dual enrollment or early
14 admission program pursuant to s. 1007.27 or s. 1007.271.

15 (b) A student enrolled in an approved apprenticeship
16 program, as defined in s. 446.021.

17 (c) A student for whom the state is paying a foster
18 care board payment pursuant to s. 409.145(3) or pursuant to
19 parts II and III of chapter 39, for whom the permanency
20 planning goal pursuant to part III of chapter 39 is long-term
21 foster care or independent living, or who is adopted from the
22 Department of Children and Family Services after May 5, 1997.
23 Such exemption includes fees associated with enrollment in
24 vocational-preparatory instruction and completion of the
25 college-level communication and computation skills testing
26 program. Such exemption shall be available to any student
27 adopted from the Department of Children and Family Services
28 after May 5, 1997; however, the exemption shall be valid for
29 no more than 4 years after the date of graduation from high
30 school.

31

1 (d) A student enrolled in an employment and training
2 program under the welfare transition program. The regional
3 workforce board shall pay the state university, community
4 college, or school district for costs incurred for welfare
5 transition program participants.

6 (e) A student who lacks a fixed, regular, and adequate
7 nighttime residence or whose primary nighttime residence is a
8 public or private shelter designed to provide temporary
9 residence for individuals intended to be institutionalized, or
10 a public or private place not designed for, or ordinarily used
11 as, a regular sleeping accommodation for human beings.

12 (f) A student who is a proprietor, owner, or worker of
13 a company whose business has been at least 50 percent
14 negatively financially impacted by the buy-out of property
15 around Lake Apopka by the State of Florida. Such a student may
16 receive a fee exemption only if the student has not received
17 compensation because of the buy-out, the student is designated
18 a Florida resident for tuition purposes, pursuant to s.
19 1009.21, and the student has applied for and been denied
20 financial aid, pursuant to s. 1009.40, which would have
21 provided, at a minimum, payment of all student fees. The
22 student is responsible for providing evidence to the
23 postsecondary education institution verifying that the
24 conditions of this paragraph have been met, including support
25 documentation provided by the Department of Revenue. The
26 student must be currently enrolled in, or begin coursework
27 within, a program area by fall semester 2000. The exemption
28 is valid for a period of 4 years from the date that the
29 postsecondary education institution confirms that the
30 conditions of this paragraph have been met.

31

1 (3) Each community college is authorized to grant
2 student fee exemptions from all fees adopted by the State
3 Board of Education and the community college board of trustees
4 for up to 40 full-time equivalent students at each
5 institution.

6 Section 406. Section 1009.26, Florida Statutes, is
7 created to read:

8 1009.26 Fee waivers.--

9 (1) School districts and community colleges may waive
10 fees for any fee-nonexempt student. The total value of fee
11 waivers granted by the school district or community college
12 may not exceed the amount established annually in the General
13 Appropriations Act. Any student whose fees are waived in
14 excess of the authorized amount may not be reported for state
15 funding purposes. Any school district or community college
16 that waives fees and requests state funding for a student in
17 violation of the provisions of this section shall be penalized
18 at a rate equal to 2 times the value of the full-time student
19 enrollment reported.

20 (2) A state university may waive any or all
21 application, tuition, and related fees for persons who
22 supervise student interns for a state university.

23 (3) A university board of trustees is authorized to
24 permit full-time university employees who meet academic
25 requirements to enroll for up to 6 credit hours of
26 tuition-free courses per term on a space-available basis.

27 (4) A state university may waive any or all
28 application, tuition, and related fees for persons 60 years of
29 age or older who are residents of this state and who attend
30 classes for credit. No academic credit shall be awarded for
31 attendance in classes for which fees are waived under this

1 subsection. This privilege may be granted only on a
2 space-available basis, if such classes are not filled as of
3 the close of registration. A university may limit or deny the
4 privilege for courses which are in programs for which the
5 State Board of Education has established selective admissions
6 criteria. Persons paying full fees and state employees taking
7 courses on a space-available basis shall have priority over
8 those persons whose fees are waived in all cases where
9 classroom spaces are limited.

10 (5) Any graduate student enrolled in a state-approved
11 school psychology training program shall be entitled to a
12 waiver of registration fees for internship credit hours
13 applicable to an internship in the public school system under
14 the supervision of a Department of Education certified school
15 psychologist employed by the school system.

16 (6) The State Board of Education may establish rules
17 to allow for the waiver of out-of-state fees for
18 nondegree-seeking students enrolled at a state university if
19 the earned student credit hours generated by such students are
20 nonfundable and the direct cost for the program of study is
21 recovered from the fees charged to all students.

22 (7) The spouse of a deceased state employee is
23 entitled, when eligible for the payment of student fees by the
24 state as employer pursuant to s. 440.16, in lieu of such
25 payment, to a full waiver of student fees for up to 80
26 semester hours in any community college.

27 (8) Fees shall be waived for certain members of the
28 active Florida National Guard pursuant to s. 250.10(8).

29 Section 407. Section 1009.265, Florida Statutes, is
30 created to read:

31 1009.265 State employee fee waivers.--

1 (1) As a benefit to the employer and employees of the
2 state, subject to approval by an employee's agency head or the
3 equivalent, each state university and community college shall
4 waive tuition and fees for state employees to enroll for up to
5 6 credit hours of courses per term on a space-available basis.

6 (2) The Comptroller, in cooperation with the community
7 colleges and state universities, shall identify and implement
8 ways to ease the administrative burden to community colleges
9 and state universities, including, but not limited to,
10 providing easier access to verify state employment.

11 (3) From funds appropriated by the Legislature for
12 implementation of this section, community colleges and state
13 universities shall be reimbursed for administrative costs on a
14 pro rata basis according to the cost assessment data developed
15 by the Department of Education.

16 (4) The Auditor General shall include a review of the
17 cost assessment data in conjunction with his or her audit
18 responsibilities for community colleges, state universities,
19 and the Department of Education.

20 (5) For purposes of this section, employees of the
21 state include employees of the executive, legislative, and
22 judicial branches of state government.

23 Section 408. Section 1009.27, Florida Statutes, is
24 created to read:

25 1009.27 Deferral of fees.--

26 (1) The State Board of Education shall adopt rules to
27 allow the deferral of tuition and registration fees for
28 students receiving financial aid from a federal or state
29 assistance program when the aid is delayed in being
30 transmitted to the student through circumstances beyond the
31 control of the student. The failure to make timely application

1 for the aid is an insufficient reason to receive a deferral of
2 fees. The rules must provide for the enforcement and
3 collection or other settlement of delinquent accounts.

4 (2) Any veteran or other eligible student who receives
5 benefits under chapter 30, chapter 31, chapter 32, chapter 34,
6 or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10,
7 U.S.C., is entitled to one deferment each academic year and an
8 additional deferment each time there is a delay in the receipt
9 of benefits.

10 (3) Each school district, community college, and state
11 university is responsible for collecting all deferred fees. If
12 a school district, community college, or state university has
13 not collected a deferred fee, the student may not earn state
14 funding for any course for which the student subsequently
15 registers until the fee has been paid.

16 Section 409. Section 1009.28, Florida Statutes, is
17 created to read:

18 1009.28 Fees for repeated enrollment in
19 college-preparatory classes.--A student enrolled in the same
20 college-preparatory class more than twice shall pay 100
21 percent of the full cost of instruction to support continuous
22 enrollment of that student in the same class, and the student
23 shall not be included in calculations of full-time equivalent
24 enrollments for state funding purposes; however, students who
25 withdraw or fail a class due to extenuating circumstances may
26 be granted an exception only once for each class, provided
27 approval is granted according to policy established by the
28 board of trustees. Each community college may review and
29 reduce fees paid by students due to continued enrollment in a
30 college-preparatory class on an individual basis contingent

31

1 upon the student's financial hardship, pursuant to definitions
2 and fee levels established by the State Board of Education.

3 Section 410. Section 1009.285, Florida Statutes, is
4 created to read:

5 1009.285 Fees for repeated enrollment in
6 college-credit courses.--A student enrolled in the same
7 undergraduate college-credit course more than twice shall pay
8 tuition at 100 percent of the full cost of instruction and
9 shall not be included in calculations of full-time equivalent
10 enrollments for state funding purposes. However, students who
11 withdraw or fail a class due to extenuating circumstances may
12 be granted an exception only once for each class, provided
13 that approval is granted according to policy established by
14 the community college board of trustees or the university
15 board of trustees. Each community college and state university
16 may review and reduce fees paid by students due to continued
17 enrollment in a college-credit class on an individual basis
18 contingent upon the student's financial hardship, pursuant to
19 definitions and fee levels established by the State Board of
20 Education. For purposes of this section, first-time enrollment
21 in a class shall mean enrollment in a class beginning fall
22 semester 1997, and calculations of the full cost of
23 instruction shall be based on the systemwide average of the
24 prior year's cost of undergraduate programs for the community
25 colleges and the state universities. Boards of trustees may
26 make exceptions to this section for individualized study,
27 elective coursework, courses that are repeated as a
28 requirement of a major, and courses that are intended as
29 continuing over multiple semesters, excluding the repeat of
30 coursework more than two times to increase grade point average
31 or meet minimum course grade requirements.

1 Section 411. Section 1009.29, Florida Statutes, is
2 created to read:

3 1009.29 Increased fees for funding financial aid
4 program.--

5 (1) Student tuition and registration fees at each
6 state university and community college shall include up to
7 \$4.68 per quarter, or \$7.02 per semester, per full-time
8 student, or the per-student credit hour equivalents of such
9 amounts. The fees provided for by this section shall be
10 adjusted from time to time, as necessary, to comply with the
11 debt service coverage requirements of the student loan revenue
12 bonds issued pursuant to s. 1009.79. If the Division of Bond
13 Finance of the State Board of Education and the Commissioner
14 of Education determine that such fees are no longer required
15 as security for revenue bonds issued pursuant to ss.
16 1009.78-1009.88, moneys previously collected pursuant to this
17 section which are held in escrow, after administrative
18 expenses have been met and up to \$150,000 has been used to
19 establish a financial aid data processing system for the state
20 universities incorporating the necessary features to meet the
21 needs of all nine universities for application through
22 disbursement processing, shall be reallocated to the
23 generating institutions to be used for student financial aid
24 programs, including, but not limited to, scholarships and
25 grants for educational purposes. Upon such determination, such
26 fees shall no longer be assessed and collected.

27 (2) The Department of Education may, in accordance
28 with rules established by the State Board of Administration,
29 receive and administer grants and donations from any source
30 and, in its discretion, establish criteria, select recipients,
31 and award scholarships and loans from the fees provided for by

1 this section, and fix the interest rates and terms of
2 repayment.

3 Section 412. Part III of chapter 1009, Florida
4 Statutes, shall be entitled "Financial Assistance" and shall
5 consist of ss. 1009.40-1009.96.

6 Section 413. Part III.a. of chapter 1009, Florida
7 Statutes, shall be entitled "General Provisions" and shall
8 consist of ss. 1009.40-1009.44.

9 Section 414. Section 1009.40, Florida Statutes, is
10 created to read:

11 1009.40 General requirements for student eligibility
12 for state financial aid.--

13 (1)(a) The general requirements for eligibility of
14 students for state financial aid awards consist of the
15 following:

16 1. Achievement of the academic requirements of and
17 acceptance at a state university or community college; a
18 nursing diploma school approved by the Florida Board of
19 Nursing; a Florida college, university, or community college
20 which is accredited by an accrediting agency recognized by the
21 State Board of Education; any Florida institution the credits
22 of which are acceptable for transfer to state universities;
23 any technical center; or any private technical institution
24 accredited by an accrediting agency recognized by the State
25 Board of Education.

26 2. Residency in this state for no less than 1 year
27 preceding the award of aid for a program established pursuant
28 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53,
29 s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s.
30 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s.
31 1009.89. Residency in this state must be for purposes other

1 than to obtain an education. Resident status for purposes of
2 receiving state financial aid awards shall be determined in
3 the same manner as resident status for tuition purposes
4 pursuant to s. 1009.21 and rules of the State Board of
5 Education.

6 3. Submission of certification attesting to the
7 accuracy, completeness, and correctness of information
8 provided to demonstrate a student's eligibility to receive
9 state financial aid awards. Falsification of such information
10 shall result in the denial of any pending application and
11 revocation of any award currently held to the extent that no
12 further payments shall be made. Additionally, students who
13 knowingly make false statements in order to receive state
14 financial aid awards shall be guilty of a misdemeanor of the
15 second degree subject to the provisions of s. 837.06 and shall
16 be required to return all state financial aid awards
17 wrongfully obtained.

18 (b)1. Eligibility for the renewal of undergraduate
19 financial aid awards shall be evaluated at the end of the
20 second semester or third quarter of each academic year. As a
21 condition for renewal, a student shall:

22 a. Have earned a minimum cumulative grade point
23 average of 2.0 on a 4.0 scale; and

24 b. Have earned, for full-time study, 12 credits per
25 term or the equivalent for the number of terms for which aid
26 was received.

27 2. A student who earns the minimum number of credits
28 required for renewal, but who fails to meet the minimum 2.0
29 cumulative grade point average, may be granted a probationary
30 award for up to the equivalent of 1 academic year and shall be
31 required to earn a cumulative grade point average of 2.0 on a

1 4.0 scale by the end of the probationary period to be eligible
2 for subsequent renewal. A student who receives a probationary
3 award and who fails to meet the conditions for renewal by the
4 end of his or her probationary period shall be ineligible to
5 receive additional awards for the equivalent of 1 academic
6 year following his or her probationary period. Each such
7 student may, however, reapply for assistance during a
8 subsequent application period and may be eligible for an award
9 if he or she has earned a cumulative grade point average of
10 2.0 on a 4.0 scale.

11 3. A student who fails to earn the minimum number of
12 credits required for renewal shall lose his or her eligibility
13 for renewal for a period equivalent to 1 academic year.
14 However, the student may reapply during a subsequent
15 application period and may be eligible for an award if he or
16 she has earned a minimum cumulative grade point average of 2.0
17 on a 4.0 scale.

18 4. Students who receive state student aid and
19 subsequently fail to meet state academic progress requirements
20 due to verifiable illness or other emergencies may be granted
21 an exception from the academic requirements. Such students
22 shall make a written appeal to the institution. The appeal
23 shall include a description and verification of the
24 circumstances. Verification of illness or other emergencies
25 may include but not be limited to a physician's statement or
26 written statement of a parent or college official. The
27 institution shall recommend exceptions with necessary
28 documentation to the department. The department may accept or
29 deny such recommendations for exception from the institution.

30 (2) These requirements do not preclude higher
31 standards specified in other sections of this part, in rules

1 of the state board, or in rules of a participating
2 institution.

3 (3) Undergraduate students are be eligible to receive
4 financial aid for a maximum of 8 semesters or 12 quarters.
5 However, undergraduate students participating in
6 college-preparatory instruction, students requiring additional
7 time to complete the college-level communication and
8 computation skills testing programs, or students enrolled in a
9 5-year undergraduate degree program are eligible to receive
10 financial aid for a maximum of 10 semesters or 15 quarters.

11 (4) No student is eligible to receive more than one
12 state scholarship that is based on academic merit. Students
13 who qualify for more than one such scholarship shall be
14 notified of all awards for which they qualify and shall be
15 provided the opportunity to accept one of their choosing.

16 Section 415. Section 1009.41, Florida Statutes, is
17 created to read:

18 1009.41 State financial aid; students with a
19 disability.--Notwithstanding the provisions of s.
20 1009.40(1)(b)1.b. regarding the number of credits earned per
21 term, or other financial aid eligibility requirements related
22 to the number of required credits earned per term, a student
23 with a documented disability, as defined by the Americans with
24 Disabilities Act, shall be eligible to be considered for state
25 financial aid while attending an eligible postsecondary
26 institution on a part-time basis. The State Board of Education
27 shall establish the necessary criteria for documentation of
28 the student's disability and the postsecondary institution
29 shall make the determination as to whether or not the
30 disability is such that part-time status is a necessary
31 accommodation. For the purposes of this section, financial aid

1 funds may be prorated based on the number of credit hours
2 taken.

3 Section 416. Section 1009.42, Florida Statutes, is
4 created to read:

5 1009.42 Financial aid appeal process.--

6 (1) The State Board of Education shall adopt, by rule,
7 a procedure for the appeal of errors in eligibility
8 determinations, or failure to transfer awards between eligible
9 institutions, made by the Office of Student Financial
10 Assistance of the Department of Education, regarding
11 applicants' eligibility for receiving state student financial
12 aid awards. The procedure must provide for establishment of a
13 committee to consider appeals that are not resolved by other
14 administrative action. Each committee must be comprised of
15 four members appointed by the Commissioner of Education,
16 including one representative of the Office of Student
17 Financial Assistance; two practicing financial aid
18 administrators from public or private postsecondary
19 institutions in this state, one of whom must be from an
20 institution other than one to which the applicant is seeking
21 admission; and one student enrolled in a public postsecondary
22 institution in this state, nominated by the Florida Student
23 Association. An applicant for state student financial aid who
24 believes an error has been made in determining eligibility for
25 student financial assistance or who believes the department
26 has failed to transfer an award between eligible institutions
27 may appeal the decision in writing to the Office of Student
28 Financial Assistance. The Office of Student Financial
29 Assistance shall investigate the complaint and take
30 appropriate action within 30 days after its receipt of the
31 appeal. If the student wishes further review of the appeal,

1 the Office of Student Financial Assistance shall forward the
2 appeal to the committee. Within 30 days after the receipt of a
3 request for a hearing, a final decision shall be rendered by
4 the committee established under this section, and a copy of
5 the decision shall be provided to the applicant. The decision
6 rendered by the committee constitutes final agency action. A
7 description of the financial aid appeals process shall be
8 included in the application form for each state student
9 financial aid program.

10 (2) The president of each state university and each
11 community college shall establish a procedure for appeal, by
12 students, of grievances related to the award or administration
13 of financial aid at the institution.

14 (3) A student involved in a financial aid appeal
15 proceeding is eligible for a deferral of registration and fee
16 payments pursuant to s. 1009.27.

17 Section 417. Section 1009.43, Florida Statutes, is
18 created to read:

19 1009.43 State student financial assistance;
20 authorization for use in program of study in another state or
21 foreign country.--A student who is enrolled in a public or
22 private postsecondary educational institution in this state
23 may apply state student financial assistance towards the cost
24 of a program of study in another state or a foreign country
25 for a period of up to 1 year, if the program of study is
26 offered or promoted by the Florida institution as an integral
27 part of the academic studies of that degree-seeking student or
28 as a program that would enhance the student's academic
29 experience. This program must be approved by the president of
30 the institution in this state or by his or her designee;
31 however, private, postsecondary Florida institutions with

1 out-of-state subsidiary institutions are not authorized to
2 make Florida residents attending their out-of-state subsidiary
3 institutions eligible for Florida financial assistance.

4 Section 418. Section 1009.44, Florida Statutes, is
5 created to read:

6 1009.44 Need-based financial aid; no preference to
7 students receiving other aid.--From the funds collected by
8 state universities and community colleges as a financial aid
9 fee and from other funds appropriated by the Legislature for
10 financial aid from the Educational Enhancement Trust Fund,
11 institutions shall expend those moneys designated as
12 need-based financial aid with no preference given to students
13 who also qualify for merit-based or other financial aid
14 awards.

15 Section 419. Part III.b. of chapter 1009, Florida
16 Statutes, shall be entitled "Scholarships, Grants, and Other
17 Aid" and shall consist of ss. 1009.50-1009.89.

18 Section 420. Section 1009.50, Florida Statutes, is
19 created to read:

20 1009.50 Florida Public Student Assistance Grant
21 Program; eligibility for grants.--

22 (1) There is hereby created a Florida Public Student
23 Assistance Grant Program. The program shall be administered by
24 the participating institutions in accordance with rules of the
25 state board.

26 (2)(a) State student assistance grants through the
27 program may be made only to full-time degree-seeking students
28 who meet the general requirements for student eligibility as
29 provided in s. 1009.40, except as otherwise provided in this
30 section. The grants shall be awarded annually for the amount
31 of demonstrated unmet need for the cost of education and may

1 not exceed an amount equal to the average prior academic year
2 cost of tuition fees and other registration fees for 30 credit
3 hours at state universities or such other amount as specified
4 in the General Appropriations Act, to any recipient. A
5 demonstrated unmet need of less than \$200 shall render the
6 applicant ineligible for a state student assistance grant.
7 Recipients of the grants must have been accepted at a state
8 university or community college authorized by Florida law. No
9 student may receive an award for more than the equivalent of 9
10 semesters or 14 quarters of full-time enrollment, except as
11 otherwise provided in s. 1009.40(3).

12 (b) A student applying for a Florida public student
13 assistance grant shall be required to apply for the Pell
14 Grant. The Pell Grant entitlement shall be considered when
15 conducting an assessment of the financial resources available
16 to each student.

17 (c) Priority in the distribution of grant moneys shall
18 be given to students with the lowest total family resources,
19 in accordance with a nationally recognized system of need
20 analysis. Using the system of need analysis, the department
21 shall establish a maximum expected family contribution. An
22 institution may not make a grant from this program to a
23 student whose expected family contribution exceeds the level
24 established by the department. An institution may not impose
25 additional criteria to determine a student's eligibility to
26 receive a grant award.

27 (d) Each participating institution shall report, to
28 the department by the established date, the eligible students
29 to whom grant moneys are disbursed each academic term. Each
30 institution shall also report to the department necessary
31 demographic and eligibility data for such students.

1 (3) Based on the unmet financial need of an eligible
2 applicant, the amount of a Florida public student assistance
3 grant must be between \$200 and the weighted average of the
4 cost of tuition and other registration fees for 30 credit
5 hours at state universities per academic year or the amount
6 specified in the General Appropriations Act.

7 (4)(a) The funds appropriated for the Florida Public
8 Student Assistance Grant shall be distributed to eligible
9 institutions in accordance with a formula approved by the
10 State Board of Education. The formula shall consider at least
11 the prior year's distribution of funds, the number of
12 full-time eligible applicants who did not receive awards, the
13 standardization of the expected family contribution, and
14 provisions for unused funds.

15 (b) Payment of Florida public student assistance
16 grants shall be transmitted to the president of the state
17 university or community college, or to his or her
18 representative, in advance of the registration period.
19 Institutions shall notify students of the amount of their
20 awards.

21 (c) The eligibility status of each student to receive
22 a disbursement shall be determined by each institution as of
23 the end of its regular registration period, inclusive of a
24 drop-add period. Institutions shall not be required to
25 reevaluate a student's eligibility status after this date for
26 purposes of changing eligibility determinations previously
27 made.

28 (d) Institutions shall certify to the department the
29 amount of funds disbursed to each student and shall remit to
30 the department any undisbursed advances by June 1 of each
31 year.

1 (5) Funds appropriated by the Legislature for state
2 student assistance grants shall be deposited in the State
3 Student Financial Assistance Trust Fund. Notwithstanding the
4 provisions of s. 216.301 and pursuant to s. 216.351, any
5 balance in the trust fund at the end of any fiscal year that
6 has been allocated to the Florida Public Student Assistance
7 Grant Program shall remain therein and shall be available for
8 carrying out the purposes of this section.

9 (6) The State Board of Education shall establish rules
10 necessary to implement this section.

11 Section 421. Section 1009.51, Florida Statutes, is
12 created to read:

13 1009.51 Florida Private Student Assistance Grant
14 Program; eligibility for grants.--

15 (1) There is created a Florida Private Student
16 Assistance Grant Program. The program shall be administered by
17 the participating institutions in accordance with rules of the
18 State Board of Education.

19 (2)(a) Florida private student assistance grants from
20 the State Student Financial Assistance Trust Fund may be made
21 only to full-time degree-seeking students who meet the general
22 requirements for student eligibility as provided in s.
23 1009.40, except as otherwise provided in this section. Such
24 grants shall be awarded for the amount of demonstrated unmet
25 need for tuition and fees and may not exceed an amount equal
26 to the average tuition and other registration fees for 30
27 credit hours at state universities plus \$1,000 per academic
28 year, or as specified in the General Appropriations Act, to
29 any applicant. A demonstrated unmet need of less than \$200
30 shall render the applicant ineligible for a Florida private
31 student assistance grant. Recipients of such grants must have

1 been accepted at a baccalaureate-degree-granting independent
2 nonprofit college or university, which is accredited by the
3 Commission on Colleges of the Southern Association of Colleges
4 and Schools and which is located in and chartered as a
5 domestic corporation by the state. No student may receive an
6 award for more than the equivalent of 9 semesters or 14
7 quarters of full-time enrollment, except as otherwise provided
8 in s. 1009.40(3).

9 (b) A student applying for a Florida private student
10 assistance grant shall be required to apply for the Pell
11 Grant. The Pell Grant entitlement shall be considered when
12 conducting an assessment of the financial resources available
13 to each student.

14 (c) Priority in the distribution of grant moneys shall
15 be given to students with the lowest total family resources,
16 in accordance with a nationally recognized system of need
17 analysis. Using the system of need analysis, the department
18 shall establish a maximum expected family contribution. An
19 institution may not make a grant from this program to a
20 student whose expected family contribution exceeds the level
21 established by the department. An institution may not impose
22 additional criteria to determine a student's eligibility to
23 receive a grant award.

24 (d) Each participating institution shall report, to
25 the department by the established date, the eligible students
26 to whom grant moneys are disbursed each academic term. Each
27 institution shall also report to the department necessary
28 demographic and eligibility data for such students.

29 (3) Based on the unmet financial need of an eligible
30 applicant, the amount of a Florida private student assistance
31 grant must be between \$200 and the average cost of tuition and

1 other registration fees for 30 credit hours at state
2 universities plus \$1,000 per academic year or the amount
3 specified in the General Appropriations Act.

4 (4)(a) The funds appropriated for the Florida Private
5 Student Assistance Grant shall be distributed to eligible
6 institutions in accordance with a formula approved by the
7 State Board of Education. The formula shall consider at least
8 the prior year's distribution of funds, the number of
9 full-time eligible applicants who did not receive awards, the
10 standardization of the expected family contribution, and
11 provisions for unused funds.

12 (b) Payment of Florida private student assistance
13 grants shall be transmitted to the president of the college or
14 university, or to his or her representative, in advance of the
15 registration period. Institutions shall notify students of the
16 amount of their awards.

17 (c) The eligibility status of each student to receive
18 a disbursement shall be determined by each institution as of
19 the end of its regular registration period, inclusive of a
20 drop-add period. Institutions shall not be required to
21 reevaluate a student's eligibility status after this date for
22 purposes of changing eligibility determinations previously
23 made.

24 (d) Institutions shall certify to the department the
25 amount of funds disbursed to each student and shall remit to
26 the department any undisbursed advances by June 1 of each
27 year.

28 (e) Each institution that receives moneys through the
29 Florida Private Student Assistance Grant Program shall prepare
30 a biennial report that includes a financial audit, conducted
31 by an independent certified public accountant, of the

1 institution's administration of the program and a complete
2 accounting of moneys in the State Student Financial Assistance
3 Trust Fund allocated to the institution for the program. Such
4 report shall be submitted to the department by March 1 every
5 other year. The department may conduct its own annual or
6 biennial audit of an institution's administration of the
7 program and its allocated funds in lieu of the required
8 biennial report and financial audit report. The department may
9 suspend or revoke an institution's eligibility to receive
10 future moneys from the trust fund for the program or request a
11 refund of any moneys overpaid to the institution through the
12 trust fund for the program if the department finds that an
13 institution has not complied with the provisions of this
14 section. Any refund requested pursuant to this paragraph shall
15 be remitted within 60 days.

16 (5) Funds appropriated by the Legislature for Florida
17 private student assistance grants shall be deposited in the
18 State Student Financial Assistance Trust Fund. Notwithstanding
19 the provisions of s. 216.301 and pursuant to s. 216.351, any
20 balance in the trust fund at the end of any fiscal year that
21 has been allocated to the Florida Private Student Assistance
22 Grant Program shall remain therein and shall be available for
23 carrying out the purposes of this section and as otherwise
24 provided by law.

25 (6) The State Board of Education shall adopt rules
26 necessary to implement this section.

27 Section 422. Section 1009.52, Florida Statutes, is
28 created to read:

29 1009.52 Florida Postsecondary Student Assistance Grant
30 Program; eligibility for grants.--

31

1 (1) There is created a Florida Postsecondary Student
2 Assistance Grant Program. The program shall be administered by
3 the participating institutions in accordance with rules of the
4 State Board of Education.

5 (2)(a) Florida postsecondary student assistance grants
6 through the State Student Financial Assistance Trust Fund may
7 be made only to full-time degree-seeking students who meet the
8 general requirements for student eligibility as provided in s.
9 1009.40, except as otherwise provided in this section. Such
10 grants shall be awarded for the amount of demonstrated unmet
11 need for tuition and fees and may not exceed an amount equal
12 to the average prior academic year cost of tuition and other
13 registration fees for 30 credit hours at state universities
14 plus \$1,000 per academic year, or as specified in the General
15 Appropriations Act, to any applicant. A demonstrated unmet
16 need of less than \$200 shall render the applicant ineligible
17 for a Florida postsecondary student assistance grant.
18 Recipients of such grants must have been accepted at a
19 postsecondary institution that is located in the state and
20 that is:

21 1. A private nursing diploma school approved by the
22 Florida Board of Nursing; or

23 2. A college or university licensed by the Commission
24 for Independent Education, excluding those institutions the
25 students of which are eligible to receive a Florida private
26 student assistance grant pursuant to s. 1009.51.

27
28 No student may receive an award for more than the equivalent
29 of 9 semesters or 14 quarters of full-time enrollment, except
30 as otherwise provided in s. 1009.40(3).

31

1 (b) A student applying for a Florida postsecondary
2 student assistance grant shall be required to apply for the
3 Pell Grant. The Pell Grant entitlement shall be considered
4 when conducting an assessment of the financial resources
5 available to each student.

6 (c) Priority in the distribution of grant moneys shall
7 be given to students with the lowest total family resources,
8 in accordance with a nationally recognized system of need
9 analysis. Using the system of need analysis, the department
10 shall establish a maximum expected family contribution. An
11 institution may not make a grant from this program to a
12 student whose expected family contribution exceeds the level
13 established by the department. An institution may not impose
14 additional criteria to determine a student's eligibility to
15 receive a grant award.

16 (d) Each participating institution shall report, to
17 the department by the established date, the eligible students
18 to whom grant moneys are disbursed each academic term. Each
19 institution shall also report to the department necessary
20 demographic and eligibility data for such students.

21 (3) Based on the unmet financial need of an eligible
22 applicant, the amount of a Florida postsecondary student
23 assistance grant must be between \$200 and the average cost of
24 tuition and other registration fees for 30 credit hours at
25 state universities plus \$1,000 per academic year or the amount
26 specified in the General Appropriations Act.

27 (4)(a) The funds appropriated for the Florida
28 Postsecondary Student Assistance Grant shall be distributed to
29 eligible institutions in accordance with a formula approved by
30 the State Board of Education. The formula shall consider at
31 least the prior year's distribution of funds, the number of

1 full-time eligible applicants who did not receive awards, the
2 standardization of the expected family contribution, and
3 provisions for unused funds.

4 (b) Payment of Florida postsecondary student
5 assistance grants shall be transmitted to the president of the
6 eligible institution, or to his or her representative, in
7 advance of the registration period. Institutions shall notify
8 students of the amount of their awards.

9 (c) The eligibility status of each student to receive
10 a disbursement shall be determined by each institution as of
11 the end of its regular registration period, inclusive of a
12 drop-add period. Institutions shall not be required to
13 reevaluate a student's eligibility status after this date for
14 purposes of changing eligibility determinations previously
15 made.

16 (d) Institutions shall certify to the department the
17 amount of funds disbursed to each student and shall remit to
18 the department any undisbursed advances by June 1 of each
19 year.

20 (e) Each institution that receives moneys through the
21 Florida Postsecondary Student Assistance Grant Program shall
22 prepare a biennial report that includes a financial audit,
23 conducted by an independent certified public accountant, of
24 the institution's administration of the program and a complete
25 accounting of moneys in the State Student Financial Assistance
26 Trust Fund allocated to the institution for the program. Such
27 report shall be submitted to the department by March 1 every
28 other year. The department may conduct its own annual or
29 biennial audit of an institution's administration of the
30 program and its allocated funds in lieu of the required
31 biennial report and financial audit report. The department may

1 suspend or revoke an institution's eligibility to receive
2 future moneys from the trust fund for the program or request a
3 refund of any moneys overpaid to the institution through the
4 trust fund for the program if the department finds that an
5 institution has not complied with the provisions of this
6 section. Any refund requested pursuant to this paragraph
7 shall be remitted within 60 days.

8 (5) Any institution that was eligible to receive state
9 student assistance grants on January 1, 1989, and that is not
10 eligible to receive grants pursuant to s. 1009.51 is eligible
11 to receive grants pursuant to this section.

12 (6) Funds appropriated by the Legislature for Florida
13 postsecondary student assistance grants shall be deposited in
14 the State Student Financial Assistance Trust Fund.
15 Notwithstanding the provisions of s. 216.301 and pursuant to
16 s. 216.351, any balance in the trust fund at the end of any
17 fiscal year that has been allocated to the Florida
18 Postsecondary Student Assistance Grant Program shall remain
19 therein and shall be available for carrying out the purposes
20 of this section and as otherwise provided by law.

21 (7) The State Board of Education shall adopt rules
22 necessary to implement this section.

23 Section 423. Section 1009.53, Florida Statutes, is
24 created to read:

25 1009.53 Florida Bright Futures Scholarship Program.--

26 (1) The Florida Bright Futures Scholarship Program is
27 created to establish a lottery-funded scholarship program to
28 reward any Florida high school graduate who merits recognition
29 of high academic achievement and who enrolls in a degree
30 program, certificate program, or applied technology program at

31

1 an eligible Florida public or private postsecondary education
2 institution within 3 years of graduation from high school.

3 (2) The Bright Futures Scholarship Program consists of
4 three types of awards: the Florida Academic Scholarship, the
5 Florida Medallion Scholarship, and the Florida Gold Seal
6 Vocational Scholarship.

7 (3) The Department of Education shall administer the
8 Bright Futures Scholarship Program according to rules and
9 procedures established by the State Board of Education. A
10 single application must be sufficient for a student to apply
11 for any of the three types of awards. The department must
12 advertise the availability of the scholarship program and must
13 notify students, teachers, parents, guidance counselors, and
14 principals or other relevant school administrators of the
15 criteria and application procedures. The department must begin
16 this process of notification no later than January 1 of each
17 year.

18 (4) Funding for the Bright Futures Scholarship Program
19 must be allocated from the Education Enhancement Trust Fund
20 and must be provided before allocations from that fund are
21 calculated for disbursement to other educational entities.

22 (a) If funds appropriated are not adequate to provide
23 the maximum allowable award to each eligible applicant, awards
24 in all three components of the program must be prorated using
25 the same percentage reduction.

26 (b) Notwithstanding s. 216.301, if all funds allocated
27 to the Bright Futures Scholarship Program are not used in any
28 fiscal year, up to 10 percent of the total allocation may be
29 carried forward and used for awards in the following year.

30 (5) The department shall issue awards from the
31 scholarship program annually. Annual awards may be for up to

1 45 semester credit hours or the equivalent. Before the
2 registration period each semester, the department shall
3 transmit payment for each award to the president or director
4 of the postsecondary education institution, or his or her
5 representative, except that the department may withhold
6 payment if the receiving institution fails to report or to
7 make refunds to the department as required in this section.
8 (a) Within 30 days after the end of regular
9 registration each semester, the educational institution shall
10 certify to the department the eligibility status of each
11 student who receives an award. After the end of the drop and
12 add period, an institution is not required to reevaluate or
13 revise a student's eligibility status, but must make a refund
14 to the department if a student who receives an award
15 disbursement terminates enrollment for any reason during an
16 academic term and a refund is permitted by the institution's
17 refund policy.
18 (b) An institution that receives funds from the
19 program shall certify to the department the amount of funds
20 disbursed to each student and shall remit to the department
21 any undisbursed advances within 60 days after the end of
22 regular registration.
23 (c) Each institution that receives moneys through this
24 program shall prepare an annual report that includes an annual
25 financial audit, conducted by an independent certified public
26 accountant or the Auditor General. The report shall include an
27 audit of the institution's administration of the program and a
28 complete accounting of the moneys for the program. This report
29 must be submitted to the department annually by March 1. The
30 department may conduct its own annual audit of an
31 institution's administration of the program. The department

1 may request a refund of any moneys overpaid to the institution
2 for the program. The department may suspend or revoke an
3 institution's eligibility to receive future moneys for the
4 program if the department finds that an institution has not
5 complied with this section. The institution must remit within
6 60 days any refund requested in accordance with this
7 subsection.

8 (6) A student enrolled in 6 to 8 semester credit hours
9 may receive up to one-half of the maximum award; a student
10 enrolled in 9 to 11 credit hours may receive up to
11 three-fourths of the maximum award; and a student enrolled in
12 12 or more credit hours may receive up to the full award.

13 (7) A student may receive only one type of award from
14 the Florida Bright Futures Scholarship Program at a time, but
15 may transfer from one type of award to another through the
16 renewal application process, if the student's eligibility
17 status changes. However, a student is not eligible to transfer
18 from a Florida Medallion Scholarship or a Florida Gold Seal
19 Vocational Scholarship to a Florida Academic Scholarship. A
20 student who receives an award from the program may also
21 receive a federal family education loan or a federal direct
22 loan, and the value of the award must be considered in the
23 certification or calculation of the student's loan
24 eligibility.

25 (8) If a recipient transfers from one eligible
26 institution to another and continues to meet eligibility
27 requirements, the award must be transferred with the student.

28 (9) A student may use an award for summer term
29 enrollment if funds are available.

30
31

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 424. 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.

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

1 (4) A student who wishes to qualify for a particular
2 award within the Florida Bright Futures Scholarship Program,
3 but who does not meet all of the requirements for that level
4 of award, may, nevertheless, receive the award if the
5 principal of the student's school or the district
6 superintendent verifies that the deficiency is caused by the
7 fact that school district personnel provided inaccurate or
8 incomplete information to the student. The school district
9 must provide a means for the student to correct the
10 deficiencies and the student must correct them, either by
11 completing comparable work at the postsecondary institution or
12 by completing a directed individualized study program
13 developed and administered by the school district. If the
14 student does not complete the requirements by December 31
15 immediately following high school graduation, the student is
16 ineligible to participate in the program.

17 Section 425. Section 1009.532, Florida Statutes, is
18 created to read:

19 1009.532 Florida Bright Futures Scholarship Program;
20 student eligibility requirements for renewal awards.--

21 (1) To be eligible to renew a scholarship from any of
22 the three types of scholarships under the Florida Bright
23 Futures Scholarship Program, a student must:

24 (a) Complete at least 12 semester credit hours or the
25 equivalent in the last academic year in which the student
26 earned a scholarship.

27 (b) Maintain the cumulative grade point average
28 required by the scholarship program, except that:

29 1. If a recipient's grades fall beneath the average
30 required to renew a Florida Academic Scholarship, but are
31 sufficient to renew a Florida Medallion Scholarship or a

1 Florida Gold Seal Vocational Scholarship, the Department of
2 Education may grant a renewal from one of those other
3 scholarship programs, if the student meets the renewal
4 eligibility requirements; or
5 2. If, at any time during the eligibility period, a
6 student's grades are insufficient to renew the scholarship,
7 the student may restore eligibility by improving the grade
8 point average to the required level. A student is eligible for
9 such a reinstatement only once. The Legislature encourages
10 education institutions to assist students to calculate whether
11 or not it is possible to raise the grade point average during
12 the summer term. If the institution determines that it is
13 possible, the education institution may so inform the
14 department, which may reserve the student's award if funds are
15 available. The renewal, however, must not be granted until the
16 student achieves the required cumulative grade point average.
17 If the summer term is not sufficient to raise the grade point
18 average to the required renewal level, the student's next
19 opportunity for renewal is the fall semester of the following
20 academic year.
21 (2) A student who is enrolled in a program that
22 terminates in an associate degree or a baccalaureate degree
23 may receive an award for a maximum of 110 percent of the
24 number of credit hours required to complete the program. A
25 student who is enrolled in a program that terminates in a
26 technical certificate may receive an award for a maximum of
27 110 percent of the credit hours or clock hours required to
28 complete the program up to 90 credit hours. A student who
29 transfers from one of these program levels to another becomes
30 eligible for the higher of the two credit hour limits.
31

1 Section 426. Section 1009.533, Florida Statutes, is
2 created to read:

3 1009.533 Florida Bright Futures Scholarship Program;
4 eligible postsecondary education institutions.--A student is
5 eligible for an award or the renewal of an award from the
6 Florida Bright Futures Scholarship Program if the student
7 meets the requirements for the program as described in this
8 act and is enrolled in a postsecondary education institution
9 that meets the description in any one of the following
10 subsections:

11 (1) A Florida public university, community college, or
12 technical center.

13 (2) An independent Florida college or university that
14 is accredited by an accrediting association whose standards
15 are comparable to the minimum standards required to operate an
16 institution at that level in Florida, as determined by rules
17 of the Commission for Independent Education, and which has
18 operated in the state for at least 3 years.

19 (3) An independent Florida postsecondary education
20 institution that is licensed by the Commission for Independent
21 Education and that:

22 (a) Is authorized to grant degrees;

23 (b) Shows evidence of sound financial condition; and

24 (c) Has operated in the state for at least 3 years
25 without having its approval, accreditation, or license placed
26 on probation.

27 (4) A Florida independent postsecondary education
28 institution that offers a nursing diploma approved by the
29 Board of Nursing.

30
31

1 (5) A Florida independent postsecondary education
2 institution that is licensed by the Commission for Independent
3 Education and which:

4 (a) Is authorized to award certificates, diplomas, or
5 credentials other than degrees;

6 (b) Has a program completion and placement rate of at
7 least the rate required by the current Florida Statutes, the
8 Florida Administrative Code, or the Department of Education
9 for an institution at its level; and

10 (c) Shows evidence of sound financial condition; and
11 either:

12 1. Is accredited at the institutional level by an
13 accrediting agency recognized by the United States Department
14 of Education and has operated in the state for at least 3
15 years during which there has been no complaint for which
16 probable cause has been found; or

17 2. Has operated in Florida for 5 years during which
18 there has been no complaint for which probable cause has been
19 found.

20 Section 427. Section 1009.534, Florida Statutes, is
21 created to read:

22 1009.534 Florida Academic Scholars award.--

23 (1) A student is eligible for a Florida Academic
24 Scholars award if the student meets the general eligibility
25 requirements for the Florida Bright Futures Scholarship
26 Program and the student:

27 (a) Has achieved a 3.5 weighted grade point average as
28 calculated pursuant to s. 1009.531, or its equivalent, in high
29 school courses that are designated by the State Board of
30 Education as college-preparatory academic courses; and has
31 attained at least the score identified by rules of the State

1 Board of Education on the combined verbal and quantitative
2 parts of the Scholastic Aptitude Test, the Scholastic
3 Assessment Test, or the recentered Scholastic Assessment Test
4 of the College Entrance Examination, or an equivalent score on
5 the ACT Assessment Program; or

6 (b) Has attended a home education program according to
7 s. 1002.41 during grades 11 and 12 or has completed the
8 International Baccalaureate curriculum but failed to earn the
9 International Baccalaureate Diploma, and has attained at least
10 the score identified by rules of the Department of Education
11 on the combined verbal and quantitative parts of the
12 Scholastic Aptitude Test, the Scholastic Assessment Test, or
13 the recentered Scholastic Assessment Test of the College
14 Entrance Examination, or an equivalent score on the ACT
15 Assessment Program; or

16 (c) Has been awarded an International Baccalaureate
17 Diploma from the International Baccalaureate Office; or

18 (d) Has been recognized by the merit or achievement
19 programs of the National Merit Scholarship Corporation as a
20 scholar or finalist; or

21 (e) Has been recognized by the National Hispanic
22 Recognition Program as a scholar recipient.

23
24 A student must complete a program of community service work,
25 as approved by the district school board or the administrators
26 of a nonpublic school, which shall include a minimum of 75
27 hours of service work and require the student to identify a
28 social problem that interests him or her, develop a plan for
29 his or her personal involvement in addressing the problem,
30 and, through papers or other presentations, evaluate and
31 reflect upon his or her experience.

1 (2) A Florida Academic Scholar who is enrolled in a
2 public postsecondary education institution is eligible for an
3 award equal to the amount required to pay tuition, fees, and
4 \$600 for college-related expenses annually. A student who is
5 enrolled in a nonpublic postsecondary education institution is
6 eligible for an award equal to the amount that would be
7 required to pay for the average tuition and fees of a public
8 postsecondary education institution at the comparable level,
9 plus the annual \$600.

10 (3) To be eligible for a renewal award as a Florida
11 Academic Scholar, a student must maintain the equivalent of a
12 cumulative grade point average of 3.0 on a 4.0 scale with an
13 opportunity for one reinstatement as provided in this chapter.

14 (4) In each school district, the Florida Academic
15 Scholar with the highest academic ranking shall receive an
16 additional award of \$1,500 for college-related expenses. This
17 award must be funded from the Florida Bright Futures
18 Scholarship Program.

19 Section 428. Section 1009.535, Florida Statutes, is
20 created to read:

21 1009.535 Florida Medallion Scholars award.--

22 (1) A student is eligible for a Florida Medallion
23 Scholars award if the student meets the general eligibility
24 requirements for the Florida Bright Futures Scholarship
25 Program and the student:

26 (a) Has achieved a weighted grade point average of 3.0
27 as calculated pursuant to s. 1009.531, or the equivalent, in
28 high school courses that are designated by the State Board of
29 Education as college-preparatory academic courses; and has
30 attained at least the score identified by rules of the State
31 Board of Education on the combined verbal and quantitative

1 parts of the Scholastic Aptitude Test, the Scholastic
2 Assessment Test, or the recentered Scholastic Assessment Test
3 of the College Entrance Examination, or an equivalent score on
4 the ACT Assessment Program; or

5 (b) Has attended a home education program according to
6 s. 1002.41 during grades 11 and 12 or has completed the
7 International Baccalaureate curriculum but failed to earn the
8 International Baccalaureate Diploma, and has attained at least
9 the score identified by rules of the Department of Education
10 on the combined verbal and quantitative parts of the
11 Scholastic Aptitude Test, the Scholastic Assessment Test, or
12 the recentered Scholastic Assessment Test of the College
13 Entrance Examination, or an equivalent score on the ACT
14 Assessment Program; or

15 (c) Has been recognized by the merit or achievement
16 program of the National Merit Scholarship Corporation as a
17 scholar or finalist but has not completed a program of
18 community service as provided in s. 1009.534; or

19 (d) Has been recognized by the National Hispanic
20 Recognition Program as a scholar, but has not completed a
21 program of community service as provided in s. 1009.534.

22 (2) A Florida Medallion Scholar is eligible for an
23 award equal to the amount required to pay 75 percent of
24 tuition and fees, if the student is enrolled in a public
25 postsecondary education institution. A student who is enrolled
26 in a nonpublic postsecondary education institution is eligible
27 for an award equal to the amount that would be required to pay
28 75 percent of the tuition and fees of a public postsecondary
29 education institution at the comparable level.

30 (3) To be eligible for a renewal award as a Florida
31 Medallion Scholar, a student must maintain the equivalent of a

1 cumulative grade point average of 2.75 on a 4.0 scale with an
2 opportunity for reinstatement one time as provided in this
3 chapter.

4 Section 429. Section 1009.536, Florida Statutes, is
5 created to read:

6 1009.536 Florida Gold Seal Vocational Scholars
7 award.--The Florida Gold Seal Vocational Scholars award is
8 created within the Florida Bright Futures Scholarship Program
9 to recognize and reward academic achievement and career and
10 technical preparation by high school students who wish to
11 continue their education.

12 (1) A student is eligible for a Florida Gold Seal
13 Vocational Scholars award if the student meets the general
14 eligibility requirements for the Florida Bright Futures
15 Scholarship Program and the student:

16 (a) Completes the secondary school portion of a
17 sequential program of studies that requires at least three
18 secondary school career and technical credits taken over at
19 least 2 academic years, and is continued in a planned, related
20 postsecondary education program. If the student's school does
21 not offer such a two-plus-two or tech-prep program, the
22 student must complete a job-preparatory career education
23 program selected by the Workforce Estimating Conference or
24 Workforce Florida, Inc., for its ability to provide high-wage
25 employment in an occupation with high potential for employment
26 opportunities. On-the-job training may not be substituted for
27 any of the three required career and technical credits.

28 (b) Demonstrates readiness for postsecondary education
29 by earning a passing score on the Florida College Entry Level
30 Placement Test or its equivalent as identified by the
31 Department of Education.

1 (c) Earns a minimum cumulative weighted grade point
2 average of 3.0, as calculated pursuant to s. 1009.531, on all
3 subjects required for a standard high school diploma,
4 excluding elective courses.

5 (d) Earns a minimum unweighted grade point average of
6 3.5 on a 4.0 scale for secondary career and technical courses
7 comprising the career and technical program.

8 (2) A Florida Gold Seal Vocational Scholar is eligible
9 for an award equal to the amount required to pay 75 percent of
10 tuition and fees, if the student is enrolled in a public
11 postsecondary education institution. A student who is enrolled
12 in a nonpublic postsecondary education institution is eligible
13 for an award equal to the amount that would be required to pay
14 75 percent of the tuition and mandatory fees of a public
15 postsecondary education institution at the comparable level.

16 (3) To be eligible for a renewal award as a Florida
17 Gold Seal Vocational Scholar, a student must maintain the
18 equivalent of a cumulative grade point average of 2.75 on a
19 4.0 scale with an opportunity for reinstatement one time as
20 provided in this chapter.

21 (4) A student may earn a Florida Gold Seal Vocational
22 Scholarship for 110 percent of the number of credit hours
23 required to complete the program, up to 90 credit hours or the
24 equivalent. A Florida Gold Seal Scholar who has a cumulative
25 grade point average of 2.75 in all postsecondary education
26 work attempted may apply for a Florida Medallion Scholars
27 award at any renewal period. All other provisions of that
28 program apply, and the credit-hour limitation must be
29 calculated by subtracting from the student's total eligibility
30 the number of credit hours the student attempted while earning
31 the Gold Seal Vocational Scholarship.

1 Section 430. Section 1009.537, Florida Statutes, is
2 created to read:

3 1009.537 Eligibility for the Florida Bright Futures
4 Scholarship Program; transition.--

5 (1) A student who graduates from high school in 1997
6 or earlier and who is eligible for the Florida Undergraduate
7 Scholar's Program pursuant to former s. 240.402 is eligible
8 for the Florida Academic Scholars award as provided in this
9 act. A student who graduates from high school in 1998 or 1999
10 is eligible for the Florida Academic Scholars award if the
11 student meets the criteria in s. 1009.534. However, in lieu of
12 satisfying the requirements set forth in s. 1009.534(1)(a), a
13 student may meet the following criteria:

14 (a) Complete a program of at least 24 credits in
15 advanced-level studies as prescribed by the State Board of
16 Education, including as a minimum:

17 1. Four years of progressively advanced instruction in
18 language arts, including courses in English composition and
19 literature.

20 2. Four years of progressively advanced instruction in
21 science, including laboratory courses in biology, chemistry,
22 and physics where laboratory facilities are available.

23 3. Four years of progressively advanced instruction in
24 mathematics, including courses in algebra, geometry, and
25 calculus or trigonometry.

26 4. Two years of sequential foreign language.

27 5. One year of instruction in art and music or in
28 either art or music.

29 6. Three years of instruction in social studies,
30 including courses in American history and government, world
31 history, and comparative political and economic systems.

1 7. One year of instruction in health and physical
2 education to include assessment, improvement, and maintenance
3 of personal fitness.

4 (b) Obtain at least the equivalent of an unweighted
5 grade point average of 3.0 on a 4.0 scale for all courses
6 taken for which high school credit may be granted.

7 (c) Achieve a score of 1180 on the combined verbal and
8 quantitative parts of the Scholastic Aptitude Test, the
9 Scholastic Assessment Test, or the recentered Scholastic
10 Assessment Test of the College Entrance Examination, or an
11 equivalent score on the ACT Assessment Program or an
12 equivalent program.

13 (d) Complete a program of community service work, as
14 approved by the district school board or the administrators of
15 a nonpublic school, which shall include a minimum of 75 hours
16 of service work and require the student to identify a social
17 problem that interests him or her, develop a plan for his or
18 her personal involvement in addressing the problem, and,
19 through papers or other presentations, evaluate and reflect
20 upon his or her experience.

21
22 Students who graduate from high school after 1999 must meet
23 the eligibility criteria pursuant to s. 1009.534.

24 (2) A student who graduates from high school in 1997
25 or earlier and who is eligible for the Florida Vocational Gold
26 Seal Endorsement Scholarship award pursuant to former s.
27 240.4021 is eligible for the Florida Gold Seal Vocational
28 Scholars award as provided in this act. A student who
29 graduates from high school in 1998 or 1999 is eligible for the
30 Florida Gold Seal Vocational Scholars award if the student
31 meets the criteria in s. 1009.536. However, in lieu of

1 satisfying the grade point average requirement set forth in s.
2 1009.536(1)(c), a student may earn a minimum cumulative
3 unweighted grade point average of 3.0 on a 4.0 scale on all
4 subjects required for a standard high school diploma. Students
5 who graduate from high school after 1999 must meet the
6 eligibility criteria pursuant to s. 1009.536.

7 (3) Effective for the 1997-1998 academic year, a
8 student is eligible for an initial award of a Florida Merit
9 Scholarship if the student:

10 (a)1. Is scheduled to graduate from high school in
11 1997;

12 2. Completes, or is enrolled in all courses required
13 to complete, the high school college-preparatory coursework
14 required in this act;

15 3. Achieves an unweighted grade point average of 3.0
16 on a 4.0 scale, or the equivalent, in high school courses that
17 are adopted by the Board of Regents and recommended by the
18 State Board of Community Colleges as college-preparatory
19 academic courses; and

20 4. Earns a score of 970 or above on the combined
21 verbal and quantitative parts of the recentered Scholastic
22 Assessment Test of the College Entrance Examination, or an
23 equivalent score on the ACT Assessment Program; or

24 (b) Has completed a college-preparatory curriculum in
25 1997 through an approved home school program and has attained
26 a score of 970 on the combined verbal and quantitative parts
27 of the recentered Scholastic Assessment Test of the College
28 Entrance Examination, or an equivalent score on the ACT
29 Assessment Program. Eligibility shall be determined in the
30 same manner as for public school students. For students whose
31 parents are unable to document a college-preparatory

1 curriculum, a score of 1070 on the SAT, or equivalent score on
2 the ACT, shall be required for award eligibility.

3 Section 431. Section 1009.538, Florida Statutes, is
4 created to read:

5 1009.538 Bright Futures Scholarship recipients
6 attending nonpublic institutions; calculation of
7 awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and
8 1009.536, a student who receives any award under the Florida
9 Bright Futures Scholarship Program, who is enrolled in a
10 nonpublic postsecondary education institution, and who is
11 assessed tuition and fees that are the same as those of a
12 full-time student at that institution, shall receive a fixed
13 award calculated by using the average tuition and fee
14 calculation as prescribed by the Department of Education for
15 full-time attendance at a public postsecondary education
16 institution at the comparable level. If the student is
17 enrolled part-time and is assessed tuition and fees at a
18 reduced level, the award shall be either one-half of the
19 maximum award or three-fourths of the maximum award, depending
20 on the level of fees assessed.

21 Section 1009.5385, Florida Statutes, is created to
22 read:

23 1009.5385 Use of certain scholarship funds by children
24 of deceased or disabled veterans.--The criteria for the use of
25 scholarship funds which apply to students under the Florida
26 Bright Futures Scholarship Program shall also apply to the
27 children of deceased or disabled veterans who receive
28 scholarships under chapter 295.

29 Section 432. Section 1009.539, Florida Statutes, is
30 created to read:

31

1 1009.539 Florida Bright Futures Scholarship Testing
2 Program.--

3 (1) The State Board of Education shall identify the
4 minimum scores, maximum credit, and course or courses for
5 which credit is to be awarded for each College Level
6 Examination Program (CLEP) general examination, CLEP subject
7 examination, College Board Advanced Placement Program
8 examination, and International Baccalaureate examination. In
9 addition, the State Board of Education shall identify such
10 courses in the general education core curriculum of each state
11 university and community college.

12 (2) Each community college and state university must
13 award credit for specific courses for which competency has
14 been demonstrated by successful passage of one of these
15 examinations unless the award of credit duplicates credit
16 already awarded. Community colleges and universities may not
17 exempt students from courses without the award of credit if
18 competencies have been so demonstrated. If a student achieves
19 a passing score as identified by the State Board of Education
20 on an examination required by this section, the student shall
21 receive credit equivalent to successfully completing the
22 equivalent course as identified by the State Board of
23 Education in a state university or community college, provided
24 that such credit is not duplicative of credit already earned
25 by the student.

26 (3) Students eligible for a Florida Academic Scholars
27 award or a Florida Medallion Scholars award who are admitted
28 to and enroll in a community college or state university
29 shall, prior to registering for courses that may be earned
30 through a CLEP examination and no later than registration for
31 their second term, complete at least five examinations from

1 those specified in subsection (1) in the following areas:
2 English; humanities; mathematics; natural sciences; and social
3 sciences. Successful completion of dual enrollment courses,
4 Advanced Placement examinations, and International
5 Baccalaureate examinations taken prior to high school
6 graduation satisfy this requirement. The State Board of
7 Education shall identify the examinations that satisfy each
8 component of this requirement.

9 (4) Each community college and state university shall
10 pay for the CLEP examinations required pursuant to this
11 section from the funds appropriated from the Educational
12 Enhancement Trust Fund. Institutions shall pay no more than
13 \$46 per examination for the program, which shall include
14 access to a student guide to prepare for the test. The
15 Department of Education shall negotiate with the College Board
16 for a reduced rate for the examinations. The institution shall
17 not charge the student for preparation and administration of
18 the test, access to a student guide to prepare for the test,
19 or recordkeeping and reporting of each student's test results
20 to the department.

21 (5) The credit awarded pursuant to this section shall
22 apply toward the 120 hours of college credit required pursuant
23 to s. 1007.25(7).

24 (6) The Department of Education shall track and
25 annually report on the effectiveness of the program, and
26 include information on the number of students participating in
27 the program; the CLEP examinations taken and the passage rate
28 of Florida Academic Scholars and Florida Medallion Scholars
29 award recipients; the use of Advanced Placement and
30 International Baccalaureate examinations and dual enrollment

31

1 courses to satisfy the requirements of the program; and the
2 course credit provided.

3 Section 433. Section 1009.54, Florida Statutes, is
4 created to read:

5 1009.54 Critical Teacher Shortage Program.--There is
6 created the Critical Teacher Shortage Program. Funds
7 appropriated by the Legislature for the program shall be
8 deposited in the State Student Financial Assistance Trust
9 Fund. The Comptroller shall authorize expenditures from the
10 trust fund upon receipt of vouchers approved by the Department
11 of Education for the critical teacher shortage programs
12 established in s. 1009.57, s. 1009.58, or s. 1009.59. The
13 Comptroller shall also authorize expenditures from the trust
14 fund for the "Chappie" James Most Promising Teacher
15 Scholarship Loan Program and the Critical Teacher Shortage
16 Scholarship Loan Program recipients who participated in these
17 programs prior to July 1, 1993, provided that such students
18 continue to meet the renewal eligibility requirements that
19 were in effect at the time that their original awards were
20 made. Students who participated in the "Chappie" James Most
21 Promising Teacher Scholarship Loan Program prior to July 1,
22 1993, shall not have their awards reduced as a result of the
23 addition of new students to the program. All scholarship loan
24 repayments pursuant to s. 1009.57 shall be deposited into the
25 State Student Financial Assistance Trust Fund. Any remaining
26 balance at the end of any fiscal year that has been allocated
27 to the program shall remain in the trust fund and be available
28 for the individual programs in future years.

29 Section 434. Section 1009.55, Florida Statutes, is
30 created to read:

31 1009.55 Rosewood Family Scholarship Program.--

1 (1) There is created a Rosewood Family Scholarship
2 Program for minority persons with preference given to the
3 direct descendants of the Rosewood families, not to exceed 25
4 scholarships per year. Funds appropriated by the Legislature
5 for the program shall be deposited in the State Student
6 Financial Assistance Trust Fund.
7 (2) The Rosewood Family Scholarship Program shall be
8 administered by the Department of Education. The State Board
9 of Education shall adopt rules for administering this program
10 which shall at a minimum provide for the following:
11 (a) The annual award to a student shall be up to
12 \$4,000 but should not exceed an amount in excess of tuition
13 and registration fees.
14 (b) If funds are insufficient to provide a full
15 scholarship to each eligible applicant, the department may
16 prorate available funds and make a partial award to each
17 eligible applicant.
18 (c) The department shall rank eligible initial
19 applicants for the purposes of awarding scholarships with
20 preference being given to the direct descendants of the
21 Rosewood families. The remaining applicants shall be ranked
22 based on need as determined by the Department of Education.
23 (d) Payment of an award shall be transmitted in
24 advance of the registration period each semester on behalf of
25 the student to the president of the university or community
26 college, or his or her representative, or to the director of
27 the technical school which the recipient is attending.
28 (3) Beginning with the 1994-1995 academic year, the
29 department is authorized to make awards for undergraduate
30 study to students who:
31

1 (a) Meet the general requirements for student
2 eligibility as provided in s. 1009.40, except as otherwise
3 provided in this section.

4 (b) File an application for the scholarship within the
5 established time limits.

6 (c) Enroll as certificate-seeking or degree-seeking
7 students at a state university, community college, or
8 technical school authorized by law.

9 Section 435. Section 1009.56, Florida Statutes, is
10 created to read:

11 1009.56 Seminole and Miccosukee Indian Scholarships.--

12 (1) There is created a Seminole and Miccosukee Indian
13 Scholarship Program to be administered by the Department of
14 Education in accordance with rules established by the State
15 Board of Education. The Seminole Tribe of Florida and the
16 Miccosukee Tribe of Indians of Florida shall act in an
17 advisory capacity in the development of the rules.

18 (2) The department shall award scholarships to
19 students who:

20 (a) Have graduated from high school, have earned an
21 equivalency diploma issued by the Department of Education
22 pursuant to s. 1003.435, have earned an equivalency diploma
23 issued by the United States Armed Forces Institute, or have
24 been accepted through an early admission program;

25 (b) Are enrolled at a state university or community
26 college authorized by Florida law; a nursing diploma school
27 approved by the Board of Nursing; any Florida college,
28 university, or community college which is accredited by an
29 accrediting association whose standards are comparable to the
30 minimum standards required to operate an institution at that
31 level in Florida, as determined by rules of the Commission for

1 Independent Education; or any Florida institution the credits
2 of which are acceptable for transfer to state universities;
3 (c) Are enrolled as either full-time or part-time
4 undergraduate or graduate students and make satisfactory
5 academic progress as defined by the college or university;
6 (d) Have been recommended by the Seminole Tribe of
7 Florida or the Miccosukee Tribe of Indians of Florida; and
8 (e) Meet the general requirements for student
9 eligibility as provided in s. 1009.40, except as otherwise
10 provided in this section.
11 (3) Recommendation by the Seminole Tribe of Florida or
12 the Miccosukee Tribe of Indians of Florida shall:
13 (a) Be based upon established standards of financial
14 need as determined by the respective tribe and the department;
15 (b) Be based upon such other eligibility requirements
16 for student financial assistance as are adopted by the
17 respective tribe; and
18 (c) Include certification of membership or eligibility
19 for membership in the Seminole Tribe of Florida or the
20 Miccosukee Tribe of Indians of Florida.
21 (4) The amount of the scholarship shall be determined
22 by the Seminole Tribe of Florida or the Miccosukee Tribe of
23 Indians of Florida, for its respective applicants, within the
24 amount of funds appropriated for this purpose. The amount
25 shall be prorated accordingly for part-time students. At the
26 beginning of each semester or quarter, the department shall
27 certify the name of each scholarship holder eligible to
28 receive funds for that registration period to the Comptroller,
29 who shall draw a warrant in favor of each scholarship
30 recipient. Each recipient shall be eligible to have the
31 scholarship renewed from year to year, provided all academic

1 and other requirements of the college or university and rules
2 established by the State Board of Education are met.

3 (5) The Commissioner of Education shall include
4 amounts sufficient for continuation of this program in the
5 legislative budget requests of the department.

6 (6) Funds appropriated by the Legislature for the
7 program shall be deposited in the State Student Financial
8 Assistance Trust Fund.

9 Section 436. Section 1009.57, Florida Statutes, is
10 created to read:

11 1009.57 Florida Teacher Scholarship and Forgivable
12 Loan Program.--

13 (1) There is created the Florida Teacher Scholarship
14 and Forgivable Loan Program to be administered by the
15 Department of Education. The program shall provide scholarship
16 assistance to eligible students for lower-division
17 undergraduate study and loan assistance to eligible students
18 for upper-division undergraduate and graduate study. The
19 primary purpose of the program is to attract capable and
20 promising students to the teaching profession, attract
21 teachers to areas of projected or current critical teacher
22 shortage, attract liberal arts and science graduates to
23 teaching, and provide opportunity for persons making midcareer
24 decisions to enter the teaching profession. The State Board
25 of Education shall adopt rules necessary to administer the
26 program and shall annually identify critical teacher shortage
27 areas.

28 (2) Within the Florida Teacher Scholarship and
29 Forgivable Loan Program shall be established the "Chappie"
30 James Most Promising Teacher Scholarship which shall be
31 offered to a top graduating senior from each public secondary

1 school in the state. An additional number of "Chappie" James
2 Most Promising Teacher Scholarship awards shall be offered
3 annually to graduating seniors from private secondary schools
4 in the state which are listed with the Department of Education
5 and accredited by the Southern Association of Colleges and
6 Schools or any other private statewide accrediting agency
7 which makes public its standards, procedures, and member
8 schools. The private secondary schools shall be in compliance
9 with regulations of the Office for Civil Rights. The number
10 of awards to private secondary school students shall be
11 proportional to the number of awards available to public
12 secondary school students and shall be calculated as the ratio
13 of the number of private to public secondary school seniors in
14 the state multiplied by the number of public secondary schools
15 in the state.

16 (a) The scholarship may be used for attendance at a
17 state university, a community college, or an independent
18 institution as defined in s. 1009.89.

19 (b) The amount of the scholarship is \$1,500 and may be
20 renewed for 1 year if the student earns a 2.5 cumulative grade
21 point average and 12 credit hours per term and meets the
22 eligibility requirements for renewal of the award.

23 (c) To be eligible for the scholarship, a student
24 shall: be ranked within the top quartile of the senior class;
25 have been an active member of a high school future teacher
26 organization, if such organization exists in the student's
27 school; have earned a minimum unweighted cumulative grade
28 point average of 3.0 on a 4.0 scale; file an application
29 within the application period; meet the general requirements
30 for student eligibility as provided in s. 1009.40, except as

31

1 otherwise provided in this section; and have the intent to
2 enter the public teaching profession in Florida.

3 (d) Three candidates from each public secondary school
4 and one candidate from each nonpublic secondary school in the
5 state shall be nominated by the principal and a committee of
6 teachers, based on criteria which shall include, but need not
7 be limited to, rank in class, standardized test scores,
8 cumulative grade point average, extracurricular activities,
9 letters of recommendation, an essay, and a declaration of
10 intention to teach in a public school in the state.

11 (e) From public secondary school nominees, the
12 Commissioner of Education shall select a graduating senior
13 from each public high school to receive a scholarship.
14 Selection of recipients from nonpublic secondary schools shall
15 be made by a committee appointed by the Commissioner of
16 Education comprised of representatives from nonpublic
17 secondary schools and the Department of Education.

18 (f) Fifteen percent of scholarships awarded shall be
19 to minority students. However, in the event that fewer than
20 15 percent of the total eligible nominees are minority
21 students, the commissioner may allocate all award funds as
22 long as a scholarship is reserved for each eligible minority
23 nominee.

24 (3)(a) Within the Florida Teacher Scholarship and
25 Forgivable Loan Program shall be established the Florida
26 Critical Teacher Shortage Forgivable Loan Program which shall
27 make undergraduate and graduate forgivable loans available to
28 eligible students entering programs of study that lead to a
29 degree in a teaching program in a critical teacher shortage
30 area. To be eligible for a program loan, a candidate shall:

31

- 1 1. Be a full-time student at the upper-division
2 undergraduate or graduate level in a teacher training program
3 approved by the department pursuant to s. 1004.04 leading to
4 certification in a critical teacher shortage subject area.
- 5 2. Have declared an intent to teach, for at least the
6 number of years for which a forgivable loan is received, in
7 publicly funded elementary or secondary schools of Florida in
8 a critical teacher shortage area identified by the State Board
9 of Education. For purposes of this subsection, a school is
10 publicly funded if it receives at least 75 percent of its
11 operating costs from governmental agencies and operates its
12 educational program under contract with a public school
13 district or the Department of Education.
- 14 3. Meet the general requirements for student
15 eligibility as provided in s. 1009.40, except as otherwise
16 provided in this section.
- 17 4. If applying for an undergraduate forgivable loan,
18 have maintained a minimum cumulative grade point average of
19 2.5 on a 4.0 scale for all undergraduate work. Renewal
20 applicants for undergraduate loans shall maintain a minimum
21 cumulative grade point average of at least a 2.5 on a 4.0
22 scale for all undergraduate work and have earned at least 12
23 semester credits per term, or the equivalent.
- 24 5. If applying for a graduate forgivable loan, have
25 maintained an undergraduate cumulative grade point average of
26 at least a 3.0 on a 4.0 scale or have attained a Graduate
27 Record Examination score of at least 1,000. Renewal applicants
28 for graduate loans shall maintain a minimum cumulative grade
29 point average of at least a 3.0 on a 4.0 scale for all
30 graduate work and have earned at least 9 semester credits per
31 term, or the equivalent.

1 (b) An undergraduate forgivable loan may be awarded
2 for 2 undergraduate years, not to exceed \$4,000 per year, or
3 for a maximum of 3 years for programs requiring a fifth year
4 of instruction to obtain initial teaching certification.

5 (c) A graduate forgivable loan may be awarded for 2
6 graduate years, not to exceed \$8,000 per year. In addition to
7 meeting criteria specified in paragraph (a), a loan recipient
8 at the graduate level shall:

9 1. Hold a bachelor's degree from any college or
10 university accredited by a regional accrediting association as
11 defined by State Board of Education rule.

12 2. Not already hold a teaching certificate resulting
13 from an undergraduate degree in education in an area of
14 critical teacher shortage as designated by the State Board of
15 Education.

16 3. Not have received an undergraduate forgivable loan
17 as provided for in paragraph (b).

18 (d) Recipients of the Paul Douglas Teacher Scholarship
19 Loan Program as authorized under title IV, part D, subpart 1
20 of the Higher Education Act of 1965, as amended, shall not be
21 eligible to participate in the Florida Critical Teacher
22 Shortage Forgivable Loan Program.

23 (e) The State Board of Education shall adopt by rule
24 repayment schedules and applicable interest rates under ss.
25 1009.82 and 1009.95. A forgivable loan must be repaid within
26 10 years of completion of a program of studies.

27 1. Credit for repayment of an undergraduate or
28 graduate forgivable loan shall be in an amount not to exceed
29 \$4,000 in loan principal plus applicable accrued interest for
30 each full year of eligible teaching service. However, credit
31 in an amount not to exceed \$8,000 in loan principal plus

1 applicable accrued interest shall be given for each full year
2 of eligible teaching service completed at a high-density,
3 low-economic urban school or at a low-density, low-economic
4 rural school, as identified by the State Board of Education.

5 2. Any forgivable loan recipient who fails to teach in
6 a publicly funded elementary or secondary school in this state
7 as specified in this subsection is responsible for repaying
8 the loan plus accrued interest at 8 percent annually.

9 3. Forgivable loan recipients may receive loan
10 repayment credit for teaching service rendered at any time
11 during the scheduled repayment period. However, such repayment
12 credit shall be applicable only to the current principal and
13 accrued interest balance that remains at the time the
14 repayment credit is earned. No loan recipient shall be
15 reimbursed for previous cash payments of principal and
16 interest.

17 (f) Funds appropriated by the Legislature for the
18 program shall be deposited in the State Student Financial
19 Assistance Trust Fund.

20 Section 437. Section 1009.58, Florida Statutes, is
21 created to read:

22 1009.58 Critical teacher shortage tuition
23 reimbursement program.--

24 (1) A critical teacher shortage tuition reimbursement
25 program shall be established for the purpose of improving the
26 skills and knowledge of current teachers or persons preparing
27 to teach in critical teacher shortage areas.

28 (2) The State Board of Education shall adopt rules to
29 implement the critical teacher shortage tuition reimbursement
30 program. Any full-time public school employee or
31 developmental research school employee certified to teach in

1 this state is eligible for the program. For the purposes of
2 this program, tuition reimbursement shall be limited to
3 courses in critical teacher shortage areas as determined by
4 the State Board of Education. Such courses shall be:
5 (a) Graduate-level courses leading to a master's,
6 specialist, or doctoral degree;
7 (b) Graduate-level courses leading to a new
8 certification area; or
9 (c) State-approved undergraduate courses leading to an
10 advanced degree or new certification area.
11 (3) Participants may receive tuition reimbursement
12 payments for up to 9 semester hours, or the equivalent in
13 quarter hours, per year, at a rate not to exceed \$78 per
14 semester hour, up to a total of 36 semester hours. All tuition
15 reimbursements shall be contingent on passing an approved
16 course with a minimum grade of 3.0 or its equivalent.
17 (4) This section shall be implemented only to the
18 extent specifically funded and authorized by law.
19 Section 438. Section 1009.59, Florida Statutes, is
20 created to read:
21 1009.59 Critical Teacher Shortage Student Loan
22 Forgiveness Program.--
23 (1) The Critical Teacher Shortage Student Loan
24 Forgiveness Program is established to encourage qualified
25 personnel to seek employment in subject areas in which
26 critical teacher shortages exist, as identified annually by
27 the State Board of Education. The primary function of the
28 program is to make repayments towards loans received by
29 students from federal programs or commercial lending
30 institutions for the support of postsecondary education study.
31 Repayments are intended to be made to qualified applicants who

1 begin teaching for the first time in designated subject areas,
2 and who apply during their first year of teaching as certified
3 teachers in these subject areas.

4 (2) From the funds available, the Department of
5 Education may make loan principal repayments as follows:

6 (a) Up to \$2,500 a year for up to 4 years on behalf of
7 selected graduates of state-approved undergraduate
8 postsecondary teacher preparation programs, persons certified
9 to teach pursuant to any applicable teacher certification
10 requirements, or selected teacher preparation graduates from
11 any state participating in the Interstate Agreement on the
12 Qualification of Educational Personnel.

13 (b) Up to \$5,000 a year for up to 2 years on behalf of
14 selected graduates of state-approved graduate postsecondary
15 teacher preparation programs, persons with graduate degrees
16 certified to teach pursuant to any applicable teacher
17 certification requirements, or selected teacher preparation
18 graduates from any state participating in the Interstate
19 Agreement on the Qualification of Educational Personnel.

20 (c) All repayments shall be contingent on continued
21 proof of employment in the designated subject areas in this
22 state and shall be made directly to the holder of the loan.
23 The state shall not bear responsibility for the collection of
24 any interest charges or other remaining balance. In the event
25 that designated critical teacher shortage subject areas are
26 changed by the State Board of Education, a teacher shall
27 continue to be eligible for loan forgiveness as long as he or
28 she continues to teach in the subject area for which the
29 original loan repayment was made and otherwise meets all
30 conditions of eligibility.

31

1 (3) Students receiving a scholarship loan or a
2 fellowship loan are not eligible to participate in the
3 Critical Teacher Shortage Student Loan Forgiveness Program.

4 (4) The State Board of Education may adopt rules
5 pursuant to ss. 120.536(1) and 120.54, necessary for the
6 administration of this program.

7 (5) This section shall be implemented only to the
8 extent as specifically funded and authorized by law.

9 Section 439. Section 1009.60, Florida Statutes, is
10 created to read:

11 1009.60 Minority teacher education scholars
12 program.--There is created the minority teacher education
13 scholars program, which is a collaborative performance-based
14 scholarship program for African-American, Hispanic-American,
15 Asian-American, and Native American students. The participants
16 in the program include Florida's community colleges and its
17 public and private universities that have teacher education
18 programs.

19 (1) The minority teacher education scholars program
20 shall provide an annual scholarship of \$4,000 for each
21 approved minority teacher education scholar who is enrolled in
22 one of Florida's public or private universities in the junior
23 year and is admitted into a teacher education program.

24 (2) To assist each participating education institution
25 in the recruitment and retention of minority teacher scholars,
26 the administrators of the Florida Fund for Minority Teachers,
27 Inc., shall implement a systemwide training program. The
28 training program must include an annual conference or series
29 of conferences for students who are in the program or who are
30 identified by a high school or a community college as likely
31 candidates for the program. The training program must also

1 include research about and dissemination concerning successful
2 activities or programs that recruit minority students for
3 teacher education and retain them through graduation,
4 certification, and employment. Staff employed by the
5 corporation may work with each participating education
6 institution to assure that local faculty and administrators
7 receive the benefit of all available research and resources to
8 increase retention of their minority teacher education
9 scholars.

10 (3) The total amount appropriated annually for new
11 scholarships in the program must be divided by \$4,000 and by
12 the number of participating colleges and universities. Each
13 participating institution has access to the same number of
14 scholarships and may award all of them to eligible minority
15 students. If a college or university does not award all of its
16 scholarships by the date set by the program administration at
17 the Florida Fund for Minority Teachers, Inc., the remaining
18 scholarships must be transferred to another institution that
19 has eligible students.

20 (4) A student may receive a scholarship from the
21 program for 3 consecutive years if the student remains
22 enrolled full-time in the program and makes satisfactory
23 progress toward a baccalaureate degree with a major in
24 education.

25 (5) If a minority teacher education scholar graduates
26 and is employed as a teacher by a Florida district school
27 board, the scholar is not required to repay the scholarship
28 amount so long as the scholar teaches in a Florida public
29 school. A scholar may repay the entire scholarship amount by
30 remaining employed as a Florida public school teacher for 1
31 year for each year he or she received the scholarship.

1 (6) If a minority teacher education scholar does not
2 graduate within 3 years, or if the scholar graduates but does
3 not teach in a Florida public school, the scholar must repay
4 the total amount awarded, plus annual interest of 8 percent.

5 (a) Interest begins accruing the first day of the 13th
6 month after the month in which the recipient completes an
7 approved teacher education program or after the month in which
8 enrollment as a full-time student is terminated. Interest does
9 not accrue during any period of deferment or eligible teaching
10 service.

11 (b) The repayment period begins the first day of the
12 13th month after the month in which the recipient completes an
13 approved teacher education program or after the month in which
14 enrollment as a full-time student is terminated.

15 (c) The terms and conditions of the scholarship
16 repayment must be contained in a promissory note and a
17 repayment schedule. The loan must be paid within 10 years
18 after the date of graduation or termination of full-time
19 enrollment, including any periods of deferment. A shorter
20 repayment period may be granted. The minimum monthly repayment
21 is \$50 or the unpaid balance, unless otherwise approved,
22 except that the monthly payment may not be less than the
23 accruing interest. The recipient may prepay any part of the
24 scholarship without penalty.

25 (d) The holder of the promissory note may grant a
26 deferment of repayment for a recipient who is a full-time
27 student, who is unable to secure a teaching position that
28 would qualify as repayment, who becomes disabled, or who
29 experiences other hardships. Such a deferment may be granted
30 for a total of 24 months.

31

1 (e) If a student defaults on the scholarship, the
2 entire unpaid balance, including interest accrued, becomes due
3 and payable at the option of the holder of the promissory
4 note, or when the recipient is no longer able to pay or no
5 longer intends to pay. The recipient is responsible for paying
6 all reasonable attorney's fees and other costs and charges
7 necessary for administration of the collection process.

8 Section 440. Section 1009.605, Florida Statutes, is
9 created to read:

10 1009.605 Florida Fund for Minority Teachers, Inc.--

11 (1) There is created the Florida Fund for Minority
12 Teachers, Inc., which is a not-for-profit statutory
13 corporation housed in the College of Education at the
14 University of Florida. The corporation shall administer and
15 manage the minority teacher education scholars program.

16 (2) The corporation shall submit an annual budget
17 projection to the Department of Education to be included in
18 the annual legislative budget request. The projection must be
19 based on a 7-year plan that would be capable of awarding the
20 following schedule of scholarships:

21 (a) In the initial year, 700 scholarships of \$4,000
22 each to scholars in the junior year of college.

23 (b) In the second year, 350 scholarships to new
24 scholars in their junior year and 700 renewal scholarships to
25 the rising seniors.

26 (c) In each succeeding year, 350 scholarships to new
27 scholars in the junior year and renewal scholarships to the
28 350 rising seniors.

29 (3) A board of directors shall administer the
30 corporation. The Governor shall appoint to the board at least
31 15 but not more than 25 members, who shall serve terms of 3

1 years, except that 4 of the initial members shall serve 1-year
2 terms and 4 shall serve 2-year terms. At least 4 members must
3 be employed by public community colleges and at least 11
4 members must be employed by public or private postsecondary
5 institutions that operate colleges of education. At least one
6 member must be a financial aid officer employed by a
7 postsecondary education institution operating in Florida.
8 Administrative costs for support of the Board of Directors and
9 the Florida Fund for Minority Teachers may not exceed 5
10 percent of funds allocated for the program. The board shall:

11 (a) Hold meetings to implement this section.

12 (b) Select a chairperson annually.

13 (c) Make rules for its own government.

14 (d) Appoint an executive director to serve at its
15 pleasure. The executive director shall be the chief
16 administrative officer and agent of the board.

17 (e) Maintain a record of its proceedings.

18 (f) Delegate to the chairperson the responsibility for
19 signing final orders.

20 (g) Carry out the training program as required for the
21 minority teacher education scholars program. No more than 5
22 percent of the funds appropriated for the minority teacher
23 education scholars program may be expended for administration,
24 including administration of the required training program.

25 Section 441. Section 1009.61, Florida Statutes, is
26 created to read:

27 1009.61 Teacher/Quest Scholarship Program.--The
28 Teacher/Quest Scholarship Program is created for the purpose
29 of providing teachers with the opportunity to enhance their
30 knowledge of science, mathematics, and computer applications
31 in business, industry, and government. A school district or

1 developmental research school may propose that one or more
2 teachers be granted a Teacher/Quest Scholarship by submitting
3 to the Department of Education:

4 (1) A project proposal specifying activities a teacher
5 will carry out to improve his or her:

6 (a) Understanding of mathematical, scientific, or
7 computing concepts;

8 (b) Ability to apply and demonstrate such concepts
9 through instruction;

10 (c) Knowledge of career and technical requirements for
11 competency in mathematics, science, and computing; and

12 (d) Ability to integrate and apply technological
13 concepts from all three fields; and

14 (2) A contractual agreement with a private corporation
15 or governmental agency that implements the project proposal
16 and guarantees employment to the teacher during a summer or
17 other period when schools are out of session. The agreement
18 must stipulate a salary rate that does not exceed regular
19 rates of pay and a gross salary amount consistent with
20 applicable statutory and contractual provisions for the
21 teacher's employment. The teacher's compensation shall be
22 provided for on an equally matched basis by funds from the
23 employing corporation or agency.

24 Section 442. Section 1009.62, Florida Statutes, is
25 created to read:

26 1009.62 Grants for teachers for special training in
27 exceptional student education.--

28 (1) The Department of Education may make grants to
29 teachers for special training in exceptional student education
30 to meet professional requirements with respect thereto, and
31

1 the department is responsible for the administration of such
2 program.
3 (2) These grants are limited to teachers who:
4 (a) Hold a full-time contract to teach in a district
5 school system, a state-operated or state-supported program, or
6 an agency or organization under contract with the Department
7 of Education;
8 (b) Hold a valid Florida educator's certificate that
9 does not reflect an exceptional-student-education coverage or
10 endorsement that is appropriate for the teacher's assignment;
11 and
12 (c) Satisfactorily complete the eligible courses.
13 (3) Grant amounts are to be determined on the basis of
14 rates established by the Department of Education.
15 (4) The Department of Education shall administer this
16 program under rules established by the State Board of
17 Education.
18 Section 443. Section 1009.63, Florida Statutes, is
19 created to read:
20 1009.63 Occupational therapist or physical therapist
21 critical shortage program; definitions.--For the purposes of
22 ss. 1009.63-1009.634:
23 (1) "Critical shortage area" applies to licensed
24 occupational therapists and physical therapists and
25 occupational therapy assistants and physical therapist
26 assistants employed by the public schools of this state.
27 (2) "Therapist" means occupational therapist or
28 physical therapist.
29 Section 444. Section 1009.631, Florida Statutes, is
30 created to read:
31

1 1009.631 Occupational therapist or physical therapist
2 critical shortage program; establishment.--

3 (1) The occupational therapist or physical therapist
4 critical shortage program is established in the Department of
5 Education for the purpose of attracting capable and promising
6 applicants in the occupational therapy or physical therapy
7 profession to employment in the public schools of this state.
8 The program shall include the Critical Occupational Therapist
9 or Physical Therapist Shortage Student Loan Forgiveness
10 Program, the Critical Occupational Therapist or Physical
11 Therapist Shortage Scholarship Loan Program, and the Critical
12 Occupational Therapist or Physical Therapist Shortage Tuition
13 Reimbursement Program.

14 (2) Funds appropriated by the Legislature for the
15 program shall be deposited in the State Student Financial
16 Assistance Trust Fund. Any balance in the trust fund at the
17 end of any fiscal year that has been allocated to the program
18 shall remain therein and shall be available for carrying out
19 the purposes of this section. Funds contained in the trust
20 fund for the program shall be used for the programs specified
21 in subsection (1) for those licensed therapists and therapy
22 assistants employed by the public schools of this state.

23 (3) The State Board of Education shall annually review
24 the designation of critical shortage areas and shall adopt
25 rules necessary for the implementation of the program.

26 Section 445. Section 1009.632, Florida Statutes, is
27 created to read:

28 1009.632 Critical Occupational Therapist or Physical
29 Therapist Shortage Student Loan Forgiveness Program.--

30 (1) There is established the Critical Occupational
31 Therapist or Physical Therapist Shortage Student Loan

1 Forgiveness Program. The primary function of the program is
2 to make repayments toward loans received by students from
3 institutions for the support of postsecondary study of
4 occupational therapy or physical therapy. Repayments shall be
5 made to qualified applicants who initiate employment in the
6 public schools of this state and who apply during their first
7 year of employment in a public school setting.

8 (2) From the funds available, the Department of
9 Education is authorized to make loan principal repayments as
10 follows:

11 (a) Up to \$2,500 a year for up to 4 years on behalf of
12 selected graduates of accredited undergraduate postsecondary
13 occupational therapist or physical therapist preparation
14 programs.

15 (b) Up to \$2,500 a year for up to 2 years on behalf of
16 selected graduates of accredited undergraduate postsecondary
17 occupational therapy or physical therapist assistant
18 preparation programs.

19 (c) Up to \$5,000 a year for up to 2 years on behalf of
20 selected graduates of accredited postbaccalaureate entry level
21 occupational therapist or physical therapist preparation
22 programs.

23 (d) All repayments shall be contingent on continued
24 proof of employment for 3 years as a therapist or therapy
25 assistant by the public schools in this state and shall be
26 made directly to the holder of the loan. The state shall not
27 bear the responsibility for the collection of any interest
28 charges or other remaining balance. In the event that a
29 critical shortage is no longer verified, a therapist or
30 therapy assistant shall continue to be eligible for loan
31 forgiveness as long as the therapist or therapy assistant

1 continues to be employed by the public schools of this state
2 and otherwise meets all conditions of eliqibility.

3 (3) Recipients under this program shall not be
4 eligible to participate in the Critical Occupational Therapist
5 or Physical Therapist Shortage Scholarship Loan Program or the
6 Critical Occupational Therapist or Physical Therapist Shortage
7 Tuition Reimbursement Program.

8 (4) This section shall be implemented only to the
9 extent as specifically funded by law.

10 Section 446. Section 1009.633, Florida Statutes, is
11 created to read:

12 1009.633 Critical Occupational Therapist or Physical
13 Therapist Shortage Scholarship Loan Program.--

14 (1) There is established the Critical Occupational
15 Therapist or Physical Therapist Shortage Scholarship Loan
16 Program.

17 (2) To be eligible, a candidate shall:

18 (a) Be a full-time student in a therapy assistant
19 program or in the upper division or higher level in an
20 occupational therapist or physical therapist educational
21 program. Occupational therapist and occupational therapy
22 assistant programs must be accredited by the American Medical
23 Association in collaboration with the American Occupational
24 Therapy Association. Physical therapist and physical therapist
25 assistant programs must be accredited by the American Physical
26 Therapy Association.

27 (b) Have declared an intention to be employed by the
28 public schools of this state for 3 years following completion
29 of the requirements. In the event critical shortage areas are
30 changed by the State Board of Education, a student shall
31 continue to be eligible for an award as long as the student

1 continues in the therapist educational program for which the
2 initial award was made and the student otherwise meets all
3 other conditions of eligibility.
4 (c) Meet the general requirements for student
5 eligibility as provided in s. 1009.40, except as otherwise
6 provided in this section.
7 (d) Maintain a grade point average of 2.0 on a 4.0
8 scale for undergraduate college work or a grade point average
9 of 3.0 on a 4.0 scale for graduate college work.
10 (3) A scholarship loan may be awarded for no more than
11 2 years and may not exceed \$4,000 a year.
12 (4) The State Board of Education shall adopt by rule
13 repayment schedules and applicable interest rates under ss.
14 1009.82 and 1009.95. A scholarship loan must be paid back
15 within 10 years of completion of a program of studies.
16 (a) Credit for repayment of a scholarship loan shall
17 be in an amount not to exceed \$2,000 plus applicable accrued
18 interest for each full year of employment by the public
19 schools of this state.
20 (b) Any therapist or therapy assistant who fails to be
21 employed by a public school in this state as specified in this
22 subsection is responsible for repaying the loan plus interest.
23 Repayment schedules and applicable interest rates shall be
24 determined by the rules of the State Board of Education under
25 ss. 1009.82 and 1009.95.
26 (5) Recipients under this program shall not be
27 eligible to participate in the Critical Occupational Therapist
28 or Physical Therapist Shortage Student Loan Forgiveness
29 Program or the Critical Occupational Therapist or Physical
30 Therapist Shortage Tuition Reimbursement Program.
31

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

3 Section 447. 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.

1 Section 448. 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

1 policy, rule, or law, including recommendations regarding
2 program budgeting.
3 (4) The agencies shall complete an implementation plan
4 that addresses at least the following recommended components
5 of the program:
6 (a) A method of selecting participants. The method
7 must not duplicate services provided by those assigned to
8 screen participants of the welfare transition program, but
9 must assure that screening personnel are trained to identify
10 recipients of public assistance whose personal aptitudes and
11 motivation make them most likely to succeed in the program and
12 advance in a career related to the school community.
13 (b) A budget for use of incentive funding to provide
14 motivation to participants to succeed and excel. The budget
15 for incentive funding includes:
16 1. Funds allocated by the Legislature directly for the
17 program.
18 2. Funds that may be made available from the federal
19 Workforce Investment Act based on client eligibility or
20 requested waivers to make the clients eligible.
21 3. Funds made available by implementation strategies
22 that would make maximum use of work supplementation funds
23 authorized by federal law.
24 4. Funds authorized by strategies to lengthen
25 participants' eligibility for federal programs such as
26 Medicaid, subsidized child care, and transportation.
27
28 Incentives may include a stipend during periods of college
29 classroom training, a bonus and recognition for a high
30 grade-point average, child care and prekindergarten services
31 for children of participants, and services to increase a

1 participant's ability to advance to higher levels of
2 employment. Nonfinancial incentives should include providing a
3 mentor or tutor, and service incentives should continue and
4 increase for any participant who plans to complete the
5 baccalaureate degree and become a certified teacher. Services
6 may be provided in accordance with family choice by community
7 colleges and school district technical centers, through family
8 service centers and full-service schools, or under contract
9 with providers through central agencies.

10 (5) The agencies shall select Department of Children
11 and Family Services districts to participate in the program. A
12 district that wishes to participate must demonstrate that a
13 district school board, a community college board of trustees,
14 an economic services program administrator, and a regional
15 workforce board are willing to coordinate to provide the
16 educational program, support services, employment
17 opportunities, and incentives required to fulfill the intent
18 of this section.

19 (6)(a) A community college or school district
20 technical center is eligible to participate if it provides a
21 technical certificate program in Child Development Early
22 Intervention as approved by Workforce Florida, Inc. Priority
23 programs provide an option and incentives to articulate with
24 an associate in science degree program or a baccalaureate
25 degree program.

26 (b) A participating educational agency may earn funds
27 appropriated for performance-based incentive funding for
28 successful outcomes of enrollment and placement of recipients
29 of public assistance who are in the program. In addition, an
30 educational agency is eligible for an incentive award
31 determined by Workforce Florida, Inc., for each recipient of

1 public assistance who successfully completes a program leading
2 to the award of a General Education Development credential.

3 (c) Historically black colleges or universities that
4 have established programs that serve participants in the
5 welfare transition program are eligible to participate in the
6 Performance Based Incentive Funding Program and may earn an
7 incentive award determined by Workforce Florida, Inc., for
8 successful placement of program completers in jobs as
9 education paraprofessionals in at-risk schools.

10 (7)(a) A participating school district shall identify
11 at-risk schools in which the program participants will work
12 during the practicum part of their education. For purposes of
13 this act, an at-risk school is a school with grades K-3 in
14 which 50 percent or more of the students enrolled at the
15 school are eligible for free lunches or reduced-price lunches.
16 Priority schools are schools whose service zones include the
17 participants' own communities.

18 (b) A participating school district may use funds
19 appropriated by the Legislature from Agency for Workforce
20 Innovation regional workforce board allotments to provide at
21 least 6 months of on-the-job training to participants in the
22 Certified Education Paraprofessional Welfare Transition
23 Program. Participating school districts may also use funds
24 provided by grant diversion of funds from the welfare
25 transition program for the participants during the practicum
26 portion of their training to earn the certificate required for
27 their employment.

28 (8) The agencies shall give priority for funding to
29 those programs that provide maximum security for the
30 long-range employment and career opportunities of the program
31 participants. Security is enhanced if employment is provided

1 through a governmental or nongovernmental agency other than
2 the school board, or if the plans assure in another way that
3 the participants will supplement, rather than supplant, the
4 workforce available to the school board. It is the intent of
5 the Legislature that, when a program participant succeeds in
6 becoming a certified education paraprofessional after working
7 successfully in a school during the practicum or on-the-job
8 training supported by the program, the participant shall have
9 the opportunity to continue in full-time employment at the
10 school that provided the training or at another school in the
11 district.

12 Section 449. Section 1009.65, Florida Statutes, is
13 created to read:

14 1009.65 Medical Education Reimbursement and Loan
15 Repayment Program.--

16 (1) To encourage qualified medical professionals to
17 practice in underserved locations where there are shortages of
18 such personnel, there is established the Medical Education
19 Reimbursement and Loan Repayment Program. The function of the
20 program is to make payments that offset loans and educational
21 expenses incurred by students for studies leading to a medical
22 or nursing degree, medical or nursing licensure, or advanced
23 registered nurse practitioner certification or physician
24 assistant licensure. The following licensed or certified
25 health care professionals are eligible to participate in this
26 program: medical doctors with primary care specialties,
27 doctors of osteopathic medicine with primary care specialties,
28 physician's assistants, licensed practical nurses and
29 registered nurses, and advanced registered nurse practitioners
30 with primary care specialties such as certified nurse
31 midwives. Primary care medical specialties for physicians

1 include obstetrics, gynecology, general and family practice,
2 internal medicine, pediatrics, and other specialties which may
3 be identified by the Department of Health.

4 (2) From the funds available, the Department of Health
5 shall make payments to selected medical professionals as
6 follows:

7 (a) Up to \$4,000 per year for licensed practical
8 nurses and registered nurses, up to \$10,000 per year for
9 advanced registered nurse practitioners and physician's
10 assistants, and up to \$20,000 per year for physicians.
11 Penalties for noncompliance shall be the same as those in the
12 National Health Services Corps Loan Repayment Program.
13 Educational expenses include costs for tuition, matriculation,
14 registration, books, laboratory and other fees, other
15 educational costs, and reasonable living expenses as
16 determined by the Department of Health.

17 (b) All payments shall be contingent on continued
18 proof of primary care practice in an area defined in s.
19 395.602(2)(e), or an underserved area designated by the
20 Department of Health, provided the practitioner accepts
21 Medicaid reimbursement if eligible for such reimbursement.
22 Correctional facilities, state hospitals, and other state
23 institutions that employ medical personnel shall be designated
24 by the Department of Health as underserved locations.
25 Locations with high incidences of infant mortality, high
26 morbidity, or low Medicaid participation by health care
27 professionals may be designated as underserved.

28 (c) The Department of Health may use funds
29 appropriated for the Medical Education Reimbursement and Loan
30 Repayment Program as matching funds for federal loan repayment

31

1 programs such as the National Health Service Corps State Loan
2 Repayment Program.

3 (3) The Department of Health may adopt any rules
4 necessary for the administration of the Medical Education
5 Reimbursement and Loan Repayment Program. The department may
6 also solicit technical advice regarding conduct of the program
7 from the Department of Education and Florida universities and
8 community colleges. The Department of Health shall submit a
9 budget request for an amount sufficient to fund medical
10 education reimbursement, loan repayments, and program
11 administration.

12 Section 450. Section 1009.66, Florida Statutes, is
13 created to read:

14 1009.66 Nursing Student Loan Forgiveness Program.--

15 (1) To encourage qualified personnel to seek
16 employment in areas of this state in which critical nursing
17 shortages exist, there is established the Nursing Student Loan
18 Forgiveness Program. The primary function of the program is
19 to increase employment and retention of registered nurses and
20 licensed practical nurses in nursing homes and hospitals in
21 the state and in state-operated medical and health care
22 facilities, public schools, birth centers, federally sponsored
23 community health centers, family practice teaching hospitals,
24 and specialty children's hospitals by making repayments toward
25 loans received by students from federal or state programs or
26 commercial lending institutions for the support of
27 postsecondary study in accredited or approved nursing
28 programs.

29 (2) To be eligible, a candidate must have graduated
30 from an accredited or approved nursing program and have
31 received a Florida license as a licensed practical nurse or a

1 registered nurse or a Florida certificate as an advanced
2 registered nurse practitioner.

3 (3) Only loans to pay the costs of tuition, books, and
4 living expenses shall be covered, at an amount not to exceed
5 \$4,000 for each year of education towards the degree obtained.

6 (4) Receipt of funds pursuant to this program shall be
7 contingent upon continued proof of employment in the
8 designated facilities in this state. Loan principal payments
9 shall be made by the Department of Health directly to the
10 federal or state programs or commercial lending institutions
11 holding the loan as follows:

12 (a) Twenty-five percent of the loan principal and
13 accrued interest shall be retired after the first year of
14 nursing;

15 (b) Fifty percent of the loan principal and accrued
16 interest shall be retired after the second year of nursing;

17 (c) Seventy-five percent of the loan principal and
18 accrued interest shall be retired after the third year of
19 nursing; and

20 (d) The remaining loan principal and accrued interest
21 shall be retired after the fourth year of nursing.

22
23 In no case may payment for any nurse exceed \$4,000 in any
24 12-month period.

25 (5) There is created the Nursing Student Loan
26 Forgiveness Trust Fund to be administered by the Department of
27 Health pursuant to this section and s. 1009.67 and department
28 rules. The Comptroller shall authorize expenditures from the
29 trust fund upon receipt of vouchers approved by the Department
30 of Health. All moneys collected from the private health care
31 industry and other private sources for the purposes of this

1 section shall be deposited into the Nursing Student Loan
2 Forgiveness Trust Fund. Any balance in the trust fund at the
3 end of any fiscal year shall remain therein and shall be
4 available for carrying out the purposes of this section and s.
5 1009.67.

6 (6) In addition to licensing fees imposed under part I
7 of chapter 464, there is hereby levied and imposed an
8 additional fee of \$5, which fee shall be paid upon licensure
9 or renewal of nursing licensure. Revenues collected from the
10 fee imposed in this subsection shall be deposited in the
11 Nursing Student Loan Forgiveness Trust Fund of the Department
12 of Health and will be used solely for the purpose of carrying
13 out the provisions of this section and s. 1009.67. Up to 50
14 percent of the revenues appropriated to implement this
15 subsection may be used for the nursing scholarship program
16 established pursuant to s. 1009.67.

17 (7)(a) Funds contained in the Nursing Student Loan
18 Forgiveness Trust Fund which are to be used for loan
19 forgiveness for those nurses employed by hospitals, birth
20 centers, and nursing homes must be matched on a
21 dollar-for-dollar basis by contributions from the employing
22 institutions, except that this provision shall not apply to
23 state-operated medical and health care facilities, public
24 schools, county health departments, federally sponsored
25 community health centers, teaching hospitals as defined in s.
26 408.07, family practice teaching hospitals as defined in s.
27 395.805, or specialty hospitals for children as used in s.
28 409.9119. If in any given fiscal quarter there are
29 insufficient funds in the trust fund to grant all eligible
30 applicant requests, awards shall be based on the following
31 priority of employer: county health departments; federally

1 sponsored community health centers; state-operated medical and
2 health care facilities; public schools; teaching hospitals as
3 defined in s. 408.07; family practice teaching hospitals as
4 defined in s. 395.805; specialty hospitals for children as
5 used in s. 409.9119; and other hospitals, birth centers, and
6 nursing homes.

7 (b) All Nursing Student Loan Forgiveness Trust Fund
8 moneys shall be invested pursuant to s. 18.125. Interest
9 income accruing to that portion of the trust fund not matched
10 shall increase the total funds available for loan forgiveness
11 and scholarships. Pledged contributions shall not be eligible
12 for matching prior to the actual collection of the total
13 private contribution for the year.

14 (8) The Department of Health may solicit technical
15 assistance relating to the conduct of this program from the
16 Department of Education.

17 (9) The Department of Health is authorized to recover
18 from the Nursing Student Loan Forgiveness Trust Fund its costs
19 for administering the Nursing Student Loan Forgiveness
20 Program.

21 (10) The Department of Health may adopt rules
22 necessary to administer this program.

23 (11) This section shall be implemented only as
24 specifically funded.

25 Section 451. Section 1009.67, Florida Statutes, is
26 created to read:

27 1009.67 Nursing scholarship program.--

28 (1) There is established within the Department of
29 Health a scholarship program for the purpose of attracting
30 capable and promising students to the nursing profession.

31

1 (2) A scholarship applicant shall be enrolled as a
2 full-time or part-time student in the upper division of an
3 approved nursing program leading to the award of a
4 baccalaureate degree or graduate degree to qualify for a
5 nursing faculty position or as an advanced registered nurse
6 practitioner or be enrolled as a full-time or part-time
7 student in an approved program leading to the award of an
8 associate degree in nursing.

9 (3) A scholarship may be awarded for no more than 2
10 years, in an amount not to exceed \$8,000 per year. However,
11 registered nurses pursuing a graduate degree for a faculty
12 position or to practice as an advanced registered nurse
13 practitioner may receive up to \$12,000 per year. Beginning
14 July 1, 1998, these amounts shall be adjusted by the amount of
15 increase or decrease in the consumer price index for urban
16 consumers published by the United States Department of
17 Commerce.

18 (4) Credit for repayment of a scholarship shall be as
19 follows:

20 (a) For each full year of scholarship assistance, the
21 recipient agrees to work for 12 months in a faculty position
22 in a college of nursing or community college nursing program
23 in this state or at a health care facility in a medically
24 underserved area as approved by the Department of Health.
25 Scholarship recipients who attend school on a part-time basis
26 shall have their employment service obligation prorated in
27 proportion to the amount of scholarship payments received.

28 (b) Eligible health care facilities include nursing
29 homes and hospitals in this state, state-operated medical or
30 health care facilities, public schools, county health
31 departments, federally sponsored community health centers,

1 colleges of nursing in universities in this state, and
2 community college nursing programs in this state, family
3 practice teaching hospitals as defined in s. 395.805, or
4 specialty children's hospitals as described in s. 409.9119.
5 The recipient shall be encouraged to complete the service
6 obligation at a single employment site. If continuous
7 employment at the same site is not feasible, the recipient may
8 apply to the department for a transfer to another approved
9 health care facility.

10 (c) Any recipient who does not complete an appropriate
11 program of studies or who does not become licensed shall repay
12 to the Department of Health, on a schedule to be determined by
13 the department, the entire amount of the scholarship plus 18
14 percent interest accruing from the date of the scholarship
15 payment. Moneys repaid shall be deposited into the Nursing
16 Student Loan Forgiveness Trust Fund established in s. 1009.66.
17 However, the department may provide additional time for
18 repayment if the department finds that circumstances beyond
19 the control of the recipient caused or contributed to the
20 default.

21 (d) Any recipient who does not accept employment as a
22 nurse at an approved health care facility or who does not
23 complete 12 months of approved employment for each year of
24 scholarship assistance received shall repay to the Department
25 of Health an amount equal to two times the entire amount of
26 the scholarship plus interest accruing from the date of the
27 scholarship payment at the maximum allowable interest rate
28 permitted by law. Repayment shall be made within 1 year of
29 notice that the recipient is considered to be in default.
30 However, the department may provide additional time for
31 repayment if the department finds that circumstances beyond

1 the control of the recipient caused or contributed to the
2 default.

3 (5) Scholarship payments shall be transmitted to the
4 recipient upon receipt of documentation that the recipient is
5 enrolled in an approved nursing program. The Department of
6 Health shall develop a formula to prorate payments to
7 scholarship recipients so as not to exceed the maximum amount
8 per academic year.

9 (6) The Department of Health shall adopt rules,
10 including rules to address extraordinary circumstances that
11 may cause a recipient to default on either the school
12 enrollment or employment contractual agreement, to implement
13 this section and may solicit technical assistance relating to
14 the conduct of this program from the Department of Health.

15 (7) The Department of Health may recover from the
16 Nursing Student Loan Forgiveness Trust Fund its costs for
17 administering the nursing scholarship program.

18 Section 452. Section 1009.68, Florida Statutes, is
19 created to read:

20 1009.68 Florida Minority Medical Education Program.--

21 (1) There is created a Florida Minority Medical
22 Education Program to be administered by the Department of
23 Education in accordance with rules established by the State
24 Board of Education. The program shall provide scholarships to
25 enable minority students to pursue a medical education at the
26 University of Florida, the University of South Florida,
27 Florida State University, the University of Miami, or
28 Southeastern University of the Health Sciences, for the
29 purpose of addressing the primary health care needs of
30 underserved groups.

31

1 (2) In order to be eligible to receive a scholarship
2 pursuant to this section, an applicant shall:
3 (a) Be a racial or ethnic minority student.
4 (b) Be a citizen of the United States and meet the
5 general eligibility requirements as provided in s. 1009.40,
6 except as otherwise provided in this section.
7 (c) Have maintained residency in this state for no
8 less than 1 year preceding the award.
9 (d) Be accepted by, and enroll as a full-time student
10 in, a Florida medical school.
11 (e) Have an undergraduate grade point average
12 established by rule.
13 (f) Have received scores on selected examinations
14 established by rule.
15 (g) Meet financial need requirements established by
16 rule.
17 (h) Agree to serve in a medical corps for a period of
18 not less than 2 years for the purpose of providing health care
19 to underserved individuals in the State of Florida.
20 (3) In order to renew a scholarship awarded pursuant
21 to this section, a student shall maintain full-time student
22 status and a cumulative grade point average established by
23 rule.
24 (4) The number of scholarships annually awarded shall
25 be three per school. Priority in the distribution of
26 scholarships shall be given to students with the lowest total
27 family resources.
28 (5) Funds appropriated by the Legislature for the
29 program shall be deposited in the State Student Financial
30 Assistance Trust Fund. Interest income accruing to the program
31 from funds of the program in the trust fund not allocated

1 shall increase the funds available for scholarships. Any
2 balance in the trust fund at the end of any fiscal year that
3 has been allocated to the program shall remain in the trust
4 fund and shall be available for carrying out the purposes of
5 this section.

6 (6) A scholarship recipient who, upon graduation,
7 defaults on the commitment to serve in the medical corps for
8 the full 2 years shall be required to repay all scholarship
9 money plus interest.

10 (7) The State Board of Education shall adopt rules
11 necessary to implement the provisions of this section.

12 Section 453. Section 1009.69, Florida Statutes, is
13 created to read:

14 1009.69 Virgil Hawkins Fellows Assistance Program.--

15 (1) The Virgil Hawkins Fellows Assistance Program
16 shall provide financial assistance for study in law to
17 minority students in the colleges of law at the Florida State
18 University, the University of Florida, the Florida
19 Agricultural and Mechanical University, and the Florida
20 International University. For the purposes of this section, a
21 minority student qualified to receive assistance from the
22 Virgil Hawkins Fellows Assistance Program shall be identified
23 pursuant to policies adopted by the State Board of Education.

24 (2) Each student who is awarded a fellowship shall be
25 entitled to receive an award under this act for each academic
26 term that the student is in good standing as approved by the
27 law school pursuant to guidelines of the State Board of
28 Education.

29 (3) If a fellowship vacancy occurs, that slot shall be
30 reassigned and funded as a continuing fellowship for the
31

1 remainder of the period for which the award was originally
2 designated.

3 (4) The State Board of Education shall adopt policies,
4 and the Department of Education shall administer the Virgil
5 Hawkins Fellows Assistance Program.

6 Section 454. Section 1009.70, Florida Statutes, is
7 created to read:

8 1009.70 Florida Education Fund.--

9 (1) This section shall be known and may be cited as
10 the "Florida Education Fund Act."

11 (2)(a) The Florida Education Fund, a not-for-profit
12 statutory corporation, is created from a challenge endowment
13 grant from the McKnight Foundation and operates on income
14 derived from the investment of endowment gifts and other gifts
15 as provided by state statute and appropriate matching funds as
16 provided by the state.

17 (b) The amount appropriated to the fund shall be on
18 the basis of \$1 for each \$2 contributed by private sources.
19 The Florida Education Fund shall certify to the Legislature
20 the amount of donations contributed between July 1, 1990, and
21 June 30, 1991. Only the new donations above the certified base
22 shall be calculated for state matching funds during the first
23 year of the program. In subsequent years, only the new
24 donations above the certified prior year base shall be
25 calculated for state matching funds.

26 (3) The Florida Education Fund shall use the income of
27 the fund to provide for programs which seek to:

28 (a) Enhance the quality of higher educational
29 opportunity in this state;

30 (b) Enhance equality by providing access to effective
31 higher education programs by minority and economically

1 deprived individuals in this state, with particular
2 consideration to be given to the needs of both blacks and
3 women; and
4 (c) Increase the representation of minorities in
5 faculty and administrative positions in higher education in
6 this state and to provide more highly educated minority
7 leadership in business and professional enterprises in this
8 state.
9 (4) The Florida Education Fund shall be administered
10 by a board of directors, which is hereby established.
11 (a) The board of directors shall consist of 12
12 members, to be appointed as follows:
13 1. Two laypersons appointed by the Governor;
14 2. Two laypersons appointed by the President of the
15 Senate;
16 3. Two laypersons appointed by the Speaker of the
17 House of Representatives; and
18 4. Two representatives of state universities, two
19 representatives of public community colleges, and two
20 representatives of independent colleges or universities
21 appointed by the State Board of Education.
22
23 The board of directors may appoint to the board an additional
24 five members from the private sector for the purpose of
25 assisting in the procurement of private contributions. Such
26 members shall serve as voting members of the board.
27 (b) Each of the educational sectors in paragraph (a)
28 shall be represented by a president and a faculty member of
29 the corresponding institutions.
30 (c) Each director shall hold office for a term of 3
31 years or until resignation or removal for cause. A director

1 may resign at any time by filing his or her written
2 resignation with the executive secretary for the board. The
3 terms of the directors shall be staggered so that the terms of
4 one-third of the directors will expire annually.

5 (d) In the event of a vacancy on the board caused by
6 other than the expiration of a term, a new member shall be
7 appointed by the appointing entity in the sector of which the
8 vacancy occurs.

9 (e) Each member is accountable to the Governor for the
10 proper performance of the duties of his or her office. The
11 Governor shall cause any complaint or unfavorable report
12 received concerning an action of the board or any of its
13 members to be investigated and shall take appropriate action
14 thereon. The Governor may remove any member from office for
15 malfeasance, misfeasance, neglect of duty, incompetence, or
16 permanent inability to perform his or her official duties or
17 for pleading nolo contendere to, or being found guilty of, a
18 crime.

19 (5) The Board of Directors of the Florida Education
20 Fund shall review and evaluate initial programs created by the
21 McKnight Foundation and continue funding the Black Doctorate
22 Fellowship Program and the Junior Fellowship Program if the
23 evaluation is positive, and the board shall identify,
24 initiate, and fund new and creative programs and monitor,
25 review, and evaluate those programs. The purpose of this
26 commitment is to broaden the participation and funding
27 potential for further significant support of higher education
28 in this state. In addition, the board shall:

29 (a) Hold such meetings as are necessary to implement
30 the provisions of this section.

31 (b) Select a chairperson annually.

- 1 (c) Adopt and use an official seal in the
2 authentication of its acts.
- 3 (d) Make rules for its own government.
- 4 (e) Administer this section.
- 5 (f) Appoint an executive director to serve at its
6 pleasure and perform all duties assigned by the board. The
7 executive director shall be the chief administrative officer
8 and agent of the board.
- 9 (g) Maintain a record of its proceedings.
- 10 (h) Delegate to the chairperson of the board the
11 responsibility for signing final orders.
- 12 (i) Utilize existing higher education organizations,
13 associations, and agencies to carry out its educational
14 programs and purposes with minimal staff employment.
- 15 (j) Be empowered to enter into contracts with the
16 Federal Government, state agencies, or individuals.
- 17 (k) Receive bequests, gifts, grants, donations, and
18 other valued goods and services. Such bequests and gifts
19 shall be used only for the purpose or purposes stated by the
20 donor.
- 21 (6) The board of directors is authorized to establish
22 a trust fund from the proceeds of the Florida Education Fund.
23 All funds deposited into the trust fund shall be invested
24 pursuant to the provisions of s. 215.47. Interest income
25 accruing to the unused portion of the trust fund shall
26 increase the total funds available for endowments. The
27 Department of Education may, at the request of the board of
28 directors, administer the fund for investment purposes.
- 29 (7) It is the intent of the Legislature that the Board
30 of Directors of the Florida Education Fund recruit eligible
31 residents of the state before it extends its search to

1 eligible nonresidents. However, for the purposes of subsection
2 (8), the board of directors shall recruit eligible residents
3 only. It is further the intent of the Legislature that the
4 board of directors establish service terms, if any, that
5 accompany the award of moneys from the fund.

6 (8) There is created a legal education component of
7 the Florida Education Fund to provide the opportunity for
8 minorities to attain representation within the legal
9 profession proportionate to their representation within the
10 general population. The legal education component of the
11 Florida Education Fund includes a law school program and a
12 pre-law program.

13 (a) The law school scholarship program of the Florida
14 Education Fund is to be administered by the Board of Directors
15 of the Florida Education Fund for the purpose of increasing by
16 200 the number of minority students enrolled in law schools in
17 this state. Implementation of this program is to be phased in
18 over a 3-year period.

19 1. The board of directors shall provide financial,
20 academic, and other support to students selected for
21 participation in this program from funds appropriated by the
22 Legislature.

23 2. Student selection must be made in accordance with
24 rules adopted by the board of directors for that purpose and
25 must be based, at least in part, on an assessment of potential
26 for success, merit, and financial need.

27 3. Support must be made available to students who
28 enroll in private, as well as public, law schools in this
29 state which are accredited by the American Bar Association.

30 4. Scholarships must be paid directly to the
31 participating students.

1 5. Students who participate in this program must agree
2 in writing to sit for The Florida Bar examination and, upon
3 successful admission to The Florida Bar, to either practice
4 law in the state for a period of time equal to the amount of
5 time for which the student received aid, up to 3 years, or
6 repay the amount of aid received.

7 6. Annually the board of directors shall compile a
8 report that includes a description of the selection process,
9 an analysis of the academic progress of all scholarship
10 recipients, and an analysis of expenditures. This report must
11 be submitted to the President of the Senate, the Speaker of
12 the House of Representatives, and the Governor.

13 (b) The minority pre-law scholarship loan program of
14 the Florida Education Fund is to be administered by the Board
15 of Directors of the Florida Education Fund for the purpose of
16 increasing the opportunity of minority students to prepare for
17 law school.

18 1. From funds appropriated by the Legislature, the
19 board of directors shall provide for student fees, room,
20 board, books, supplies, and academic and other support to
21 selected minority undergraduate students matriculating at
22 eligible public and independent colleges and universities in
23 Florida.

24 2. Student selection must be made in accordance with
25 rules adopted by the board of directors for that purpose and
26 must be based, at least in part, on an assessment of potential
27 for success, merit, and financial need.

28 3. To be eligible, a student must make a written
29 agreement to enter or be accepted to enter a law school in
30 this state within 2 years after graduation or repay the
31 scholarship loan amount plus interest at the prevailing rate.

1 4. Recipients who fail to gain admission to a law
2 school within the specified period of time, may, upon
3 admission to law school, be eligible to have their loans
4 canceled.

5 5. Minority pre-law scholarship loans shall be
6 provided to 34 minority students per year for up to 4 years
7 each, for a total of 136 scholarship loans. To continue
8 receipt of scholarship loans, recipients must maintain a 2.75
9 grade point average for the freshman year and a 3.25 grade
10 point average thereafter. Participants must also take
11 specialized courses to enhance competencies in English and
12 logic.

13 6. The board of directors shall maintain records on
14 all scholarship loan recipients. Participating institutions
15 shall submit academic progress reports to the board of
16 directors following each academic term. Annually, the board
17 of directors shall compile a report that includes a
18 description of the selection process, an analysis of the
19 academic progress of all scholarship loan recipients, and an
20 analysis of expenditures. This report must be submitted to
21 the President of the Senate, the Speaker of the House of
22 Representatives, and the Governor.

23 Section 455. Section 1009.72, Florida Statutes, is
24 created to read:

25 1009.72 Jose Marti Scholarship Challenge Grant
26 Program.--

27 (1) There is hereby established a Jose Marti
28 Scholarship Challenge Grant Program to be administered by the
29 Department of Education pursuant to this section and rules of
30 the State Board of Education. The program shall provide
31

1 matching grants for private sources that raise money for
2 scholarships to be awarded to Hispanic-American students.
3 (2) Funds appropriated by the Legislature for the
4 program shall be deposited in the State Student Financial
5 Assistance Trust Fund. The Comptroller shall authorize
6 expenditures from the trust fund upon receipt of vouchers
7 approved by the Department of Education. All moneys collected
8 from private sources for the purposes of this section shall be
9 deposited into the trust fund. Any balance in the trust fund
10 at the end of any fiscal year that has been allocated to the
11 program shall remain therein and shall be available for
12 carrying out the purposes of the program.
13 (3) The Legislature shall designate funds to be
14 transferred to the trust fund for the program from the General
15 Revenue Fund. Such funds shall be divided into challenge
16 grants to be administered by the Department of Education. All
17 appropriated funds deposited into the trust fund for the
18 program shall be invested pursuant to the provisions of s.
19 18.125. Interest income accruing to that portion of the funds
20 that are allocated to the program in the trust fund and not
21 matched shall increase the total funds available for the
22 program.
23 (4) The amount appropriated to the trust fund for the
24 program shall be allocated by the department on the basis of
25 one \$5,000 challenge grant for each \$2,500 raised from private
26 sources. Matching funds shall be generated through
27 contributions made after July 1, 1986, and pledged for the
28 purposes of this section. Pledged contributions shall not be
29 eligible for matching prior to the actual collection of the
30 total funds.
31

1 (5)(a) In order to be eligible to receive a
2 scholarship pursuant to this section, an applicant shall:
3 1. Be a Hispanic-American, or a person of Spanish
4 culture with origins in Mexico, South America, Central
5 America, or the Caribbean, regardless of race.
6 2. Be a citizen of the United States and meet the
7 general requirements for student eligibility as provided in s.
8 1009.40, except as otherwise provided in this section.
9 3. Be accepted at a state university or community
10 college or any Florida college or university that is
11 accredited by an association whose standards are comparable to
12 the minimum standards required to operate a postsecondary
13 education institution at that level in Florida.
14 4. Enroll as a full-time undergraduate or graduate
15 student.
16 5. Earn a 3.0 unweighted grade point average on a 4.0
17 scale, or the equivalent for high school subjects creditable
18 toward a diploma. If an applicant applies as a graduate
19 student, he or she shall have earned a 3.0 cumulative grade
20 point average for undergraduate college-level courses.
21 (b) In order to renew a scholarship awarded pursuant
22 to this section, a student must:
23 1. Earn a grade point average of at least 3.0 on a 4.0
24 scale for the previous term, maintain at least a 3.0 average
25 for college work, or have an average below 3.0 only for the
26 previous term and be eligible for continued enrollment at the
27 institution.
28 2. Maintain full-time enrollment.
29 (6) The annual scholarship to each recipient shall be
30 \$2,000. Priority in the distribution of scholarships shall be
31 given to students with the lowest total family resources.

1 Renewal scholarships shall take precedence over new awards in
2 any year in which funds are not sufficient to meet the total
3 need. No undergraduate student shall receive an award for
4 more than the equivalent of 8 semesters or 12 quarters over a
5 period of no more than 6 consecutive years, except as
6 otherwise provided in s. 1009.40(3). No graduate student
7 shall receive an award for more than the equivalent of 4
8 semesters or 6 quarters.

9 (7) The criteria and procedure for establishing
10 standards of eligibility shall be determined by the
11 department. The department is directed to establish a rating
12 system upon which to base the approval of grants. Such system
13 shall include a certification of acceptability by the
14 postsecondary institution of the applicant's choice.

15 (8) Payment of scholarships shall be transmitted to
16 the president of the postsecondary institution that the
17 recipient is attending or to the president's designee. Should
18 a recipient terminate his or her enrollment during the
19 academic year, the president or his or her designee shall
20 refund the unused portion of the scholarship to the department
21 within 60 days. In the event that a recipient transfers from
22 one eligible institution to another, his or her scholarship
23 shall be transferable upon approval of the department.

24 (9) This section shall be implemented to the extent
25 funded and authorized by law.

26 Section 456. Section 1009.73, Florida Statutes, is
27 created to read:

28 1009.73 Mary McLeod Bethune Scholarship Program.--

29 (1) There is established the Mary McLeod Bethune
30 Scholarship Program to be administered by the Department of
31 Education pursuant to this section and rules of the State

1 Board of Education. The program shall provide matching grants
2 for private sources that raise money for scholarships to be
3 awarded to students who attend Florida Agricultural and
4 Mechanical University, Bethune-Cookman College, Edward Waters
5 College, or Florida Memorial College.

6 (2) Funds appropriated by the Legislature for the
7 program shall be deposited in the State Student Financial
8 Assistance Trust Fund. The Comptroller shall authorize
9 expenditures from the trust fund upon receipt of vouchers
10 approved by the Department of Education. The Department of
11 Education shall receive all moneys collected from private
12 sources for the purposes of this section and shall deposit
13 such moneys into the trust fund. Notwithstanding the
14 provisions of s. 216.301 and pursuant to s. 216.351, any
15 balance in the trust fund at the end of any fiscal year that
16 has been allocated to the program shall remain in the trust
17 fund and shall be available for carrying out the purposes of
18 the program.

19 (3) The Legislature shall appropriate moneys to the
20 trust fund for the program from the General Revenue Fund. Such
21 moneys shall be applied to scholarships to be administered by
22 the Department of Education. All moneys deposited into the
23 trust fund for the program shall be invested pursuant to the
24 provisions of s. 18.125. Interest income accruing to the
25 program shall be expended to increase the total moneys
26 available for scholarships.

27 (4) The moneys in the trust fund for the program shall
28 be allocated by the department among the institutions of
29 higher education listed in subsection (1) on the basis of one
30 \$2,000 challenge grant for each \$1,000 raised from private
31 sources. Matching funds shall be generated through

1 contributions made after July 1, 1990, and pledged for the
2 purposes of this section. Pledged contributions shall not be
3 eligible for matching prior to the actual collection of the
4 total funds. The department shall allocate to each of those
5 institutions a proportionate share of the contributions
6 received on behalf of those institutions and a share of the
7 appropriations and matching funds generated by such
8 institution.

9 (5)(a) In order to be eligible to receive a
10 scholarship pursuant to this section, an applicant must:

11 1. Meet the general eligibility requirements set forth
12 in s. 1009.40.

13 2. Be accepted at Florida Agricultural and Mechanical
14 University, Bethune-Cookman College, Edward Waters College, or
15 Florida Memorial College.

16 3. Enroll as a full-time undergraduate student.

17 4. Earn a 3.0 grade point average on a 4.0 scale, or
18 the equivalent, for high school subjects creditable toward a
19 diploma.

20 (b) In order to renew a scholarship awarded pursuant
21 to this section, a student must earn a minimum cumulative
22 grade point average of 3.0 on a 4.0 scale and complete 12
23 credits each term for which the student received the
24 scholarship.

25 (6) The amount of the scholarship to be granted to
26 each recipient is \$3,000 annually. Priority in the awarding
27 of scholarships shall be given to students having financial
28 need as determined by the institution. If funds are
29 insufficient to provide the full amount of the scholarship
30 authorized in this section to each eligible applicant, the
31 institution may prorate available funds and make a partial

1 award to each eligible applicant. A student may not receive an
2 award for more than the equivalent of 8 semesters or 12
3 quarters over a period of 6 consecutive years, except that a
4 student who is participating in college-preparatory
5 instruction or who requires additional time to complete the
6 college-level communication and computation skills testing
7 program may continue to receive a scholarship while enrolled
8 for the purpose of receiving college-preparatory instruction
9 or while completing the testing program.

10 (7) The criteria and procedure for establishing
11 standards of eligibility shall be determined by the
12 department. The department shall establish a rating system
13 upon which the institutions shall award the scholarships. The
14 system must require a certification of eligibility issued by
15 the postsecondary institution selected by the applicant.

16 (8) Scholarship moneys shall be transmitted to the
17 president or the president's designee of the postsecondary
18 institution that the recipient is attending. The president or
19 his or her designee shall submit a report annually to the
20 Department of Education on the scholarships. If a recipient
21 terminates his or her enrollment during the academic year, the
22 president or his or her designee shall refund the unused
23 portion of the scholarship to the department within 60 days.
24 If a recipient transfers from one of the institutions listed
25 in subsection (1) to another of those institutions, the
26 recipient's scholarship is transferable upon approval of the
27 department.

28 (9) This section shall be implemented in any academic
29 year to the extent funded and authorized by law.

30 (10) The State Board of Education may adopt any rules
31 necessary to implement the provisions of this section.

1 Section 457. Section 1009.74, Florida Statutes, is
2 created to read:

3 1009.74 Theodore R. and Vivian M. Johnson
4 Scholarship Program.--

5 (1) There is established the Theodore R. and Vivian M.
6 Johnson Scholarship Program to be administered by the
7 Department of Education. The program shall provide
8 scholarships to students attending a state university. The
9 program shall be funded by contributions from the Theodore R.
10 and Vivian M. Johnson Scholarship Foundation and from state
11 matching funds to be allocated from the Trust Fund for Major
12 Gifts.

13 (2) The amount to be allocated to the program shall be
14 on the basis of a 50-percent match of funds from the Trust
15 Fund for Major Gifts for each contribution received from the
16 Theodore R. and Vivian M. Johnson Scholarship Foundation. The
17 funds allocated to the program, including the corpus and
18 interest income, shall be expended for scholarships to benefit
19 disabled students attending a state university.

20 (3) Students eligible for receipt of scholarship funds
21 shall provide documentation of a disability and shall have a
22 demonstrated financial need for the funds.

23 Section 458. Section 1009.76, Florida Statutes, is
24 created to read:

25 1009.76 Ethics in Business Scholarship Program for
26 state universities.--The Ethics in Business Scholarship
27 Program for state universities is hereby created, to be
28 administered by the Department of Education. Moneys
29 appropriated and allocated to university foundations for
30 purposes of the program shall be used to create endowments for
31 the purpose of providing scholarships to undergraduate college

1 students enrolled in state institutions of higher learning who
2 register for one or more credit hours in courses in business
3 ethics and who have demonstrated a commitment to serving the
4 interests of their community. First priority for awarding such
5 scholarships shall be given to students who demonstrate
6 financial need.

7 Section 459. Section 1009.765, Florida Statutes, is
8 created to read:

9 1009.765 Ethics in Business scholarships for community
10 colleges and independent postsecondary educational
11 institutions.--When the Department of Insurance receives a \$6
12 million settlement as specified in the Consent Order of the
13 Treasurer and Insurance Commissioner, case number 18900-96-c,
14 that portion of the \$6 million not used to satisfy the
15 requirements of section 18 of the Consent Order must be
16 transferred from the Insurance Commissioner's Regulatory Trust
17 Fund to the State Student Financial Assistance Trust Fund is
18 appropriated from the State Student Financial Assistance Trust
19 Fund to provide Ethics in Business scholarships to students
20 enrolled in public community colleges and independent
21 postsecondary educational institutions eligible to participate
22 in the William L. Boyd, IV, Florida Resident Access Grant
23 Program under s. 1009.89. The funds shall be allocated to
24 institutions for scholarships in the following ratio:
25 Two-thirds for community colleges and one-third for eligible
26 independent institutions. The Department of Education shall
27 administer the scholarship program for students attending
28 community colleges and independent institutions. These funds
29 must be allocated to institutions that provide an equal amount
30 of matching funds generated by private donors for the purpose
31 of providing Ethics in Business scholarships. Public funds may

1 not be used to provide the match, nor may funds collected for
2 other purposes. Notwithstanding any other provision of law,
3 the State Board of Administration shall have the authority to
4 invest the funds appropriated under this section. The
5 Department of Education may adopt rules for administration of
6 the program.

7 Section 460. Section 1009.77, Florida Statutes, is
8 created to read:

9 1009.77 Florida Work Experience Program.--

10 (1) There is established the Florida Work Experience
11 Program to be administered by the Department of Education. The
12 purpose of the program is to introduce eligible students to
13 work experience that will complement and reinforce their
14 educational program and career goals and provide a self-help
15 student aid program. Such program shall be available to:

16 (a) Any student attending a state university or
17 community college authorized by Florida law; or

18 (b) Any student attending a nonprofit Florida
19 postsecondary education institution that is eligible to
20 participate in either of the student assistance grant programs
21 established in ss. 1009.51 and 1009.52.

22 (2)(a) A participating institution may use up to 25
23 percent of its program allocation for student employment
24 within the institution.

25 (b) A participating institution may use up to 10
26 percent of its program allocation for program administration.

27 (3) Each participating institution is authorized to
28 enter into contractual agreements with private or public
29 employers for the purpose of establishing a Florida work
30 experience program.

31

1 (4) The participating postsecondary educational
2 institution shall be responsible for reimbursing employers for
3 student wages from moneys it receives from the trust fund
4 pursuant to subsection (8). Public elementary or secondary
5 school employers shall be reimbursed for 100 percent of the
6 student's wages by the participating institution. All other
7 employers shall be reimbursed for 70 percent of the student's
8 wages. When a college or university employs a student on
9 campus through this program, other student financial aid funds
10 may not be used to fund the institution's 30-percent portion
11 of the student's wages.

12 (5) The employer is responsible for furnishing the
13 full cost of any mandatory benefits. Such benefits may not be
14 considered part of the 30-percent wage requirement total for
15 matching purposes.

16 (6) A student is eligible to participate in the
17 Florida Work Experience Program if the student:

18 (a) Is enrolled at an eligible college or university
19 as no less than a half-time undergraduate student in good
20 standing. However, a student may be employed during the break
21 between two consecutive terms or employed, although not
22 enrolled, during a term if the student was enrolled at least
23 half time during the preceding term and preregisters as no
24 less than a half-time student for the subsequent academic
25 term. A student who attends an institution that does not
26 provide preregistration shall provide documentation of intent
27 to enroll as no less than a half-time student for the
28 subsequent academic term.

29 (b) Meets the general requirements for student
30 eligibility as provided in s. 1009.40, except as otherwise
31 provided in this section.

1 (c) Demonstrates financial need.

2 (d) Maintains a 2.0 cumulative grade point average on
3 a 4.0 scale for all college work.

4 (7) The Department of Education shall prescribe such
5 rules for the program as are necessary for its administration,
6 for the determination of eligibility and selection of
7 institutions to receive funds for students, to ensure the
8 proper expenditure of funds, and to provide an equitable
9 distribution of funds between students at public and
10 independent colleges and universities.

11 (8) Funds appropriated by the Legislature for the
12 Florida Work Experience Program shall be deposited in the
13 State Student Financial Assistance Trust Fund. The Comptroller
14 shall authorize expenditures from the trust fund upon receipt
15 of vouchers approved by the Department of Education. Any
16 balance therein at the end of any fiscal year that has been
17 allocated to the program shall remain therein and shall be
18 available for carrying out the purposes of the program.

19 Section 461. Section 1009.78, Florida Statutes, is
20 created to read:

21 1009.78 Student Loan Program.--There is hereby created
22 a Student Loan Program, referred to in ss. 1009.78-1009.88 as
23 the program.

24 Section 462. Section 1009.79, Florida Statutes, is
25 created to read:

26 1009.79 Issuance of revenue bonds pursuant to s. 15,
27 Art. VII, State Constitution.--

28 (1) The issuance of revenue bonds to finance the
29 establishment of the program, to be payable primarily from
30 payments of interest, principal, and handling charges to the
31 program from the recipients of the loans, and with the other

1 revenues authorized hereby being pledged as additional
2 security, is hereby authorized, subject and pursuant to the
3 provisions of s. 15, Art. VII, State Constitution; the State
4 Bond Act, ss. 215.57-215.83; and ss. 1009.78-1009.88.

5 (2) The amount of such revenue bonds to be issued
6 shall be determined by the Division of Bond Finance of the
7 State Board of Administration. However, the total principal
8 amount outstanding shall not exceed \$80 million, other than
9 refunding bonds issued pursuant to s. 215.79.

10 Section 463. Section 1009.80, Florida Statutes, is
11 created to read:

12 1009.80 Approval of loans; administration of
13 program.--

14 (1) The loans to be made with the proceeds of the
15 program shall be determined and approved by the Department of
16 Education, pursuant to rules promulgated by the State Board of
17 Education. The program shall be administered by the
18 Department of Education as provided by law and the proceeds
19 thereof shall be maintained and secured in the same manner as
20 other public trust funds.

21 (2) The Department of Education may contract for the
22 purchase of federally insured student loans to be made by
23 other eligible lenders under the guaranteed student loan
24 program; however, any such loans must comply with all
25 applicable requirements of s. 15, Art. VII of the State
26 Constitution, ss. 1009.78-1009.88, the rules of the State
27 Board of Education relating to the guaranteed student loan
28 program, and the proceedings authorizing the student loan
29 revenue bonds, and the loans so purchased shall have been made
30 during the period specified in the contract.

31

1 (3) The Department of Education may sell loan notes
2 acquired pursuant to ss. 1009.78-1009.88 to the federally
3 created Student Loan Marketing Association or another
4 federally authorized holder of such notes. The department may
5 also repurchase loan notes from authorized holders of such
6 notes. The department shall comply with applicable federal
7 law and regulations and the provisions of any agreement with
8 the Student Loan Marketing Association or the other authorized
9 holders.

10 Section 464. Section 1009.81, Florida Statutes, is
11 created to read:

12 1009.81 Loan agreements.--The Department of Education
13 may enter into loan agreements between the department and the
14 recipients of loans from the program for such periods and
15 under such other terms and conditions as may be prescribed by
16 the applicable rules and regulations and mutually agreed upon
17 by the parties thereto in order to carry out the purposes of
18 s. 15, Art. VII, State Constitution and ss. 1009.78-1009.88.

19 Section 465. Section 1009.82, Florida Statutes, is
20 created to read:

21 1009.82 Terms of loans.--The term of all authorized
22 loans shall be fixed by rules adopted by the state board and
23 the loan agreements to be entered into with the student
24 borrowers.

25 Section 466. Section 1009.83, Florida Statutes, is
26 created to read:

27 1009.83 Rate of interest and other charges.--The
28 Department of Education shall from time to time fix the
29 interest and other charges to be paid for any student loan, at
30 rates sufficient to pay the interest on revenue bonds issued
31 pursuant to ss. 1009.78-1009.88, plus any costs incident to

1 issuance, sale, security, and retirement thereof, including
2 administrative expenses.

3 Section 467. Section 1009.84, Florida Statutes, is
4 created to read:

5 1009.84 Procurement of insurance as security for
6 loans.--The Department of Education may contract with any
7 insurance company or companies licensed to do business in the
8 state for insurance payable in the event of the death or total
9 disability of any student borrower in an amount sufficient to
10 retire the principal and interest owed under a loan made as
11 provided in ss. 1009.78-1009.88. The cost of any insurance
12 purchased under this section shall be paid by the student
13 borrower as a part of the handling charges for the loan or as
14 a separate item to be paid in connection with the loan.

15 Section 468. Section 1009.85, Florida Statutes, is
16 created to read:

17 1009.85 Participation in guaranteed student loan
18 program.--The State Board of Education shall adopt rules
19 necessary for participation in the guaranteed student loan
20 program, as provided by the Higher Education Act of 1965 (20
21 U.S.C. ss. 1071 et seq.), as amended or as may be amended. The
22 intent of this act is to authorize student loans when this
23 state, through the Department of Education, has become an
24 eligible lender under the provisions of the applicable federal
25 laws providing for the guarantee of loans to students and the
26 partial payment of interest on such loans by the United States
27 Government.

28 Section 469. Section 1009.86, Florida Statutes, is
29 created to read:

30 1009.86 Student Loan Operating Trust Fund.--
31

1 (1) The Student Loan Operating Trust Fund is hereby
2 created, to be administered by the Department of Education.
3 Funds shall be credited to the trust fund pursuant to the
4 Higher Education Act of 1965, as amended, from loan processing
5 and issuance fees, administrative cost allowances, account
6 maintenance fees, default aversion fees, amounts remaining
7 from collection of defaulted loans, amounts borrowed from the
8 Student Loan Guaranty Reserve Fund, and other amounts
9 specified in federal regulation. The purpose of the trust fund
10 is to segregate funds used for administration of the
11 guaranteed student loan program from the reserve funds used to
12 guarantee student loans contained in the Student Loan Guaranty
13 Reserve Fund. The fund is exempt from the service charges
14 imposed by s. 215.20.

15 (2) 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 at the
18 end of the year and shall be available for carrying out the
19 purposes of the trust fund.

20 (3) Pursuant to the provisions of s. 19(f)(2), Art.
21 III of the State Constitution, the trust fund shall, unless
22 terminated sooner, be terminated on July 1, 2003. However,
23 prior to its scheduled termination, the trust fund shall be
24 reviewed as provided in s. 215.3206(1) and (2).

25 Section 470. Section 1009.87, Florida Statutes, is
26 created to read:

27 1009.87 Provisions of ss. 1009.78-1009.88
28 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in
29 addition to the other provisions of this chapter and shall not
30 be construed to be in derogation thereof, except as otherwise
31 expressly provided hereby.

1 Section 471. Section 1009.88, Florida Statutes, is
2 created to read:

3 1009.88 Validation of bonds.--Revenue bonds issued
4 pursuant to ss. 1009.78-1009.88 shall be validated in the
5 manner provided by chapter 75. In actions to validate such
6 revenue bonds, the complaint shall be filed in the circuit
7 court of the county where the seat of state government is
8 situated, the notice required by s. 75.06 to be published
9 shall be published only in the county where the complaint is
10 filed, and the complaint and order of the circuit court shall
11 be served only on the attorney of the circuit in which the
12 action is pending.

13 Section 472. Section 1009.89, Florida Statutes, is
14 created to read:

15 1009.89 The William L. Boyd, IV, Florida resident
16 access grants.--

17 (1) The Legislature finds and declares that
18 independent nonprofit colleges and universities eligible to
19 participate in the William L. Boyd, IV, Florida Resident
20 Access Grant Program are an integral part of the higher
21 education system in this state and that a significant number
22 of state residents choose this form of higher education. The
23 Legislature further finds that a strong and viable system of
24 independent nonprofit colleges and universities reduces the
25 tax burden on the citizens of the state. Because the William
26 L. Boyd, IV, Florida Resident Access Grant Program is not
27 related to a student's financial need or other criteria upon
28 which financial aid programs are based, it is the intent of
29 the Legislature that the William L. Boyd, IV, Florida Resident
30 Access Grant Program not be considered a financial aid program
31 but rather a tuition assistance program for its citizens.

1 (2) The William L. Boyd, IV, Florida Resident Access
2 Grant Program shall be administered by the Department of
3 Education. The State Board of Education shall adopt rules for
4 the administration of the program.

5 (3) The department shall issue through the program a
6 William L. Boyd, IV, Florida resident access grant to any
7 full-time degree-seeking undergraduate student registered at
8 an independent nonprofit college or university which is
9 located in and chartered by the state; which is accredited by
10 the Commission on Colleges of the Southern Association of
11 Colleges and Schools; which grants baccalaureate degrees;
12 which is not a state university or state community college;
13 and which has a secular purpose, so long as the receipt of
14 state aid by students at the institution would not have the
15 primary effect of advancing or impeding religion or result in
16 an excessive entanglement between the state and any religious
17 sect. Any independent college or university that was eligible
18 to receive tuition vouchers on January 1, 1989, and which
19 continues to meet the criteria under which its eligibility was
20 established, shall remain eligible to receive William L. Boyd,
21 IV, Florida resident access grant payments.

22 (4) A person is eligible to receive such William L.
23 Boyd, IV, Florida resident access grant if:

24 (a) He or she meets the general requirements,
25 including residency, for student eligibility as provided in s.
26 1009.40, except as otherwise provided in this section; and

27 (b)1. He or she is enrolled as a full-time
28 undergraduate student at an eligible college or university;

29 2. He or she is not enrolled in a program of study
30 leading to a degree in theology or divinity; and

31

1 3. He or she is making satisfactory academic progress
2 as defined by the college or university in which he or she is
3 enrolled.

4 (5)(a) Funding for the William L. Boyd, IV, Florida
5 Resident Access Grant Program shall be based on a formula
6 composed of planned enrollment and the state cost of funding
7 undergraduate enrollment at public institutions pursuant to s.
8 1011.90. The amount of the William L. Boyd, IV, Florida
9 resident access grant issued to a full-time student shall be
10 an amount as specified in the General Appropriations Act. The
11 William L. Boyd, IV, Florida resident access grant may be paid
12 on a prorated basis in advance of the registration period. The
13 department shall make such payments to the college or
14 university in which the student is enrolled for credit to the
15 student's account for payment of tuition and fees.
16 Institutions shall certify to the department the amount of
17 funds disbursed to each student and shall remit to the
18 department any undisbursed advances or refunds within 60 days
19 of the end of regular registration. Students shall not be
20 eligible to receive the award for more than 9 semesters or 14
21 quarters, except as otherwise provided in s. 1009.40(3).

22 (b) If the combined amount of the William L. Boyd, IV,
23 Florida resident access grant issued pursuant to this act and
24 all other scholarships and grants for tuition or fees exceeds
25 the amount charged to the student for tuition and fees, the
26 department shall reduce the William L. Boyd, IV, Florida
27 resident access grant issued pursuant to this act by an amount
28 equal to such excess.

29 (6) Funds appropriated by the Legislature for the
30 William L. Boyd, IV, Florida Resident Access Grant Program
31 shall be deposited in the State Student Financial Assistance

1 Trust Fund. Notwithstanding the provisions of s. 216.301 and
2 pursuant to s. 216.351, any balance in the trust fund at the
3 end of any fiscal year which has been allocated to the William
4 L. Boyd, IV, Florida Resident Access Grant Program shall
5 remain therein and shall be available for carrying out the
6 purposes of this section. If the number of eligible students
7 exceeds the total authorized in the General Appropriations
8 Act, an institution may use its own resources to assure that
9 each eligible student receives the full benefit of the grant
10 amount authorized.

11 Section 473. Part III.c. of chapter 1009, Florida
12 Statutes, shall be entitled "Role of the Department of
13 Education" and shall consist of ss. 1009.90-1009.96.

14 Section 474. Section 1009.90, Florida Statutes, is
15 created to read:

16 1009.90 Duties of the Department of Education.--The
17 duties of the department shall include:

18 (1) Administration of this part and rules adopted by
19 the State Board of Education.

20 (2) Administration of federal funding, insurance, or
21 reinsurance in full compliance with applicable federal laws
22 and regulations.

23 (3) Development of written administrative procedures
24 and controls for the administration of each financial aid
25 program conducted by the office, maintenance of program
26 records and documents, timely collection and remittance of
27 insurance premiums, and timely assignment of defaulted loans
28 to collection agencies.

29 (4) Annual compilation of sources of financial aid
30 available to students in this state.

31

1 (5) Biennial analysis of the amount of available
2 financial aid moneys and the effect of such moneys on student
3 access to postsecondary institutions.

4 (6) Biennial internal evaluation of the administrative
5 efficiency and effectiveness of the office.

6 (7) Annual assessment of the accuracy of eligibility
7 information from a random sample of award recipients.

8 (8) Annual review of procedures for the distribution
9 of state financial aid funds.

10 (9) Development and submission of a report, annually,
11 to the State Board of Education, the President of the Senate,
12 and the Speaker of the House of Representatives, which shall
13 include, but not be limited to, recommendations for the
14 distribution of state financial aid funds.

15 (10) Development and evaluation of a comprehensive,
16 long-range program of all sources of student financial aid.

17 (11) Dissemination of information on available
18 financial aid programs to district school superintendents and
19 other persons who request such information.

20 (12) Calculation of the amount of need-based student
21 financial aid required to offset fee increases recommended by
22 the State Board of Education and inclusion of such amount
23 within the legislative budget request for student assistance
24 grant programs.

25 Section 475. Section 1009.91, Florida Statutes, is
26 created to read:

27 1009.91 Assistance programs and activities of the
28 department.--

29 (1) The department may contract for the administration
30 of the student financial assistance programs as specifically
31 provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

1 (2) The department may contract to provide the
2 planning and development activities required pursuant to the
3 provisions of this part.

4 (3) The department shall administer the guarantee of
5 student loans made by participating commercial financial
6 institutions in such a manner as to fully comply with
7 applicable provisions of the Higher Education Act of 1965, as
8 amended, relating to loan reinsurance.

9 (4) The department shall maintain records on the
10 student loan default rate of each Florida postsecondary
11 institution and report that information annually to both the
12 institution and the State Board of Education.

13 Section 476. Section 1009.92, Florida Statutes, is
14 created to read:

15 1009.92 Funding for programs administered by the
16 department.--

17 (1) In the preparation of its annual budget, the
18 department shall request that the Legislature continue to
19 provide funding for applicable programs from the General
20 Revenue Fund.

21 (2) The department is authorized to expend moneys from
22 available trust funds in applicable student financial
23 assistance programs.

24 (3) There is created a Student Loan Guaranty Reserve
25 Fund, which shall be administered by the department in
26 carrying out the provisions of this act.

27 (4) The principal sources of operating funds shall be
28 from the earnings from the temporary investment of the Student
29 Loan Guaranty Reserve Fund and from compensation for services
30 performed under contract for the administration of student
31 financial assistance programs pursuant to s. 1009.91.

1 (5) The department is authorized to accept grant funds
2 under the Leveraging Educational Assistance Program and
3 Supplemental Leveraging Educational Assistance Program of the
4 Federal Government, as provided by the Higher Education Act of
5 1965, as amended.

6 (6) The department is authorized to accept federal
7 advances for the establishment of the Student Loan Guaranty
8 Reserve Fund pursuant to the Higher Education Act of 1965, as
9 amended, under agreement with the United States Commissioner
10 of Education and to maintain such advances until recalled by
11 the United States Commissioner of Education.

12 (7) The department is authorized to assess a student
13 loan insurance premium on each loan guaranteed by the
14 department. The amount of insurance premium will be determined
15 by the department in the amount sufficient to maintain the
16 pledged level of reserve funds but in no event may the amount
17 of the insurance premium exceed the maximum provided by
18 federal law.

19 (8) The department shall invest, or contract for the
20 temporary investment of, any unencumbered cash, and the
21 interest earned therefrom, except as otherwise provided for by
22 law or covenant, shall accrue to the Student Loan Guaranty
23 Reserve Fund or for the administration of financial aid
24 programs.

25 Section 477. Section 1009.93, Florida Statutes, is
26 created to read:

27 1009.93 Student financial aid planning and
28 development.--

29 (1) The department shall administer a student
30 financial aid planning and development program. It is the
31 intent of the Legislature that a specific sum of funds be

1 allocated each year for the purpose of sponsoring the design,
2 development, and implementation of a comprehensive program of
3 student financial aid and of initiating activities of
4 inservice training for student financial aid administrators
5 and activities to encourage maximum lender participation in
6 guaranteed loans.

7 (2) The objective of a state program is the
8 maintenance of a state student financial aid program to
9 supplement a basic national program which will provide equal
10 access to postsecondary education to citizens of this state
11 who have the ability and motivation to benefit from a
12 postsecondary education. In the development of a state program
13 to achieve this objective, it shall be the policy that:

14 (a) State student financial aid be provided primarily
15 on the basis of financial need;

16 (b) Students receiving need-based financial aid be
17 expected to contribute toward their cost of education through
18 self-help resources such as savings, work, and loans;

19 (c) Student financial aid be available to state
20 residents for attendance at accredited public or private
21 institutions of higher education in this state;

22 (d) Student financial aid be provided for all levels
23 of postsecondary education; and

24 (e) State student financial aid be administered by a
25 central state agency.

26
27 Planning and development must be in accordance with the
28 foregoing objective and policies.

29 (3) The planning and development procedures shall
30 provide for:

31 (a) The review of public policy;

1 (b) The development of performance objectives;
2 (c) The development of alternate approaches;
3 (d) The evaluation of performance; and
4 (e) The participation and involvement in the planning
5 process of representatives of the groups affected by a state
6 program of student financial aid.

7 (4) The State Board of Education shall adopt rules
8 providing for the verification of the independent status of
9 state financial aid recipients.

10 (5) The department shall encourage industry and
11 education linkages through the development of temporary
12 employment opportunities for students attending postsecondary
13 institutions in this state.

14 Section 478. Section 1009.94, Florida Statutes, is
15 created to read:

16 1009.94 Student financial assistance database.--

17 (1) The Department of Education shall design and
18 maintain a student financial assistance database that can be
19 used to support all aspects of the administration and delivery
20 of state-funded student financial aid. In addition, the
21 database must have the capability of providing policymakers
22 with comprehensive information regarding the various financial
23 assistance programs available to students attending Florida
24 postsecondary education institutions.

25 (2) For purposes of this section, financial assistance
26 includes:

27 (a) For all students, any scholarship, grant, loan,
28 fee waiver, tuition assistance payment, or other form of
29 compensation provided from state or federal funds.

30 (b) For students attending public institutions, any
31 scholarship, grant, loan, fee waiver, tuition assistance

1 payment, or other form of compensation supported by
2 institutional funds.

3 (3) The database must include records on any student
4 receiving any form of financial assistance as described in
5 subsection (2). Institutions participating in any state
6 financial assistance program shall annually submit such
7 information to the Department of Education in a format
8 prescribed by the department and consistent with the
9 provisions of s. 1002.22.

10 Section 479. Section 1009.95, Florida Statutes, is
11 created to read:

12 1009.95 Delinquent accounts.--

13 (1) The Department of Education is directed to exert
14 every lawful and reasonable effort to collect all delinquent
15 unpaid and uncanceled scholarship loan notes, student loan
16 notes, and defaulted guaranteed loan notes.

17 (2) The department may establish a recovery account
18 into which unpaid and uncanceled scholarship loan note,
19 student loan note, and defaulted guaranteed loan note accounts
20 may be transferred.

21 (3) The department may settle any delinquent unpaid
22 and uncanceled scholarship loan notes, student loan notes, and
23 defaulted guaranteed loan notes and employ the service of a
24 collection agent when deemed advisable in collecting
25 delinquent or defaulted accounts. However, no collection agent
26 may be paid a commission in excess of 35 percent of the amount
27 collected. Any expense incurred by the department in enforcing
28 the collection of a loan note may be borne by the signer of
29 the note and may be added to the amount of the principal of
30 such note.

31

1 (4) The department may charge off unpaid and
2 uncanceled scholarship loan notes and student loan notes which
3 are at least 3 years delinquent and which prove uncollectible
4 after good faith collection efforts. However, a delinquent
5 account with a past due balance of \$25 or less may be charged
6 off as uncollectible when it becomes 6 months past due and the
7 cost of further collection effort or assignment to a
8 collection agent would not be warranted.

9 (5) No individual borrower who has been determined to
10 be in default in making legally required scholarship loan,
11 student loan, or guaranteed loan repayments shall be furnished
12 with his or her academic transcripts or other student records
13 until such time as the loan is paid in full or the default
14 status has been removed.

15 (6) The department may charge an individual borrower
16 who has been determined to be in default in making legally
17 required loan repayments the maximum interest rate authorized
18 by law.

19 (7) The State Board of Education shall adopt such
20 rules as are necessary to regulate the collection, settlement,
21 and charging off of delinquent unpaid and uncanceled
22 scholarship loan notes, student loan notes, and defaulted
23 guaranteed loan notes.

24 Section 480. Section 1009.96, Florida Statutes, is
25 created to read:

26 1009.96 Annual review of financial assistance
27 programs.--All new and existing financial assistance programs
28 authorized under this chapter which are not funded for 3
29 consecutive years after enactment shall stand repealed.
30 Financial assistance programs provided under this part on July
31 1, 1992, which lose funding for 3 consecutive years shall

1 stand repealed. The Department of Education shall annually
2 review the legislative appropriation for financial assistance
3 programs to identify such programs.

4 Section 481. Part IV of chapter 1009, Florida
5 Statutes, shall be entitled "Prepaid College Board Programs"
6 and shall consist of ss. 1009.97-1009.984.

7 Section 482. Section 1009.97, Florida Statutes, is
8 created to read:

9 1009.97 General provisions.--

10 (1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The
11 Legislature recognizes that educational opportunity at the
12 postsecondary level is a critical state interest and is best
13 ensured through the provision of postsecondary institutions
14 that are geographically and financially accessible, that
15 affordability and accessibility of higher education are
16 essential to the welfare and well-being of the residents of
17 the state and are a critical state interest, and that
18 promoting and enhancing financial access to postsecondary
19 institutions serve a legitimate public purpose.

20 (2) LEGISLATIVE INTENT.--It is the intent of the
21 Legislature that a prepaid program be established through
22 which many of the costs associated with postsecondary
23 attendance may be paid in advance and fixed at a guaranteed
24 level for the duration of undergraduate enrollment and that
25 this program fosters timely financial planning for
26 postsecondary attendance and to encourage employer
27 participation in such planning through program contributions
28 on behalf of employees and the dependents of employees. It is
29 further the intent of the Legislature that a savings program
30 be established as a supplement and alternative to the prepaid
31 program to allow persons to make contributions to a trust

1 account to meet some or all of the qualified higher education
2 expenses of a designated beneficiary, consistent with federal
3 law authorizing such programs, but without a guarantee by the
4 state that such contributions, together with the investment
5 return on such contributions, if any, will be adequate to pay
6 for qualified higher education expenses, to enable
7 participants to save for qualified higher education expenses,
8 and to provide a choice to persons who determine that the
9 overall educational needs of their families are best suited to
10 a savings program or who wish to save to meet postsecondary
11 educational needs beyond the traditional 4-year curriculum.
12 Finally, the Legislature intends that the prepaid program and
13 the savings program be conducted in a manner to maximize
14 program efficiency and effectiveness.

15 (3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the
16 term:

17 (a) "Advance payment contract" means a contract
18 entered into by the board and a purchaser pursuant to s.
19 1009.98.

20 (b) "Board" means the Florida Prepaid College Board.

21 (c) "Trust fund" means the Florida Prepaid College
22 Trust Fund.

23 (d) "Prepaid program" means the Florida Prepaid
24 College Program established pursuant to s. 1009.98.

25 (e) "Purchaser" means a person who makes or is
26 obligated to make advance registration or dormitory residence
27 payments in accordance with an advance payment contract.

28 (f) "Qualified beneficiary" means:

29 1. A resident of this state at the time a purchaser
30 enters into an advance payment contract on behalf of the
31 resident;

1 2. A nonresident who is the child of a noncustodial
2 parent who is a resident of this state at the time that such
3 parent enters into an advance payment contract on behalf of
4 the child; or
5 3. For purposes of advance payment contracts entered
6 into pursuant to s. 1009.983, a graduate of an accredited high
7 school in this state who is a resident of this state at the
8 time he or she is designated to receive the benefits of the
9 advance payment contract.
10 (g) "Registration fee" means tuition fee, financial
11 aid fee, building fee, and Capital Improvement Trust Fund fee.
12 (h) "State postsecondary institution" means any public
13 community college or state university.
14 (i) "Benefactor" means any person making a deposit,
15 payment, contribution, gift, or other expenditure into the
16 savings program.
17 (j) "Designated beneficiary" means:
18 1. Any individual designated in the participation
19 agreement;
20 2. Any individual defined in s. 152(a)(1)-(8) of the
21 Internal Revenue Code; or
22 3. Any individual receiving a scholarship from
23 interests in the program purchased by a state or local
24 government or an organization described in s. 501(c)(3) of the
25 Internal Revenue Code.
26 (k) "Eligible educational institution" means an
27 institution of higher education that qualifies under s. 529 of
28 the Internal Revenue Code as an eligible educational
29 institution.
30
31

1 (l) "Internal Revenue Code" means the Internal Revenue
2 Code of 1986, as defined in s. 220.03(1), and regulations
3 adopted pursuant thereto.

4 (m) "Participation agreement" means an agreement
5 between the board and a benefactor for participation in the
6 savings program for a designated beneficiary.

7 (n) "Savings program" means the Florida College
8 Savings Program established pursuant to s. 1009.981.

9 (o) "Qualified higher education expenses" means higher
10 education expenses permitted under s. 529 of the Internal
11 Revenue Code and required for the enrollment or attendance of
12 a designated beneficiary at an eligible educational
13 institution, including undergraduate and graduate schools, and
14 any other higher education expenses that are permitted under
15 s. 529 of the Internal Revenue Code.

16 (p) "Prepaid fund" means the fund within the trust
17 fund into which moneys belonging to the prepaid program are
18 deposited and held.

19 (q) "Savings fund" means the fund within the trust
20 fund into which moneys belonging to the savings program are
21 deposited and held.

22 Section 483. Section 1009.971, Florida Statutes, is
23 created to read:

24 1009.971 Florida Prepaid College Board.--

25 (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The
26 Florida Prepaid College Board is hereby created as a body
27 corporate with all the powers of a body corporate for the
28 purposes delineated in this section. The board shall
29 administer the prepaid program and the savings program, and
30 shall perform essential governmental functions as provided in
31 ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the

1 State Constitution, the board shall be assigned to and
2 administratively housed within the State Board of
3 Administration, but it shall independently exercise the powers
4 and duties specified in ss. 1009.97-1009.984.

5 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The
6 board shall consist of seven members to be composed of the
7 Attorney General, the Chief Financial Officer, the Deputy
8 Commissioner of Colleges and Universities, the Deputy
9 Commissioner of Community Colleges, and three members
10 appointed by the Governor and subject to confirmation by the
11 Senate. Each member appointed by the Governor shall possess
12 knowledge, skill, and experience in the areas of accounting,
13 actuary, risk management, or investment management. Each
14 member of the board not appointed by the Governor may name a
15 designee to serve on the board on behalf of the member;
16 however, any designee so named shall meet the qualifications
17 required of gubernatorial appointees to the board. Members
18 appointed by the Governor shall serve terms of 3 years. Any
19 person appointed to fill a vacancy on the board shall be
20 appointed in a like manner and shall serve for only the
21 unexpired term. Any member shall be eligible for reappointment
22 and shall serve until a successor qualifies. Members of the
23 board shall serve without compensation but shall be reimbursed
24 for per diem and travel in accordance with s. 112.061. Each
25 member of the board shall file a full and public disclosure of
26 his or her financial interests pursuant to s. 8, Art. II of
27 the State Constitution and corresponding statute.

28 (3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS;
29 MEETINGS.--The board shall annually elect a board member to
30 serve as chair and a board member to serve as vice chair and
31 shall designate a secretary-treasurer who need not be a member

1 of the board. The secretary-treasurer shall keep a record of
2 the proceedings of the board and shall be the custodian of all
3 printed material filed with or by the board and of its
4 official seal. Notwithstanding the existence of vacancies on
5 the board, a majority of the members shall constitute a
6 quorum. The board shall take no official action in the absence
7 of a quorum. The board shall meet, at a minimum, on a
8 quarterly basis at the call of the chair.

9 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND
10 DUTIES.--The board shall have the powers and duties necessary
11 or proper to carry out the provisions of ss. 1009.97-1009.984,
12 including, but not limited to, the power and duty to:

13 (a) Appoint an executive director to serve as the
14 chief administrative and operational officer of the board and
15 to perform other duties assigned to him or her by the board.

16 (b) Adopt an official seal and rules.

17 (c) Sue and be sued.

18 (d) Make and execute contracts and other necessary
19 instruments.

20 (e) Establish agreements or other transactions with
21 federal, state, and local agencies, including state
22 universities and community colleges.

23 (f) Administer the trust fund in a manner that is
24 sufficiently actuarially sound to defray the obligations of
25 the prepaid program and the savings program, considering the
26 separate purposes and objectives of each program. The board
27 shall annually evaluate or cause to be evaluated the actuarial
28 soundness of the prepaid fund. If the board perceives a need
29 for additional assets in order to preserve actuarial soundness
30 of the prepaid program, the board may adjust the terms of
31 subsequent advance payment contracts to ensure such soundness.

- 1 (g) Invest funds not required for immediate
2 disbursement.
- 3 (h) Appear in its own behalf before boards,
4 commissions, or other governmental agencies.
- 5 (i) Hold, buy, and sell any instruments, obligations,
6 securities, and property determined appropriate by the board.
- 7 (j) Require a reasonable length of state residence for
8 qualified beneficiaries.
- 9 (k) Segregate contributions and payments to the trust
10 fund into the appropriate fund.
- 11 (l) Procure and contract for goods and services,
12 employ personnel, and engage the services of private
13 consultants, actuaries, managers, legal counsel, and auditors
14 in a manner determined to be necessary and appropriate by the
15 board.
- 16 (m) Solicit and accept gifts, grants, loans, and other
17 aids from any source or participate in any other way in any
18 government program to carry out the purposes of ss.
19 1009.97-1009.984.
- 20 (n) Require and collect administrative fees and
21 charges in connection with any transaction and impose
22 reasonable penalties, including default, for delinquent
23 payments or for entering into an advance payment contract or a
24 participation agreement on a fraudulent basis.
- 25 (o) Procure insurance against any loss in connection
26 with the property, assets, and activities of the trust fund or
27 the board.
- 28 (p) Impose reasonable time limits on use of the
29 benefits provided by the prepaid program or savings program.
30 However, any such limitations shall be specified within the
31

1 advance payment contract or the participation agreement,
2 respectively.

3 (q) Delineate the terms and conditions under which
4 payments may be withdrawn from the trust fund and impose
5 reasonable fees and charges for such withdrawal. Such terms
6 and conditions shall be specified within the advance payment
7 contract or the participation agreement.

8 (r) Provide for the receipt of contributions in lump
9 sums or installment payments.

10 (s) Require that purchasers of advance payment
11 contracts or benefactors of participation agreements verify,
12 under oath, any requests for contract conversions,
13 substitutions, transfers, cancellations, refund requests, or
14 contract changes of any nature. Verification shall be
15 accomplished as authorized and provided for in s.
16 92.525(1)(a).

17 (t) Delegate responsibility for administration of one
18 or both of the comprehensive investment plans required in s.
19 1009.973 to persons the board determines to be qualified. Such
20 persons shall be compensated by the board.

21 (u) Endorse insurance coverage written exclusively for
22 the purpose of protecting advance payment contracts, and
23 participation agreements, and the purchasers, benefactors, and
24 beneficiaries thereof, including group life policies and group
25 disability policies, which are exempt from the provisions of
26 part V of chapter 627.

27 (v) Form strategic alliances with public and private
28 entities to provide benefits to the prepaid program, savings
29 program, and participants of either or both programs.

30 (w) Solicit proposals and contract, pursuant to s.
31 287.057, for the marketing of the prepaid program or the

1 savings program, or both together. Any materials produced for
2 the purpose of marketing the prepaid program or the savings
3 program shall be submitted to the board for review. No such
4 materials shall be made available to the public before the
5 materials are approved by the board. Any educational
6 institution may distribute marketing materials produced for
7 the prepaid program or the savings program; however, all such
8 materials shall be approved by the board prior to
9 distribution. Neither the state nor the board shall be liable
10 for misrepresentation of the prepaid program or the savings
11 program by a marketing agent.

12 (x) Establish other policies, procedures, and criteria
13 to implement and administer the provisions of ss.
14 1009.97-1009.984.

15 (y) Adopt procedures to govern contract dispute
16 proceedings between the board and its vendors.

17 (5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL
18 SERVICES.--The board shall solicit proposals and contract,
19 pursuant to s. 287.057, for:

20 (a) The services of records administrators.

21 (b) Investment consultants to review the performance
22 of the board's investment managers and advise the board on
23 investment management and performance and investment policy,
24 including the contents of the comprehensive investment plans.

25 (c) Trustee services firms to provide trustee and
26 related services to the board. The trustee services firm shall
27 agree to meet the obligations of the board to qualified
28 beneficiaries if moneys in the fund fail to offset the
29 obligations of the board as a result of imprudent selection or
30 supervision of investment programs by such firm.

31

1 (d) Investment managers to provide investment
2 portfolios for the prepaid program or the savings program.
3 Investment managers shall be limited to authorized insurers as
4 defined in s. 624.09, banks as defined in s. 658.12,
5 associations as defined in s. 665.012, authorized Securities
6 and Exchange Commission investment advisers, and investment
7 companies as defined in the Investment Company Act of 1940.
8 All investment managers shall have their principal place of
9 business and corporate charter located and registered in the
10 United States. In addition, each investment manager 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 investing by
14 such provider. Each authorized insurer shall evidence superior
15 performance overall on an acceptable level of surety in
16 meeting its obligations to its policyholders and other
17 contractual obligations. Only qualified public depositories
18 approved by the Insurance Commissioner and Treasurer shall be
19 eligible for board consideration. Each investment company
20 shall provide investment plans as specified within the request
21 for proposals.

22
23 The goals of the board in procuring such services shall be to
24 provide all purchasers and benefactors with the most secure,
25 well-diversified, and beneficially administered prepaid
26 program or savings program possible, to allow all qualified
27 firms interested in providing such services equal
28 consideration, and to provide such services to the state at no
29 cost and to the purchasers and benefactors at the lowest cost
30 possible. Evaluations of proposals submitted pursuant to this
31 subsection shall include, but not be limited to, fees and

1 other costs that are charged to purchasers or benefactors that
2 affect account values, or that impact the operational costs of
3 the prepaid program or the savings program; past experience
4 and past performance in providing the required services;
5 financial history and current financial strength and capital
6 adequacy to provide the required services; and capabilities
7 and experience of the proposed personnel that will provide the
8 required services.

9 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding
10 any other provision of ss. 1009.97-1009.984, the board may
11 adopt rules necessary for the prepaid program and the savings
12 program each to retain its status as a "qualified tuition
13 program" in order to maintain its tax exempt status or other
14 similar status of the program, purchasers, and qualified
15 beneficiaries under the Internal Revenue Code. The board shall
16 inform participants in the prepaid program and the savings
17 program of changes to the tax or securities status of advance
18 purchase contracts and participation agreements.

19 Section 484. Section 1009.972, Florida Statutes, is
20 created to read:

21 1009.972 Florida Prepaid College Trust Fund.--

22 (1) There is created within the State Board of
23 Administration the Florida Prepaid College Trust Fund. The
24 trust fund shall be segregated into two separate funds, the
25 prepaid fund and the savings fund.

26 (2) The prepaid fund shall consist of state
27 appropriations, moneys acquired from other governmental or
28 private sources for the prepaid program, and moneys remitted
29 in accordance with advance payment contracts. Dividends,
30 interest, and gains accruing to the prepaid fund shall
31 increase the total funds available for the prepaid program. If

1 dividends, interest, and gains for the prepaid fund exceed the
2 amount necessary for program administration and disbursements,
3 the board may designate an additional percentage of the
4 prepaid fund to serve as a contingency fund.

5 (3) The savings fund shall consist of appropriations,
6 moneys acquired from other governmental or private sources for
7 the savings program, and moneys remitted in accordance with
8 participation agreements. The amounts on deposit in the
9 savings fund shall remain therein and shall be available
10 solely for carrying out the purposes of the savings program.

11 (4) Any balance contained within the trust fund, and
12 within each fund in the trust fund, at the end of a fiscal
13 year shall remain therein and shall be available for carrying
14 out the purposes of each respective program and the
15 direct-support organization established pursuant to s.
16 1009.983. Moneys contained within the trust fund shall be
17 exempt from the investment requirements of s. 18.10. All funds
18 deposited in the prepaid fund may be invested pursuant to s.
19 215.47. Any funds of a direct-support organization created
20 pursuant to s. 1009.983 shall be exempt from the provisions of
21 this section.

22 (5) Notwithstanding the provisions of chapter 717,
23 funds associated with terminated advance payment contracts
24 pursuant to s. 1009.98(4)(k) and canceled contracts for which
25 no refunds have been claimed shall be retained by the board.
26 The board shall establish procedures for notifying purchasers
27 who subsequently cancel their advance payment contracts of any
28 unclaimed refund and shall establish a time period after which
29 no refund may be claimed by a purchaser who canceled a
30 contract. The board may transfer funds retained from such
31 terminated advance payment contracts and cancelled contracts

1 to the Florida Prepaid Tuition Scholarship Program to provide
2 matching funds for prepaid tuition scholarships for
3 economically disadvantaged youth that remain drug free and
4 crime free.

5 (6) The assets of the prepaid fund and the savings
6 fund shall be maintained, invested, and expended solely for
7 the purposes of the prepaid program and the savings program,
8 respectively, and shall not be loaned, transferred, or
9 otherwise used by the state for any purpose other than the
10 purposes of ss. 1009.97-1009.984. This subsection shall not be
11 construed to prohibit the board from investing in, by purchase
12 or otherwise, bonds, notes, or other obligations of the state
13 or an agency or instrumentality of the state. Unless otherwise
14 specified by the board, assets of the prepaid fund and the
15 savings fund shall be expended in the following order of
16 priority:

17 (a) To make payments to state postsecondary
18 institutions on behalf of qualified beneficiaries or
19 designated beneficiaries.

20 (b) To make refunds upon termination of advance
21 payment contracts or participation agreements.

22 (c) To pay the costs of administration and operations
23 for the prepaid program and the savings program.

24 Section 485. Section 1009.973, Florida Statutes, is
25 created to read:

26 1009.973 Comprehensive investment plans.--The Florida
27 Prepaid College Board shall establish separate comprehensive
28 investment plans for the prepaid program and for the savings
29 program, each subject to the approval of the State Board of
30 Administration. Each comprehensive investment plan shall
31 specify the investment policies to be utilized by the board in

1 its administration of each respective program. The board may
2 place assets of each program in investment products pursuant
3 to the comprehensive investment plan for each respective
4 program and in such proportions as may be designated or
5 approved under the plan for each respective program. Such
6 products shall be underwritten and offered in compliance with
7 the applicable federal and state laws, regulations, and rules
8 by persons authorized by applicable federal and state
9 authorities. A purchaser may not direct the investment of his
10 or her contribution to the prepaid program. A benefactor or
11 designated beneficiary may not direct the investment of any
12 contributions to the savings program other than the specific
13 fund options provided by the board, if any. Board members and
14 employees of the board are not prohibited from purchasing
15 advance payment contracts or entering into participation
16 agreements by virtue of their fiduciary responsibilities as
17 members of the board or official duties as employees of the
18 board.

19 Section 486. Section 1009.974, Florida Statutes, is
20 created to read:

21 1009.974 Exemption from claims of creditors.--Moneys
22 paid into or out of the trust fund by or on behalf of a
23 purchaser or qualified beneficiary of an advance payment
24 contract or benefactor or designated beneficiary of a
25 participation agreement are exempt, as provided by s. 222.22,
26 from all claims of creditors of the purchaser or the qualified
27 beneficiary of an advance payment contract or the benefactor
28 or designated beneficiary of a participation agreement,
29 respectively, provided that the advance payment contract or
30 participation agreement has not been terminated. Neither
31 moneys paid into the prepaid program or savings program nor

1 benefits accrued through the prepaid program or savings
2 program may be pledged for the purpose of securing a loan.
3 Section 487. Section 1009.975, Florida Statutes, is
4 created to read:
5 1009.975 Payroll deduction authority.--The state or
6 any state agency, county, municipality, or other political
7 subdivision may, by contract or collective bargaining
8 agreement, agree with any employee to remit payments toward
9 advance payment contracts or participation agreements through
10 payroll deductions made by the appropriate officer or officers
11 of the state, state agency, county, municipality, or political
12 subdivision. Such payments shall be held and administered in
13 accordance with ss. 1009.97-1009.984.
14 Section 488. Section 1009.976, Florida Statutes, is
15 created to read:
16 1009.976 Annual report.--On or before March 31 of each
17 year, the Florida Prepaid College Board shall prepare or cause
18 to be prepared separate reports setting forth in appropriate
19 detail an accounting of the prepaid program and the savings
20 program which include a description of the financial condition
21 of each respective program at the close of the fiscal year.
22 The board shall submit copies of the reports to the Governor,
23 the President of the Senate, the Speaker of the House of
24 Representatives, and the minority leaders of the House and
25 Senate and shall make the report for the prepaid program
26 available to each purchaser and the report for the savings
27 program available to each benefactor and designated
28 beneficiary. The accounts of the fund for the prepaid program
29 and the savings program shall be subject to annual audits by
30 the Auditor General.
31

1 Section 489. Section 1009.98, Florida Statutes, is
2 created to read:

3 1009.98 Florida Prepaid College Program.--

4 (1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There
5 is created a Florida Prepaid College Program to provide a
6 medium through which the cost of registration and dormitory
7 residence may be paid in advance of enrollment in a state
8 postsecondary institution at a rate lower than the projected
9 corresponding cost at the time of actual enrollment. Such
10 payments shall be combined and invested in a manner that
11 yields, at a minimum, sufficient interest to generate the
12 difference between the prepaid amount and the cost of
13 registration and dormitory residence at the time of actual
14 enrollment. Students who enroll in a state postsecondary
15 institution pursuant to this section shall be charged no fees
16 in excess of the terms delineated in the advance payment
17 contract.

18 (2) PREPAID COLLEGE PLANS.--At a minimum, the board
19 shall make advance payment contracts available for two
20 independent plans to be known as the community college plan
21 and the university plan. The board may also make advance
22 payment contracts available for a dormitory residence plan.
23 The board may restrict the number of participants in the
24 community college plan, university plan, and dormitory
25 residence plan, respectively. However, any person denied
26 participation solely on the basis of such restriction shall be
27 granted priority for participation during the succeeding year.

28 (a)1. Through the community college plan, the advance
29 payment contract shall provide prepaid registration fees for a
30 specified number of undergraduate semester credit hours not to
31 exceed the average number of hours required for the conference

1 of an associate degree. Qualified beneficiaries shall bear the
2 cost of any laboratory fees associated with enrollment in
3 specific courses. Each qualified beneficiary shall be
4 classified as a resident for tuition purposes, pursuant to s.
5 1009.21, regardless of his or her actual legal residence.

6 2. Effective July 1, 1998, the board may provide
7 advance payment contracts for additional fees delineated in s.
8 1009.23, not to exceed the average number of hours required
9 for the conference of an associate degree, in conjunction with
10 advance payment contracts for registration fees. Community
11 college plan contracts purchased prior to July 1, 1998, shall
12 be limited to the payment of registration fees as defined in
13 s. 1009.97.

14 (b)1. Through the university plan, the advance payment
15 contract shall provide prepaid registration fees for a
16 specified number of undergraduate semester credit hours not to
17 exceed the average number of hours required for the conference
18 of a baccalaureate degree. Qualified beneficiaries shall bear
19 the cost of any laboratory fees associated with enrollment in
20 specific courses. Each qualified beneficiary shall be
21 classified as a resident for tuition purposes pursuant to s.
22 1009.21, regardless of his or her actual legal residence.

23 2. Effective July 1, 1998, the board may provide
24 advance payment contracts for additional fees delineated in s.
25 1009.24(8)-(11), for a specified number of undergraduate
26 semester credit hours not to exceed the average number of
27 hours required for the conference of a baccalaureate degree,
28 in conjunction with advance payment contracts for registration
29 fees. Such contracts shall provide prepaid coverage for the
30 sum of such fees, to a maximum of 45 percent of the cost of
31 registration fees. University plan contracts purchased prior

1 to July 1, 1998, shall be limited to the payment of
2 registration fees as defined in s. 1009.97.

3 (c) The cost of participation in contracts authorized
4 under paragraph (a) or paragraph (b) shall be based primarily
5 on the current and projected registration fees within the
6 Florida Community College System or the State University
7 System, respectively, and the number of years expected to
8 elapse between the purchase of the plan on behalf of a
9 qualified beneficiary and the exercise of the benefits
10 provided in the plan by such beneficiary.

11 (d) Through the dormitory residence plan, the advance
12 payment contract may provide prepaid housing fees for a
13 maximum of 10 semesters of full-time undergraduate enrollment
14 in a state university. Dormitory residence plans shall be
15 purchased in increments of 2 semesters. The cost of
16 participation in the dormitory residence plan shall be based
17 primarily on the average current and projected housing fees
18 within the State University System and the number of years
19 expected to elapse between the purchase of the plan on behalf
20 of a qualified beneficiary and the exercise of the benefits
21 provided in the plan by such beneficiary. Qualified
22 beneficiaries shall have the highest priority in the
23 assignment of housing within university residence halls.
24 Qualified beneficiaries shall bear the cost of any additional
25 elective charges such as laundry service or long-distance
26 telephone service. Each state university may specify the
27 residence halls or other university-held residences eligible
28 for inclusion in the plan. In addition, any state university
29 may request immediate termination of a dormitory residence
30 contract based on a violation or multiple violations of rules
31 of the residence hall or other university-held residences. In

1 the event that sufficient housing is not available for all
2 qualified beneficiaries, the board shall refund the purchaser
3 or qualified beneficiary an amount equal to the fees charged
4 for dormitory residence during that semester. If a qualified
5 beneficiary fails to be admitted to a state university or
6 chooses to attend a community college that operates one or
7 more dormitories or residency opportunities, or has one or
8 more dormitories or residency opportunities operated by the
9 community college direct-support organization, the qualified
10 beneficiary may transfer or cause to have transferred to the
11 community college, or community college direct-support
12 organization, the fees associated with dormitory residence.
13 Dormitory fees transferred to the community college or
14 community college direct-support organization may not exceed
15 the maximum fees charged for state university dormitory
16 residence for the purposes of this section, or the fees
17 charged for community college or community college
18 direct-support organization dormitories or residency
19 opportunities, whichever is less.

20 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
21 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A
22 qualified beneficiary may apply the benefits of an advance
23 payment contract toward:

24 (a) An independent college or university that is
25 located and chartered in Florida, that is not for profit, that
26 is accredited by the Commission on Colleges of the Southern
27 Association of Colleges and Schools or the Accrediting Council
28 for Independent Colleges and Schools, and that confers degrees
29 as defined in s. 1005.02.

30
31

1 (b) An out-of-state college or university that is not
2 for profit and is accredited by a regional accrediting
3 association, and that confers degrees.

4 (c) An applied technology diploma program or technical
5 certificate program conducted by a community college listed in
6 s. 1004.02(2) or technical center operated by a district
7 school board.

8
9 The board shall transfer or cause to be transferred to the
10 institution designated by the qualified beneficiary an amount
11 not to exceed the redemption value of the advance payment
12 contract at a state postsecondary institution. If the cost of
13 registration or housing fees at such institution is less than
14 the corresponding fees at a state postsecondary institution,
15 the amount transferred may not exceed the actual cost of
16 registration and housing fees. A transfer authorized under
17 this subsection may not exceed the number of semester credit
18 hours or semesters of dormitory residence contracted on behalf
19 of a qualified beneficiary. Notwithstanding any other
20 provision in this section, an institution must be an "eligible
21 educational institution" under s. 529 of the Internal Revenue
22 Code to be eligible for the transfer of advance payment
23 contract benefits.

24 (4) ADVANCE PAYMENT CONTRACTS.--The board shall
25 develop advance payment contracts for registration and may
26 develop advance payment contracts for dormitory residence as
27 provided in this section. Advance payment contracts shall be
28 exempt from chapter 517 and the Florida Insurance Code. Such
29 contracts shall include, but not be limited to, the following:

- 1 (a) The amount of the payment or payments and the
2 number of payments required from a purchaser on behalf of a
3 qualified beneficiary.
- 4 (b) The terms and conditions under which purchasers
5 shall remit payments, including, but not limited to, the date
6 or dates upon which each payment shall be due.
- 7 (c) Provisions for late payment charges and for
8 default.
- 9 (d) Provisions for penalty fees for withdrawals from
10 the fund.
- 11 (e) Except for an advance payment contract entered
12 into pursuant to subsection (9) or s. 1009.983, the name and
13 date of birth of the qualified beneficiary on whose behalf the
14 contract is drawn and the terms and conditions under which
15 another person may be substituted as the qualified
16 beneficiary.
- 17 (f) The name of any person who may terminate the
18 contract. The terms of the contract shall specify whether the
19 contract may be terminated by the purchaser, the qualified
20 beneficiary, a specific designated person, or any combination
21 of these persons.
- 22 (g) The terms and conditions under which a contract
23 may be terminated, modified, or converted, the name of the
24 person entitled to any refund due as a result of termination
25 of the contract pursuant to such terms and conditions, and the
26 amount of refund, if any, due to the person so named.
- 27 (h) The number of semester credit hours or semesters
28 of dormitory residence contracted by the purchaser.
- 29 (i) The state postsecondary system toward which the
30 contracted credit hours or semesters of dormitory residence
31 will be applied.

1 (j) The assumption of a contractual obligation by the
2 board to the qualified beneficiary to provide for a specified
3 number of semester credit hours of undergraduate instruction
4 at a state postsecondary institution, not to exceed the
5 average number of credit hours required for the conference of
6 the degree that corresponds to the plan purchased on behalf of
7 the qualified beneficiary or to provide for a specified number
8 of semesters of dormitory residence, not to exceed the number
9 of semesters of full-time enrollment required for the
10 conference of a baccalaureate degree.

11 (k) The period of time after which advance payment
12 contracts that have not been terminated or the benefits used
13 shall be considered terminated. Time expended by a qualified
14 beneficiary as an active duty member of any of the armed
15 services of the United States shall be added to the period of
16 time specified by the board. No purchaser or qualified
17 beneficiary whose advance payment contract is terminated
18 pursuant to this paragraph shall be entitled to a refund.
19 Notwithstanding chapter 717, the board shall retain any moneys
20 paid by the purchaser for an advance payment contract that has
21 been terminated in accordance with this paragraph. Such moneys
22 may be transferred to the Florida Prepaid Tuition Scholarship
23 Program to provide matching funds for prepaid tuition
24 scholarships for economically disadvantaged youths that remain
25 drug free and crime free.

26 (1) Other terms and conditions deemed by the board to
27 be necessary or proper.

28 (5) REFUNDS.--

29 (a) No refund shall exceed the amount paid into the
30 fund by the purchaser except as provided in paragraphs (b) and
31 (c).

1 **(b) If the beneficiary is awarded a scholarship, the**
2 **terms of which cover the benefits included in the advance**
3 **payment contracts, moneys paid for the purchase of the advance**
4 **payment contracts shall be refunded to the purchaser in**
5 **semester installments coinciding with the tuition by the**
6 **beneficiary in an amount which, in total, does not exceed the**
7 **redemption value of the advance payment contract at a state**
8 **postsecondary institution.**

9 **(c) In the event of the death or total disability of**
10 **the beneficiary, moneys paid for the purchase of advance**
11 **payment contracts shall be refunded to the purchaser in an**
12 **amount not to exceed the redemption value of the advance**
13 **payment contract at a state postsecondary institution.**

14 **(d) If an advance payment contract is converted from**
15 **one registration plan to a plan of lesser value, the amount**
16 **refunded shall not exceed the difference between the amount**
17 **paid for the original contract and the amount that would have**
18 **been paid for the contract to which the plan is converted had**
19 **the converted plan been purchased under the same payment plan**
20 **at the time the original advance payment contract was**
21 **executed.**

22 **(e) No refund shall be authorized through an advance**
23 **payment contract for any school year partially attended but**
24 **not completed. For purposes of this section, a school year**
25 **partially attended but not completed shall mean any one**
26 **semester whereby the student is still enrolled at the**
27 **conclusion of the official drop-add period, but withdraws**
28 **before the end of such semester. If a beneficiary does not**
29 **complete a community college plan or university plan for**
30 **reasons other than specified in paragraph (c), the purchaser**
31 **shall receive a refund of the amount paid into the fund for**

1 the remaining unattended years of the advance payment contract
2 pursuant to rules promulgated by the board.

3 (6) CONFIDENTIALITY OF ACCOUNT
4 INFORMATION.--Information that identifies the purchasers or
5 beneficiaries of any plan promulgated under this section and
6 their advance payment account activities is exempt from the
7 provisions of s. 119.07(1). However, the board may authorize
8 the program's records administrator to release such
9 information to a community college, college, or university in
10 which a beneficiary may enroll or is enrolled. Community
11 colleges, colleges, and universities shall maintain such
12 information as exempt from the provisions of s. 119.07(1).

13 (7) OBLIGATIONS OF BOARD.--The state shall agree to
14 meet the obligations of the board to qualified beneficiaries
15 if moneys in the fund fail to offset the obligations of the
16 board. The Legislature shall appropriate to the Florida
17 Prepaid College Trust Fund the amount necessary to meet the
18 obligations of the board to qualified beneficiaries.

19 (8) PROGRAM TERMINATION.--In the event that the state
20 determines the prepaid program to be financially infeasible,
21 the state may discontinue the provision of the program. Any
22 qualified beneficiary who has been accepted by and is enrolled
23 or is within 5 years of enrollment in an eligible independent
24 college or university or state postsecondary institution shall
25 be entitled to exercise the complete benefits for which he or
26 she has contracted. All other contract holders shall receive a
27 refund of the amount paid in and an additional amount in the
28 nature of interest at a rate that corresponds, at a minimum,
29 to the prevailing interest rates for savings accounts provided
30 by banks and savings and loan associations.

31

1 (9) SCHOLARSHIPS.--A nonprofit organization described
2 in s. 501(c)(3) of the United States Internal Revenue Code and
3 exempt from taxation under s. 501(a) of the United States
4 Internal Revenue Code may purchase advance payment contracts
5 for a scholarship program that has been approved by the board
6 and is operated by the purchasing organization.

7 Section 490. Section 1009.981, Florida Statutes, is
8 created to read:

9 1009.981 Florida College Savings Program.--

10 (1)(a) The Florida Prepaid College Board is authorized
11 to create, establish, and administer the Florida College
12 Savings Program to promote and enhance the affordability of
13 higher education in the state and to enable persons to
14 contribute funds that are combined and invested to pay the
15 subsequent higher education expenses of a designated
16 beneficiary. The board may not implement the savings program
17 until it has obtained:

18 1. A written opinion from counsel specializing in
19 federal tax matters indicating that the savings program
20 constitutes a qualified tuition program under s. 529 of the
21 Internal Revenue Code;

22 2. A written opinion from a qualified member of the
23 United States Patent Bar indicating that the implementation of
24 the savings program or the operation of the savings program
25 will not knowingly infringe upon any patent or copyright
26 specifically related to the financing of higher education
27 expenses;

28 3. A written opinion of qualified counsel specializing
29 in federal securities law that the savings program and the
30 offering of participation in the savings program does not
31 violate federal securities law; and

1 4. A written opinion from the board's litigation
2 counsel indicating that the implementation or operation of the
3 savings program will not adversely impact any pending
4 litigation against the board.

5 (b) The benefactor retains ownership of all amounts on
6 deposit in his or her account with the savings program up to
7 the date of distribution on behalf of a designated
8 beneficiary. Earnings derived from investment of the
9 contributions shall be considered to be held in trust in the
10 same manner as contributions, except as applied for purposes
11 of the designated beneficiary and for purposes of maintaining
12 and administering the program as provided in this section.

13 (c) All amounts attributable to penalties shall be
14 used for purposes of the savings program or as required by the
15 Internal Revenue Code, and other amounts received other than
16 contributions shall be properties of the savings program.
17 Proceeds from penalties shall remain with the program and may
18 be used for any costs or purposes of the savings program or
19 used as required by the Internal Revenue Code.

20 (d) Deposits and contributions to the program, the
21 property of the board, and the earnings on the college savings
22 accounts are exempt from taxation.

23 (e) The assets of the savings program shall be
24 continuously invested and reinvested in a manner consistent
25 with the purposes of the program, expended on expenses
26 incurred by the operation and management of the savings
27 program, or refunded to the benefactor or designated
28 beneficiary under the conditions provided in the participation
29 agreement. The board is not required to invest directly in
30 obligations of the state or any political subdivision of the

31

1 state or in any investment or other fund administered by the
2 state.
3 (2) PARTICIPATION AGREEMENTS.--
4 (a) The board may establish plans to permit
5 benefactors to prepay the qualified higher education expenses
6 associated with enrollment in an eligible educational
7 institution and may permit benefactors to select from among
8 alternative investment plans designed to provide funds to pay
9 qualified education expenses of a designated beneficiary. The
10 board shall not accept contributions in excess of the amount
11 allowed pursuant to s. 529 of the Internal Revenue Code and
12 shall prescribe by rule the methodology and information
13 sources that shall be used to determine the projected costs of
14 qualified higher education expenses for designated
15 beneficiaries of prescribed ages.
16 (b) The board shall develop a participation agreement
17 which shall be the agreement between the board and each
18 benefactor, which may include, but is not limited to:
19 1. The name, date of birth, and social security number
20 of the designated beneficiary.
21 2. The amount of the contribution or contributions and
22 number of contributions required from a benefactor on behalf
23 of a designated beneficiary.
24 3. The terms and conditions under which benefactors
25 shall remit contributions, including, but not limited to, the
26 date or dates upon which each contribution is due. Deposits to
27 the savings program by benefactors may only be in cash.
28 Benefactors may contribute in a lump sum, periodically, in
29 installments, or through electronic funds transfer or employer
30 payroll deductions.
31

- 1 4. Provisions for late contribution charges and for
2 default.
- 3 5. Provisions for penalty fees for withdrawals from
4 the program.
- 5 6. The name of the person who may terminate
6 participation in the program. The participation agreement must
7 specify whether the account may be terminated by the
8 benefactor, the designated beneficiary, a specific designated
9 person, or any combination of these persons.
- 10 7. The terms and conditions under which an account may
11 be terminated, modified, or converted, the name of the person
12 entitled to any refund due as a result of termination of the
13 account pursuant to such terms and conditions, and the amount
14 of refund, if any, due to the person so named.
- 15 8. Penalties for distributions not used or made in
16 accordance with s. 529 of the Internal Revenue Code.
- 17 9. Any charges or fees in connection with the
18 administration of the savings fund.
- 19 10. The period of time after which each participation
20 agreement shall be considered to be terminated. Time expended
21 by a designated beneficiary as an active duty member of any of
22 the armed services of the United States shall be added to the
23 period specified pursuant to this subparagraph. Should a
24 participation agreement be terminated, the balance of the
25 account, after notice to the benefactor, shall be declared
26 unclaimed and abandoned property. The board shall retain any
27 monies paid by the benefactor for a participation agreement
28 that has been terminated in accordance with this subparagraph.
29 Such moneys may be transferred to the Florida Prepaid Tuition
30 Scholarship Program to provide matching funds for prepaid
31

1 tuition scholarships for economically disadvantaged youths
2 that remain drug free and crime free.

3 11. Other terms and conditions deemed by the board to
4 be necessary or proper.

5 (c) The participation agreement shall clearly state
6 that:

7 1. The contract is only a debt or obligation of the
8 savings program and the savings fund, and is not otherwise a
9 debt or obligation of the state.

10 2. Participation in the program does not guarantee
11 that sufficient funds will be available to cover all qualified
12 higher education expenses for any designated beneficiary and
13 does not guarantee admission to or continued enrollment at an
14 eligible educational institution of any designated
15 beneficiary.

16 (d) The participation agreement may be freely amended
17 throughout its term for purposes including, but not limited
18 to, allowing to enable the benefactor to increase or decrease
19 the level of participation, change designated beneficiaries,
20 and carry out similar matters permitted by this section and
21 the Internal Revenue Code.

22 (3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION
23 EXPENSES.--The board shall establish requirements and
24 procedures for beneficiaries to realize the benefits of
25 participation agreements. In establishing such requirements
26 and procedures, the board shall make distributions in as
27 efficient and expeditious manner as is prudent and possible,
28 consistent with the Internal Revenue Code.

29 (4) REFUNDS.--

30 (a) A benefactor may request a refund of the principal
31 amount of his or her contributions, plus actual investment

1 earnings or minus actual investment losses on the
2 contributions, less any applicable penalty, and less any
3 amounts used to provide benefits to the designated
4 beneficiary.

5 (b) Notwithstanding paragraph (a), a penalty may not
6 be levied if a benefactor requests a refund from the program
7 due to:

- 8 1. Death of the beneficiary.
- 9 2. Total disability of the beneficiary.
- 10 3. Scholarship, allowance, or payment received by the
11 beneficiary to the extent that the amount of the refund does
12 not exceed the amount of the scholarship, allowance, or
13 payment in accordance with federal law.

14 (c) If a benefactor requests a refund of funds
15 contributed to the program for any cause other than those
16 listed in paragraph (b), there shall be imposed a penalty of
17 10 percent of the earnings of the account and any applicable
18 taxes, or the amount required by the Internal Revenue Code.
19 Earnings shall be calculated as the total value of the
20 participation agreement, less the aggregate contributions, or
21 in the manner prescribed in the Internal Revenue Code.

22 (5) MATERIAL MISREPRESENTATION; PENALTY.--If the
23 benefactor or the designated beneficiary makes any material
24 misrepresentation in the application for a participation
25 agreement or in any communication with the board regarding the
26 program, especially regarding the withdrawal or distribution
27 of funds therefrom, the account may be involuntarily
28 liquidated by the board. If the account is so liquidated, the
29 benefactor is entitled to a refund, subject to a 10-percent
30 penalty or the amount required by the Internal Revenue Code.

31

1 (6) CONFIDENTIALITY OF ACCOUNT
2 INFORMATION.--Information that identifies the benefactors or
3 the designated beneficiary of any account initiated under this
4 section and information regarding individual account
5 activities conducted through the savings program established
6 in this section are confidential and exempt from the
7 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
8 Constitution. However, the board may authorize the release of
9 such information to a community college, college, or
10 university in which a designated beneficiary may enroll or is
11 enrolled. Community colleges, colleges, and universities shall
12 maintain the confidentiality of such information. This
13 subsection is subject to the Open Government Sunset Review Act
14 of 1995 in accordance with s. 119.15, and shall stand repealed
15 on October 2, 2005, unless reviewed and saved from repeal
16 through reenactment by the Legislature.

17 (7) OBLIGATIONS OF BOARD.--Any contract or
18 participation agreement entered into by or any obligation of
19 the board on behalf of and for the benefit of the savings
20 program does not constitute a debt or obligation of the state
21 but is an obligation of the savings program. The state has no
22 obligation to any designated beneficiary or any other person
23 as a result of the savings program. The obligation of the
24 savings program is limited solely to those amounts deposited
25 in the savings fund. All amounts obligated to be paid from the
26 savings fund are limited to amounts available for such
27 obligation. The amounts on deposit in the savings program may
28 only be disbursed in accordance with the provisions of this
29 section.

30 (8) PROGRAM TERMINATION.--The savings program shall
31 continue in existence until its existence is terminated by

1 law. If the state determines that the savings program is
2 financially infeasible, the state may discontinue the savings
3 program. Upon termination of the savings program, all deposits
4 shall be returned to benefactors, to the extent possible, and
5 any unclaimed assets in the savings program may be transferred
6 to the Florida Prepaid Tuition Scholarship Program to provide
7 matching funds for prepaid tuition scholarships for
8 economically disadvantaged youths that remain drug free and
9 crime free.

10 (9) STATE PLEDGE.--The state pledges to benefactors
11 and designated beneficiaries of the savings program that the
12 state will not limit or alter the rights under this section
13 which are vested in the program until such obligations are met
14 and discharged. However, this subsection does not preclude
15 such limitation if adequate provision is made by law for the
16 protection of the benefactors and designated beneficiaries
17 pursuant to the obligations of the board, and, if the state or
18 the board determines that the savings program is not
19 financially feasible, the state or the board may discontinue
20 the program. If the program is discontinued, the board shall
21 refund to benefactors their contributions to the program, plus
22 any investment earnings or minus any investment losses. The
23 board, on behalf of the state, may include this pledge and
24 undertaking by the state in participation agreements.

25 Section 491. Section 1009.982, Florida Statutes, is
26 created to read:

27 1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984
28 shall be construed as a promise or guarantee that a qualified
29 beneficiary or a designated beneficiary will be admitted to a
30 state postsecondary institution or to a particular state
31 postsecondary institution, will be allowed to continue

1 enrollment at a state postsecondary institution after
2 admission, or will be graduated from a state postsecondary
3 institution.

4 Section 492. Section 1009.983, Florida Statutes, is
5 created to read:

6 1009.983 Direct-support organization; authority.--

7 (1) The Florida Prepaid College Board may establish a
8 direct-support organization which is:

9 (a) A Florida corporation, not for profit,
10 incorporated under the provisions of chapter 617 and approved
11 by the Secretary of State.

12 (b) Organized and operated exclusively to receive,
13 hold, invest, and administer property and to make expenditures
14 to or for the benefit of the board.

15 (c) An organization which the board, after review, has
16 certified to be operating in a manner consistent with the
17 goals of the board and in the best interests of the state.
18 Unless so certified, the organization may not use the name of
19 the prepaid program or savings program.

20 (2) The direct-support organization shall operate
21 under written contract with the board. The contract must
22 provide for:

23 (a) Approval of the articles of incorporation and
24 bylaws of the direct-support organization by the board.

25 (b) Submission of an annual budget for the approval of
26 the board. The budget must comply with rules adopted by the
27 board.

28 (c) Certification by the board that the direct-support
29 organization is complying with the terms of the contract and
30 in a manner consistent with the goals and purposes of the
31 board and in the best interest of the state. Such

1 certification must be made annually and reported in the
2 official minutes of a meeting of the board.

3 (d) The reversion to the board, or to the state if the
4 board ceases to exist, of moneys and property held in trust by
5 the direct-support organization for the benefit of the board
6 or prepaid program if the direct-support organization is no
7 longer approved to operate for the board or if the board
8 ceases to exist.

9 (e) The fiscal year of the direct-support
10 organization, which must begin July 1 of each year and end
11 June 30 of the following year.

12 (f) The disclosure of material provisions of the
13 contract and of the distinction between the board and the
14 direct-support organization to donors of gifts, contributions,
15 or bequests, and such disclosure on all promotional and
16 fundraising publications.

17 (3) The direct-support organization shall provide for
18 an annual financial audit in accordance with s. 215.981. The
19 board and Auditor General may require and receive from the
20 organization or its independent auditor any detail or
21 supplemental data relative to the operation of the
22 organization.

23 (4) The identity of donors who desire to remain
24 anonymous shall be confidential and exempt from the provisions
25 of s. 119.07(1) and s. 24(a), Art. I of the State
26 Constitution, and such anonymity shall be maintained in the
27 auditor's report. Information received by the organization
28 that is otherwise confidential or exempt by law shall retain
29 such status. Any sensitive, personal information regarding
30 contract beneficiaries, including their identities, is exempt

31

1 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
2 the State Constitution.

3 (5) The chair and the executive director of the board
4 shall be directors of the direct-support organization and
5 shall jointly name, at a minimum, three other individuals to
6 serve as directors of the organization.

7 (6) The board may authorize the direct-support
8 organization established in this section to use board
9 property, except money, and use facilities and personal
10 services subject to the provisions of this section. If the
11 direct-support organization does not provide equal employment
12 opportunities to all persons regardless of race, color,
13 religion, sex, age, or national origin, it may not use the
14 property, facilities, or personal services of the board. For
15 the purposes of this section, the term "personal services"
16 includes full-time personnel and part-time personnel as well
17 as payroll processing as prescribed by rule of the board. The
18 board shall adopt rules prescribing the procedures by which
19 the direct-support organization is governed and any conditions
20 with which such a direct-support organization must comply to
21 use property, facilities, or personal services of the board.

22 (7) The board may invest funds of the direct-support
23 organization which have been allocated for the purchase of
24 advance payment contracts for scholarships with receipts for
25 advance payment contracts.

26 Section 493. Section 1009.984, Florida Statutes, is
27 created to read:

28 1009.984 Florida Prepaid Tuition Scholarship
29 Program.--The Florida Prepaid Tuition Scholarship Program is
30 established to provide economically disadvantaged youth with
31 prepaid postsecondary tuition scholarships. The direct-support

1 organization established pursuant to s. 1009.983 shall
2 administer the program with the assistance and cooperation of
3 the Department of Education to:
4 (1) Provide an incentive for economically
5 disadvantaged youth to improve school attendance and academic
6 performance in order to graduate and pursue a postsecondary
7 education.
8 (2) Obtain the commitment and involvement of private
9 sector entities by virtue of funding matches with a ratio of
10 50 percent provided by the private sector and 50 percent
11 provided by the state.
12 (3) Purchase prepaid tuition scholarships for students
13 certified by the Department of Education to the direct-support
14 organization who meet minimum economic and school requirements
15 and remain drug free and crime free.
16 (a) For the purpose of this subsection, "drug free"
17 means not being convicted of, or adjudicated delinquent for,
18 any violation of chapter 893 after being designated a
19 recipient of a Florida prepaid tuition scholarship.
20 (b) For the purpose of this subsection, "crime free"
21 means not being convicted of, or adjudicated delinquent for,
22 any felony or first degree misdemeanor as defined in ss.
23 775.08 and 775.081 after being designated a recipient of a
24 Florida prepaid tuition scholarship.
25 Section 494. Part V of chapter 1009, Florida Statutes,
26 shall be entitled "Florida Higher Education Loan Authority"
27 and shall consist of ss. 1009.99-1009.9994.
28 Section 495. Section 1009.99, Florida Statutes, is
29 created to read:
30 1009.99 Short title.--Sections 1009.99-1009.9994 may
31 be cited as the "Florida Higher Education Loan Authority Act."

1 Section 496. Section 1009.991, Florida Statutes, is
2 created to read:

3 1009.991 Purpose.--It is the purpose of this act to
4 provide assistance and an additional method of financing the
5 cost of higher education to students and the families of
6 students attending institutions of higher education in this
7 state and to encourage investment of private capital to
8 provide funds for financing student loans.

9 Section 497. Section 1009.992, Florida Statutes, is
10 created to read:

11 1009.992 Definitions.--As used in this act:

12 (1) "Authority" means any public corporation created
13 by s. 1009.993 or any board, body, commission, department, or
14 officer of the county succeeding to the principal functions
15 thereof or to whom the powers conferred upon an authority by
16 this act are given by this act.

17 (2) "Authority loan" means any loan by an authority to
18 an institution of higher education for the purpose of funding
19 education loans.

20 (3) "Bond" or "revenue bond" means any revenue bond of
21 an authority issued under the provisions of this act,
22 including any revenue-refunding bond, notwithstanding that the
23 bond may be secured by mortgage or the full faith and credit
24 of a participating institution of higher education or any
25 other lawfully pledged security of a participating institution
26 of higher education.

27 (4) "Bond resolution" means the resolution of an
28 authority and the trust agreement, if any, and any supplement
29 or amendment to the foregoing, authorizing the issuance of,
30 and providing for the terms and conditions applicable to,
31 obligations.

- 1 (5) "Bond service charge" means the principal
2 (including mandatory sinking fund requirements for retirement
3 of obligations) and interest, and redemption premium, if any,
4 required to be paid by an authority on obligations.
- 5 (6) "Borrower" means any student who has received an
6 education loan or any parent who has received or agreed to pay
7 an education loan.
- 8 (7) "Clerk" means the clerk of a commission or the
9 county officer charged with the duties customarily imposed
10 upon the clerk.
- 11 (8) "Commission" means a board of county commissioners
12 or other body charged with governing the county.
- 13 (9) "Default insurance" means insurance insuring
14 education loans, authority loans, or obligations against
15 default.
- 16 (10) "Default reserve fund" means a fund established
17 pursuant to a bond resolution for the purpose of securing
18 education loans, authority loans, or obligations.
- 19 (11) "Education loan" means a loan which is made by an
20 institution to a student or the parents of a student, or both,
21 in an amount not in excess of the maximum amount specified in
22 regulations to be formulated by the authority, in order to
23 finance all or any part of the cost of the student's
24 attendance at such institution.
- 25 (12) "Education loan series portfolio" means all
26 educational loans made by a specific institution which are
27 funded from the proceeds of an authority loan to such
28 institution out of the proceeds of a related specific issue of
29 obligations through the authority.
- 30 (13) "Institution" means any college or university
31 which, by virtue of law or charter, is accredited by and holds

1 membership in the Commission on Recognition of Postsecondary
2 Accreditation; which grants baccalaureate or associate
3 degrees; which is not a pervasively sectarian institution; and
4 which does not discriminate in the admission of students on
5 the basis of race, color, religion, sex, or creed.

6 (14) "Loan funding deposit" means moneys or other
7 property which is deposited by an institution with the
8 authority or a trustee for the purpose of:

- 9 (a) Providing security for obligations;
10 (b) Funding a default reserve fund;
11 (c) Acquiring default insurance; or
12 (d) Defraying costs of the authority, and

13
14 which shall be in such amounts as are deemed necessary by the
15 authority as a condition for participation by such institution
16 in the program of the authority.

17 (15) "Obligation" means any revenue bond, note, or
18 other evidence of indebtedness of an authority, including any
19 interest coupon pertaining thereto, issued under this act,
20 including any refunding bond.

21 (16) "Parent" means any parent or guardian of a
22 student at an institution.

23 (17) "Participating institution" means an institution
24 of higher education which, pursuant to the provisions of this
25 act, undertakes the financing of an educational student loan
26 program or undertakes the refunding or refinancing of
27 obligations, a mortgage, or advances as provided in and
28 permitted by this act.

29 (18) "Person" means any person, firm, partnership,
30 association, corporation, or other body, public or private.

31

1 Section 498. Section 1009.993, Florida Statutes, is
2 created to read:

3 1009.993 Authority; creation, membership, terms of
4 members, expenses.--

5 (1) In each county there is created a public body
6 corporate and politic to be known as the "... County
7 Education Loan Authority." Each such authority is constituted
8 as a public instrumentality, and its exercise of the powers
9 conferred by this act shall be deemed the performance of an
10 essential public function. No authority shall transact any
11 business or exercise any power pursuant to this act until the
12 commission by ordinance or resolution declares that there is a
13 need for an authority to function in such county.

14 (2) The commission may adopt such an ordinance or
15 resolution of need if it finds that the youth of the county
16 and state do not have the opportunity to attend institutions
17 of higher learning located within the county because of their
18 inability to obtain financing for the cost of such education
19 and the inability of such institutions to provide adequate
20 financial aid to their students.

21 (3) In any suit, action, or proceeding involving the
22 validity or enforcement of or relating to any contract of the
23 authority, the authority shall be conclusively deemed to have
24 been established and authorized to transact business and
25 exercise its powers hereunder upon proof of the adoption of an
26 ordinance or resolution by the commission declaring the need
27 for the authority. Such ordinance or resolution shall be
28 sufficient if it declares that there is such a need for an
29 authority in the county. A copy of such ordinance or
30 resolution certified by the clerk shall be admissible in
31 evidence in any suit, action, or proceeding.

1 (4) The ordinance or resolution shall designate five
2 persons as members of the authority. The membership of the
3 authority shall include:
4 (a) A trustee, director, officer, or employee of an
5 institution located in such county.
6 (b) One lay citizen who does not derive a majority of
7 his or her income from education or an education-related
8 field.
9 (c) Two persons from the commercial financial
10 community in the county, each of whom has a favorable
11 reputation for skill, knowledge, and experience in the field
12 of state and municipal finance.
13 (d) One person from the commercial financial community
14 or educational community in the state who has a favorable
15 reputation for skill, knowledge, and experience in the field
16 of higher education loan finance.
17 (5) Of the members first appointed, one shall serve
18 for 1 year, one for 2 years, one for 3 years, one for 4 years,
19 and one for 5 years, in each case until his or her successor
20 is appointed and has qualified. Thereafter, the commission
21 shall appoint for terms of 5 years each members to succeed
22 those whose terms will expire. The commission shall fill any
23 vacancy for the unexpired portion of the term. Any member of
24 the authority may be reappointed. Any member of the authority
25 may be removed by the commission for misfeasance, malfeasance,
26 or willful neglect of duty. Before entering upon his or her
27 duties, each member of the authority shall take and subscribe
28 to the oath or affirmation required by the State Constitution.
29 A record of each such oath shall be filed with the Department
30 of State and with the clerk.
31

1 (6) The authority shall annually elect one of its
2 members as chair and one as vice chair and shall also appoint
3 an executive director who shall not be a member of the
4 authority and who shall serve at the pleasure of the authority
5 and receive such compensation as fixed by the authority.

6 (7) The executive director shall keep a record of the
7 proceedings of the authority and shall be custodian of all
8 books, documents, and papers filed with the authority; the
9 minute book or journal of the authority; and its official
10 seal. The director may have copies made of all minutes and
11 other records and documents of the authority and may give
12 certificates under the official seal of the authority to the
13 effect that such copies are true copies, and any person
14 dealing with the authority may rely upon any such certificate.

15 (8) Three members of the authority shall constitute a
16 quorum, and the affirmative vote of a majority of the members
17 present at a meeting shall be necessary for any action to be
18 taken; however, any action may be taken by an authority with
19 the unanimous consent of all of the members. A vacancy in the
20 membership of the authority shall not impair the right of a
21 quorum to exercise the rights or perform the duties of the
22 authority. The majority shall not include any member who has a
23 conflict of interest, and a statement by a member of a
24 conflict of interest is conclusive for this purpose. Any
25 action taken by the authority under the provisions of this act
26 may be authorized by resolution at any regular or special
27 meeting. Each such resolution shall take effect immediately
28 and need not be published or posted.

29 (9) The members of the authority shall receive no
30 compensation for the performance of their duties, but each
31 member, when engaged in the performance of such duties, shall

1 be entitled to per diem and travel expenses as provided in s.
2 112.061.

3 (10) Notwithstanding any other law to the contrary, it
4 shall not be, nor shall it constitute, a conflict of interest
5 for a trustee, director, officer, or employee of an
6 institution to serve as a member of the authority.

7 Section 499. Section 1009.994, Florida Statutes, is
8 created to read:

9 1009.994 Functions and powers of authority.--Each
10 authority shall have the following functions and powers:

11 (1) To adopt rules for the regulation of its affairs
12 and the conduct of its business.

13 (2) To adopt an official seal.

14 (3) To maintain an office at a place it designates.

15 (4) To sue and be sued in its own name and to plead
16 and be impleaded.

17 (5) To establish rules for the use of education loan
18 financing programs and to designate a participating
19 institution as its agent to establish rules for the use of a
20 program undertaken by such participating institution.

21 (6) To issue obligations for the purpose of making
22 authority loans to participating institutions for the purpose
23 of providing education loans utilizing such eligibility
24 standards for borrowers as the authority determines to be
25 necessary, but such standards shall include the following:

26 (a) Each student shall have a certificate of admission
27 or enrollment at a participating institution;

28 (b) Each student or his or her parents shall satisfy
29 such financial qualifications as the authority shall
30 establish; and

31

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.

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

1 (a) The education loan series portfolios and some or
2 all future education loan series portfolios of such
3 institutions; and
4 (b) The loan funding deposits of such institutions,
5 except that education loan series portfolios and other
6 security and moneys set aside in any fund pledged for any
7 series or issue of obligations shall be held for the sole
8 benefit of such series or issue separate and apart from
9 education loan series portfolios and other security and moneys
10 pledged for any other series of issue of obligations of the
11 authority. Obligations may be issued in series under one or
12 more resolutions or trust agreements in the discretion of the
13 authority.
14 (16) To examine records and financial reports of
15 participating institutions and to examine records and
16 financial reports of any contractor organization or
17 institution retained by the authority under the provisions of
18 this act.
19 (17) To make loans to a participating institution to
20 refund outstanding obligations, mortgages, or advances issued,
21 made, or given by such institution for authority loans; and
22 whenever such refunding obligations are issued to refund
23 obligations, the proceeds of which were used to make authority
24 loans, the authority may reduce the amount of interest owed to
25 it by the institution which had received authority loans from
26 the proceeds of the refunded obligations. Such institution
27 may use this reduced amount to reduce the amount of interest
28 being paid on education loans which the institution had made
29 pursuant to the authority loans from the proceeds of the
30 refunded obligations.
31

1 (18) To authorize its officers, agents, and employees
2 to take any other action which is necessary in order to carry
3 out the purposes of this act.

4 Section 500. Section 1009.995, Florida Statutes, is
5 created to read:

6 1009.995 Expenses of authority.--All expenses incurred
7 in carrying out the provisions of this act shall be payable
8 solely from funds provided under the provisions of this act;
9 and, except as specifically authorized under this act, no
10 liability shall be incurred by an authority beyond the extent
11 to which moneys have been provided under this act.

12 Section 501. Section 1009.996, Florida Statutes, is
13 created to read:

14 1009.996 Higher education facilities authority as
15 higher education loan authority.--As an alternative to the
16 creation of an authority, a commission may confer all rights,
17 powers, privileges, duties, and immunities of an authority
18 upon any entity in existence on July 1, 1982, which has been
19 authorized by law to function as a higher education facilities
20 authority pursuant to the provisions of chapter 243. Any such
21 entity which has been vested with the rights, powers,
22 privileges, duties, and immunities of a higher education loan
23 authority shall be subject to all provisions and
24 responsibilities imposed by this act, notwithstanding any
25 provisions to the contrary in any law which established the
26 entity. Nothing in this act shall be construed to impair or
27 diminish any powers of any other entity in existence on July
28 1, 1982, or to repeal, modify, or amend any law establishing
29 such entity, except as specifically set forth herein.

30 Section 502. Section 1009.9965, Florida Statutes, is
31 created to read:

1 1009.9965 Moneys, endowments, properties; acquisition,
2 deposit, and guarantees.--Each authority is authorized to
3 establish specific guidelines relating to the deposits of
4 moneys, endowments, or properties by institutions which
5 moneys, endowments, or properties would provide prudent
6 security for education loan funding programs, authority loans,
7 education loans, or obligations; and it may establish
8 guidelines relating to guarantees of, or contracts to
9 purchase, education loans or obligations by such institutions,
10 financial institutions, or others. A default reserve fund may
11 be established for each series or issue of obligations. In
12 this regard, the authority is empowered to receive such
13 moneys, endowments, properties, and guarantees as it deems
14 appropriate and, if necessary, to take title in the name of
15 the authority or in the name of a participating institution or
16 a trustee, subject, however, to the limitations applicable to
17 public participating institutions set forth in s. 1009.994(8).

18 Section 503. Section 1009.997, Florida Statutes, is
19 created to read:

20 1009.997 Conveyance of loan funding deposit to
21 participating institutions.--When the principal of and
22 interest on obligations of an authority issued to finance the
23 cost of an education loan financing program, including any
24 refunding obligations issued to refund and refinance such
25 obligations, have been fully paid and retired or when adequate
26 provision has been made to fully pay and retire the
27 obligations and all other conditions of the bond resolution
28 have been satisfied and the lien created by such bond
29 resolution has been released in accordance with the provisions
30 thereof, the authority shall promptly do such things and
31 execute such deeds and conveyances as are necessary to convey

1 any remaining moneys, properties, and other assets comprising
2 loan funding deposits to the institutions in proportion to the
3 amounts furnished by the respective institutions.

4 Section 504. Section 1009.9975, Florida Statutes, is
5 created to read:

6 1009.9975 Notes of authority.--An authority may issue
7 its negotiable notes for any corporate purpose and renew any
8 notes by the issuance of new notes, whether or not the notes
9 to be renewed have matured. The authority may issue notes
10 partly to renew notes or to discharge other obligations then
11 outstanding and partly for any other purpose. The notes may be
12 authorized, sold, executed, and delivered in the same manner
13 as bonds. Any resolution authorizing notes of the authority
14 or any issue thereof may contain any provisions which the
15 authority is authorized to include in any resolution
16 authorizing revenue bonds or any issue thereof, and the
17 authority may include in any notes any terms, covenants, or
18 conditions which it is authorized to include in any bonds.
19 All such notes shall be payable solely from the revenues of
20 the authority, subject only to any contractual rights of the
21 holders of any of its notes or other obligations then
22 outstanding.

23 Section 505. Section 1009.9976, Florida Statutes, is
24 created to read:

25 1009.9976 Issuance of obligations.--

26 (1) An authority may issue its negotiable revenue
27 obligations for any corporate purpose. In anticipation of the
28 sale of such obligations, the authority may issue negotiable
29 bond anticipation notes and may renew them, but the maximum
30 maturity of any such note, including renewals thereof, shall
31 not exceed 5 years from the date of issue of the original

1 note. Such notes shall be paid from revenues of the authority
2 available therefor and not otherwise pledged or from the
3 proceeds of sale of the revenue bonds of the authority in
4 anticipation of which they were issued. The notes shall be
5 issued in the same manner as the revenue bonds. Such notes and
6 the resolution authorizing them may contain any provisions,
7 conditions, or limitations which a bond resolution of the
8 authority may contain.

9 (2) Each issue of obligations shall be payable solely
10 out of those revenues of the authority that pertain to the
11 program relating to such issue, including principal and
12 interest on authority loans and education loans; payments by
13 institutions of higher education, banks, insurance companies,
14 or others pursuant to letters of credit or purchase
15 agreements; investment earnings from funds or accounts
16 maintained pursuant to the bond resolution; insurance
17 proceeds; loan funding deposits; proceeds of sales of
18 education loans; proceeds of refunding obligations; and fees,
19 charges, and other revenues of the authority from such
20 program, subject only to any agreements with the holders of
21 particular revenue bonds or notes pledging any particular
22 reserves.

23 (3) The obligations may be issued as serial
24 obligations or as term obligations, or in both forms. The
25 obligations shall be authorized by a bond resolution of the
26 authority and shall bear such dates; mature at such times, not
27 to exceed the year following the last year in which the final
28 payments in an education loan series portfolio are due or 30
29 years, whichever is sooner, from their respective dates of
30 issue; bear interest at such rates; be payable at such times;
31 be in such denominations; be in such form, either coupon or

1 fully registered; carry such registration and conversion
2 privileges; be payable in lawful money of the United States of
3 America at such places; and be subject to such terms of
4 redemption as such bond resolution may provide. Obligations
5 shall be executed by the manual or facsimile signatures of
6 such officers of the authority as shall be designated by the
7 authority. Obligations may be sold at public or private sale
8 in such manner and for such price as the authority shall
9 determine. Pending preparation of the definitive bonds, the
10 authority may issue interim receipts or certificates which
11 shall be exchanged for such definitive bonds.

12 (4) Any bond resolution may contain provisions, which
13 shall be a part of the contract with the holders of the
14 obligations to be authorized, as to:

15 (a) The pledging or assigning of all or part of the
16 revenues derived from the authority loans and education loans
17 to secure the payment of the obligations to be issued.

18 (b) The fees and other amounts to be charged; the sums
19 to be raised in each year thereby; and the use, investment,
20 and disposition of such sums.

21 (c) The setting aside of loan funding deposits, debt
22 service reserves, capitalized interest accounts, cost of
23 insurance accounts, and sinking funds and the regulation,
24 investment, and disposition thereof.

25 (d) Limitations on the right of the authority or its
26 agent to restrict and regulate the use of education loans.

27 (e) Limitations on the purpose to which the proceeds
28 of sale of any issue of obligations then or thereafter to be
29 issued may be invested or applied.

30 (f) Limitations on the issuance of additional
31 obligations; the terms upon which additional obligations may

1 be issued and secured; the terms upon which additional
2 obligations may rank on a parity with, or be subordinate or
3 superior to, other obligations; and the refunding of
4 outstanding obligations.

5 (g) The procedure, if any, by which the terms of any
6 contract with bondholders may be amended or abrogated, the
7 amount of obligations the holders of which must consent
8 thereto, and the manner in which such consent may be given.

9 (h) Limitations on the amount of moneys derived from
10 the loan program to be expended for operating, administrative,
11 or other expenses of the authority.

12 (i) Defining the acts or omissions to act which
13 constitute a default in the duties of the authority to holders
14 of obligations and providing the rights or remedies of such
15 holders in the event of a default.

16 (j) Providing for guarantees, pledges or endowments,
17 letters of credit, property, or other security for the benefit
18 of the holders of such obligations.

19 (k) Any other matters relating to the obligations
20 which the authority deems desirable to include in the bond
21 resolution.

22 (5) Neither the members of the authority nor any
23 person executing the obligations shall be liable personally on
24 the obligations or be subject to any personal liability or
25 accountability by reason of the issuance thereof.

26 (6) The authority shall have power to purchase its
27 obligations out of any funds available therefor. The
28 authority may hold, pledge, cancel, or resell such obligations
29 subject to and in accordance with agreements with bondholders.

30 (7) The authority shall have the power to refund any
31 of its obligations. Such refunding obligations shall be

1 issued in the same manner as other obligations of the
2 authority.

3 Section 506. Section 1009.9977, Florida Statutes, is
4 created to read:

5 1009.9977 Trust agreement to secure obligations.--In
6 the discretion of the authority, any obligations issued under
7 the provisions of this act may be secured by a trust agreement
8 by and between the authority and a corporate trustee, which
9 may be any trust company or bank having the powers of a trust
10 company within or without the state. The trust agreement may
11 pledge or assign the revenues to be received by the authority;
12 may contain such provisions for protecting and enforcing the
13 rights and remedies of the bondholders as may be reasonable
14 and proper and not in violation of law, particularly including
15 such provisions as have hereinabove been specifically
16 authorized to be included in any bond resolution of the
17 authority; and may restrict individual rights of action by
18 bondholders. Any bank or trust company incorporated under the
19 laws of this state which may act as depository of the proceeds
20 of bonds or of revenues or other moneys may furnish such
21 indemnifying bonds or pledge such securities as may be
22 required by the authority. Any such trust agreement may set
23 forth the rights and remedies of the bondholders and of the
24 trustee. In addition, any trust agreement may contain such
25 other provisions as the authority may deem reasonable and
26 proper for the security of the bondholders. All expenses
27 incurred in carrying out the provisions of the trust agreement
28 may be treated as part of the cost of the operation of an
29 education loan program.

30 Section 507. Section 1009.9978, Florida Statutes, is
31 created to read:

1 1009.9978 Payment of obligations.--Obligations issued
2 under the provisions of this act shall not be deemed to
3 constitute a debt or liability of the state or the county or a
4 pledge of the faith and credit of the state or any county, but
5 such obligations shall be payable solely from the funds herein
6 provided therefor from revenues. Each such obligation shall
7 contain on its face a statement to the effect that neither the
8 county nor the authority shall be obligated to pay the same or
9 the interest thereon except from revenues of the loan program
10 for which it is issued and that neither the faith and credit
11 nor the taxing power of the state or of any political
12 subdivision thereof is pledged to the payment of the principal
13 of or the interest on such bonds. The issuance of obligations
14 under the provisions of this act shall not directly,
15 indirectly, or contingently obligate the state or any
16 political subdivision thereof to levy or pledge any form of
17 taxation whatever therefor or to make any appropriation for
18 their payment.

19 Section 508. Section 1009.9979, Florida Statutes, is
20 created to read:

21 1009.9979 Pledge of revenues.--Each authority shall
22 fix, revise, charge, and collect fees, and it is empowered to
23 contract with any person in respect thereof. Each agreement
24 entered into by the authority with an institution shall
25 provide that the fees and other amounts payable by the
26 institution of higher education with respect to any program of
27 the authority shall be sufficient at all times to:

28 (1) Pay the institution's share of the administrative
29 costs and expenses of such program;

30 (2) Pay the principal of, the premium, if any, on, and
31 the interest on outstanding obligations of the authority which

1 have been issued in respect of such program to the extent that
2 other revenues of the authority pledged for the payment of the
3 obligations are insufficient to pay the obligations as they
4 become due and payable;

5 (3) Create and maintain reserves which may, but need
6 not, be required or provided for in the bond resolution
7 relating to such obligations of the authority; and

8 (4) Establish and maintain whatever education loan
9 servicing, control, or audit procedures are deemed necessary
10 to the prudent operations of the authority.

11
12 The authority shall pledge the revenues from each program as
13 security for the issue of obligations relating to such
14 program. Such pledge shall be valid and binding from the time
15 the pledge is made; the revenues so pledged by the authority
16 shall immediately be subject to the lien of such pledge
17 without any physical delivery thereof or further act, and the
18 lien of any such pledge shall be valid and binding against all
19 parties having claims of any kind in tort, in contract, or
20 otherwise against the authority or any participating
21 institution, irrespective of whether such parties have notice
22 thereof.

23 Section 509. Section 1009.998, Florida Statutes, is
24 created to read:

25 1009.998 Funds as trust funds.--All moneys received by
26 or on behalf of an authority pursuant to this act, whether as
27 proceeds from the sale of obligations or as revenues, shall be
28 deemed to be trust funds to be held and applied solely as
29 provided in this act. Any officer with whom, or any bank or
30 trust company with which, such moneys are deposited shall act
31 as trustee of such moneys and shall hold and apply the same

1 for the purposes of this act, subject to such regulations as
2 this act and the bond resolution authorizing the issue of any
3 obligations may provide.

4 Section 510. Section 1009.9981, Florida Statutes, is
5 created to read:

6 1009.9981 Obligations; qualities of investment
7 securities.--All obligations issued under the provisions of
8 this act, regardless of form or terms, shall have all the
9 qualities and incidents, including negotiability, of
10 investment securities under the Uniform Commercial Code.
11 Compliance with the provisions of such code respecting the
12 filing of a financing statement to perfect a security interest
13 is not necessary for perfecting any security interest granted
14 by an authority.

15 Section 511. Section 1009.9982, Florida Statutes, is
16 created to read:

17 1009.9982 Rights of holders of obligations.--Any
18 holder of obligations issued pursuant to this act or a trustee
19 under a trust agreement entered into pursuant to this act,
20 except to the extent that the rights herein given may be
21 restricted by any bond resolution or trust agreement, may, by
22 any suitable form of legal proceedings:

23 (1) Protect and enforce any and all rights under the
24 laws of this state or granted hereunder or by the bond
25 resolution or trust agreement;

26 (2) Enjoin unlawful activities; and

27 (3) In the event of default with respect to the
28 payment of any principal of, premiums, if any, on, and
29 interest on any obligation or in the performance of any
30 covenant or agreement on the part of the authority in the bond
31 resolution, apply to the circuit court to appoint a receiver

1 to administer and operate the education loan program or
2 programs, the revenues of which are pledged to the payment of
3 principal of, premium, if any, on, and interest on such
4 obligations, with full power to pay, and to provide for
5 payment of, principal of, premium, if any, on, and interest on
6 such obligations and with such powers, subject to the
7 direction of the court, as are permitted by law and are
8 accorded receivers, excluding any power to pledge additional
9 revenues of the authority to the payment of such principal,
10 premium, and interest.

11 Section 512. Section 1009.9983, Florida Statutes, is
12 created to read:

13 1009.9983 Refunding obligations; purpose, proceeds;
14 investment of proceeds.--

15 (1) An authority may provide for the issuance of
16 obligations for the purpose of refunding any of its
17 obligations then outstanding, including the payment of any
18 redemption premium thereon and any interest accrued or to
19 accrue to the earliest or any subsequent date of redemption,
20 purchase, or maturity of such obligations.

21 (2) The proceeds of any such obligations issued for
22 the purpose of refunding outstanding obligations may, in the
23 discretion of the authority, be applied to the purchase or
24 retirement at maturity or redemption of such outstanding
25 obligations either on their earliest or any subsequent
26 redemption date or upon the purchase or at the maturity
27 thereof and may, pending such application, be placed in escrow
28 to be applied to such purchase or retirement at maturity or
29 redemption on such date as may be determined by the authority.

30 (3) Any such escrowed proceeds, pending such use, may
31 be invested and reinvested in direct obligations of the United

1 States of America or in certificates of deposit or time
2 deposits of financial institutions secured as to principal by
3 such direct obligations, which direct obligations,
4 certificates of deposit, or time deposits mature at such time
5 as shall be appropriate to assure the prompt payment, as to
6 principal, interest, and redemption premium, if any, of the
7 outstanding obligations to be so refunded. The interest,
8 income, and profits, if any, earned or realized on any such
9 investment may also be applied to the payment of the
10 outstanding obligations to be so refunded. After the terms of
11 the escrow have been fully satisfied and carried out, any
12 balance of such proceeds and interest, income, and profits, if
13 any, earned or realized on the investments thereof shall be
14 returned to the authority for use in any lawful manner.

15 (4) All such refunding bonds shall be subject to this
16 act in the same manner and to the same extent as other revenue
17 bonds issued pursuant to this act.

18 Section 513. Section 1009.9984, Florida Statutes, is
19 created to read:

20 1009.9984 Investment of funds of authority.--Except as
21 otherwise provided in s. 1009.9983(3), an authority may invest
22 any funds in:

23 (1) Direct obligations of the United States of
24 America;

25 (2) Obligations as to which the timely payment of
26 principal and interest is fully guaranteed by the United
27 States of America;

28 (3) Obligations of the Federal Intermediate Credit
29 Banks, Federal Banks for Cooperatives, Federal Land Banks,
30 Federal Home Loan Banks, Federal National Mortgage

31

1 Association, Government National Mortgage Association, and
2 Student Loan Marketing Association;
3 (4) Certificates of deposit or time deposits
4 constituting direct obligations of any financial institution
5 as defined by the financial institutions codes, as now or
6 hereafter amended, except that investments may be made only in
7 those certificates of deposit or time deposits in financial
8 institutions which are insured by the appropriate federal
9 regulatory agency as defined in s. 655.005; and
10 (5) Withdrawable capital accounts or deposits of state
11 or federally chartered savings and loan associations which are
12 insured by an agency of the Federal Government. Any such
13 securities may be purchased at the offering or market price
14 thereof at the time of such purchase. All such securities so
15 purchased shall mature or be redeemable on a date prior to the
16 time when, in the judgment of the authority, the funds so
17 invested will be required for expenditure. The express
18 judgment of the authority as to the time when any funds will
19 be required for expenditure or be redeemable is final and
20 conclusive.
21 Section 514. Section 1009.9985, Florida Statutes, is
22 created to read:
23 1009.9985 Obligations as legal investments.--Any bank,
24 banker, trust company, savings bank or institution, building
25 and loan association, savings and loan association, investment
26 company, or other person carrying on a banking business or
27 investment business; insurance company or insurance
28 association; executor, administrator, guardian, trustee, or
29 other fiduciary; or public officer or public body of the state
30 or its political subdivisions may legally invest any sinking
31

1 funds, moneys, or other funds belonging to it or within its
2 control in any obligations issued pursuant to this act.

3 Section 515. Section 1009.9986, Florida Statutes, is
4 created to read:

5 1009.9986 Validation of bonds and proceedings.--A
6 higher education loan authority shall determine its authority
7 to issue any of its bonds, and the legality of all proceedings
8 in connection therewith, as provided in chapter 75.

9 Section 516. Section 1009.9987, Florida Statutes, is
10 created to read:

11 1009.9987 Actions to contest validity of bonds.--An
12 action or proceeding to contest the validity of any bond
13 issued under this act, other than a proceeding pursuant to s.
14 1009.9986, shall be commenced within 30 days after
15 notification, in a newspaper of general circulation within the
16 area, of the passage by the authority of the resolution
17 authorizing the issuance of such bond.

18 Section 517. Section 1009.9988, Florida Statutes, is
19 created to read:

20 1009.9988 Annual report.--Each authority shall keep an
21 accurate account of all of its activities and shall annually
22 provide a report thereof to the commission and to the
23 Commissioner of Education. Such report shall be a public
24 record and open for inspection at the offices of the authority
25 during normal business hours. The report shall include:

26 (1) Summaries of all applications by institutions of
27 higher education for education loan financing assistance
28 presented to the authority during such fiscal year;

29 (2) Summaries of all education loan programs which
30 have received any form of financial assistance from the
31 authority during such year;

1 (3) The nature and amount of all education loan
2 financing assistance;

3 (4) A report concerning the financial condition of the
4 various education loan series portfolios; and

5 (5) Projected activities of the authority for the next
6 fiscal year, including projections of the total amount of
7 financial assistance anticipated and the amount of obligations
8 that will be necessary to provide the projected level of
9 assistance during the next fiscal year.

10 Section 518. Section 1009.9989, Florida Statutes, is
11 created to read:

12 1009.9989 Act as alternative method.--This act shall
13 be deemed to provide a complete, additional, and alternative
14 method for the doing of the things authorized hereby and shall
15 be regarded as supplemental and additional to powers or rights
16 conferred by other laws; however, the issuance of obligations
17 and refunding obligations under this act need not comply with
18 the requirements of any other law applicable to the issuance
19 of obligations. Except as otherwise expressly provided in
20 this act, none of the powers granted to an authority under
21 this act shall be subject to the supervision or regulation, or
22 require the approval or consent, of any municipality or
23 political subdivision or any department, division, commission,
24 board, body, bureau, official, or agency thereof or of the
25 state.

26 Section 519. Section 1009.9990, Florida Statutes, is
27 created to read:

28 1009.9990 State agreement.--The state does hereby
29 pledge to and agree with the holders of any obligations issued
30 under this act, and with those parties who may enter into
31 contracts with an authority pursuant to the provisions of this

1 act, that the state will not limit or alter the rights hereby
2 vested in the authority until such obligations, together with
3 the interest thereon, are fully met and discharged and such
4 contracts are fully performed on the part of the authority;
5 however, nothing herein contained shall preclude such
6 limitation or alteration if adequate provision is made by law
7 for the protection of the holders of such obligations of an
8 authority or those entering into such contracts with an
9 authority. An authority is authorized to include this pledge
10 and undertaking for the state in such obligations or
11 contracts.

12 Section 520. Section 1009.9991, Florida Statutes, is
13 created to read:

14 1009.9991 Conflicts of interest.--

15 (1) If any member, officer, or employee of an
16 authority has an interest, either direct or indirect, in any
17 contract to which the authority is, or is to be, a party or in
18 any institution requesting an authority loan from the
19 authority, such interest shall be disclosed to the authority
20 in writing and shall be set forth in the minutes of the
21 authority. The person having such interest shall not
22 participate in any action by the authority with respect to
23 such contract or such institution.

24 (2) Nothing in this section shall be construed to
25 limit the right of any member, officer, or employee of an
26 authority to acquire an interest in bonds of the authority or
27 to have an interest in any banking institution in which the
28 bonds of the authority are, or are to be, deposited or which
29 is, or is to be, acting as trustee or paying agent under any
30 bond resolution, trust indenture, or similar instrument to
31 which the authority is a party.

1 Section 521. Section 1009.9992, Florida Statutes, is
2 created to read:

3 1009.9992 Liberal construction.--This act, being
4 necessary for the welfare of the state and its inhabitants,
5 shall be liberally construed to effect its purpose.

6 Section 522. Section 1009.9993, Florida Statutes, is
7 created to read:

8 1009.9993 Tax exemption.--Neither an authority nor its
9 agent or trustee shall be required to pay any taxes or
10 assessments upon any transactions, or any property acquired or
11 used by the authority or its agents or trustees under the
12 provisions of this act or upon the income therefrom. Any
13 bonds, notes, or other obligations issued under the provisions
14 of this act and their transfer and the income therefrom,
15 including any profit made on the sale thereof, shall at all
16 times be exempt from taxation of any kind by the state or any
17 of its political subdivisions. The exemption granted by this
18 section shall not be applicable to any tax imposed by chapter
19 220 on interest, income, or profits on debt obligations owned
20 by corporations.

21 Section 523. Section 1009.9994, Florida Statutes, is
22 created to read:

23 1009.9994 State Board of Administration authority to
24 borrow and lend funds to finance student loans; conditions and
25 limitations.--

26 (1) The State of Florida, acting through the State
27 Board of Administration, is authorized to borrow funds to
28 finance student loans and to lend such funds to eligible
29 lenders described under the provisions of the Higher Education
30 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
31 be amended, or other federal laws providing for the guarantee

1 of loans to students and the partial payment of interest on
2 such loans by the United States Government.

3 (2) In order to obtain such funds, the State of
4 Florida, acting through the State Board of Administration, is
5 authorized to enter into loan agreements and interlocal
6 agreements with any county, municipality, special district, or
7 other local governmental body. Such agreements shall be for
8 such periods and under such terms and conditions as may be
9 mutually agreed upon by the parties thereto in order to carry
10 out the purposes of s. 15, Art. VII of the State Constitution.
11 The loans shall be repaid only from the proceeds received
12 under loan agreements with eligible lenders or from the
13 proceeds received from the repayment of the student loans.
14 Such agreements shall provide that the loans to the state will
15 not constitute a general or moral obligation or a pledge of
16 the faith and credit or the taxing power of the state.

17 (3) The State of Florida, acting through the State
18 Board of Administration, is further authorized to enter into
19 loan agreements or other contracts under which the state will
20 loan the funds obtained from the local governments to eligible
21 lenders as defined in s. 435(g)(1)(D) of the Higher Education
22 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
23 be amended, or other federal laws providing for the guarantee
24 of loans to students and the partial payment of interest on
25 such loans by the United States Government. Such agreements
26 or contracts shall be for such periods and under such terms
27 and conditions as may be mutually agreed upon by the parties
28 thereto in order to carry out the purposes of s. 15, Art. VII
29 of the State Constitution. Higher Education Loan Program of
30 Florida, Inc., a Florida nonprofit corporation, is hereby
31 designated an eligible lender hereunder, and any other lender,

1 to the extent permitted under s. 435(q)(1)(D) of the Higher
2 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended
3 or as may be amended, or other federal laws providing for the
4 guarantee of loans to students and the partial payment of
5 interest on such loans by the United States Government, may be
6 designated by the Governor, with the concurrence of the State
7 Board of Administration, as an eligible lender hereunder.

8 (4) The State of Florida, acting through the State
9 Board of Administration, is further authorized to enter into
10 such further contracts and to take such further actions as may
11 be necessary or convenient in order to carry out the purposes
12 of this section.

13 (5) Notice shall be published in a newspaper of
14 general circulation within the territorial jurisdiction of the
15 governmental body following adoption by the local governmental
16 body of a resolution authorizing a loan agreement or
17 interlocal agreement under this section. An action or
18 proceeding to contest the validity of any such loan agreement
19 or interlocal agreement must be commenced within 30 days after
20 publication of such notice.

21 (6) The provisions of this section shall be liberally
22 construed in order to effectively carry out its purposes.
23 This section shall be deemed to provide an additional and
24 alternative method for the doing of the things authorized
25 hereby and shall be regarded as supplemental to powers
26 conferred by other laws, and shall not be regarded as in
27 derogation of any powers now existing.

28 Section 524. Contingent upon ss. 1011.41 and
29 1011.4106, Florida Statutes, which transfer funding associated
30 with student tuition and fees and other authorized fees for
31 services to local accounts to be managed by university boards

1 of trustees, becoming law, the total receipts of the state
2 which are subject to the revenue limitations of Article VII,
3 Section 1(e) of the Florida Constitution shall be reduced by
4 the Revenue Estimation Conference to reflect this transfer.

5 Section 525. Chapter 1010, Florida Statutes, shall be
6 entitled "Financial Matters" and shall consist of ss.
7 1010.01-1010.86.

8 Section 526. Part I of chapter 1010, Florida Statutes,
9 shall be entitled "General Accounting Requirements" and shall
10 consist of ss. 1010.01-1010.11.

11 Section 527. Section 1010.01, Florida Statutes, is
12 created to read:

13 1010.01 Uniform records and accounts.--

14 (1) The financial records and accounts of each school
15 district, community college, university, and other institution
16 or agency under the supervision of the State Board of
17 Education shall be prepared and maintained as prescribed by
18 law and rules of the State Board of Education.

19 (2) Rules of the State Board of Education shall
20 incorporate the requirements of law and the appropriate
21 requirements of the Governmental Accounting Standards Board
22 (GASB) for State and Local Government.

23 (3) Required financial accounts and reports shall
24 include provisions that are unique to each of the following:
25 K-12 school districts, community colleges, and state
26 universities, and shall provide for the data to be reported to
27 the National Center of Educational Statistics and other
28 governmental and professional educational data information
29 services as appropriate.

30 Section 528. Section 1010.011, Florida Statutes, is
31 created to read:

1 1010.011 Definition.--For purposes of chapters 1010
2 and 1011, the following terms: university, universities, and
3 university board of trustees include New College under the
4 supervision of the State Board of Education.

5 Section 529. Section 1010.02, Florida Statutes, is
6 created to read:

7 1010.02 Financial accounting and expenditures.--All
8 funds accruing to a school district, a community college, or a
9 university must be received, accounted for, and expended in
10 accordance with law and rules of the State Board of Education.

11 Section 530. Section 1010.03, Florida Statutes, is
12 created to read:

13 1010.03 Delinquent accounts.--District school boards,
14 community college boards of trustees, and university boards of
15 trustees:

16 (1) Shall exert every effort to collect all delinquent
17 accounts.

18 (2) May charge off or settle such accounts as may
19 prove uncollectible.

20 (3) May employ the services of a collection agency
21 when deemed advisable in collecting delinquent accounts.

22 (4) May adopt rules, as necessary, to implement the
23 provisions of this section, including setoff procedures,
24 payroll deductions, and restrictions on release of
25 transcripts, awarding of diplomas, and access to other
26 resources and services of the school district, community
27 college, or university.

28 Section 531. Section 1010.04, Florida Statutes, is
29 created to read:

30 1010.04 Purchasing.--
31

1 (1) Purchases and leases by school districts,
2 community colleges, and universities shall comply with the
3 requirements of law and rules of the State Board of Education.

4 (2) Each district school board, community college
5 board of trustees, and each university board of trustees shall
6 adopt rules to be followed in making purchases.

7 (3) In districts in which the county purchasing agent
8 is authorized by law to make purchases for the benefit of
9 other governmental agencies within the county, the district
10 school board and community college board of trustees shall
11 have the option to purchase from the current county contracts
12 at the unit price stated therein if such purchase is to the
13 economic advantage of the district school board or the
14 community college board of trustees; subject to confirmation
15 of the items of purchase to the standards and specifications
16 prescribed by the school district or community college.

17 (4) The State Board of Education may, by rule, provide
18 for alternative procedures for bidding or purchasing in cases
19 in which the character of the item requested renders
20 competitive bidding impractical.

21 Section 532. Section 1010.05, Florida Statutes, is
22 created to read:

23 1010.05 Federal grants; maximization of indirect cost
24 allowance.--The Department of Education shall maximize the
25 available federal indirect cost allowed on all federal grants.
26 Beginning with the 2002-2003 fiscal year, none of the funds
27 received from indirect cost allowance shall be expended by the
28 department without specific appropriation by the Legislature.
29 Funds received pursuant to s. 1004.22 are specifically exempt
30 from this provision.

31

1 Section 533. Section 1010.07, Florida Statutes, is
2 created to read:

3 1010.07 Bonds or insurance required.--

4 (1) Each district school board, community college
5 board of trustees, and university board of trustees shall
6 ensure that each official and employee responsible for
7 handling, expending, or authorizing the expenditure of funds
8 shall be appropriately bonded or insured to protect the board
9 and the funds involved.

10 (2) Contractors paid from school district, community
11 college, or university funds shall give bond for the faithful
12 performance of their contracts in such amount and for such
13 purposes as prescribed by s. 255.05 or by rules of the State
14 Board of Education relating to the type of contract involved.
15 It shall be the duty of the district school board, community
16 college board of trustees, and university board of trustees to
17 require construction contractors a bond adequate to protect
18 the board and the board's funds involved.

19 Section 534. Section 1010.08, Florida Statutes, is
20 created to read:

21 1010.08 Promotion and public relations; funding.--Each
22 district school board and community college board of trustees
23 may budget and use a portion of the funds accruing to it from
24 auxiliary enterprises and undesignated gifts for promotion and
25 public relations as prescribed by rules of the State Board of
26 Education. Such funds may be used to provide hospitality to
27 business guests in the district or elsewhere. However, such
28 hospitality expenses may not exceed the amount authorized for
29 such contingency funds as prescribed by rules of the State
30 Board of Education.

31

1 Section 535. Section 1010.09, Florida Statutes, is
2 created to read:

3 1010.09 Direct-support organizations.--School
4 district, community college, and university direct-support
5 organizations shall be organized and conducted under the
6 provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the
7 State Board of Education, as applicable.

8 Section 536. Section 1010.11, Florida Statutes, is
9 created to read:

10 1010.11 Electronic transfer of funds.--Pursuant to the
11 provisions of s. 215.85, each district school board, community
12 college board of trustees, and university board of trustees
13 shall adopt written policies prescribing the accounting and
14 control procedures under which any funds under their control
15 are allowed to be moved by electronic transaction for any
16 purpose including direct deposit, wire transfer, withdrawal,
17 or investment. Electronic transactions shall comply with the
18 provisions of chapter 668.

19 Section 537. Part II of chapter 1010, Florida
20 Statutes, shall be entitled "Financial Reporting" and shall
21 consist of ss. 1010.20-1010.24.

22 Section 538. Section 1010.20, Florida Statutes, is
23 created to read:

24 1010.20 Cost accounting and reporting for school
25 districts.--

26 (1) COST ACCOUNTING.--Each school district shall
27 account for expenditures of all state, local, and federal
28 funds on a school-by-school and a district-aggregate basis in
29 accordance with the manual developed by the Department of
30 Education or as provided by law.

31 (2) COST REPORTING.--

1 (a) Each district shall report on a district-aggregate
2 basis expenditures for inservice training pursuant to s.
3 1011.62(3) and for categorical programs as provided in s.
4 1011.62(5).

5 (b) Each district shall report on a school-by-school
6 and on an aggregate district basis expenditures for each
7 program funded in s. 1011.62(1)(c).

8 (c) The Commissioner of Education shall present to the
9 Legislature, prior to the opening of the regular session each
10 year, a district-by-district report of the expenditures
11 reported pursuant to paragraphs (a) and (b). The report shall
12 include total expenditures, a detailed analysis showing
13 expenditures for each program, and such other data as may be
14 useful for management of the education system. The
15 Commissioner of Education shall also compute cost factors
16 relative to the base student allocation for each funded
17 program in s. 1011.62(1)(c).

18 (3) PROGRAM EXPENDITURE REQUIREMENTS.--

19 (a) Each district shall expend at least the percent of
20 the funds generated by each of the programs listed in this
21 section on the aggregate total school costs for such programs:

22 1. Kindergarten and grades 1, 2, and 3, 90 percent.

23 2. Grades 4, 5, 6, 7, and 8, 80 percent.

24 3. Grades 9, 10, 11, and 12, 80 percent.

25 4. Programs for exceptional students, on an aggregate
26 program basis, 90 percent.

27 5. Grades 7 through 12 career and technical education
28 programs, on an aggregate program basis, 80 percent.

29 6. Students-at-risk programs, on an aggregate program
30 basis, 80 percent.

31

1 7. Juvenile justice programs, on an aggregate program
2 basis, 80 percent.

3 8. Any new program established and funded under s.
4 1011.62(1)(c), that is not included under subparagraphs 1.-6.,
5 on an aggregate basis as appropriate, 80 percent.

6 (b) Funds for inservice training established in s.
7 1011.62(3) and for categorical programs established in s.
8 1011.62(5) shall be expended for the costs of the identified
9 programs as provided by law and in accordance with the rules
10 of the State Board of Education.

11 Section 539. Section 1010.21, Florida Statutes, is
12 created to read:

13 1010.21 Indirect costs.--District school boards shall
14 assess district indirect costs only for services received by
15 the program or institution against which such cost is
16 assessed. When assigning each specific indirect cost to
17 multiple programs or institutions, district school boards
18 shall identify one basis for the assessment of such cost and
19 shall maintain the same basis for assigning such cost to each
20 program or institution.

21 Section 540. Section 1010.215, Florida Statutes, is
22 created to read:

23 1010.215 Educational funding accountability.--

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

25 (a) "Administrative personnel" means those employees
26 responsible for management functions such as the development
27 of broad policies and implementation of those policies through
28 the direction of personnel.

29 (b) "Educational support personnel" means
30 district-based and school-based employees, including
31 professional staff, technicians, secretaries, clerks, skilled

1 workers, transportation employees, food service employees, and
2 custodial and maintenance workers.

3 (c) "Instructional personnel" means classroom
4 teachers, including substitute teachers.

5 (d) "Instructional specialists" means staff members
6 responsible for providing student personnel services,
7 librarians, and media specialists.

8 (e) "Instructional support personnel" means aides or
9 assistants to instructional personnel or instructional
10 specialists.

11 (f) "Managers" means instructional and
12 noninstructional employees with some managerial and
13 supervisory functions, although primarily responsible for
14 general operations. This category includes only
15 district-based employees.

16 (2) Each district school board must classify each
17 employee of the district school board into one of the
18 following categories:

19 (a) Instructional personnel;

20 (b) Instructional specialists;

21 (c) Instructional support personnel;

22 (d) Administrative personnel;

23 (e) Managers; or

24 (f) Educational support personnel.

25

26 The district school board shall notify each employee of such
27 classification.

28 (3)(a) The school public accountability report to
29 parents must include the number of employees in each of the
30 categories listed in subsection (2), by work location.

31

1 However, this does not include the number of temporary
2 substitute employees.

3 (b) Any teacher-to-student ratio or class size measure
4 required by law or State Board of Education rule must be
5 computed by dividing the number of students in membership at
6 the school by the number of full-time equivalent instructional
7 personnel pursuant to paragraph (2)(a). Class size reports for
8 exceptional student education shall be computed by dividing
9 the number of exceptional students in membership by the number
10 of full-time equivalent exceptional education classroom
11 teachers who are classified as instructional personnel
12 pursuant to paragraph (2)(a).

13 (4)(a) All expenditures within the general and special
14 revenue funds for each district school board, including
15 salaries, benefits, purchased services, energy services,
16 materials and supplies, capital outlay, and miscellaneous
17 expenditures, for the following purposes are classified as
18 administrative expenditures:

19 1. District school board.
20 2. General administration.
21 3. School administration, excluding support
22 expenditures.

23 4. Facilities acquisition and construction at the
24 district level.

25 5. Fiscal services.
26 6. Central services at the district level.

27 (b) All expenditures within the general and special
28 revenue funds for each district school board, including
29 salaries, benefits, purchased services, energy services,
30 materials and supplies, capital outlay, and miscellaneous
31

1 expenditures, for the following purposes are classified as
2 instructional expenditures:
3 1. Instruction.
4 2. Instructional support services, including student
5 personnel services, instructional media services, instruction
6 and curriculum development, and instructional staff training
7 services.
8 3. School administration, including support
9 expenditures.
10 4. Facilities acquisition and construction at the
11 school level.
12 5. Food services.
13 6. Central services at the school level.
14 7. Student transportation services.
15 8. Operation of plant.
16 9. Maintenance of plant.
17
18 Definitions for the functions specified in this subsection are
19 specified in State Board of Education rules.
20 (5) The annual school public accountability report
21 required by ss. 1001.42(16) and 1008.345 must include a school
22 financial report. The purpose of the school financial report
23 is to better inform parents and the public concerning how
24 revenues were spent to operate the school during the prior
25 fiscal year. Each school's financial report must follow a
26 uniform, districtwide format that is easy to read and
27 understand.
28 (a) Total revenue must be reported at the school,
29 district, and state levels. The revenue sources that must be
30 addressed are state and local funds, other than lottery funds;
31 lottery funds; federal funds; and private donations.

- 1 (b) Expenditures must be reported as the total
2 expenditures per unweighted full-time equivalent student at
3 the school level and the average expenditures per full-time
4 equivalent student at the district and state levels in each of
5 the following categories and subcategories:
- 6 1. Teachers, excluding substitute teachers, and
7 education paraprofessionals who provide direct classroom
8 instruction to students enrolled in programs classified by s.
9 1011.62 as:
- 10 a. Basic programs;
11 b. Students-at-risk programs;
12 c. Special programs for exceptional students;
13 d. Career education programs; and
14 e. Adult programs.
- 15 2. Substitute teachers.
16 3. Other instructional personnel, including
17 school-based instructional specialists and their assistants.
- 18 4. Contracted instructional services, including
19 training for instructional staff and other contracted
20 instructional services.
- 21 5. School administration, including school-based
22 administrative personnel and school-based education support
23 personnel.
- 24 6. The following materials, supplies, and operating
25 capital outlay:
- 26 a. Textbooks;
27 b. Computer hardware and software;
28 c. Other instructional materials;
29 d. Other materials and supplies; and
30 e. Library media materials.
31 7. Food services.

1 8. Other support services.

2 9. Operation and maintenance of the school plant.

3 (c) The school financial report must also identify the
4 types of district-level expenditures that support the school's
5 operations. The total amount of these district-level
6 expenditures must be reported and expressed as total
7 expenditures per full-time equivalent student.

8 (6) Based on the classifications in this section, each
9 district school board shall annually submit a report by
10 January 1, which identifies and summarizes administrative
11 expenditures and instructional expenditures by fund for the
12 preceding fiscal year. The report shall also state the number
13 of unweighted full-time equivalent students enrolled in the
14 school district. The total amount of administrative
15 expenditures shall be divided by the number of unweighted
16 full-time equivalent students to determine the administrative
17 expenditures per student. This calculation is to be made
18 separately for the general and the special revenue funds. In
19 addition, the report shall reflect the number of employees in
20 each category outlined in subsection (2) and the percentage of
21 employees in each category, excluding the number of temporary
22 substitute employees. This report shall be submitted to the
23 commissioner and shall be made available to the public. The
24 school public accountability report shall contain notification
25 of the availability of this report.

26 Section 541. Section 1010.22, Florida Statutes, is
27 created to read:

28 1010.22 Cost accounting and reporting for workforce
29 education.--

30 (1) Each school district and each community college
31 shall account for expenditures of all state, local, federal,

1 and other funds in the manner prescribed by the State Board of
2 Education.

3 (2) Each school district and each community college
4 shall report expenditures for workforce education in
5 accordance with requirements prescribed by the State Board of
6 Education.

7 (3) The Department of Education, in cooperation with
8 school districts and community colleges, shall develop and
9 maintain a database of valid comparable information on
10 workforce education which will meet both state and local
11 needs.

12 Section 542. Section 1010.23, Florida Statutes, is
13 created to read:

14 1010.23 Cost accounting and reporting for community
15 colleges.--Community colleges shall provide an annual report
16 on the cost of operations as provided in s. 1011.84.

17 Section 543. Section 1010.24, Florida Statutes, is
18 created to read:

19 1010.24 Cost accounting and reporting for
20 universities.--Universities shall provide an annual
21 expenditure analysis report as provided in s. 1011.90.

22 Section 544. Part III of chapter 1010, Florida
23 Statutes, shall be entitled "Audit Requirements and
24 Procedures" and shall consist of ss. 1010.30-1010.34.

25 Section 545. Section 1010.30, Florida Statutes, is
26 created to read:

27 1010.30 Audits required.--School districts, community
28 colleges, universities, and other institutions and agencies
29 under the supervision of the State Board of Education are
30 subject to the audit provisions under ss. 11.45 and 218.39.

31

1 Section 546. Section 1010.305, Florida Statutes, is
2 created to read:

3 1010.305 Audit of student enrollment.--

4 (1) The Auditor General shall periodically examine the
5 records of school districts, and other agencies as
6 appropriate, to determine compliance with law and State Board
7 of Education rules relating to the classification, assignment,
8 and verification of full-time equivalent student enrollment
9 and student transportation reported under the Florida
10 Education Finance Program.

11 (2) If it is determined that the approved criteria and
12 procedures for the placement of students and the conduct of
13 programs have not been followed by the district, appropriate
14 adjustments in the full-time equivalent student count for that
15 district must be made, and any excess funds must be deducted
16 from subsequent allocations of state funds to that district.
17 As provided for by rule, if errors in a specific program of a
18 district recur in consecutive years due to lack of corrective
19 action by the district, adjustments may be made based upon
20 statistical estimates of error projected to the overall
21 district program.

22 Section 547. Section 1010.33, Florida Statutes, is
23 created to read:

24 1010.33 Financial and performance audits.--Each
25 district school board and community college board of trustees,
26 and university board of trustees is authorized to have an
27 audit of their accounts and records by an independent
28 certified public accountant retained by them and paid from
29 their public funds. These audits are in addition to those
30 required by ss. 11.45 and 218.39.

31

1 Section 548. Section 1010.34, Florida Statutes, is
2 created to read:

3 1010.34 Audits of direct-support
4 organizations.--Audits of school district, community college,
5 and state university direct-support organizations are subject
6 to the audit provisions of ss. 1013.77(4), 1004.28(5), and
7 1004.70(6), as applicable.

8 Section 549. Part IV of chapter 1010, Florida
9 Statutes, shall be entitled "Provisions Relating to Bonding"
10 and shall consist of ss. 1010.40-1010.619.

11 Section 550. Section 1010.40, Florida Statutes, is
12 created to read:

13 1010.40 Proposals for issuing bonds.--Whenever the
14 residents of a school district in this state shall desire the
15 issuance of bonds by such school district for the purpose of
16 acquiring, building, enlarging, furnishing, or otherwise
17 improving buildings or school grounds, or for any other
18 exclusive use of the public schools within such school
19 district, they shall present to the district school board a
20 petition signed by not less than 25 percent of the duly
21 qualified electors residing within the school district,
22 setting forth in general terms the amount of the bonds desired
23 to be issued, the purpose thereof, and that the proceeds
24 derived from the sale of such bonds shall be used for the
25 purposes set forth in the petition. The requirement for such
26 petition may be dispensed with and the proposition of issuing
27 bonds for the purposes as herein outlined may be initiated by
28 the district school board of the said district; however,
29 nothing contained in this section shall repeal any of the
30 provisions of ss. 100.201-100.221, 100.241, 100.261-100.341,
31 and 100.351.

1 Section 551. Section 1010.41, Florida Statutes, is
2 created to read:

3 1010.41 Procedure of district school boards with
4 reference to proposals for issuing bonds.--It shall be the
5 duty of the district school board to plan the school financial
6 program of the district so that, insofar as practicable,
7 needed capital outlay expenditures can be made without the
8 necessity of issuing bonds. Whenever the district school board
9 proposes an issue of bonds or has received any petition
10 proposing the issuance of bonds, as provided in s. 1010.40,
11 the said board shall forthwith proceed as follows:

12 (1) The district school board, after considering
13 recommendations submitted by the district school
14 superintendent, shall determine whether in its opinion the
15 projects for which bonds are proposed to be issued are
16 essential for the school program of the district.

17 (2) If the proposed projects are deemed essential by
18 the district school board or if the proposed projects are
19 rejected in whole or in part, the district school board shall,
20 if practicable, prepare a plan for carrying out the projects,
21 or at least part of the projects, with current funds which
22 have been or can be set aside for that purpose.

23 (3) If the district school board determines that any
24 portion of the projects cannot be carried out so that all
25 costs can be met from the proceeds of a special district
26 millage voted for that purpose or from district current funds
27 that are not needed for salaries of teachers or other
28 necessary expenses of operating the schools or from such funds
29 that can reasonably be expected to be available by the time
30 the projects are completed, or cannot be completed on the
31 basis of a loan against district current funds, approved in

1 accordance with s. 1011.14, the district school board shall
2 then determine the amount of bonds necessary to be issued to
3 complete the projects as proposed for the district and shall
4 adopt and transmit to the Department of Education a resolution
5 setting forth the proposals with reference to the projects and
6 the proposed plan for financing the projects, said resolution
7 to be in such form and contain such information as may be
8 prescribed by the State Board of Education. If the Department
9 of Education shall determine that the issuance of bonds as
10 proposed is unnecessary or is unnecessary in the amount and
11 according to the plan proposed, and shall notify the district
12 school board accordingly, the district school board shall then
13 amend its resolution to conform to the recommendation of the
14 Department of Education, and no further action shall be taken
15 for a period of at least 1 year on the proposal for a bond
16 issue unless, within 30 days thereafter, a petition signed by
17 at least 35 percent of the qualified electors within the
18 district is received by the school board requesting that an
19 election be called to vote bonds for the purposes set forth
20 and in an amount which shall not exceed the amount of bonds
21 proposed by the district school board. If such a petition is
22 received by the district school board, as provided herein, or
23 if the resolution proposing a bond issue has been approved by
24 the Department of Education, the school board shall then
25 proceed at its next ensuing meeting to adopt a resolution
26 authorizing that an election be held for the purpose of
27 determining whether bonds shall be issued as proposed.

28 Section 552. Section 1010.42, Florida Statutes, is
29 created to read:

30 1010.42 Publication of resolution.--It shall be the
31 duty of the district school board, when the resolution

1 proposing a bond issue has been approved by the Department of
2 Education or when such a proposal has been rejected by the
3 Department of Education and a new petition signed by 35
4 percent of the qualified electors of the district has been
5 presented, and when the resolution authorizing an election has
6 been adopted as set forth above, to cause such resolution to
7 be published at least once each week for 2 consecutive weeks
8 in some newspaper published in the district. This resolution
9 may also include a notice of election as prescribed in s.
10 1010.43.

11 Section 553. Section 1010.43, Florida Statutes, is
12 created to read:

13 1010.43 Notice of election; qualifications of
14 electors.--The district school board shall also, at the
15 meeting at which is passed the resolution provided for in s.
16 1010.41, order that an election shall be held in the school
17 district to determine whether or not there shall be issued by
18 the district the bonds provided for in such resolution, in
19 which election only the duly qualified electors thereof shall
20 vote; and prior to the time of holding such election, the
21 district school board shall cause to be published at least
22 once each week for 2 consecutive weeks in a newspaper
23 published in the district a notice of the holding of such
24 election, which shall specify the time and place or places of
25 the holding thereof. The resolution prescribed in s. 1010.41
26 may be incorporated in and published as a part of the notice
27 prescribed in this section.

28 Section 554. Section 1010.44, Florida Statutes, is
29 created to read:

30 1010.44 Conduct of election; form of ballot;
31 appointment of inspectors; canvassing returns.--The election,

1 provided for in s. 1010.43, shall be held at the place or
2 several places in the district where the last general election
3 was held throughout the district, unless the district school
4 board orders otherwise; and the district school board shall
5 appoint inspectors for the election and cause to be prepared
6 and furnished to the inspectors the ballots to be used at the
7 election; the form of ballots for such election shall be: "For
8 bonds" or "Against bonds." The inspectors shall make returns
9 to the the district school board immediately after the
10 election, and the school board shall hold a special meeting as
11 soon thereafter as practicable for the purpose of canvassing
12 the election returns and shall determine and certify its
13 result.

14 Section 555. Section 1010.45, Florida Statutes, is
15 created to read:

16 1010.45 Result of election held.--If it appears by the
17 result of the election that a majority of the votes cast shall
18 be "For bonds," the district school board shall issue the
19 bonds authorized by the election for the purposes specified in
20 the resolution as published, not to exceed the amount named
21 therein. If the majority of the votes cast shall have been
22 "Against bonds," no bonds shall be issued.

23 Section 556. Section 1010.46, Florida Statutes, is
24 created to read:

25 1010.46 If election adverse, no second election within
26 6 months.--If the result of the election is adverse to the
27 issuance of the bonds, no election shall be held for such
28 purpose within 6 months thereafter. In the event such election
29 shall result or shall have resulted in an equal number of
30 votes being cast for the issuance of the bonds as shall be
31 cast adverse to issuance of bonds, the district school board

1 may call and order another or second election within the
2 district to have determined the question of whether the bonds
3 specified in the original petition and resolution shall be
4 issued by the district, after giving notice as provided for by
5 s. 1010.43, and it shall not be necessary to have presented to
6 the district school board further petitions to order the
7 second election.

8 Section 557. Section 1010.47, Florida Statutes, is
9 created to read:

10 1010.47 Receiving bids and sale of bonds.--

11 (1) If the issuance of bonds is authorized at the
12 election, or if any bonds outstanding against the district are
13 being refunded, the district school board shall cause notice
14 to be given by publication in some newspaper published in the
15 district that the board will receive bids for the purchase of
16 the bonds at the office of the district school superintendent.
17 The notice shall be published twice and the first publication
18 shall be given not less than 30 days prior to the date set for
19 receiving the bids. The notice shall specify the amount of the
20 bonds offered for sale, shall state whether the bids shall be
21 sealed bids or whether the bonds are to be sold at auction,
22 and shall give the schedule of maturities of the proposed
23 bonds and such other pertinent information as may be
24 prescribed by rules of the State Board of Education. Bidders
25 may be invited to name the rate of interest that the bonds are
26 to bear or the district school board may name rates of
27 interest and invite bids thereon. In addition to publication
28 of notice of the proposed sale as set forth in this
29 subsection, the district school board shall notify in writing
30 at least three recognized bond dealers in the state, and, at
31

1 the same time, notify the Department of Education concerning
2 the proposed sale and enclose a copy of the advertisement.
3 (2) All bonds and refunding bonds issued as provided
4 by law shall be sold to the highest and best bidder at such
5 public sale unless sold at a better price or yield basis
6 within 30 days after failure to receive an acceptable bid at a
7 duly advertised public sale, provided that at no time shall
8 bonds or refunding bonds be sold or exchanged at less than par
9 value except as specifically authorized by the Department of
10 Education; and provided, further, that the district school
11 board shall have the right to reject all bids and cause a new
12 notice to be given in like manner inviting other bids for such
13 bonds, or to sell all or any part of such bonds to the State
14 Board of Education at a price and yield basis that shall not
15 be less advantageous to the district school board than that
16 represented by the highest and best bid received. In the
17 marketing of the bonds the district school board shall be
18 entitled to have such assistance as can be rendered by the
19 Division of Bond Finance, the Commissioner of Education, or
20 any other public state officer or agency. In determining the
21 highest and best bidder for bonds offered for sale, the net
22 interest cost to the school board as shown in standard bond
23 tables shall govern, provided that the determination of the
24 district school board as to the highest and best bidder shall
25 be final.

26 Section 558. Section 1010.48, Florida Statutes, is
27 created to read:
28 1010.48 Bidders to give security.--The district school
29 board may require of all bidders for the bonds that they give
30 security by bond or by a deposit to the district school board
31 that the bidder shall comply with the terms of the bid, and

1 any bidder whose bid is accepted shall be liable to the
2 district school board for all damages on account of the
3 nonperformance of the terms of such bid or to a forfeiture of
4 the deposit required by the district school board.

5 Section 559. Section 1010.49, Florida Statutes, is
6 created to read:

7 1010.49 Form and denomination of bonds.--The district
8 school board may prescribe the denomination of the bonds to be
9 issued, and such bonds may be issued with or without interest
10 coupons in the discretion of the board. The form of the bonds
11 to be issued may be prescribed by the State Board of Education
12 on the recommendation of the Department of Legal Affairs. The
13 schedule of maturities of the proposed bonds shall be so
14 arranged that the total payments required each year shall be
15 as nearly equal as practicable. The schedule shall provide
16 that all bonds are to be retired within a period of 20 years
17 from the date of issuance unless a longer period is required
18 and has been specifically approved by the Department of
19 Education. All bonds issued under this section that bear
20 interest in excess of 2.99 percent shall be callable on terms
21 prescribed by the district school board beginning not later
22 than 10 years from the date of issuance.

23 Section 560. Section 1010.50, Florida Statutes, is
24 created to read:

25 1010.50 Investment of fiduciary funds in bonds;
26 security for deposit of public funds.--School district bonds
27 authorized and issued under the provisions of this chapter
28 shall be lawful investments for fiduciary and trust funds,
29 including all funds in the control of trustees, assignees,
30 administrators, and executors, and may be accepted as security
31 for all deposits of public funds.

1 Section 561. Section 1010.51, Florida Statutes, is
2 created to read:

3 1010.51 Records to be kept and reports to be
4 made.--The district school board shall maintain a complete
5 record of all bonds issued under the provisions of this
6 chapter, which record shall show upon what authority the bonds
7 are issued, the amount for which issued, the persons to whom
8 issued, the date of issuance, the purpose or purposes for
9 which issued, the rate of interest to be paid, and the time
10 and place of payment of each installment of principal and
11 interest. This record shall be so arranged as to show the
12 amount of principal and interest to be paid each year and
13 shall also show the annual or semiannual payments which are
14 made and the bonds which are canceled. In addition the
15 district school superintendent shall file with the Department
16 of Education in accordance with rules of the State Board of
17 Education reports giving such information as may be required
18 regarding any bonds which may be issued as provided herein.

19 Section 562. Section 1010.52, Florida Statutes, is
20 created to read:

21 1010.52 Bonds may be validated; validity of
22 bonds.--When an issue of bonds for any school district shall
23 be authorized in the manner provided under the terms of this
24 chapter, such bonds shall, in the discretion of the district
25 school board, be subject to validation in the manner provided
26 for in chapter 75. In lieu of validation as set forth in that
27 chapter, the district school board may, in its discretion,
28 submit to the Department of Legal Affairs all information
29 relating to the issuance of bonds as provided in said chapter
30 75, and an approving opinion of the Department of Legal
31 Affairs shall be sufficient evidence that the bonds are valid.

1 Bonds reciting that they are issued pursuant to the terms of
2 this chapter shall, in any action or proceeding involving
3 their validity, be conclusively deemed to be fully authorized
4 thereby, to have been issued, sold, executed, and delivered in
5 conformity therewith, and with all other provisions of law
6 applicable thereto, and shall be incontestable, anything
7 herein or in other statutes to the contrary notwithstanding,
8 unless such action or proceeding is begun before or within 30
9 days after the date upon which the bonds are sold, paid for
10 and delivered.

11 Section 563. Section 1010.53, Florida Statutes, is
12 created to read:

13 1010.53 Proceeds; how expended.--The proceeds derived
14 from the sale of the bonds shall be held by the district
15 school board and shall be expended by the board for the
16 purpose for which the bonds were authorized for the school
17 district, and shall be held and expended in the manner
18 following:

19 (1) The district school board shall deposit, or cause
20 to be deposited, the proceeds arising from the sale of each
21 issue of bonds in a separate bond construction fund account in
22 the school depository.

23 (2) All or any part of the fund derived from the
24 proceeds of any such bond issue that in the judgment of the
25 district school board is not immediately needed may be placed
26 in the following securities maturing not later than the time
27 when the funds are reasonably expected to be needed:

28 (a) In investments listed in s. 218.415(16).

29 (b) In any bonds issued by the district; provided,
30 such bonds are not in default and can be obtained at a price

31

1 which will result in a net saving to the taxpayers of the
2 district.

3 (c) In any obligations of the district school board
4 approved in accordance with the provisions of ss. 1011.13,
5 1011.14, and 1011.15.

6 (d) In any bonds issued by the State Board of
7 Education or another school district.

8 Section 564. Section 1010.54, Florida Statutes, is
9 created to read:

10 1010.54 Disposition of surplus of bond issue.--Should
11 there remain any of the proceeds of the sale of school
12 district bonds after the purpose and object for which the
13 bonds were issued shall have been carried out and performed by
14 the district school board, the surplus then shall be held by
15 the district school board and expended for the exclusive use
16 of the public schools within the school district as the
17 district school board may deem reasonable and proper.

18 Section 565. Section 1010.55, Florida Statutes, is
19 created to read:

20 1010.55 Additional bond issues.--After the issuance by
21 any school district of bonds in the manner authorized in this
22 chapter, the qualified electors of the school district may
23 thereafter, from time to time, in the manner herein provided
24 for, authorize one or more additional bond issues as they may
25 determine upon.

26 Section 566. Section 1010.56, Florida Statutes, is
27 created to read:

28 1010.56 Board of Administration to act as fiscal agent
29 in issuance and sale of motor vehicle anticipation
30 certificates.--

31

1 (1) In aid of the provisions of s. 18, Art. XII of the
2 State Constitution of 1885 as adopted by s. 9(d), Art. XII,
3 1968 revised constitution and the additional provisions of s.
4 9(d), the State Board of Administration may upon request of
5 the State Board of Education, act as fiscal agent for the
6 State Board of Education in the issuance and sale of any or
7 all bonds or motor vehicle tax anticipation certificates,
8 including any refunding of bonds, certificates or interest
9 coupons thereon which may be issued pursuant to the above
10 cited provisions of the State Constitution and upon request of
11 the State Board of Education the State Board of Administration
12 may take over the management, control, bond trusteeship,
13 administration, custody and payment of any or all debt service
14 or other funds or assets now or hereafter available for any
15 bonds or certificates issued for the purpose of obtaining
16 funds for the use of any district school board or to pay, fund
17 or refund any bonds or certificates theretofore issued for
18 such purpose. The State Board of Education may from time to
19 time provide by its duly adopted resolution or resolutions the
20 duties said fiscal agent shall perform as authorized by this
21 section and such duties may be changed, modified or repealed
22 by subsequent resolution or resolutions as the State Board of
23 Education may deem appropriate, provided, however, that such
24 changes shall only affect the duties of the State Board of
25 Administration as fiscal agent and shall not affect or modify
26 the paramount constitutional authority of the State Board of
27 Education nor affect, modify, or impair the contract rights of
28 persons holding or owning the obligations so authorized to be
29 issued.

30 (2) No such bonds or motor vehicle tax anticipation
31 certificates shall ever be issued by the State Board of

1 Administration until after the adoption of a resolution
2 requesting the issuance thereof by the State Board of
3 Education for and on behalf of the district for which the
4 obligations are to be issued.

5 (3) All such bonds or certificates issued pursuant to
6 this part shall be issued in the name of the State Board of
7 Education but shall be issued for and on behalf of the
8 district school board requesting the issuance thereof and
9 shall be issued pursuant to any rules adopted by the State
10 Board of Education which are not in conflict with the
11 provisions of s. 18, Art. XII of the State Constitution of
12 1885 as adopted by s. 9(d), Art. XII, 1968 revised
13 constitution, and the additional provisions of s. 9(d).

14 (4) The proceeds of any sale of original bonds or
15 original certificates shall be deposited in the State Treasury
16 to the credit of the particular construction account for which
17 the original bonds or original certificates were issued and
18 shall be under the direct control and supervision of the State
19 Board of Education, and withdrawals from such construction
20 accounts shall be made only upon warrants signed by the
21 Comptroller and drawn upon the Treasurer. Such warrants shall
22 be issued by the Comptroller only when the vouchers requesting
23 such warrants are accompanied by the certificates of the State
24 Board of Education to the effect that such withdrawals are
25 proper expenditures for the cost of the particular
26 construction account against which the requested warrants are
27 to be drawn.

28 (5) The State Board of Administration shall annually
29 determine the amounts necessary to meet the debt service
30 requirements of all bonds or certificates administered by it
31 pursuant to this section and shall certify to the State Board

1 of Education said amounts needed. The State Board of
2 Education, upon being satisfied that the amounts are correct,
3 shall pay the amounts direct to the State Board of
4 Administration for application by the State Board of
5 Administration as provided under the terms of the resolutions
6 authorizing the issuance of the bonds or certificates and as
7 provided in s. 18, Art. XII of the State Constitution of 1885
8 as adopted by s. 9(d), Art. XII, 1968 revised constitution,
9 and the additional provisions of s. 9(d).
10 (6) The expenses of the State Board of Administration
11 incident to the issuance and sale of any bonds or certificates
12 issued under the provisions of the constitution and under the
13 provisions of this section shall be paid from the proceeds of
14 the sale of the bonds or certificates or from the funds
15 distributable to each county under the provisions of s. 18(a),
16 Art. XII of the Constitution of 1885 as adopted by s. 9(d),
17 Art. XII, 1968 revised constitution. All other expenses of the
18 State Board of Administration for services rendered
19 specifically for, or which are properly chargeable to the
20 account of any bonds or certificates issued for and on behalf
21 of any district school board under the above cited provisions
22 of the State Constitution shall be paid from the funds
23 distributable to each county under the provisions of s. 18(a),
24 Art. XII of the State Constitution of 1885 as adopted by s.
25 9(d), Art. XII, 1968 revised constitution; but general
26 expenses of the State Board of Administration for services
27 rendered all the districts alike shall be prorated among them
28 and paid from the funds distributable to each district on the
29 same basis as such funds are distributable under the
30 provisions of s. 18(a), Art. XII of the State Constitution of
31

1 1885 as adopted by s. 9(d), Art. XII, 1968 revised
2 constitution.

3 (7) The provisions of this section contemplate that it
4 will aid the State Board of Education and better serve the
5 purposes contemplated by s. 18, Art. XII of the State
6 Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968
7 revised constitution, and the additional provisions of s. 9(d)
8 and not be inconsistent therewith.

9 Section 567. Section 1010.57, Florida Statutes, is
10 created to read:

11 1010.57 Bonds payable from motor vehicle license tax
12 funds; instruction units computed.--

13 (1) For the purpose of administering the provisions of
14 s. 9(d), Art. XII of the State Constitution as amended in
15 1972, the number of current instruction units in districts
16 shall be computed annually by the Department of Education by
17 multiplying the number of full-time equivalent students in
18 programs under s. 1011.62(1)(c) in each district by the cost
19 factors established in the General Appropriations Act and
20 dividing by 23, except that all basic program cost factors
21 shall be one, and the special program cost factors for
22 hospital and homebound I and for community service shall be
23 zero. Full-time equivalent membership for students residing in
24 Department of Children and Family Services residential care
25 facilities or identified as Department of Juvenile Justice
26 students shall not be included in this computation. Any
27 portion of the fund not expended during any fiscal year may be
28 carried forward in ensuing budgets and shall be temporarily
29 invested as prescribed by law or rules of the State Board of
30 Education.

31

1 (2) Whenever the State Board of Education issues bonds
2 or certificates for and on behalf of any district school
3 board, or whenever any district school board issues bonds or
4 certificates repayable from motor vehicle license tax funds,
5 the aggregate number of instruction units in the district in
6 any future school fiscal year, as authorized under the
7 amendment contained in s. 18, Art. XII of the State
8 Constitution of 1885 as amended and adopted by reference in s.
9 9(d), Art. XII of the Constitution of 1968, to the full extent
10 necessary to pay all principal of and interest on, and
11 reserves for, bonds or certificates issued for and on behalf
12 of the district or by the district school board in any school
13 fiscal year, as they become due and payable, shall be not less
14 than the aggregate number of instruction units in the district
15 for the school fiscal year preceding the school fiscal year in
16 which the bonds or certificates are issued, computed in
17 accordance with the statutes in force in the school fiscal
18 year preceding the school fiscal year in which the bonds or
19 certificates are issued.

20 (3) The provisions of this section are not intended
21 to, and shall not, be applicable to, or confer any rights on,
22 any district to payments from said motor vehicle license taxes
23 except to the full extent necessary to pay all principal of
24 and interest on, and reserves for, bonds or certificates so
25 issued by the district school board and by the State Board of
26 Education for and on behalf of the school districts, in each
27 future school fiscal year as they mature and become due; and
28 except for such purpose, all payments of the amounts of the
29 motor vehicle license taxes distributable under the provisions
30 of s. 18, Art. XII of the State Constitution of 1885 as
31 amended and adopted by reference in s. 9(d), Art. XII of the

1 Constitution of 1968 shall continue to be made and distributed
2 to the districts in the manner provided by the amendment and
3 the general laws of Florida in force and effect at the time of
4 the distributions.

5 Section 568. Section 1010.58, Florida Statutes, is
6 created to read:

7 1010.58 Procedure for determining number of
8 instruction units for community colleges.--The number of
9 instruction units for community colleges shall be determined
10 from the full-time equivalent students in the community
11 college, provided that full-time equivalent students may not
12 be counted more than once in determining instruction units.
13 Instruction units for community colleges shall be computed as
14 follows:

15 (1) One unit for each 12 full-time equivalent students
16 at a community college for the first 420 students and one unit
17 for each 15 full-time equivalent students for all over 420
18 students, in other than career and technical education
19 programs as defined by rules of the State Board of Education,
20 and one unit for each 10 full-time equivalent students in
21 career and technical education programs and compensatory
22 education programs as defined by rules of the State Board of
23 Education. Full-time equivalent students enrolled in a
24 community college shall be defined by rules of the State Board
25 of Education.

26 (2) For each 8 instruction units in a community
27 college, 1 instruction unit or proportionate fraction of a
28 unit shall be allowed for administrative and special
29 instructional services, and for each 20 instruction units, 1
30 instruction unit or proportionate fraction of a unit shall be
31 allowed for student personnel services.

1 Section 569. Section 1010.59, Florida Statutes, is
2 created to read:

3 1010.59 Interest rates.--All bonds issued by the State
4 Board of Education pursuant to the provisions of s. 9(a), Art.
5 XII of the State Constitution, as amended, may bear interest
6 at such rate or rates as may be determined by the State Board
7 of Education. However, the maximum rate of interest shall not
8 exceed the rates authorized under the provisions of s. 215.84.

9 Section 570. Section 1010.60, Florida Statutes, is
10 created to read:

11 1010.60 State Board of Education; issuance of bonds
12 pursuant to s. 11(f), Art. VII, State Constitution.--

13 (1) Pursuant to s. 11(f), Art. VII of the State
14 Constitution, the State Board of Education, supported by the
15 building fee, the capital improvement fee, or any other
16 revenue approved by the Legislature for facilities
17 construction, is authorized to request the issuance of bonds
18 or other forms of indebtedness pursuant to the State Bond Act
19 to finance or refinance capital projects authorized by the
20 Legislature. In order to take advantage of economic
21 conditions, the Division of Bond Finance shall process
22 requests by the State Board of Education to refinance capital
23 projects under this section on a priority basis.

24 (2) The State Board of Education may approve the
25 issuance of revenue bonds or other forms of indebtedness by a
26 direct-support organization when such revenue bonds or other
27 forms of indebtedness are used to finance or refinance capital
28 projects which are to provide facilities necessary and
29 desirable to serve the needs and purposes of the university,
30 as determined by the systemwide strategic plan adopted by the

31

1 State Board of Education, and when the project has been
2 approved by the Legislature.

3 Section 571. Section 1010.61, Florida Statutes, is
4 created to read:

5 1010.61 Powers.--The State Board of Education shall
6 have all the powers necessary or advisable to carry out and
7 effectuate the purposes and provisions of s. 1010.60 and this
8 part and is hereby authorized:

9 (1) Pursuant to the State Bond Act, to borrow money
10 and issue interest-bearing revenue certificates or other forms
11 of indebtedness to acquire any projects approved by the
12 Legislature and to provide for the payment of the same and for
13 the rights of the holders thereof as herein provided.

14 (2) To pledge any trust funds which are available, and
15 not otherwise obligated, for purposes of securing the revenue
16 certificates and to combine such funds as the board may deem
17 appropriate.

18 (3) To adopt such rules as may be necessary for
19 carrying out the requirements of this part and to perform all
20 acts and do all things necessary or convenient to carry out
21 the powers granted herein.

22 Section 572. Section 1010.611, Florida Statutes, is
23 created to read:

24 1010.611 Resolution for issuance of revenue
25 certificates.--The issuance of revenue certificates under the
26 provisions of this part and the State Bond Act shall be
27 requested by resolution of the State Board of Education. Said
28 revenue certificates shall bear interest at such rate or rates
29 not exceeding the interest rate limitations set forth in s.
30 215.84(3), provided that certificates may be sold at a
31 reasonable discount to par not to exceed 3 percent, except

1 that this limitation on discount does not apply to the portion
2 of the discount that constitutes original issue discount. The
3 revenue certificates may be issued in one or more series, may
4 bear such date or dates, may be in such denomination or
5 denominations, may mature at such time or times, not exceeding
6 30 years from their respective dates, may be in such form,
7 either coupon or registered, may carry such registration
8 privileges, may be executed in such manner, may be payable in
9 such medium of payment and at such place or places, may be
10 subject to such terms of redemption, with or without premium,
11 may contain such terms, covenants, and conditions, and may be
12 declared or become due before the maturity date thereof as
13 such resolution or other resolutions may provide. The revenue
14 certificate may be sold at public sale by competitive bid or
15 negotiated sale. Pending the preparation of the definitive
16 certificates, interim receipts or certificates in such form
17 and with such provisions as the board may determine may be
18 issued to the purchaser or purchasers of certificates sold
19 pursuant to this part. The certificates and interim receipts
20 shall be fully negotiable within the meaning and for all the
21 purposes of the negotiable instruments law.

22 Section 573. Section 1010.612, Florida Statutes, is
23 created to read:

24 1010.612 Powers to secure revenue certificates.--The
25 State Board of Education, in connection with the issuance of
26 revenue certificates to acquire any projects for an
27 institution or in order to secure the payment of such revenue
28 certificates and interest thereon, shall have power by
29 resolution:

30 (1) To fix and maintain fees, rentals, and other
31 charges from students and others using or being served by, or

1 having the right to use, or having the right to be served by,
2 such projects.

3 (2) To provide that such revenue certificates shall be
4 secured by a first, exclusive, and closed lien on the income
5 and revenue (but not the real property of such institution)
6 derived from, and shall be payable from, fees, rentals, and
7 other charges from students and others using or being served
8 by, or having the right to use, or having the right to be
9 served by, such project.

10 (3) To pledge and assign to, or in trust for the
11 benefit of, the holder or holders of such revenue certificates
12 an amount of the income and revenue derived from fees,
13 rentals, and other charges from students and others using or
14 being served by, or having the right to use, or having the
15 right to be served by, such project.

16 (4) To covenant with or for the benefit of the holder
17 or holders of such revenue certificates that so long as any of
18 such revenue certificates shall remain outstanding and unpaid,
19 such institution will fix, maintain, and collect in such
20 installments as may be agreed upon an amount of the fees,
21 rentals, and other charges from students and others using or
22 being served by, or having the right to use, or having the
23 right to be served by, such project, which shall be sufficient
24 to pay when due such revenue certificates and interest
25 thereon, and to create and maintain reasonable reserves
26 therefor, and to pay the cost of operation and maintenance of
27 such project, which costs of operation and maintenance shall
28 be determined by the board in its absolute discretion.

29 (5) To make and enforce and agree to make and enforce
30 parietal rules that shall ensure the use of such project by
31 all students in attendance at such institutions to the maximum

1 extent to which such project is capable of serving such
2 students.

3 (6) To covenant that so long as any of such revenue
4 certificates shall remain outstanding and unpaid, it will not,
5 except upon such terms and conditions as may be determined:

6 (a) Voluntarily create or cause to be created any
7 debt, lien, pledge, assignment, encumbrance or other charge
8 having priority to the lien of such revenue certificates upon
9 any of the income and revenues derived from fees, rentals, and
10 other charges from students and others using or being served
11 by, or having the right to use, or having the right to be
12 served by, such project, or

13 (b) Convey or otherwise alienate such project or the
14 real estate upon which such project shall be located, except
15 at a price sufficient to pay all such revenue certificates
16 then outstanding and interest accrued thereon, and then only
17 in accordance with any agreements with the holder or holders
18 of such revenue certificates.

19 (7) To covenant as to the procedure by which the terms
20 of any contract with a holder or holders of such revenue
21 certificates may be amended or abrogated, the amount of
22 percentage of revenue certificates the holder or holders of
23 which must consent thereto, and the manner in which such
24 consent may be given.

25 (8) To vest in a trustee or trustees the right to
26 receive all or any part of the income and revenue pledged and
27 assigned to, or for the benefit of, the holder or holders of
28 such revenue certificates and to hold, apply and dispose of
29 the same and the right to enforce any covenant made to secure
30 or pay or in relation to such revenue certificates; to execute
31 and deliver a trust agreement or trust agreements which may

1 set forth the powers and duties and the remedies available to
2 such trustee or trustees and limiting the liabilities thereof
3 and describing what occurrences shall constitute events of
4 default and prescribing the terms and conditions upon which
5 such trustee or trustees or the holder or holders of revenue
6 certificates of any specified amount or percentage of such
7 revenue certificate may exercise such rights and enforce any
8 and all such covenants and resort to such remedies as may be
9 appropriate.

10 (9) To vest in a trustee or trustees or the holder or
11 holders of any specified amount or percentage of revenue
12 certificates the right to apply to any court of competent
13 jurisdiction for and have granted the appointment of a
14 receiver or receivers of the income and revenue pledged and
15 assigned to or for the benefit of the holder or holders of
16 such revenue certificates, which receiver or receivers may
17 have and be granted such powers and duties as such court may
18 order or decree for the protection of the revenue certificate
19 holders.

20 (10) To make covenants with the holders of any bonds
21 and to perform any other duties and responsibilities which are
22 deemed necessary or advisable to enhance the security of such
23 bonds, and the marketability thereof, and which are customary
24 in accordance with the market requirements for the sale of
25 such bonds.

26 Section 574. Section 1010.613, Florida Statutes, is
27 created to read:

28 1010.613 Remedies of any holder of revenue
29 certificates.--Any holder or holders of revenue certificates,
30 including a trustee, or trustees for holders of such revenue
31 certificates, shall have the right, in addition to all other

1 rights, by mandamus or other suit, action, or proceeding in
2 any court of competent jurisdiction to enforce his or her or
3 their rights against the State Board of Education to fix and
4 collect such rentals and other charges adequate to carry out
5 any agreement as to or pledge of such fees, rentals, or other
6 charges, and require the State Board of Education to carry out
7 any other covenants and agreements and to perform its duties
8 under this part.

9 Section 575. Section 1010.614, Florida Statutes, is
10 created to read:

11 1010.614 Validity of revenue certificates.--The
12 revenue certificates bearing the signatures of officers in
13 office on the date of the signing thereof shall be valid and
14 binding obligations, notwithstanding that before the delivery
15 thereof and payment therefor any or all of the persons whose
16 signatures appear thereon shall have ceased to be officers of
17 the State Board of Education. The validity of the revenue
18 certificates shall not be dependent on nor affected by the
19 validity or regularity of any proceedings to acquire the
20 project financed by the revenue certificates or taken in
21 connection therewith.

22 Section 576. Section 1010.615, Florida Statutes, is
23 created to read:

24 1010.615 Prohibitions against obligating
25 state.--Nothing in this part shall be construed to authorize
26 the State Board of Education to contract a debt on behalf of,
27 or in any way to obligate, the state, or to pledge, assign, or
28 encumber in any way, or to permit the pledging, assigning, or
29 encumbering in any way of, appropriations made by the
30 Legislature.

31

1 Section 577. Section 1010.616, Florida Statutes, is
2 created to read:

3 1010.616 Revenue certificate obligations of State
4 Board of Education.--All revenue certificates issued pursuant
5 to this part shall be obligations of the State Board of
6 Education, payable only in accordance with the terms thereof
7 and shall not be obligations general, special, or otherwise of
8 the state. Such revenue certificates shall not be a bond or
9 debt of the state, and shall not be enforceable against the
10 state, nor shall payment thereof be enforceable out of any
11 funds of the board other than the income and revenue pledged
12 and assigned to, or in trust for the benefit of, the holder or
13 holders of such revenue certificates.

14 Section 578. Section 1010.617, Florida Statutes, is
15 created to read:

16 1010.617 Tax exemption and eligibility as legal
17 investments.--

18 (1) The exercise of the powers granted by this part in
19 all respects constitutes the performance of essential public
20 functions for the benefit of the people of the state. All
21 properties, revenues, or other assets of the State Board of
22 Education for which revenue certificates are issued under this
23 part, and all revenue certificates issued hereunder and the
24 interest thereon, shall be exempt from all taxation by any
25 agency or instrumentality of a county, municipality, or the
26 state. The exemption granted by this section is not applicable
27 to any tax imposed by chapter 220 on interest, income, or
28 profits on debt obligations owned by corporations.

29 (2) All obligations issued pursuant to this part shall
30 be and constitute legal investments without limitation for all
31 public bodies and for all banks, savings banks, guardians,

1 insurance funds, trustees, or other fiduciaries and shall be
2 and constitute eligible securities to be deposited as
3 collateral for security of any state, county, municipal, or
4 other public funds.

5 Section 579. Section 1010.618, Florida Statutes, is
6 created to read:

7 1010.618 Supplemental nature of part; construction and
8 purpose.--The powers conferred by this part shall be in
9 addition to and supplemental to, and the limitations imposed
10 by this part shall not affect, the powers conferred by any
11 other law, general or special, and revenue certificates may be
12 issued hereunder without any referendum, notwithstanding the
13 provisions of any other such law and without regard to the
14 procedure required by any other such law. Insofar as the
15 provisions of this part are inconsistent with the provisions
16 of any other law, general or special, the provisions of this
17 part shall be controlling.

18 Section 580. Section 1010.619, Florida Statutes, is
19 created to read:

20 1010.619 Board of Administration to act as fiscal
21 agent.--Prior to the issuance of any revenue certificates, the
22 State Board of Education may request the State Board of
23 Administration to advise the State Board of Education as to
24 the fiscal sufficiency of the proposed issue. Upon sale and
25 delivery of any revenue certificates and disbursement of the
26 proceeds thereof pursuant to this part, the State Board of
27 Administration may upon request of the State Board of
28 Education take over the management, control, administration,
29 custody, and payment of any or all debt services or funds or
30 assets now or hereafter available for any revenue certificates
31 issued pursuant to this part. The State Board of

1 Administration shall upon request of the State Board of
2 Education invest all funds, including reserve funds, available
3 for any revenue certificates issued pursuant to this part in
4 the manner provided in s. 215.47. The State Board of Education
5 may from time to time provide by its duly adopted resolution
6 the duties the State Board of Administration shall perform,
7 and such duties may be changed, modified, or repealed by
8 subsequent resolution as the State Board of Education may deem
9 appropriate.

10 Section 581. Part V of chapter 1010, Florida Statutes,
11 shall be entitled "Trust Funds" and shall consist of ss.
12 1010.70-1010.86.

13 Section 582. Section 1010.70, Florida Statutes, is
14 created to read:

15 1010.70 Educational Enhancement Trust Fund.--Each
16 fiscal year, at least 38 percent of the gross revenue from the
17 sale of lottery tickets and other earned revenue, excluding
18 application processing fees, shall be deposited in the
19 Educational Enhancement Trust Fund as provided in s. 24.121.

20 Section 583. Section 1010.71, Florida Statutes, is
21 created to read:

22 1010.71 State School Trust Fund.--

23 (1) The State School Trust Fund shall be derived from
24 the following sources:

25 (a) The proceeds of all lands that have been or may
26 hereafter be granted to the state by the United States for
27 public school purposes;

28 (b) Donations to the state when the purpose is not
29 specified;

30 (c) Appropriations by the state;

31

1 (d) The proceeds of escheated property or forfeitures;
2 and

3 (e) Twenty-five percent of the sales of public lands
4 which are now or may hereafter be owned by the state.

5 (2) The land comprising part of the State School Trust
6 Fund shall not be subject to taxes of any kind whatsoever, but
7 shall enjoy constitutional immunity therefrom, nor shall taxes
8 of any kind be imposed thereon; nor, since not subject to tax,
9 shall the state or any state agency be liable for taxes or the
10 equivalent thereof sought to be imposed upon said land. All
11 outstanding tax sale certificates against land of the State
12 School Trust Fund are hereby canceled.

13 Section 584. Section 1010.72, Florida Statutes, is
14 created to read:

15 1010.72 Excellent Teaching Program Trust Fund.--

16 (1) The Excellent Teaching Program Trust Fund is
17 created to be administered by the Department of Education.
18 Funds must be credited to the trust fund as provided in
19 chapter 98-309, Laws of Florida, to be used for the purposes
20 set forth therein.

21 (2) Pursuant to the provisions of s. 19(f)(2), Art.
22 III of the State Constitution, the Excellent Teaching Program
23 Trust Fund shall, unless terminated sooner, be terminated on
24 July 1, 2002. Prior to its scheduled termination, the trust
25 fund shall be reviewed as provided in s. 215.3206(1) and (2).

26 Section 585. Section 1010.73, Florida Statutes, is
27 created to read:

28 1010.73 State Student Financial Assistance Trust
29 Fund.--

30 (1) The State Student Financial Assistance Trust Fund
31 is hereby created, to be administered by the Department of

1 Education. Funds shall be credited to the trust fund as
2 provided in the General Appropriations Act or similar
3 legislation, to be used for the purposes set forth therein.

4 (2) The department may transfer into this trust fund
5 general revenue, private donations for the purpose of matching
6 state funds, and federal receipts for scholarships and grant
7 programs. An individual account code shall be established for
8 each funded scholarship and grant program for accountability
9 purposes.

10 (3) 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 Section 586. Section 1010.731, Florida Statutes, is
16 created to read:

17 1010.731 Student Loan Guaranty Reserve Trust
18 Fund.--Chapter 99-35, Laws of Florida, re-created the Student
19 Loan Guaranty Reserve Trust Fund to be used by the Department
20 of Education for the administration of the guaranteed student
21 loan program as provided in s. 1009.92.

22 Section 587. Section 1010.74, Florida Statutes, is
23 created to read:

24 1010.74 Educational Certification and Services Trust
25 Fund.--The proceeds from the collection of certification fees,
26 finances, penalties, and costs levied pursuant to s. 1012.59
27 shall be remitted by the Department of Education to the
28 Treasurer for deposit into and disbursed from the "Educational
29 Certification and Services Trust Fund" as re-created by
30 chapter 99-31, Laws of Florida.

31

1 Section 588. Section 1010.75, Florida Statutes, is
2 created to read:

3 1010.75 Teacher Certification Examination Trust
4 Fund.--The proceeds for the certification examination fee
5 levied pursuant to s. 1012.59 shall be remitted by the
6 Department of Education to the Treasurer for deposit into and
7 disbursed for the "Teacher Certification Examination Trust
8 Fund" as re-created by chapter 99-28, Laws of Florida.

9 Section 589. Section 1010.76, Florida Statutes, is
10 created to read:

11 1010.76 Educational Aids Trust Fund.--Chapter 99-27,
12 Laws of Florida, re-created the Educational Aids Trust Fund to
13 administer receipts and disbursements for federal grants
14 received by the Department of Education.

15 Section 590. Section 1010.77, Florida Statutes, is
16 created to read:

17 1010.77 Food and Nutrition Services Trust
18 Fund.--Chapter 99-34, Laws of Florida, re-created the Food and
19 Nutrition Services Trust Fund to record revenue and
20 disbursements of Federal Food and Nutrition funds received by
21 the Department of Education as authorized in s. 1006.06.

22 Section 591. Section 1010.78, Florida Statutes, is
23 created to read:

24 1010.78 Projects, Contracts, and Grants Trust
25 Fund.--There is created in the Department of Education the
26 Projects, Contracts, and Grants Trust Fund. The personnel
27 employed to plan and administer grants or contracts for
28 specific projects shall be considered in time-limited
29 employment not to exceed the duration of the grant or until
30 completion of the project, whichever first occurs. Such
31 employees shall not acquire retention rights under the Career

1 Service System. Any employee holding permanent career service
2 status in a Department of Education position who is appointed
3 to a position under the Projects, Contracts, and Grants Trust
4 Fund shall retain such permanent status in the career service
5 position.

6 Section 592. Section 1010.79, Florida Statutes, is
7 created to read:

8 1010.79 Sophomore Level Test Trust Fund.--Chapter
9 99-26, Laws of Florida, re-created the Sophomore Level Test
10 Trust Fund to record revenue and disbursements of examination
11 fees received by the Department of Education as authorized in
12 s. 1008.29.

13 Section 593. Section 1010.80, Florida Statutes, is
14 created to read:

15 1010.80 Educational Media and Technology Trust
16 Fund.--Chapter 99-25, Laws of Florida, re-created the
17 Educational Media and Technology Trust Fund to record revenue
18 and disbursements by the Department of Education for the cost
19 of producing and disseminating educational materials and
20 products as authorized in s. 1006.39.

21 Section 594. Section 1010.81, Florida Statutes, is
22 created to read:

23 1010.81 Knott Data Center Working Capital Trust
24 Fund.--Chapter 99-29, Laws of Florida, re-created the Knott
25 Data Center Working Capital Trust Fund to record the revenue
26 from fees paid for services provided by the Department of
27 Education's data center and disbursements to pay the costs of
28 operating the data center as authorized in s. 216.272.

29 Section 595. Section 1010.82, Florida Statutes, is
30 created to read:

31

1 1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws
2 of Florida, re-created the Textbook Bid Trust Fund to record
3 the revenue and disbursements of textbook bid performance
4 deposits submitted to the Department of Education as required
5 in s. 1006.32.

6 Section 596. Section 1010.83, Florida Statutes, is
7 created to read:

8 1010.83 Institutional Assessment Trust Fund.--

9 (1) Chapter 99-32, Laws of Florida, re-created the
10 Institutional Assessment Trust Fund to be administered by the
11 Department of Education pursuant to this section and rules of
12 the State Board of Education. The trust fund shall consist of
13 all fees and fines imposed upon nonpublic colleges and schools
14 pursuant to this chapter, including all fees collected from
15 nonpublic colleges for participation in the common course
16 designation and numbering system. The department shall
17 maintain separate revenue accounts for independent colleges
18 and universities; nonpublic career education; and the
19 Department of Education.

20 (2) Funds from the trust fund shall be used for
21 purposes including, but not limited to, the following:

22 (a) Authorized expenses of the respective boards in
23 carrying out their required duties.

24 (b) Financial assistance programs for students who
25 attend nonpublic institutions licensed by the board.

26 (c) Educational programs for the benefit of current
27 and prospective owners, administrators, agents, authorized
28 groups of individuals, and faculty of institutions receiving a
29 license, a certificate of exemption, or an authorization by
30 the board.

31

1 (d) Authorized expenses of the Department of Education
2 incurred as a result of the inclusion of nonpublic colleges in
3 the statewide course numbering system.

4 (3) The board may utilize other individuals or
5 entities to administer the programs authorized in subsection
6 (2).

7 Section 597. Section 1010.84, Florida Statutes, is
8 created to read:

9 1010.84 Displaced Homemaker Trust Fund.--Chapter
10 99-33, Laws of Florida, re-created the Displaced Homemaker
11 Trust Fund to record revenue and disbursements from fees as
12 authorized in s. 446.50.

13 Section 598. Section 1010.85, Florida Statutes, is
14 created to read:

15 1010.85 Phosphate Research Trust Fund.--Chapter 99-45,
16 Laws of Florida, re-created the Phosphate Research Trust Fund
17 to record the revenue and disbursements from tax on severance
18 of phosphate rock as provided in s. 211.3103.

19 Section 599. Section 1010.86, Florida Statutes, is
20 created to read:

21 1010.86 Administration of capital improvement and
22 building fees trust funds.--The State Board of Education shall
23 administer the Capital Improvement Fee Trust Fund and the
24 Building Fee Trust Fund which include receipts from capital
25 improvement and building student fee assessments, interest
26 earnings, and subsidy grants. All funds, except those to be
27 used for debt service payments, reserve requirements, and
28 educational research centers for child development, pursuant
29 to s. 1011.48, shall be used to fund projects appropriated by
30 the Legislature. Projects funded pursuant to this section may
31 be expanded by the use of supplemental funds such as grants,

1 auxiliary enterprises, private donations, and other nonstate
2 sources.

3 Section 600. Chapter 1011, Florida Statutes, shall be
4 entitled "Planning and Budgeting" and shall consist of ss.
5 1011.01-1011.93.

6 Section 601. Part I of chapter 1011, Florida Statutes,
7 shall be entitled "Preparation, Adoption, and Implementation
8 of Budgets" and shall consist of ss. 1011.01-1011.57.

9 Section 602. Section 1011.01, Florida Statutes, is
10 created to read:

11 1011.01 Budget system established.--

12 (1) The State Board of Education shall prepare and
13 submit a coordinated K-20 education annual legislative budget
14 request to the Governor and the Legislature on or before the
15 date provided by the Governor and the Legislature. The board's
16 legislative budget request must clearly define the needs of
17 school districts, community colleges, universities, other
18 institutions, organizations, programs, and activities under
19 the supervision of the board and that are assigned by law or
20 the General Appropriations Act to the Department of Education.

21 (2) There shall be established in each school
22 district, community college, and university a budget system as
23 prescribed by law and rules of the State Board of Education.

24 (3) Each district school board, each community college
25 board of trustees, and each state university board of trustees
26 shall prepare, adopt, and submit to the Commissioner of
27 Education for review an annual operating budget. Operating
28 budgets shall be prepared and submitted in accordance with the
29 provisions of law, rules of the State Board of Education, the
30 General Appropriations Act, and for district school boards in
31 accordance with the provisions of ss. 200.065 and 1011.64.

1 Section 603. Section 1011.011, Florida Statutes, is
2 created to read:

3 1011.011 Legislative capital outlay budget
4 request.--The State Board of Education shall submit an
5 integrated, comprehensive budget request for educational
6 facilities construction and fixed capital outlay needs for
7 school districts, community colleges, and universities
8 pursuant to this section and 1013.46 and applicable provisions
9 of chapter 216.

10 Section 604. Section 1011.012, Florida Statutes, is
11 created to read:

12 1011.012 Annual capital outlay budget.--

13 (1) Each district school board, community college
14 board of trustees, and university board of trustees shall,
15 each year, adopt a capital outlay budget for the ensuing year
16 in order that the capital outlay needs of the board for the
17 entire year may be well understood by the public. This capital
18 outlay budget shall be a part of the annual budget and shall
19 be based upon and in harmony with the educational plant and
20 ancillary facilities plan. This budget shall designate the
21 proposed capital outlay expenditures by project for the year
22 from all fund sources. The board may not expend any funds on
23 any project not included in the budget, as amended.

24 (2) Each district school board must prepare its
25 tentative district facilities work program as required by s.
26 1013.35 before adopting the capital outlay budget.

27 Section 605. Part I.a. of chapter 1011, Florida
28 Statutes, shall be entitled "District School Boards:
29 Preparation, Adoption, and Implementation of Budgets" and
30 shall consist of ss. 1011.02-1011.24.

31

1 Section 606. Section 1011.02, Florida Statutes, is
2 created to read:

3 1011.02 District school boards to adopt tentative
4 budget.--

5 (1) On or before the date prescribed in rules of the
6 State Board of Education, each district school board shall
7 receive and examine the tentative budget submitted by the
8 district school superintendent, and shall require such changes
9 to be made, in keeping with the purposes of the school code,
10 as may be to the best interest of the school program in the
11 district.

12 (2) The district school board shall determine, within
13 prescribed limits, the reserves to be allotted for
14 contingencies, and the cash balance to be carried forward at
15 the end of the year. If the district school board shall
16 require any changes to be made in receipts, in the reserves
17 for contingencies, or in the cash balance to be carried
18 forward at the end of the year, it shall also require
19 necessary changes to be made in the appropriations for
20 expenditures so that the budget, as changed, will not contain
21 appropriations for expenditures and reserves in excess of, or
22 less than, estimated receipts and balances.

23 (3) The proposed budget shall include an amount for
24 local required effort for current operation, in accordance
25 with the requirements of s. 1011.62(4).

26 (4) When a tentative budget has been prepared in
27 accordance with rules of the State Board of Education, the
28 proposed expenditures, plus transfers, and balances shall not
29 exceed the estimated income, transfers, and balances. The
30 budget and each of the parts thereof shall balance.

31

1 (5) The district school board shall adopt a tentative
2 budget.

3 Section 607. 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

1 6. Total revenue provided to the school district for
2 current operations divided by the number of unweighted
3 full-time equivalent students for the corresponding fiscal
4 year.

5 7. Total number of employees of the school district
6 for the corresponding fiscal year.

7 8. Total number of employees of the school district
8 classified as instructional personnel under s. 1012.01 for the
9 corresponding fiscal year.

10 (b) Each graph must include a separate histogram
11 corresponding to the financial and demographic data for each
12 of the following fiscal years, which shall be plotted along
13 the horizontal axis of each graph:

14 1. Current fiscal year.

15 2. Fiscal year that is 5 years before the current
16 fiscal year.

17 3. Fiscal year that is 10 years before the current
18 fiscal year.

19 (c) The numeric value of the financial and demographic
20 data corresponding to each histogram must be included in each
21 graph.

22 (3) The advertisement of a district that has been
23 required by the Legislature to increase classroom expenditures
24 pursuant to s. 1011.64 must include the following statement:

25
26 "This proposed budget reflects an increase in classroom
27 expenditures as a percent of total current operating
28 expenditures of XX percent over the (previous fiscal year)
29 fiscal year. This increase in classroom expenditures is
30 required by the Legislature because the district has performed
31 below the required performance standard on XX of XX student

1 performance standards for the (previous school year) school
2 year. In order to achieve the legislatively required level of
3 classroom expenditures as a percentage of total operating
4 expenditures, the proposed budget includes an increase in
5 overall classroom expenditures of \$XX,XXX,XXX above the amount
6 spent for this same purpose during the (previous fiscal year)
7 fiscal year. In order to achieve improved student academic
8 performance, this proposed increase is being budgeted for the
9 following activities: (list activities and amount budgeted)."

10 (4) The advertisement shall appear adjacent to the
11 advertisement required pursuant to s. 200.065. The State Board
12 of Education may adopt rules necessary to provide specific
13 requirements for the format of the advertisement.

14 (5) The board shall hold public hearings to adopt
15 tentative and final budgets pursuant to s. 200.065. The
16 hearings shall be primarily for the purpose of hearing
17 requests and complaints from the public regarding the budgets
18 and the proposed tax levies and for explaining the budget and
19 proposed or adopted amendments thereto, if any. The district
20 school board shall then require the superintendent to transmit
21 forthwith two copies of the adopted budget to the Department
22 of Education for approval as prescribed by law and rules of
23 the State Board of Education.

24 Section 608. Section 1011.04, Florida Statutes, is
25 created to read:

26 1011.04 Levying of taxes.--

27 (1) Upon receipt of the certificate of the property
28 appraiser giving the assessed valuation of the county and of
29 each of the special tax school districts pursuant to s.
30 200.065, the district school board shall determine by
31 resolution the amounts necessary to be raised for current

1 operating purposes and for each district bond interest and
2 sinking fund and the millage necessary to be levied for each
3 such fund, including the voted millage. A certified copy of
4 the resolution shall thereupon be filed with the county
5 property appraiser, and the district school board shall also
6 order the property appraiser to assess the several millages
7 certified by the school board against the appropriate taxable
8 property in the school district.

9 (2) The property appraiser shall then assess the taxes
10 as ordered by the district school board. Tax millages so
11 assessed shall be clearly designated and separately identified
12 as to source on the tax bill for other county taxes.

13 (3) The collector shall collect said taxes and pay
14 over the same promptly as collected to the district school
15 depository or depositories to be used as provided by law;
16 provided, that all taxes authorized herein shall be assessed
17 and collected on railroad, street railroad, sleeping car,
18 parlor car, and telegraph company property in the manner now
19 provided by law.

20 Section 609. Section 1011.05, Florida Statutes, is
21 created to read:

22 1011.05 Implementation of the official budget.--The
23 official budget shall give the appropriations and reserves
24 therein the force and effect of fixed appropriations and
25 reserves, and the same shall not be altered, amended, or
26 exceeded except as authorized. However, if the actual
27 receipts during any year are less than budgeted receipts, and
28 any obligations are thereby incurred which cannot be met
29 before the close of the year, such obligations shall be paid
30 and accounted for in the ensuing fiscal year in the manner

31

1 prescribed by rules of the State Board of Education and shall
2 be payable out of the first funds available for that purpose.

3 Section 610. Section 1011.06, Florida Statutes, is
4 created to read:

5 1011.06 Expenditures.--

6 (1) Expenditures shall be limited to the amount
7 budgeted under the classification of accounts provided for
8 each fund and to the total amount of the budget after the same
9 have been amended as prescribed by law and rules of the State
10 Board of Education. The school board shall endeavor to obtain
11 maximum value for all expenditures.

12 (2) EXPENDITURES FROM DISTRICT AND OTHER

13 FUNDS.--Expenditures from district and all other funds
14 available for the public school program of any district shall
15 be authorized by law and must be in accordance with procedures
16 prescribed by the district school board. A district school
17 board may establish policies that allow expenditures to exceed
18 the amount budgeted by function and object, provided that the
19 district school board approves the expenditure and amends the
20 budget within timelines established by school board policies.

21 Section 611. Section 1011.07, Florida Statutes, is
22 created to read:

23 1011.07 Internal funds.--

24 (1) The district school board shall be responsible for
25 the administration and control of all local school funds
26 derived by any public school from all activities or sources,
27 and shall prescribe the principles and procedures to be
28 followed in administering these funds consistent with
29 regulations adopted by the State Board of Education.

30
31

1 (2) The State Board of Education shall adopt rules
2 governing the procedures for the recording of the receipts,
3 expenditures, deposits, and disbursements of internal funds.

4 Section 612. Section 1011.08, Florida Statutes, is
5 created to read:

6 1011.08 Expenditures between July 1 and date budget
7 becomes official.--During the period from July 1 to the date
8 the tentative budget becomes official, district school boards
9 are authorized to approve ordinary expenditures, including
10 salary payments, which are necessary for the approved school
11 program.

12 Section 613. Section 1011.09, Florida Statutes, is
13 created to read:

14 1011.09 Expenditure of funds by district school
15 board.--All state funds apportioned to the credit of any
16 district constitute a part of the district school fund of that
17 district and must be budgeted and expended under authority of
18 the district school board subject to the provisions of law and
19 rules of the State Board of Education.

20 (1) A district school board shall credit interest or
21 profits on investments to the specific budgeted fund, as
22 defined by the accounting system required by s. 1010.01, that
23 produced the earnings unless otherwise authorized by law or
24 rules of the State Board of Education.

25 (2) A district school board may temporarily advance
26 moneys from one fund, as defined by the accounting system
27 required by s. 1010.01, to another fund when insufficient
28 moneys are available to meet current obligations if the
29 temporary advancement is repaid within 13 months, appropriate
30 accounting records are maintained, and the temporary
31 advancement does not restrict, impede, or limit implementation

1 or fulfillment of the original purposes for which the moneys
2 were received in the fund providing the advancement.

3 (3) Funds expended from school nonrecurring incentives
4 or bonus type state or federal funded programs based on
5 performance outcomes may not be used for measuring compliance
6 with state or federal maintenance of effort, supplanting, or
7 comparability standards.

8 Section 614. Section 1011.10, Florida Statutes, is
9 created to read:

10 1011.10 Penalty.--

11 (1) Any member of a district school board or any
12 district school superintendent who violates the provisions of
13 this section commits malfeasance and misfeasance in office and
14 shall be subject to removal from office by the Governor, and
15 any contract or attempted contract entered into by any school
16 officer or subordinate school officer that is not within the
17 purview or in violation of the provisions of this section
18 shall be void, and no such contract or attempted contract
19 shall be enforceable in any court.

20 (2) Each member of any district school board voting to
21 incur an indebtedness against the district school funds in
22 excess of the expenditure allowed by law, or in excess of any
23 appropriation as adopted in the original official budget or
24 amendments thereto, or to approve or pay any illegal charge
25 against the funds, and any chair of a district school board or
26 district school superintendent who signs a warrant for payment
27 of any such claim or bill of indebtedness against any of the
28 funds shall be personally liable for the amount, and shall be
29 guilty of malfeasance in office and subject to removal by the
30 Governor. It shall be the duty of the Auditor General, other
31 state officials, or independent certified public accountants

1 charged by law with the responsibility for auditing school
2 accounts, upon discovering any such illegal expenditure or
3 expenditures in excess of the appropriations in the budget as
4 officially amended, to certify such fact to the Department of
5 Banking and Finance, which thereupon shall verify such fact
6 and it shall be the duty of the Department of Banking and
7 Finance to advise the Department of Legal Affairs thereof, and
8 it shall be the duty of the Department of Legal Affairs to
9 cause to be instituted and prosecuted, either through its
10 office or through any state attorney, proceedings at law or in
11 equity against such member or members of a district school
12 board or district school superintendent. If either of the
13 officers does not institute proceedings within 90 days after
14 the audit has been certified to them by the Department of
15 Banking and Finance, any taxpayer may institute suit in his or
16 her own name on behalf of the district.

17 Section 615. Section 1011.11, Florida Statutes, is
18 created to read:

19 1011.11 Certain provisions to be directory.--No
20 irregularities of form or manner in the preparation or
21 adoption of any budget under the provisions of this chapter
22 shall invalidate either the budget adopted or the taxes levied
23 therefor. However, the budget and the taxes levied must
24 conform substantially to the principles and provisions of law
25 and rules of the State Board of Education.

26 Section 616. Section 1011.12, Florida Statutes, is
27 created to read:

28 1011.12 Purposes of and procedures in incurring school
29 indebtedness.--Indebtedness for school purposes may be
30 incurred only as follows:

31

1 (1) School districts may issue bonds creating a
2 long-term indebtedness as prescribed by law.

3 (2) Notes may be issued for money borrowed in
4 anticipation of the receipt of current school funds, included
5 in the budget from the state, county, or districts, as
6 authorized under s. 1011.13.

7 (3) Indebtedness may be incurred for certain purposes
8 as authorized under s. 1011.14, s. 1011.15, or s. 1011.16.

9 (4) Bonds or revenue certificates issued on behalf of
10 the district by the State Board of Education as authorized by
11 s. 18, Art. XII of the State Constitution of 1885 as adopted
12 by s. 9(d), Art. XII, 1968 revised constitution, and the
13 additional provisions of s. 9(d), Art. XII of said revision.

14 Section 617. Section 1011.13, Florida Statutes, is
15 created to read:

16 1011.13 Current loans authorized under certain
17 conditions.--Except as provided in subsection (2), for any
18 fiscal year in which school funds are estimated to be
19 insufficient at any time during that fiscal year to pay
20 obligations created by the district school board in accordance
21 with the official budget of the district, or a budget approved
22 by the district school board which is prepared preliminarily
23 to the tentative budget required by this chapter, the school
24 board is authorized to negotiate a current loan to pay these
25 obligations, providing for the repayment of that loan from the
26 proceeds of revenues reasonably to be anticipated during the
27 fiscal year in which the loan is made as prescribed below.
28 However, the district school board shall, whenever possible,
29 so arrange its expenditures as to make the incurring of
30 current loans unnecessary. When it is deemed necessary for the
31 benefit of the schools of the district for a current loan to

1 be negotiated, the school board shall arrange for a loan in an
2 amount not violative of federal arbitrage regulations and for
3 the repayment of the loan, in accord with the other provisions
4 of this section.

5 (1) CURRENT LOANS AGAINST DISTRICT FUND, DISTRICT
6 CAPITAL PROJECTS FUNDS, AND DISTRICT INTEREST AND SINKING
7 FUNDS.--

8 (a) District school boards are authorized and
9 empowered to borrow money, to be retired from the district tax
10 receipts anticipated in the operating budget, the district
11 capital projects budget, and the debt service budget, at a
12 rate of interest not to exceed the rate authorized under the
13 provisions of s. 215.84, for the purpose of paying all
14 outstanding obligations and for the further purpose of paying
15 any and all lawful expenses incurred in operating the schools
16 of the district. However, it is unlawful for any district
17 school board to borrow any sum of money in any one year in
18 excess of 80 percent of the amount as estimated by it in the
19 official budget for the current fiscal year for the district
20 to be available from the district tax. The sum so borrowed
21 shall be paid in full before the school board is authorized to
22 borrow money in any succeeding year.

23 (b) Nothing in paragraph (a) shall be construed to
24 invalidate any outstanding debt of any district as now
25 existing and now due, or to become due, or as requiring any
26 school board to pay the same in full before being permitted to
27 borrow 80 percent on the estimate for the next ensuing year.

28 (c) In the event that the county tax roll is subjected
29 to litigation and the tax collector is prevented from
30 collecting taxes on that roll, the following provisions shall
31 apply:

1 1. The restriction of 80 percent in paragraph (b)
2 shall not apply if the collection of taxes is delayed beyond
3 May 1.

4 2. District school boards are authorized and empowered
5 to borrow money, to be repaid from the district school fund
6 for operating purposes, the district capital projects funds,
7 and the district interest and sinking funds, at a rate not to
8 exceed the rate authorized under the provisions of s. 215.84,
9 for the purposes of paying any and all lawful operating
10 expense, capital expense, and required debt service necessary
11 for the outstanding bond issues of such districts at the times
12 that the funds are needed to prevent the bonds or interest
13 payments from being in default. However, the amount of money
14 so borrowed shall be limited to the amount of the district
15 school fund and district interest and sinking fund tax
16 receipts included in the official school budget for that year
17 or the amount necessary to be borrowed to meet such
18 obligations, whichever amount is the lesser. Any funds
19 borrowed pursuant to the authority of this subsection shall,
20 insofar as possible, be repaid during the fiscal year in which
21 the loan was made. However, any such loan unpaid at the end
22 of the fiscal year shall be repaid from the first available
23 revenue in the next succeeding year.

24 (2) CURRENT LOANS PAYABLE FROM REVENUE PROCEEDS.--

25 (a) A district school board is also authorized to
26 negotiate a current loan before the end of the fiscal year,
27 the note or notes from which loan shall be issued no earlier
28 than 60 days before the beginning of the subsequent fiscal
29 year, to be repaid during the subsequent fiscal year from the
30 proceeds of revenue reasonably anticipated to be received
31 during that year. The proceeds of any loan obtained pursuant

1 to this subsection shall be limited, and the district school
2 board shall take any and all action necessary, to assure that
3 the Internal Revenue Code and the regulations promulgated
4 thereunder are not violated.

5 (b) Loans arranged pursuant to this subsection shall
6 be negotiated in accordance with a budget approved by the
7 district school board which is prepared preliminarily to the
8 tentative budget required by this chapter. Such loans shall
9 be at a rate of interest not to exceed the rate of interest
10 authorized under the provisions of s. 215.84 and shall not be
11 in excess of amounts authorized under the Internal Revenue
12 Code for arbitrage.

13 (c) The proceeds of any loan obtained pursuant to this
14 subsection, or any interest earnings thereon, shall not be
15 used to pay any expenses incurred in the fiscal year in which
16 the loan is made; nor shall the proceeds of the loan or
17 interest earnings thereon be in any way encumbered to pay
18 expenses incurred in the fiscal year in which the loan is
19 made, but shall be held in escrow until the subsequent fiscal
20 year. Any outstanding loan issued pursuant to subsection (1)
21 must be defeased not less than 5 business days prior to the
22 issuance of any obligation pursuant to this subsection. All
23 proceeds of any loan obtained pursuant to this subsection, and
24 any interest earnings thereon, shall be placed at closing in
25 an irrevocable escrow account and held until the beginning of
26 the subsequent fiscal year. The district school board shall
27 maintain the integrity of such loan proceeds and related
28 interest in its accounting records so as to be able to
29 validate compliance with the provisions of this paragraph.

30 Section 618. Section 1011.14, Florida Statutes, is
31 created to read:

1 1011.14 Obligations for a period of 1 year.--District
2 school boards are authorized only under the following
3 conditions to create obligations by way of anticipation of
4 budgeted revenues accruing on a current basis without pledging
5 the credit of the district or requiring future levy of taxes
6 for certain purposes for a period of 1 year; however, such
7 obligations may be extended from year to year with the consent
8 of the lender for a period not to exceed 4 years, or for a
9 total of 5 years including the initial year of the loan:
10 (1) PURPOSES.--The purposes for which such obligations
11 may be incurred within the intent of this section shall
12 include only the purchase of school buses, land, and equipment
13 for educational purposes; the erection of, alteration to, or
14 addition to educational facilities; and the adjustment of
15 insurance on educational property on a 5-year plan, as
16 provided by rules of the State Board of Education.
17 (2) OBLIGATIONS MAY NOT EXCEED ONE-FOURTH OF DISTRICT
18 AD VALOREM TAX REVENUE FOR OPERATIONS FOR THE PRECEDING
19 YEAR.--No obligation of the nature prescribed herein may be
20 incurred by any district school board when such proposed
21 obligations exceed one-fourth of the revenue received during
22 the preceding year for the district school fund for operating
23 expense of the district.
24 (3) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
25 district school board proposes to incur obligations of the
26 nature authorized in this section, it shall adopt and spread
27 upon its minutes a resolution giving the nature of the
28 obligations to be incurred, stating the plan of payment, and
29 providing that such funds will be budgeted during the period
30 of the loan from the current revenue to retire the obligations
31

1 maturing during the year. This plan of payment shall not
2 extend over a period longer than 1 year.

3 (4) INTEREST-BEARING NOTES AUTHORIZED.--Each district
4 school board which has authorized the incurring of the
5 obligations as provided in this section shall issue
6 interest-bearing notes for the obligations. The notes shall
7 provide the terms of payment and shall not bear interest in
8 excess of the rate authorized under the provisions of s.
9 215.84. No additional obligations of a similar nature may be
10 incurred against the funds of any school district when notes
11 authorized under this subsection are still outstanding and
12 unpaid when such proposed obligations together with the unpaid
13 notes outstanding exceed one-fourth of the revenue of the
14 preceding year, as defined in subsection (2).

15 Section 619. Section 1011.15, Florida Statutes, is
16 created to read:

17 1011.15 Obligations to eliminate major emergency
18 conditions.--The district school board of any district
19 experiencing a major emergency condition in an existing school
20 plant that demands immediate correction in order to prevent
21 further damage to the building or equipment or to eliminate a
22 safety hazard that constitutes an immediate danger to the
23 students and other occupants is authorized to create an
24 obligation for a period of 1 year by way of anticipation of
25 revenues for capital outlay purposes accruing on a current
26 basis without pledging the credit of the district. Such
27 obligation may be extended from year to year with the consent
28 of the lender for a period not to exceed 4 years, or for a
29 total of 5 years including the initial year of the loan.
30 Obligations occurring under this section may be repaid from
31 funds to be received from taxes authorized by s. 1011.71(2)

1 and from any other funds available to the district school
2 board for the purpose under the following conditions:

3 (1) DISTRICT SCHOOL BOARD TO ADOPT PROPOSAL.--When the
4 district school board proposes to incur obligations of the
5 nature authorized in this section, it shall adopt and spread
6 upon its minutes a resolution fully describing the emergency
7 condition outlined above, giving the nature of the obligations
8 to be incurred, stating the plan of payment, and providing
9 that such funds will be budgeted during the period of the loan
10 from the current revenue to retire the obligations maturing
11 during the year. This plan of payment shall not extend over a
12 period longer than 1 year.

13 (2) INTEREST-BEARING NOTES AUTHORIZED.--Each district
14 school board which has authorized the incurring of the
15 obligations as provided in this section shall issue
16 interest-bearing notes for the obligations. The notes shall
17 provide the terms of payment and shall not bear interest in
18 excess of the rate authorized in s. 1010.59.

19 Section 620. Section 1011.16, Florida Statutes, is
20 created to read:

21 1011.16 Provisions for retirement of existing
22 indebtedness which is unfunded or in default.--In any district
23 in which there is any indebtedness outstanding against the
24 district school fund which has not yet been funded, or at any
25 time any such indebtedness is in default as to principal or
26 interest, the district school board shall proceed as follows:

27 (1) PLAN FOR RETIRING INDEBTEDNESS TO BE
28 PROPOSED.--The district school board shall prepare and propose
29 a plan for retiring any unfunded indebtedness or any such
30 indebtedness which is in default so that no creditor having a
31 valid claim will be given a preferred status. This plan shall

1 be so prepared as to show the funds needed for operating the
2 schools on the most economical basis practicable, the amount
3 of any other obligations which must be met each year, the
4 total funds available each year for the entire school program,
5 and the funds that can reasonably be spared for retirement of
6 indebtedness without needlessly handicapping the school
7 program and which can be budgeted each year for the retirement
8 of such indebtedness.

9 (2) PROPOSAL TO BE SUBMITTED TO DEPARTMENT OF
10 EDUCATION.--The proposal for funding and retiring all such
11 indebtedness, when approved by the district school board,
12 shall be submitted to the Department of Education for
13 consideration. The district school board shall not attempt to
14 retire any such indebtedness until this procedure has been
15 followed and until it has had the benefit of the
16 recommendations of the department. Upon receiving the
17 proposal, the department shall determine the minimum funds
18 which are, in its opinion, necessary for the operation of the
19 school program in the district; shall determine what funds
20 remain for retirement of indebtedness each year; shall
21 determine whether the proposed plan is in accordance with
22 these facts, and, if it is not, shall propose modifications in
23 the plan in accordance with the facts. The recommendations of
24 the department shall then be submitted to the district school
25 board for consideration.

26 (3) WHEN PLAN TO BE EFFECTIVE.--The plan for retiring
27 indebtedness, herein prescribed, shall become effective when
28 the district school board and the Department of Education
29 jointly agree upon the amount of funds necessary for operating
30 the schools and the amount which can be budgeted each year for
31 retiring indebtedness. When this plan has been agreed upon, it

1 shall become the duty of the district school board to see that
2 the amount approved for retiring indebtedness is incorporated
3 in the budget each year, and the department shall see that
4 this amount has been incorporated before the budget is
5 approved, or, if such an amount can not reasonably be
6 incorporated in the budget, as shown by evidence submitted by
7 the district school board, determine the respects in which the
8 plan should be modified, and to see that the budget includes
9 the amount for retiring indebtedness which can reasonably be
10 included.

11 (4) FUNDING OUTSTANDING INDEBTEDNESS.--

12 (a) Each district school board having an outstanding
13 indebtedness legally incurred and constituting an obligation
14 or obligations payable from the district school fund is
15 authorized to issue and sell interest-bearing coupon warrants
16 in a sum or sums not to exceed the total amount of such
17 indebtedness. Such coupon warrants shall bear interest at a
18 rate not to exceed the rates authorized under the provisions
19 of s. 215.84, shall be payable either annually or
20 semiannually, and shall be in such form and denomination as
21 the district school board issuing the same shall prescribe.
22 None of such warrants shall be issued to run for a longer
23 period of time than 10 years from the date of issue. Such
24 warrants shall be numbered consecutively, beginning with
25 number one, and each warrant shall have attached thereto
26 interest coupons, each coupon bearing the number of its
27 warrant and representing or calling for an annual or
28 semiannual, as the case may be, payment of interest on its
29 warrant.

30 (b) Each such warrant shall be signed by the chair and
31 attested by the secretary of the district school board issuing

1 the same, and shall have the seal of the district school board
2 affixed thereto, and the interest coupons attached thereto
3 shall be signed by, or bear the printed or lithographed
4 facsimile signature of the chair and secretary. Each warrant
5 and interest coupon shall be dated and shall bear the due
6 date. Such warrants and interest coupons shall be issued upon,
7 and payable from, the fund designated on the face thereof. The
8 fund so designated shall be the district school fund. All
9 funds derived from the sale of interest-bearing coupon
10 warrants, as herein provided, shall be used for the purpose of
11 retiring the indebtedness for payment of which the warrants
12 were issued, and for no other purpose, and any funds remaining
13 from the sale of such warrants shall be applied to retiring
14 the interest-bearing coupon warrants from which such funds
15 were derived.

16 (5) FUNDING OR REFUNDING OTHER TYPES OF
17 INDEBTEDNESS.--Any proposed plan for refunding any type of
18 outstanding and legally incurred school indebtedness, not
19 covered by this section, shall be submitted to the Department
20 of Education for approval under rules of the State Board of
21 Education. No such indebtedness may be refunded and no plan
22 for refunding such indebtedness may be approved, unless the
23 plan provides for retiring the indebtedness in reasonably
24 equal annual installments over the period of years covered,
25 unless other obligations to be retired during any of these
26 years make adjustments necessary. No indebtedness of any type
27 may be refunded on a sinking fund basis. The district school
28 board shall provide that all refunding warrants, notes, or
29 bonds shall be callable, upon proper notice, beginning not
30 more than 10 years following the date of refunding. If any
31 indebtedness outstanding against the county or district

1 current school funds cannot be retired over a period of 10
2 years as prescribed in this section, or cannot be funded or
3 refunded by issuing interest-bearing coupon warrants, the
4 Department of Education is authorized to cooperate with the
5 school officials of the district in developing a practicable
6 plan for refunding such indebtedness and, when such a plan has
7 been developed, may approve an agreement with the district
8 school officials for refunding such indebtedness to be retired
9 over a period of time which shall not exceed a maximum of 20
10 years; and, if necessary, for refunding the indebtedness by
11 issuing interest-bearing notes. Any funding or refunding
12 obligations issued, as prescribed herein, are not and shall
13 not be deemed to be additional bonds within the meaning of the
14 Constitution and laws of Florida, and it shall not be
15 necessary for such obligations to be submitted to, or approved
16 by, a vote of the people of the district. In preparing and
17 carrying out such a plan for funding or refunding the school
18 indebtedness, the district school board and the district
19 school superintendent shall follow the procedures prescribed
20 in this section, supplemented by rules of the State Board of
21 Education, except for the modifications which are herein
22 authorized.

23 Section 621. Section 1011.17, Florida Statutes, is
24 created to read:

25 1011.17 School funds to be paid to Treasurer or into
26 depository.--

27 (1) Every tax collector, or other person having moneys
28 which by law go to any district school fund shall at least
29 once each month pay the same over to the depository or
30 depositories designated by the district school board for such
31 purpose, and shall provide said board with confirmation of the

1 deposit. Every officer having moneys which by law go to any
2 state school fund, shall pay the same to the Treasurer of the
3 state, and the Treasurer shall see that these moneys are
4 deposited to the credit of the proper state school fund.

5 (2) The district school board shall have the authority
6 to designate that funds due it be placed for investment for
7 its account with the State Board of Administration rather than
8 be deposited, and said board may direct those persons having
9 moneys due it or due any state school fund to pay out such
10 funds to the State Board of Administration to make authorized
11 investments for its account.

12 Section 622. Section 1011.18, Florida Statutes, is
13 created to read:

14 1011.18 School depositories; payments into and
15 withdrawals from depositories.--

16 (1) SCHOOL FUNDS TO BE PAID INTO DEPOSITORIES.--The
17 tax collector, the clerk of the circuit court, the
18 superintendent, and all other persons having, receiving, or
19 collecting any money payable to the school district shall
20 promptly pay the same to the bank or banks selected by the
21 district school board to receive funds for that purpose. No
22 bank shall be so selected unless it is qualified as an
23 approved depository as provided by law. Each bank receiving
24 any school money as provided herein shall make a receipt for
25 same.

26 (2) INVESTMENT OF FUNDS DUE.--The district school
27 board shall have the authority to designate that funds due it
28 be placed for investment for its account with the State Board
29 of Administration rather than be deposited, and the district
30 school board may direct those persons having moneys due it or
31 due any state school fund to pay out such funds to the State

1 Board of Administration to make authorized investments for its
2 account.

3 (3) FUNDS ON DEPOSIT WITH EACH DEPOSITORY; OVERDRAWING
4 ACCOUNTS PROHIBITED.--The district school board shall require
5 an accurate and complete set of accounts to be maintained in
6 the books and records for each fund on deposit in each
7 district school depository. Each such account shall show the
8 amount subject to withdrawal, the amount deposited, the amount
9 expended, and the balance of the account. In compliance with
10 the provisions of this subsection, a district school board may
11 maintain a separate checking account for each such fund or may
12 utilize a single checking account for the deposit and
13 withdrawal of moneys from all funds and segregate the various
14 funds on the books and records only. No check or warrant shall
15 be drawn in excess of the balance to the credit of the
16 appropriate fund. The funds awaiting clearing may be invested
17 in an approved county depository in instruments earning
18 interest, such as repurchase agreements, savings accounts,
19 etc. If repurchase agreements are involved, United States
20 Treasury securities or GNMA's must be pledged as collateral
21 for an amount to exceed the principal, interest, and a
22 reasonable safety margin for protection against date-to-date
23 price fluctuation.

24 (4) HOW FUNDS DRAWN FROM DEPOSITORIES.--All money
25 drawn from any district school depository holding same as
26 prescribed herein shall be upon a check or warrant drawn on
27 authority of the district school board as prescribed by law.
28 Each check or warrant shall be signed by the chair or, in his
29 or her absence, the vice chair of the district school board
30 and countersigned by the district school superintendent, with
31 corporate seal of the school board affixed. However, as a

1 matter of convenience, the corporate seal of the district
2 school board may be printed upon the warrant and a proper
3 record of such warrant shall be maintained. The district
4 school board may by resolution, a copy of which must be
5 delivered to the depository, provide for internal funds to be
6 withdrawn from any district depository by a check duly signed
7 by at least two bonded school employees designated by the
8 board to be responsible for administering such funds. However,
9 the district school superintendent or his or her designee,
10 after having been by resolution specifically authorized by the
11 district school board, may transfer funds from one depository
12 to another, within a depository, to another institution, or
13 from another institution to a depository for investment
14 purposes and may transfer funds in a similar manner when the
15 transfer does not represent an expenditure, advance, or
16 reduction of cash assets. Such transfer may be made by
17 electronic, telephonic, or other medium; and each transfer
18 shall be confirmed in writing and signed by the district
19 school superintendent or his or her designee.

20 (5) FORM OF WARRANTS; DIRECT DEPOSIT OF FUNDS.--The
21 district school board is authorized to establish the form or
22 forms of warrants, which are to be signed by the chair or, in
23 his or her absence, the vice chair of the district school
24 board and countersigned by the district school superintendent,
25 for payment or disbursement of moneys out of the school
26 depository and to change the form thereof from time to time as
27 the district school board deems appropriate. If authorized in
28 writing by the payee, such district school board warrants may
29 provide for the direct deposit of funds to the account of the
30 payee in any financial institution that is designated in
31 writing by the payee and that has lawful authority to accept

1 such deposits. The written authorization of the payee must be
2 filed with the district school board. Direct deposit of funds
3 may be by any electronic or other medium approved by the
4 district school board for such purpose. The State Board of
5 Education shall adopt rules prescribing minimum security
6 measures that must be implemented by any district school board
7 before establishing the system authorized in this subsection.

8 (6) EXEMPTION FOR SELF-INSURANCE PROGRAMS AND
9 THIRD-PARTY ADMINISTERED EMPLOYEES' FRINGE BENEFIT PROGRAMS.--

10 (a) Each district school board is authorized to
11 contract with an approved service organization to provide
12 self-insurance services, including, but not limited to, the
13 evaluation, settlement, and payment of self-insurance claims
14 on behalf of the district school board. Pursuant to such
15 contract, the district school board may advance money to the
16 service organization to be deposited in a special checking
17 account for paying claims against the district school board
18 under its self-insurance program. The special checking
19 account shall be maintained in a designated district school
20 depository. The district school board may replenish such
21 account as often as necessary upon the presentation by the
22 service organization of documentation for claims paid equal to
23 the amount of the requested reimbursement. Such replenishment
24 shall be made by a warrant signed by the chair of the district
25 school board and countersigned by the district school
26 superintendent. Such replenishment may be made by electronic,
27 telephonic, or other medium, and each transfer shall be
28 confirmed in writing and signed by the superintendent or his
29 or her designee.

30 (b) The district school board may contract with an
31 insurance company or professional administrator who holds a

1 valid certificate of authority issued by the Department of
2 Insurance to provide any or all services that a third-party
3 administrator is authorized by law to perform. Pursuant to
4 such contract, the district school board may advance or remit
5 money to the administrator to be deposited in a designated
6 special checking account for paying claims against the
7 district school board under its self-insurance programs, and
8 remitting premiums to the providers of insured benefits on
9 behalf of the district school board and the participants in
10 such programs, and otherwise fulfilling the obligations
11 imposed upon the administrator by law and the contractual
12 agreements between the district school board and the
13 administrator. The special checking account shall be
14 maintained in a designated district school depository. The
15 district school board may replenish such account as often as
16 necessary upon the presentation by the service organization of
17 documentation for claims or premiums due paid equal to the
18 amount of the requested reimbursement. Such replenishment
19 shall be made by a warrant signed by the chair of the district
20 school board and countersigned by the district school
21 superintendent. Such replenishment may be made by electronic,
22 telephonic, or other medium, and each transfer shall be
23 confirmed in writing and signed by the district school
24 superintendent or his or her designee. The provisions of
25 strict accountability of all funds and an annual audit by an
26 independent certified public accountant as provided in s.
27 1001.42(10)(k) shall apply to this subsection.

28 Section 623. Section 1011.19, Florida Statutes, is
29 created to read:

30 1011.19 Sources of district school fund.--The district
31 school fund shall consist of funds derived from the district

1 school tax levy; state appropriations; appropriations by
2 county commissioners; local, state, and federal school food
3 service funds; any and all other sources for school purposes;
4 national forest trust funds and other federal sources; and
5 gifts and other sources.

6 Section 624. Section 1011.20, Florida Statutes, is
7 created to read:

8 1011.20 Apportionment and use of district school
9 fund.--The district school fund shall be apportioned, expended
10 and disbursed in the district solely for the support of the
11 public schools of the district as prescribed by law; provided,
12 however, that the district school fund shall also be used to
13 pay the principal and interest on bonds legally issued and
14 payable from said fund, together with other proper items of
15 debt service against such fund, including any necessary
16 refunding expense as prescribed by rules of the State Board of
17 Education. The district school board shall, before the
18 maturity of such bonds or other indebtedness and before
19 interest due dates, deposit with the paying agent or make
20 available, as designated in the resolution authorizing the
21 issuance of the bonds or other legal evidences of
22 indebtedness, sufficient funds with which to pay all principal
23 and interest when due; provided, that when such funds have
24 been so deposited with the paying agent or made available, all
25 interest on the indebtedness represented by the maturing
26 bonds, coupons or other evidences of indebtedness shall cease
27 as of their maturity dates; and provided, further, that if any
28 such bonds, coupons or other evidences of indebtedness are not
29 presented for payment within 6 months after the date on which
30 they mature, the funds shall be returned to the district
31 school board and shall be placed by said board in the district

1 school fund and the district school board shall pay said
2 bonds, coupons or other evidences of indebtedness from said
3 fund when presented for payment. Any holder of bonds, coupons
4 or other indebtedness claiming interest after maturity on
5 account of the fact that funds were not deposited with the
6 paying agent or made available to pay such bonds, coupons or
7 other indebtedness at maturity, shall be required to produce
8 evidence in the form of a letter from the paying agent or the
9 district school board, respectively, acknowledging that the
10 bonds, coupons and other evidences of indebtedness upon which
11 interest is claimed were presented for payment, that no funds
12 were available for the payment thereof, that such bonds,
13 coupons and other evidences of indebtedness were presented for
14 payment at least annually thereafter and that no funds were
15 available to pay such indebtedness. The paying agent or the
16 district school board, whichever has the duty of holding the
17 funds, shall, upon request of the holder of defaulted bonds,
18 coupons or other evidences of indebtedness, furnish to such
19 holder the letter required herein. When such evidence is
20 presented the district school fund shall be liable for the
21 payment of principal and interest on the bonds, coupons or
22 other evidences of indebtedness from maturity until paid at
23 the rate prescribed on the face thereof. If at any time any
24 bonds, coupons or other evidences of indebtedness are reduced
25 to judgment, the district school fund shall be responsible for
26 past due interest only at the rate prescribed by the bonds or
27 other evidences of indebtedness and any rate of interest in
28 excess of that amount shall be illegal and invalid. Such
29 judgments shall bear interest at the rate of 5 percent per
30 annum until paid. When any proposal for refunding the
31 indebtedness against said district school fund has been

1 prepared and approved by the State Board of Education, as
2 required by law, and when the holders of at least 80 percent
3 of the outstanding indebtedness against said fund have agreed
4 in writing to the refunding plan, the district school board
5 shall be authorized to pay, out of the district school fund,
6 from and after that date, on the original and refunding bonds
7 or other evidences of indebtedness only the rate of interest
8 which has been agreed upon for the refunding bonds or other
9 evidences of indebtedness and no owner or holder of a bond,
10 coupon or other evidence of indebtedness shall be entitled to
11 a higher rate of interest after that date; provided, that such
12 owner or holder shall be given the option by the district
13 school board of receiving payment in cash for all principal
14 and interest due on the bonds and coupons or other evidence of
15 indebtedness he or she holds at the same rate at which the
16 remaining indebtedness has been refunded.

17 Section 625. Section 1011.21, Florida Statutes, is
18 created to read:

19 1011.21 Source and use of district interest and
20 sinking fund.--The district interest and sinking fund of any
21 school district shall comprise the proceeds of the tax levied
22 for the purpose of paying the principal and interest of bonds
23 outstanding against the district as provided in this chapter
24 and in addition such funds as may accrue to the credit of the
25 district interest and sinking fund from interest on deposits,
26 investments or other sources. The district interest and
27 sinking fund in each district shall be used to pay the
28 principal and interest on bonds legally issued against the
29 district and other proper items of debt service against such
30 district, including any necessary refunding expense as
31 prescribed by rules of the State Board of Education. The

1 district school board shall, before the maturity of bonds and
2 before interest due dates, deposit with the paying agent or
3 make available, as designated in the resolution authorizing
4 the issuance of bonds, sufficient money of the district
5 interest and sinking fund with which to pay all principal and
6 interest when due; provided, that when such money has been so
7 deposited with the paying agent or made available, all
8 interest on the indebtedness represented by the maturing bonds
9 or coupons shall cease as of their maturity dates; and
10 provided, further, that if any such bonds or coupons are not
11 presented for payment within 6 months after the date on which
12 they mature, the money shall be returned to the district
13 school board and shall be held by the board as a reserve fund
14 in the account of the district interest and sinking fund until
15 the bonds and coupons are presented for payment. Any holder
16 of bonds or coupons claiming interest after maturity shall be
17 required to produce evidence in the form of a letter from the
18 paying agent or the district school board of the district,
19 respectively, acknowledging that the bonds or coupons upon
20 which interest is claimed were presented for payment upon
21 maturity, that no funds were available for the payment
22 thereof, that such bonds or coupons were presented for payment
23 at least annually thereafter and that no funds were available
24 to pay such bonds or coupons. The paying agent or the
25 district school board, whichever has the duty of holding the
26 money shall, upon request of the holder of defaulted bonds or
27 coupons, furnish to such holder the letter required herein.
28 When such evidence is presented, the district interest and
29 sinking fund shall be liable for the payment of principal and
30 interest on the bonds and coupons from maturity until paid at
31 the rate prescribed on the face of the bonds. If at any time

1 any bonds or coupons are reduced to judgment, the district
2 interest and sinking fund shall be responsible for past due
3 interest only at the rate prescribed by the bonds and any rate
4 of interest in excess of that amount shall be illegal and
5 invalid. Such judgments shall bear interest at the rate of 5
6 percent per annum until paid. When any proposal for refunding
7 the indebtedness against any district has been prepared and
8 approved by the Department of Education, as required by law,
9 and when the holders of at least 80 percent of the outstanding
10 indebtedness represented by the bond issue have agreed in
11 writing to the refunding plan, the district school board shall
12 be authorized to pay, from and after that date on the original
13 and refunding bonds from the district interest and sinking
14 fund, only the rate of interest which has been agreed upon for
15 the refunding bonds and no owner or holder of a bond or coupon
16 shall be entitled to a higher rate of interest after that
17 date; provided, that such owner or holder shall be given the
18 option by the school board of receiving payment in cash for
19 all principal and interest due on the bonds and coupons he or
20 she holds at the same rate at which the remaining bonds and
21 coupons have been refunded.

22 Section 626. Section 1011.22, Florida Statutes, is
23 created to read:

24 1011.22 Interest and sinking funds may be invested in
25 certain bonds, warrants, and notes.--Each district school
26 board shall have the power at all times to invest the interest
27 and sinking funds collected for the retirement of any bonds of
28 the school district in any investment as authorized in s.
29 1010.53(2). The district school board shall have authority at
30 any time to use the interest and sinking fund of any district
31 for purchasing, for the purpose of canceling and retiring,

1 bonds outstanding against the interest and sinking fund of
2 said district at any price which will result in a net saving
3 to the taxpayers of the district; provided, always, that the
4 district school board shall have the right to keep the
5 interest and sinking fund on deposit earning the rate of
6 interest agreed upon until such time as within its judgment it
7 may be able to invest it in bonds, warrants, or notes to
8 better advantage as provided herein.

9 Section 627. Section 1011.23, Florida Statutes, is
10 created to read:

11 1011.23 Disposition of balance in interest and sinking
12 fund.--If all principal and interest outstanding against any
13 school district shall have been paid, and there shall still
14 remain a balance in the interest and sinking fund to the
15 credit of that district, the district school board shall, by
16 resolution, authorize this balance to be transferred to the
17 credit of the district school fund.

18 Section 628. Section 1011.24, Florida Statutes, is
19 created to read:

20 1011.24 Special district units.--For the purposes of
21 funding through chapters 1011 and 1013, developmental research
22 schools shall be designated as special school districts. Such
23 districts shall be accountable to the Department of Education
24 for budget requests and reports on expenditures.

25 Section 629. Part I.b. of chapter 1011, Florida
26 Statutes, shall be entitled "Community Colleges: Preparation,
27 Adoption, and Implementation of Budgets" and shall consist of
28 ss. 1011.30-1011.32.

29 Section 630. Section 1011.30, Florida Statutes, is
30 created to read:

31

1 1011.30 Budgets for community colleges.--Each
2 community college president shall recommend to the community
3 college board of trustees a budget of income and expenditures
4 at such time and in such form as the State Board of Education
5 may prescribe. Upon approval of a budget by the community
6 college board of trustees, such budget shall be transmitted to
7 the Department of Education for review and approval. Rules of
8 the State Board of Education shall prescribe procedures for
9 effecting budget amendments subsequent to the final approval
10 of a budget for a given year.

11 Section 631. Section 1011.31, Florida Statutes, is
12 created to read:

13 1011.31 Current loans to community college boards of
14 trustees.--

15 (1) At any time the current funds on hand are
16 insufficient to pay obligations created by a community college
17 board of trustees in accordance with the approved budget of
18 the community college, the community college board of trustees
19 may request approval by the Commissioner of Education of a
20 proposal to negotiate a current loan, with provisions for the
21 repayment of such loan during the fiscal year in which the
22 loan is made, in order to meet these obligations.

23 (2) The Commissioner of Education shall approve such
24 proposal when, in his opinion, the proposal is reasonable and
25 just, the expenditure is necessary, and revenues sufficient to
26 meet the requirements of the loan can reasonably be
27 anticipated.

28 Section 632. Section 1011.32, Florida Statutes, is
29 created to read:

30 1011.32 Community College Facility Enhancement
31 Challenge Grant Program.--

1 (1) The Legislature recognizes that the community
2 colleges do not have sufficient physical facilities to meet
3 the current demands of their instructional and community
4 programs. It further recognizes that, to strengthen and
5 enhance community colleges, it is necessary to provide
6 facilities in addition to those currently available from
7 existing revenue sources. It further recognizes that there are
8 sources of private support that, if matched with state
9 support, can assist in constructing much needed facilities and
10 strengthen the commitment of citizens and organizations in
11 promoting excellence at each community college. Therefore, it
12 is the intent of the Legislature to establish a program to
13 provide the opportunity for each community college through its
14 direct-support organization to receive and match challenge
15 grants for instructional and community-related capital
16 facilities within the community college.

17 (2) There is established the Community College
18 Facility Enhancement Challenge Grant Program for the purpose
19 of assisting the community colleges in building high priority
20 instructional and community-related capital facilities
21 consistent with s. 1004.65, including common areas connecting
22 such facilities. The direct-support organizations that serve
23 the community colleges shall solicit gifts from private
24 sources to provide matching funds for capital facilities. For
25 the purposes of this section, private sources of funds shall
26 not include any federal or state government funds that a
27 community college may receive.

28 (3) The Community College Capital Facilities Matching
29 Program shall provide funds to match private contributions for
30 the development of high priority instructional and
31

1 community-related capital facilities, including common areas
2 connecting such facilities, within the community colleges.
3 (4) Within the direct-support organization of each
4 community college there must be established a separate capital
5 facilities matching account for the purpose of providing
6 matching funds from the direct-support organization's
7 unrestricted donations or other private contributions for the
8 development of high priority instructional and
9 community-related capital facilities, including common areas
10 connecting such facilities. The Legislature shall appropriate
11 funds for distribution to a community college after matching
12 funds are certified by the direct-support organization and
13 community college. The Public Education Capital Outlay and
14 Debt Service Trust Fund shall not be used as the source of the
15 state match for private contributions.
16 (5) A project may not be initiated unless all private
17 funds for planning, construction, and equipping the facility
18 have been received and deposited in the direct-support
19 organization's matching account and the state's share for the
20 minimum amount of funds needed to begin the project has been
21 appropriated by the Legislature. The Legislature may
22 appropriate the state's matching funds in one or more fiscal
23 years for the planning, construction, and equipping of an
24 eligible facility. However, these requirements shall not
25 preclude the community college or direct-support organization
26 from expending available funds from private sources to develop
27 a prospectus, including preliminary architectural schematics
28 and/or models, for use in its efforts to raise private funds
29 for a facility. Additionally, any private sources of funds
30 expended for this purpose are eligible for state matching
31

1 funds should the project materialize as provided for in this
2 section.

3 (6) To be eligible to participate in the Community
4 College Facility Enhancement Challenge Grant Program, a
5 community college, through its direct-support organization,
6 shall raise a contribution equal to one-half of the total cost
7 of a facilities construction project from private sources
8 which shall be matched by a state appropriation equal to the
9 amount raised for a facilities construction project, subject
10 to the General Appropriations Act.

11 (7) If the state's share of the required match is
12 insufficient to meet the requirements of subsection (6), the
13 community college shall renegotiate the terms of the
14 contribution with the donors. If the project is terminated,
15 each private donation, plus accrued interest, reverts to the
16 direct-support organization for remittance to the donor.

17 (8) By September 1 of each year, the State Board of
18 Education shall transmit to the Legislature a list of projects
19 which meet all eligibility requirements to participate in the
20 Community College Facility Enhancement Challenge Grant Program
21 and a budget request which includes the recommended schedule
22 necessary to complete each project.

23 (9) In order for a project to be eligible under this
24 program, it must be survey recommended under the provisions of
25 s. 1013.31 and included in the community colleges 5-year
26 capital improvement plan, and it must receive prior approval
27 from the State Board of Education.

28 (10) A community college project may not be removed
29 from the approved 3-year PECO priority list because of its
30 successful participation in this program until approved by the
31 Legislature and provided for in the General Appropriations

1 Act. When such a project is completed and removed from the
2 list, all other projects shall move up on the 3-year PECO
3 priority list.

4 (11) Any project funds that are unexpended after a
5 project is completed shall revert to the community college's
6 direct-support organization capital facilities matching
7 account. Fifty percent of such unexpended funds shall be
8 reserved for the community college which originally received
9 the private contribution for the purpose of providing private
10 matching funds for future facility construction projects as
11 provided in this section. The balance of such unexpended funds
12 shall be returned to the General Revenue Fund.

13 (12) The surveys, architectural plans, facility, and
14 equipment shall be the property of the participating community
15 college. A facility constructed under this section may be
16 named in honor of a donor at the option of the community
17 college district board of trustees. A facility may not be
18 named after a living person without prior approval by the
19 State Board of Education.

20 Section 633. Part I.c. of chapter 1011, Florida
21 Statutes, shall be entitled "Universities: Preparation,
22 Adoption, and Implementation of Budgets" and shall consist of
23 ss. 1011.40-1011.52.

24 Section 634. Section 1011.40, Florida Statutes, is
25 created to read:

26 1011.40 Budgets for universities.--

27 (1) LEGISLATIVE BUDGET REQUEST.--The State Board of
28 Education shall provide instructions, guidelines, and standard
29 formats to be used by each university that will provide to the
30 State Board of Education and the Legislature adequate
31 information to support and justify the legislative budget

1 requests submitted pursuant to ss. 216.023, 1013.60, and
2 1011.90 for each university.

3 (2) OPERATING BUDGET.--Each university board of
4 trustees shall adopt an operating budget for the operation of
5 the university as prescribed by law and rules of the State
6 Board of Education. Each university president shall prepare
7 and implement the operating budget of the university as
8 prescribed by law, rules of the State Board of Education,
9 policies of the university board of trustees, and provisions
10 of the General Appropriations Act. The proposed expenditures,
11 plus transfers, and balances shall not exceed the estimated
12 income, transfers, and balances. The budget and each part
13 thereof shall balance. If at any time the unencumbered balance
14 in the education and general fund of the university board of
15 trustees approved operating budget goes below five percent,
16 the president shall provide written notification to the State
17 Board of Education.

18 (3) EXPENDITURES.--Expenditures from any source of
19 funds by any university shall not exceed the funds available.
20 Expenditures shall not exceed the amount budgeted under each
21 classification of accounts for each fund and the total amount
22 of the budget, as amended as prescribed by rules of the State
23 Board of Education. No expenditure of funds, contract, or
24 agreement of any nature shall be made that requires additional
25 appropriation of funds by the Legislature unless specifically
26 authorized in advance by law or the General Appropriations
27 Act.

28 (4) DISTRIBUTION OF APPROPRIATION.--Funds appropriated
29 in the General Appropriations Act for the operation of state
30 universities shall be distributed by the State Board of
31 Education to the universities twice monthly. The Executive

1 Office of the Governor may modify this schedule if required to
2 meet specific needs of a university.

3 Section 635. Section 1011.41, Florida Statutes, is
4 created to read:

5 1011.41 University appropriations.--Funds for the
6 general operations of universities shall be requested and
7 appropriated as Aid to Local Governments Grants and Aids,
8 subject to provisions of the General Appropriations Act.

9 Section 636. Section 1011.4105, Florida Statutes, is
10 created to read:

11 1011.4105 Transition from state accounting system
12 (FLAIR) to university accounting system.--

13 (1) Universities and colleges under the supervision of
14 the State Board of Education shall use the state accounting
15 system (FLAIR) for fiscal year 2002-2003. The universities
16 shall not be required to provide funds to the Department of
17 Banking and Finance for the utilization of FLAIR.

18 (2) Beginning with the 2003-2004 fiscal year any
19 university may transition from FLAIR to the university's
20 accounting system.

21 (3) To accomplish the transition from FLAIR to a
22 university's accounting system the university board of
23 trustees must submit to the State Board of Education a plan
24 developed in cooperation with the State Comptroller (Chief
25 Financial Officer.) The plan must contain the actions the
26 university will take, or has taken, to implement this
27 transition. The plan must provide time lines for completion of
28 actions and the target date the university will have
29 implemented and tested parallel systems with appropriate audit
30 and internal controls in place that will enable the university
31 to satisfactorily and timely perform all accounting and

1 reporting functions required by State and Federal law and
2 rules of the State Board of Education.

3 (4) When a university is ready to transition from
4 FLAIR to its own system, the State Board of Education shall
5 verify that the system the university has implemented and
6 tested is adequate for the university, the university has
7 appropriate audit and internal controls in place, the
8 university has the resources required to operate and maintain
9 the system, and that the university and the State Comptroller
10 (Chief Financial Officer) are prepared to implement the
11 transition. The State Board of Education shall submit to the
12 Executive Office of the Governor and the Chairs of the
13 Appropriations Committees of the Senate and House of
14 Representatives confirmation of this verification and the date
15 the transition will be effective. Transition for any
16 university shall not take place until after the State Board of
17 Education has submitted this confirmation.

18 (5) The State Board of Education in cooperation with
19 each university and the Department of Banking and Finance
20 shall develop a plan and establish the deadline for all
21 universities to have completed the transition from FLAIR. The
22 Board shall submit a copy of this plan to the Executive Office
23 of the Governor and the Chairs of the Appropriations
24 Committees of the Senate and House of Representatives.

25 Section 637. Section 1011.4106, Florida Statutes, is
26 created to read:

27 1011.4106 Trust fund dissolution.--Notwithstanding the
28 provisions of ss. 215.3206(2) and 215.3208(2), and pursuant to
29 s. 216.351, all unexpended balances as of June 30, 2002 in the
30 following state university system trust funds are hereby
31 appropriated to the appropriate accounts of each university

1 based upon the original source of the trust fund revenue and
2 any accrued interest: the Education/General Student and Other
3 Fees Trust Fund, the Experiment Station Federal Grant Trust
4 Fund, the Experiment Station Incidental Trust Fund, the
5 Extension Service Federal Grant Trust Fund, the Extension
6 Service Incidental Trust Fund, the Incidental Trust Fund, the
7 UF Health Center Operations and Maintenance Trust Fund, the
8 Operations and Maintenance Trust Fund, and all other trust
9 funds in the State Treasury for universities. Expenditure of
10 these funds by each university must be based on the laws,
11 rules, grant agreements, or other legal controlling factors
12 associated with all trust fund balances which are appropriated
13 to local accounts pursuant to this section, and included in
14 each university board of trustees' approved operating budget.
15 Each university shall be responsible for the payment of
16 outstanding debts or obligations associated with these funds.

17 Section 638. Section 1011.411, Florida Statutes, is
18 created to read:

19 1011.411 Budgets for sponsored research at
20 universities.--Funds for sponsored research at each university
21 shall be budgeted and expended pursuant to ss. 1010.30 and
22 1011.42.

23 Section 639. Section 1011.42, Florida Statutes, is
24 created to read:

25 1011.42 University depositories; deposits into and
26 withdrawals from depositories.--

27 (1) The board of trustees of each university shall
28 designate the depositories in which any university funds may
29 be deposited. No bank shall be designated unless it is a
30 qualified depository as provided by Florida Statutes.

31

1 (2) All funds received by a university, from whatever
2 source and for whatever purpose, shall promptly be deposited
3 in a board of trustees approved qualified depository.

4 (3) The board of trustees shall require an accurate
5 and complete set of accounts to be maintained in the books and
6 records for each fund on deposit in each university
7 depository. Each account shall show the amount subject to
8 withdrawal, the amount deposited, the amount expended, and the
9 balance of the account.

10 (4) The university may maintain a separate checking
11 account for each fund or may utilize a single checking account
12 for the deposit and withdrawal of moneys from all funds and
13 segregate the various funds on the books and records only. No
14 check or withdrawal shall be drawn in excess of the balance to
15 the credit of the appropriate fund.

16 (5) Funds awaiting clearing may be invested in
17 investments earning interest in a qualified depository, in the
18 State Treasury, and in the State Board of Administration.
19 Investments of university funds shall comply with the
20 requirements of Florida Statutes for the investment of public
21 funds by local government. Due diligence shall be exercised to
22 assure that the highest available amount of earnings is
23 obtained on investments.

24 (6) The university president or his designee, after
25 having been specifically authorized by the university board of
26 trustees, may transfer funds from one depository to another,
27 within a depository, to another institution, or from another
28 institution to a depository for investment purposes and may
29 transfer funds in a similar manner when the transfer does not
30 represent an expenditure, advance, or reduction of cash
31 assets.

1 (7) The university board of trustees shall
2 specifically designate and spread upon the minutes of the
3 board the legal name and position title of any university
4 employee authorized to sign checks to pay legal obligations of
5 the university.

6 Section 640. Section 1011.43, Florida Statutes, is
7 created to read:

8 1011.43 Investment of university agency and activity
9 funds; earnings used for scholarships.--Each university is
10 authorized to invest available agency and activity funds and
11 to use the earnings from such investments for student
12 scholarships and loans. The university board of trustees shall
13 provide procedures for the administration of these
14 scholarships and loans by rules.

15 Section 641. Section 1011.45, Florida Statutes, is
16 created to read:

17 1011.45 End of year balance of funds.--Unexpended
18 amounts in any fund in a university current year operating
19 budget shall be carried forward and included as the balance
20 forward for that fund in the approved operating budget for the
21 following year.

22 Section 642. Section 1011.47, Florida Statutes, is
23 created to read:

24 1011.47 Auxiliary enterprises; contracts, grants, and
25 donations.--As used in s. 19(f)(3), Art. III of the State
26 Constitution, the term:

27 (1) "Auxiliary enterprises" includes activities that
28 directly or indirectly provide a product or a service, or
29 both, to a university or its students, faculty, or staff and
30 for which a charge is made. These auxiliary enterprises are
31 business activities of a university which require no support

1 from the General Revenue Fund, and include activities such as
2 housing, bookstores, student health services, continuing
3 education programs, food services, college stores, operation
4 of vending machines, specialty shops, day care centers, golf
5 courses, student activities programs, data center operations,
6 and intercollegiate athletics programs.

7 (2) "Contracts, grants, and donations" includes
8 noneducational and general funding sources in support of
9 research, public services, and training. The term includes
10 grants and donations, sponsored-research contracts, and
11 Department of Education funding for developmental research
12 schools and other activities for which the funds are deposited
13 outside the State Treasury.

14 Section 643. Section 1011.48, Florida Statutes, is
15 created to read:

16 1011.48 Establishment of educational research centers
17 for child development.--

18 (1) Upon approval of the university president, the
19 student government association of any state university may
20 establish an educational research center for child development
21 in accordance with the provisions of this section. Each such
22 center shall be a child day care center established to provide
23 care for the children of students, both graduate and
24 undergraduate, faculty, and other staff and employees of the
25 university and to provide an opportunity for interested
26 schools or departments of the university to conduct
27 educational research programs and establish internship
28 programs within such centers. Whenever possible, such center
29 shall be located on the campus of the university. There shall
30 be a director of each center, selected by the board of
31 directors of the center.

1 (2) There shall be a board of directors for each
2 educational research center for child development, consisting
3 of the president of the university or his or her designee, the
4 student government president or his or her designee, the chair
5 of each department participating in the center or his or her
6 designee, and one parent for each 50 children enrolled in the
7 center, elected by the parents of children enrolled in the
8 center. The director of the center shall be an ex officio,
9 nonvoting member of the board. The board shall establish local
10 policies and perform local oversight and operational guidance
11 for the center.

12 (3) Each center is authorized to charge fees for the
13 care and services it provides. Such fees must be approved by
14 the State Board of Education and may be imposed on a sliding
15 scale based on ability to pay or any other factors deemed
16 relevant by the board.

17 (4) The State Board of Education is authorized and
18 directed to promulgate rules for the establishment, operation,
19 and supervision of educational research centers for child
20 development. Such rules shall include, but need not be limited
21 to: a defined method of establishment of and participation in
22 the operation of centers by the appropriate student government
23 associations; guidelines for the establishment of an intern
24 program in each center; and guidelines for the receipt and
25 monitoring of funds from grants and other sources of funds
26 consistent with existing laws.

27 (5) Each educational research center for child
28 development shall be funded by a portion of the Capital
29 Improvement Trust Fund fee established by the State Board of
30 Education pursuant to s. 1009.24(7). Each university that
31 establishes a center shall receive a portion of such fees

1 collected from the students enrolled at that university,
2 usable only at that university, equal to 22.5 cents per
3 student per credit hour taken per term, based on the summer
4 term and fall and spring semesters. This allocation shall be
5 used by the university only for the establishment and
6 operation of a center as provided by this section and rules
7 promulgated hereunder. Said allocation may be made only after
8 all bond obligations required to be paid from such fees have
9 been met.

10 Section 644. Section 1011.49, Florida Statutes, is
11 created to read:

12 1011.49 Assent to Smith-Lever Act; university board of
13 trustees authorized to receive grants.--The Legislature, in
14 behalf of and for the state, assents to, and gives its assent
15 to, the provisions and requirements of the Act of Congress
16 commonly known as the "Smith-Lever Act," and all acts
17 supplemental thereto, and the University of Florida Board of
18 Trustees, having supervision over and control of the
19 University of Florida, located at Gainesville, may receive the
20 grants of money appropriated under said Act of Congress and
21 organize and conduct agricultural and home economics extension
22 work, which shall be carried on in connection with the
23 University of Florida Institute of Food and Agricultural
24 Sciences, in accordance with the terms and conditions
25 expressed in said Act of Congress.

26 Section 645. Section 1011.50, Florida Statutes, is
27 created to read:

28 1011.50 Agricultural experiment stations; assent to
29 Act of Congress; federal appropriation.--The objects and
30 purposes contained in the Act of Congress entitled "An Act to
31 provide for an increased annual appropriation for agricultural

1 experiment stations and regulating the expenditure thereof"
2 are assented to; and the Board of Trustees of the University
3 of Florida is authorized to accept and receive the annual
4 appropriations for the use and benefit of the agricultural
5 experiment station fund of the Institute of Food and
6 Agricultural Sciences of the University of Florida, located at
7 Gainesville, upon the terms and conditions contained in said
8 Act of Congress.

9 Section 646. Section 1011.501, Florida Statutes, is
10 created to read:

11 1011.501 Assent to ss. 1444 and 1445 of the Food and
12 Agriculture Act of 1977; board of trustees authorized to
13 receive grants, etc.--The assent of Legislature is given to
14 the provisions and requirements of ss. 1444 and 1445 of the
15 Act of Congress commonly known as the "Food and Agriculture
16 Act of 1977" and all acts supplemental thereto. The Board of
17 Trustees of the Florida Agricultural and Mechanical University
18 may receive grants of money appropriated under said sections
19 of said act and may organize and conduct agricultural
20 extension work and conduct agricultural research, which shall
21 be carried on in connection with the College of Engineering
22 Sciences, Technology and Agriculture of said Florida
23 Agricultural and Mechanical University, in accordance with the
24 terms and conditions expressed in the Act of Congress
25 aforesaid.

26 Section 647. Section 1011.51, Florida Statutes, is
27 created to read:

28 1011.51 Independent postsecondary endowment grants.--

29 (1) The Legislature finds and declares that accredited
30 baccalaureate-degree-granting independent nonprofit colleges
31 and universities are an integral part of the higher education

1 system in this state; that significant numbers of persons
2 choose to utilize these institutions for obtaining higher
3 education; that the burdens on public colleges and
4 universities are lessened because of the students that choose
5 to utilize these institutions for their higher education; that
6 having a strong system of baccalaureate-degree-granting
7 independent nonprofit colleges and universities will improve
8 the educational, economic, and social well-being of the state;
9 and that creation of a state program to provide matching
10 endowment grants will improve the academic excellence of these
11 institutions and enhance educational opportunities for Florida
12 citizens, furthering the improvement of the overall
13 educational system in the state.

14 (2) There is established the Florida Postsecondary
15 Endowment Grants Program to be administered by the Department
16 of Education. The program shall provide matching endowment
17 grants to independent nonprofit colleges and universities in
18 Florida that meet the requirements of this section. The
19 Legislature shall designate funds for the program to be
20 transferred to the Grants and Donations Trust Fund from
21 available sources. All funds transferred to the trust fund,
22 or retained in the trust fund, shall be invested in accordance
23 with the provisions of chapter 215. Notwithstanding the
24 provisions of s. 216.301 and pursuant to s. 216.351, any
25 undisbursed balance remaining in the trust fund for the
26 program and income from investments and interest related
27 thereto shall remain in the trust fund and shall increase the
28 total funds available for such matching endowment grants.

29 (3) The matching endowment grants made available under
30 this section shall be made available to any independent
31 nonprofit college or university which:

- 1 (a) Is located in and chartered by the state.
- 2 (b) Is accredited by the Commission on Colleges of the
3 Southern Association of Colleges and Schools.
- 4 (c) Grants baccalaureate degrees.
- 5 (d) Is not a state university or community college.
- 6 (e) Has a secular purpose, so long as the receipt of
7 state aid by students at the institution would not have the
8 primary effect of advancing or impeding religion or result in
9 an excessive entanglement between the state and any religious
10 sect.
- 11 (4)(a) The amounts appropriated for the program shall
12 be allocated by the Department of Education to each
13 independent nonprofit college or university that meets the
14 criteria of subsection (3) in the following manner:
- 15 1. Each such college or university that raises an
16 endowment contribution of at least \$50,000, but no more than
17 \$75,000, from private sources shall receive a matching
18 endowment grant equal to 70 percent of the private
19 contribution.
- 20 2. Each such college or university that raises an
21 endowment contribution in excess of \$75,000, but no more than
22 \$100,000, from private sources shall receive a matching
23 endowment grant equal to 75 percent of the private
24 contribution.
- 25 3. Each such college or university that raises an
26 endowment contribution in excess of \$100,000, but no more than
27 \$125,000, from private sources shall receive a matching
28 endowment grant equal to 80 percent of the private
29 contribution.
- 30 4. Each such college or university that raises an
31 endowment contribution in excess of \$125,000 from private

1 sources shall receive a matching endowment grant equal to 100
2 percent of the private contribution.

3 (b) The private sources may include combined
4 contributions for a common purpose, but shall not include
5 separate unrelated contributions. The state endowment
6 matching grant shall be disbursed to the independent nonprofit
7 college or university upon certification by the college or
8 university that it has received and deposited the
9 proportionate amount specified in this subsection.

10 (c) Contributions may also be eligible for matching if
11 there is a commitment to make a donation of \$125,000, and an
12 initial payment of \$25,000 is accompanied by a written pledge
13 to provide the balance within 4 years after the date of such
14 initial payment. Payments on the balance must be at least
15 \$25,000 per year and shall be made on or before the
16 anniversary date of the initial payment. No matching
17 endowment grant shall be disbursed prior to collection of the
18 total pledged contribution from the private source, but a
19 pledged contribution shall encumber the matching endowment
20 grant for that independent nonprofit college or university.

21 (5)(a) By July 1 of each year, each independent
22 nonprofit college or university that desires to participate in
23 the program shall certify to the department its eligibility.
24 The department, upon receipt and acceptance of such
25 certifications, shall reserve an equal amount of the
26 additional funds for the program transferred to the Grants and
27 Donations Trust Fund for that fiscal year for each independent
28 nonprofit college or university that is eligible to
29 participate. An eligible independent nonprofit college or
30 university shall have 3 fiscal years within which to encumber
31 its share of trust funds reserved during the first 3 fiscal

1 years. After the third fiscal year, if any independent
2 nonprofit college or university does not fully utilize or
3 encumber its share of reserved trust funds for any single
4 fiscal year, such reserved funds shall be available in
5 subsequent fiscal years for the purposes of this program.
6 (b) Each eligible institution shall certify to the
7 department its contributions for the year ending June 30,
8 1989. Only the qualified new contributions above the certified
9 base shall be calculated for the purpose of allocating grants
10 during the first 3 years of the program. In subsequent years,
11 only the qualified new contributions above the certified prior
12 year base shall be calculated for the purpose of allocating
13 such grants.
14 (6) Matching endowment grants made pursuant to this
15 section to a qualified independent nonprofit college or
16 university shall be placed in a separate restricted endowment
17 by such institution. The interest or other income accruing
18 from the endowment shall be expended exclusively for
19 professorships, library resources, scientific and technical
20 equipment, and nonathletic scholarships. Moreover, the funds
21 in the endowment shall not be used for pervasively sectarian
22 instruction, religious worship, or theology or divinity
23 programs or resources. The records of the endowment shall be
24 subject to review by the department and audit or examination
25 by the Auditor General and the Office of Program Policy
26 Analysis and Government Accountability. If any institution
27 receiving a matching endowment grant pursuant to this section
28 ceases operations and undergoes dissolution proceedings, then
29 all funds received pursuant to this section from the state
30 shall be returned.
31

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

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

5 Section 648. Section 1011.52, Florida Statutes, is
6 created to read:

7 1011.52 Appropriation to first accredited medical
8 school.--

9 (1) Subject to the provisions hereinafter set forth,
10 the Legislature shall provide an annual appropriation to the
11 first accredited medical school. Payments of moneys from such
12 appropriation shall be made semiannually at the beginning of
13 the first and third quarters.

14 (2) In order for a medical school to qualify under the
15 provisions of this section and to be entitled to the benefits
16 herein, such medical school:

17 (a) Must be primarily operated and established to
18 offer, afford, and render a medical education to residents of
19 the state qualifying for admission to such institution;

20 (b) Must be operated by a municipality or county of
21 this state, or by a nonprofit organization heretofore or
22 hereafter established exclusively for educational purposes;

23 (c) Must, upon the formation and establishment of an
24 accredited medical school, transmit and file with the
25 Department of Education documentary proof evidencing the facts
26 that such institution has been certified and approved by the
27 council on medical education and hospitals of the American
28 Medical Association and has adequately met the requirements of
29 that council in regard to its administrative facilities,
30 administrative plant, clinical facilities, curriculum, and all
31 other such requirements as may be necessary to qualify with

1 the council as a recognized, approved, and accredited medical
2 school;

3 (d) Must certify to the Department of Education the
4 name, address, and educational history of each student
5 approved and accepted for enrollment in such institution for
6 the ensuing school year.

7 (3) The Department of Education shall, within 60 days
8 of the receipt of the student enrollment of the medical
9 school, pay to the school, each year, the amount appropriated
10 for students accepted and approved for enrollment in such
11 medical institution, provided each medical student is a legal
12 resident of the state or, if the student is not of legal age,
13 his or her parents or legal guardian are residents of the
14 state at the time of the student's acceptance and approval as
15 a medical student. In the event a student resigns or is
16 dismissed from such medical institution for any reason
17 whatsoever before the end of a school year, then the medical
18 institution shall, within 30 days from such dismissal or
19 resignation, remit to the state, through the Department of
20 Education, a pro rata amount of the sum before paid by the
21 state to the medical institution, which amount is to be
22 computed by dividing the total number of days in the school
23 year into the sum paid for that student and multiplying the
24 result by the total number of days remaining in such school
25 year after such resignation or dismissal.

26 (4) Such institution is prohibited from expending any
27 of the sums received under the terms of this section for any
28 purposes whatsoever, except for the operation and maintenance
29 of a medical school and for medical research. The institution
30 is further prohibited from expending any sums received under
31 the terms of this section for the construction or erection of

1 any buildings of any kind, nature, or description or for the
2 maintenance and operation of a hospital in any form or manner
3 whatsoever.

4 Section 649. Part I.d. of chapter 1011, Florida
5 Statutes, shall be entitled "Florida School for the Deaf and
6 the Blind: Preparation, Adoption, and Implementation of
7 Budgets" and shall consist of ss. 1011.55-1011.57.

8 Section 650. Section 1011.55, Florida Statutes, is
9 created to read:

10 1011.55 Procedure for legislative budget requests for
11 the Florida School for the Deaf and the Blind.--

12 (1) The legislative budget request of the Florida
13 School for the Deaf and the Blind shall be prepared using the
14 same format, procedures, and timelines required for the
15 submission of the legislative budget of the Department of
16 Education. The Commissioner of Education shall include the
17 Florida School for the Deaf and the Blind in the department's
18 legislative budget request to the State Board of Education,
19 the Governor, and the Legislature. The legislative budget
20 request and the appropriation for the Florida School for the
21 Deaf and the Blind shall be a separate identifiable sum in the
22 public schools budget entity of the Department of Education.
23 The annual appropriation for the school shall be distributed
24 monthly in payments as nearly equal as possible.
25 Appropriations for textbooks, instructional technology, and
26 school buses may be released and distributed as necessary to
27 serve the instructional program for the students.

28 (2) Fixed capital outlay needs of the school shall
29 continue to be requested in the public education capital
30 outlay legislative budget request of the Department of
31 Education.

1 Section 651. Section 1011.56, Florida Statutes, is
2 created to read:

3 1011.56 Operating budget for the Florida School for
4 the Deaf and the Blind.--The president of the school shall
5 recommend to the board of trustees a budget of income and
6 expenditures at such time and in such form as the board of
7 trustees may prescribe. The board of trustees shall adopt
8 procedures for the approval of budget amendments.

9 Section 652. Section 1011.57, Florida Statutes, is
10 created to read:

11 1011.57 Florida School for the Deaf and the Blind;
12 board of trustees; management flexibility.--

13 (1) Notwithstanding the provisions of ss. 216.031,
14 216.181, and 216.262 to the contrary and pursuant to the
15 provisions of s. 216.351, but subject to any guidelines
16 imposed in the General Appropriations Act, funds for the
17 operation of the Florida School for the Deaf and the Blind
18 shall be requested and appropriated within budget entities,
19 program components, program categories, lump sums, or special
20 categories. Funds appropriated to the Florida School for the
21 Deaf and the Blind for each program category, lump sum, or
22 special category may be transferred to traditional categories
23 for expenditure by the board of trustees of the school. The
24 board of trustees shall develop an annual operating budget
25 that allocates funds by program component and traditional
26 expenditure category.

27 (2) Notwithstanding the provisions of s. 216.181 and
28 pursuant to the provisions of s. 216.351, but subject to any
29 requirements imposed in the General Appropriations Act, no
30 lump-sum plan is required to implement the special categories,
31 program categories, or lump-sum appropriations. Upon release

1 of the special categories, program categories, or lump-sum
2 appropriations to the board of trustees, the Comptroller, upon
3 the request of the board of trustees, shall transfer or
4 reallocate funds to or among accounts established for
5 disbursement purposes. The board of trustees shall maintain
6 records to account for the original appropriation.

7 (3) Notwithstanding the provisions of ss. 216.031,
8 216.181, 216.251, and 216.262 to the contrary and pursuant to
9 the provisions of s. 216.351, but subject to any requirements
10 imposed in the General Appropriations Act, the board of
11 trustees shall establish the authorized positions and may
12 amend such positions, within the total funds authorized
13 annually in the appropriations act.

14 Section 653. Part II of chapter 1011, Florida
15 Statutes, shall be entitled "Funding for School Districts" and
16 shall consist of ss. 1011.60-1011.77.

17 Section 654. Section 1011.60, Florida Statutes, is
18 created to read:

19 1011.60 Minimum requirements of the Florida Education
20 Finance Program.--Each district which participates in the
21 state appropriations for the Florida Education Finance Program
22 shall provide evidence of its effort to maintain an adequate
23 school program throughout the district and shall meet at least
24 the following requirements:

25 (1) ACCOUNTS AND REPORTS.--Maintain adequate and
26 accurate records, including a system of internal accounts for
27 individual schools, and file with the Department of Education,
28 in correct and proper form on or before the date due as fixed
29 by law or rule, each annual or periodic report that is
30 required by rules of the State Board of Education.

31

1 (2) MINIMUM TERM.--Operate all schools for a term of
2 at least 180 actual teaching days as prescribed in s.
3 1003.01(14) or the equivalent on an hourly basis as specified
4 by rules of the State Board of Education each school year. The
5 State Board of Education may prescribe procedures for
6 altering, and, upon written application, may alter, this
7 requirement during a national, state, or local emergency as it
8 may apply to an individual school or schools in any district
9 or districts if, in the opinion of the board, it is not
10 feasible to make up lost days, and the apportionment may, at
11 the discretion of the Commissioner of Education and if the
12 board determines that the reduction of school days is caused
13 by the existence of a bona fide emergency, be reduced for such
14 district or districts in proportion to the decrease in the
15 length of term in any such school or schools. A strike, as
16 defined in s. 447.203(6), by employees of the school district
17 may not be considered an emergency.

18 (3) EMPLOYMENT POLICIES.--Adopt rules relating to the
19 appointment, promotion, transfer, suspension, and dismissal of
20 personnel.

21 (a) Such rules must conform to applicable law and
22 rules of the State Board of Education and must include the
23 duties and responsibilities of the district school
24 superintendent and school board pertaining to these and other
25 personnel matters.

26 (b) All personnel shall be paid in accordance with
27 payroll period schedules adopted by the school board and
28 included in the official salary schedule.

29 (c) No salary payment shall be paid to any employee in
30 advance of service being rendered.

31

1 (d) District school boards may authorize a maximum of
2 six paid legal holidays which shall apply to the 196 days of
3 service.

4 (e) Such rules may include reasonable time for
5 vacation and absences for further professional studies for
6 personnel employed on a 12-month basis.

7 (f) Such rules must require 12 calendar months of
8 service for such principals as prescribed by rules of the
9 State Board of Education and must require 10 months to include
10 not less than 196 days of service, excluding Sundays and other
11 holidays, for all members of the instructional staff, with any
12 such service on a 12-month basis to include reasonable
13 allowance for vacation or further study as prescribed by the
14 school board in accordance with rules of the State Board of
15 Education.

16 (4) SALARY SCHEDULES.--Expend funds for salaries in
17 accordance with a salary schedule or schedules adopted by the
18 school board in accordance with the provisions of law and
19 rules of the State Board of Education. Expenditures for
20 salaries of instructional personnel must include compensation
21 based on employee performance demonstrated under s. 1012.34.

22 (5) BUDGETS.--Observe fully at all times all
23 requirements of law and rules of the State Board of Education
24 relating to the preparation, adoption, and execution of
25 budgets for district school boards.

26 (6) MINIMUM FINANCIAL EFFORT REQUIRED.--Make the
27 minimum financial effort required for the support of the
28 Florida Education Finance Program as prescribed in the current
29 year's General Appropriations Act.

30 (7) DISTRICT EDUCATIONAL PLANNING.--Maintain a system
31 of planning and evaluation as required by law.

1 (8) MINIMUM CLASSROOM EXPENDITURE
2 REQUIREMENTS.--Comply with the minimum classroom expenditure
3 requirements and associated reporting pursuant to s. 1011.64.
4 Section 655. Section 1011.61, Florida Statutes, is
5 created to read:
6 1011.61 Definitions.--Notwithstanding the provisions
7 of s. 1000.21, the following terms are defined as follows for
8 the purposes of the Florida Education Finance Program:
9 (1) A "full-time equivalent student" in each program
10 of the district is defined in terms of full-time students and
11 part-time students as follows:
12 (a) A "full-time student" is one student on the
13 membership roll of one school program or a combination of
14 school programs listed in s. 1011.62(1)(c) for the school year
15 or the equivalent for:
16 1. Instruction in a standard school, comprising not
17 less than 900 net hours for a student in or at the grade level
18 of 4 through 12, or not less than 720 net hours for a student
19 in or at the grade level of kindergarten through grade 3 or in
20 an authorized prekindergarten exceptional program;
21 2. Instruction in a double-session school or a school
22 utilizing an experimental school calendar approved by the
23 Department of Education, comprising not less than the
24 equivalent of 810 net hours in grades 4 through 12 or not less
25 than 630 net hours in kindergarten through grade 3; or
26 3. Instruction comprising the appropriate number of
27 net hours set forth in subparagraph 1. or subparagraph 2. for
28 students who, within the past year, have moved with their
29 parents for the purpose of engaging in the farm labor or fish
30 industries, if a plan furnishing such an extended school day
31 or week, or a combination thereof, has been approved by the

1 commissioner. Such plan may be approved to accommodate the
2 needs of migrant students only or may serve all students in
3 schools having a high percentage of migrant students. The plan
4 described in this subparagraph is optional for any school
5 district and is not mandated by the state.

6 (b) A "part-time student" is a student on the active
7 membership roll of a school program or combination of school
8 programs listed in s. 1011.62(1)(c) who is less than a
9 full-time student.

10 (c)1. A "full-time equivalent student" is:

11 a. A full-time student in any one of the programs
12 listed in s. 1011.62(1)(c); or

13 b. A combination of full-time or part-time students in
14 any one of the programs listed in s. 1011.62(1)(c) which is
15 the equivalent of one full-time student based on the following
16 calculations:

17 (I) A full-time student, except a postsecondary or
18 adult student or a senior high school student enrolled in
19 adult education when such courses are required for high school
20 graduation, in a combination of programs listed in s.

21 1011.62(1)(c) shall be a fraction of a full-time equivalent
22 membership in each special program equal to the number of net
23 hours per school year for which he or she is a member, divided
24 by the appropriate number of hours set forth in subparagraph

25 (a)1. or subparagraph (a)2. The difference between that
26 fraction or sum of fractions and the maximum value as set
27 forth in subsection (4) for each full-time student is presumed
28 to be the balance of the student's time not spent in such
29 special education programs and shall be recorded as time in
30 the appropriate basic program.

31

1 (II) A prekindergarten handicapped student shall meet
2 the requirements specified for kindergarten students.

3 2. A student in membership in a program scheduled for
4 more or less than 180 school days is a fraction of a full-time
5 equivalent membership equal to the number of instructional
6 hours in membership divided by the appropriate number of hours
7 set forth in subparagraph (a)1.; however, for the purposes of
8 this subparagraph, membership in programs scheduled for more
9 than 180 days is limited to students enrolled in juvenile
10 justice education programs.

11
12 The department shall determine and implement an equitable
13 method of equivalent funding for experimental schools and for
14 schools operating under emergency conditions, which schools
15 have been approved by the department to operate for less than
16 the minimum school day.

17 (2) A "full-time equivalent student" is a student in
18 grades 4 through 8 who is participating in a student-teacher
19 adviser program conducted during homeroom period, who is a
20 fraction of a full-time equivalent membership based on net
21 hours in the program, with a maximum of 36 net hours in any
22 fiscal year. Each district program shall be approved by the
23 Department of Education.

24 (3) For the purpose of calculating the "current
25 operation program," a student is in membership until he or she
26 withdraws or until the close of the 11th consecutive school
27 day of his or her absence, whichever comes first.

28 (4) The maximum value for funding a student in
29 kindergarten through grade 12 or in a prekindergarten program
30 for exceptional children as provided in s. 1003.21(1)(e),
31 except for a student as set forth in sub-sub-subparagraph

1 (1)(c)1.b.(I), is one full-time equivalent student membership
2 for a school year or equivalent.

3 (5) The "Florida Education Finance Program" includes
4 all programs and costs as provided in s. 1011.62.

5 (6) "Basic programs" include, but are not limited to,
6 language arts, mathematics, art, music, physical education,
7 science, and social studies.

8 Section 656. Effective upon this act becoming a law,
9 section 1011.62, Florida Statutes, is created to read:

10 1011.62 Funds for operation of schools.--If the annual
11 allocation from the Florida Education Finance Program to each
12 district for operation of schools is not determined in the
13 annual appropriations act or the substantive bill implementing
14 the annual appropriations act, it shall be determined as
15 follows:

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

20 (a) Determination of full-time equivalent
21 membership.--During each of several school weeks, including
22 scheduled intersessions of a year-round school program during
23 the fiscal year, a program membership survey of each school
24 shall be made by each district by aggregating the full-time
25 equivalent student membership of each program by school and by
26 district. The department shall establish the number and
27 interval of membership calculations, except that for basic and
28 special programs such calculations shall not exceed nine for
29 any fiscal year. The district's full-time equivalent
30 membership shall be computed and currently maintained in
31 accordance with regulations of the commissioner.

1 (b) Determination of base student allocation.--The
2 base student allocation for the Florida Education Finance
3 Program for kindergarten through grade 12 shall be determined
4 annually by the Legislature and shall be that amount
5 prescribed in the current year's General Appropriations Act.
6 (c) Determination of programs.--Cost factors based on
7 desired relative cost differences between the following
8 programs shall be established in the annual General
9 Appropriations Act. The Commissioner of Education shall
10 specify a matrix of services and intensity levels to be used
11 by districts in the determination of the two weighted cost
12 factors for exceptional students with the highest levels of
13 need. For these students, the funding support level shall fund
14 the exceptional students' education program, with the
15 exception of extended school year services for students with
16 disabilities.
17 1. Basic programs.--
18 a. Kindergarten and grades 1, 2, and 3.
19 b. Grades 4, 5, 6, 7, and 8.
20 c. Grades 9, 10, 11, and 12.
21 2. Programs for exceptional students.--
22 a. Support Level IV.
23 b. Support Level V.
24 3. Secondary career and technical education
25 programs.--
26 4. English for Speakers of Other Languages.--
27 (d) Annual allocation calculation.--
28 1. The Department of Education is authorized and
29 directed to review all district programs and enrollment
30 projections and calculate a maximum total weighted full-time
31

1 equivalent student enrollment for each district for the K-12
2 FEFP.
3 2. Maximum enrollments calculated by the department
4 shall be derived from enrollment estimates used by the
5 Legislature to calculate the FEFP. If two or more districts
6 enter into an agreement under the provisions of s.
7 1001.42(4)(d), after the final enrollment estimate is agreed
8 upon, the amount of FTE specified in the agreement, not to
9 exceed the estimate for the specific program as identified in
10 paragraph (c), may be transferred from the participating
11 districts to the district providing the program.
12 3. As part of its calculation of each district's
13 maximum total weighted full-time equivalent student
14 enrollment, the department shall establish separate enrollment
15 ceilings for each of two program groups. Group 1 shall be
16 composed of basic programs for grades K-3, grades 4-8, and
17 grades 9-12. Group 2 shall be composed of students in
18 exceptional student education programs, English for Speakers
19 of Other Languages programs, and all career and technical
20 programs in grades 7-12.
21 a. The weighted enrollment ceiling for group 2
22 programs shall be calculated by multiplying the final
23 enrollment conference estimate for each program by the
24 appropriate program weight. The weighted enrollment ceiling
25 for program group 2 shall be the sum of the weighted
26 enrollment ceilings for each program in the program group,
27 plus the increase in weighted full-time equivalent student
28 membership from the prior year for clients of the Department
29 of Children and Family Services and the Department of Juvenile
30 Justice.
31

1 b. If, for any calculation of the FEFP, the weighted
2 enrollment for program group 2, derived by multiplying actual
3 enrollments by appropriate program weights, exceeds the
4 enrollment ceiling for that group, the following procedure
5 shall be followed to reduce the weighted enrollment for that
6 group to equal the enrollment ceiling:
7 (I) The weighted enrollment ceiling for each program
8 in the program group shall be subtracted from the weighted
9 enrollment for that program derived from actual enrollments.
10 (II) If the difference calculated under
11 sub-sub-subparagraph (I) is greater than zero for any program,
12 a reduction proportion shall be computed for the program by
13 dividing the absolute value of the difference by the total
14 amount by which the weighted enrollment for the program group
15 exceeds the weighted enrollment ceiling for the program group.
16 (III) The reduction proportion calculated under
17 sub-sub-subparagraph (II) shall be multiplied by the total
18 amount of the program group's enrollment over the ceiling as
19 calculated under sub-sub-subparagraph (I).
20 (IV) The prorated reduction amount calculated under
21 sub-sub-subparagraph (III) shall be subtracted from the
22 program's weighted enrollment. For any calculation of the
23 FEFP, the enrollment ceiling for group 1 shall be calculated
24 by multiplying the actual enrollment for each program in the
25 program group by its appropriate program weight.
26 c. For program group 2, the weighted enrollment
27 ceiling shall be a number not less than the sum obtained by:
28 (I) Multiplying the sum of reported FTE for all
29 programs in the program group that have a cost factor of 1.0
30 or more by 1.0, and
31

1 (II) By adding this number to the sum obtained by
2 multiplying the projected FTE for all programs with a cost
3 factor less than 1.0 by the actual cost factor.

4 4. Following completion of the weighted enrollment
5 ceiling calculation as provided in subparagraph 3., a
6 supplemental capping calculation shall be employed for those
7 districts that are over their weighted enrollment ceiling. For
8 each such district, the total reported unweighted FTE
9 enrollment for group 2 programs shall be compared with the
10 total appropriated unweighted FTE enrollment for group 2
11 programs. If the total reported unweighted FTE for group 2 is
12 greater than the appropriated unweighted FTE, then the excess
13 unweighted FTE up to the unweighted FTE transferred from group
14 2 to group 1 for each district by the Public School FTE
15 Estimating Conference shall be funded at a weight of 1.0 and
16 added to the funded weighted FTE computed in subparagraph 3.

17 (e) Funding model for exceptional student education
18 programs.--

19 1.a. The funding model uses basic, at-risk, support
20 levels IV and V for exceptional students and career and
21 technical Florida Education Finance Program cost factors, and
22 a guaranteed allocation for exceptional student education
23 programs. Exceptional education cost factors are determined by
24 using a matrix of services to document the services that each
25 exceptional student will receive. The nature and intensity of
26 the services indicated on the matrix shall be consistent with
27 the services described in each exceptional student's
28 individual educational plan.

29 b. In order to generate funds using one of the two
30 weighted cost factors, a matrix of services must be completed
31 at the time of the student's initial placement into an

1 exceptional student education program and at least once every
2 3 years by personnel who have received approved training.
3 Nothing listed in the matrix shall be construed as limiting
4 the services a school district must provide in order to ensure
5 that exceptional students are provided a free, appropriate
6 public education.

7 c. Students identified as exceptional, in accordance
8 with chapter 6A-6, Florida Administrative Code, who do not
9 have a matrix of services as specified in sub-subparagraph b.
10 shall generate funds on the basis of full-time-equivalent
11 student membership in the Florida Education Finance Program at
12 the same funding level per student as provided for basic
13 students. Additional funds for these exceptional students will
14 be provided through the guaranteed allocation designated in
15 subparagraph 2.

16 2. For students identified as exceptional who do not
17 have a matrix of services, there is created a guaranteed
18 allocation to provide these students with a free appropriate
19 public education, in accordance with s. 1001.42(4)(m) and
20 rules of the State Board of Education, which shall be
21 allocated annually to each school district in the amount
22 provided in the General Appropriations Act. These funds shall
23 be in addition to the funds appropriated on the basis of FTE
24 student membership in the Florida Education Finance Program,
25 and the amount allocated for each school district shall not be
26 recalculated during the year. These funds shall be used to
27 provide special education and related services for exceptional
28 students.

29 (f) Supplemental academic instruction; categorical
30 fund.--

31

1 1. There is created a categorical fund to provide
2 supplemental academic instruction to students in kindergarten
3 through grade 12. This paragraph may be cited as the
4 "Supplemental Academic Instruction Categorical Fund."

5 2. Categorical funds for supplemental academic
6 instruction shall be allocated annually to each school
7 district in the amount provided in the General Appropriations
8 Act. These funds shall be in addition to the funds
9 appropriated on the basis of FTE student membership in the
10 Florida Education Finance Program and shall be included in the
11 total potential funds of each district. These funds shall be
12 used to provide supplemental academic instruction to students
13 enrolled in the K-12 program. Supplemental instruction
14 strategies may include, but are not limited to: modified
15 curriculum, reading instruction, after-school instruction,
16 tutoring, mentoring, class size reduction, extended school
17 year, intensive skills development in summer school, and other
18 methods for improving student achievement. Supplemental
19 instruction may be provided to a student in any manner and at
20 any time during or beyond the regular 180-day term identified
21 by the school as being the most effective and efficient way to
22 best help that student progress from grade to grade and to
23 graduate.

24 3. Effective with the 1999-2000 fiscal year, funding
25 on the basis of FTE membership beyond the 180-day regular term
26 shall be provided in the FEFP only for students enrolled in
27 juvenile justice education programs. Funding for instruction
28 beyond the regular 180-day school year for all other K-12
29 students shall be provided through the supplemental academic
30 instruction categorical fund and other state, federal, and
31 local fund sources with ample flexibility for schools to

1 provide supplemental instruction to assist students in
2 progressing from grade to grade and graduating.

3 4. The Florida State University School, as a
4 developmental research school, is authorized to expend from
5 its FEFP or Lottery Enhancement Trust Fund allocation the cost
6 to the student of remediation in reading, writing, or
7 mathematics for any graduate who requires remediation at a
8 postsecondary educational institution.

9 5. Beginning in the 1999-2000 school year, dropout
10 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
11 (b), and (c), and 1003.54 shall be included in Group 1
12 programs under subparagraph (1)(d)3.

13 (g) Education for speakers of other languages.--A
14 school district shall be eligible to report full-time
15 equivalent student membership in the ESOL program in the
16 Florida Education Finance Program provided the following
17 conditions are met:

18 1. The school district has a plan approved by the
19 Department of Education.

20 2. The eligible student is identified and assessed as
21 limited English proficient based on assessment criteria.

22 3.a. An eligible student may be reported for funding
23 in the ESOL program for a base period of 3 years. However, a
24 student whose English competency does not meet the criteria
25 for proficiency after 3 years in the ESOL program may be
26 reported for a fourth, fifth, and sixth year of funding,
27 provided his or her limited English proficiency is assessed
28 and properly documented prior to his or her enrollment in each
29 additional year beyond the 3-year base period.

30 b. If a student exits the program and is later
31 reclassified as limited English proficient, the student may be

1 reported in the ESOL program for funding for an additional
2 year, or extended annually for a period not to exceed a total
3 of 6 years pursuant to this paragraph, based on an annual
4 evaluation of the student's status.

5 4. An eligible student may be reported for funding in
6 the ESOL program for membership in ESOL instruction in English
7 and ESOL instruction or home language instruction in the basic
8 subject areas of mathematics, science, social studies, and
9 computer literacy.

10 (h) Small, isolated high schools.--Districts which
11 levy the maximum nonvoted discretionary millage, exclusive of
12 millage for capital outlay purposes levied pursuant to s.
13 1011.71(2), may calculate full-time equivalent students for
14 small, isolated high schools by multiplying the number of
15 unweighted full-time equivalent students times 2.75; provided
16 the percentage of students at such school passing both parts
17 of the high school competency test, as defined by law and
18 rule, has been equal to or higher than such percentage for the
19 state or district, whichever is greater. For the purpose of
20 this section, the term "small, isolated high school" means any
21 high school which is located no less than 28 miles by the
22 shortest route from another high school; which has been
23 servinq students primarily in basic studies provided by
24 sub-subparagraphs (c)1.b. and c. and may include subparagraph
25 (c)4.; and which has a membership of no more than 100
26 students, but no fewer than 28 students, in grades 9 through
27 12.

28 (i) Calculation of full-time equivalent membership
29 with respect to instruction from community colleges or state
30 universities.--Students enrolled in community college or
31 university dual enrollment instruction pursuant to s. 1007.271

1 may be included in calculations of full-time equivalent
2 student memberships for basic programs for grades 9 through 12
3 by a district school board. Such students may also be
4 calculated as the proportional shares of full-time equivalent
5 enrollments they generate for the community college or
6 university conducting the dual enrollment instruction. Early
7 admission students shall be considered dual enrollments for
8 funding purposes. Students may be enrolled in dual enrollment
9 instruction provided by an eligible independent college or
10 university and may be included in calculations of full-time
11 equivalent student memberships for basic programs for grades 9
12 through 12 by a district school board. However, those
13 provisions of law which exempt dual enrolled and early
14 admission students from payment of instructional materials and
15 tuition and fees, including laboratory fees, shall not apply
16 to students who select the option of enrolling in an eligible
17 independent institution. An independent college or university
18 which is located and chartered in Florida, is not for profit,
19 is accredited by the Commission on Colleges of the Southern
20 Association of Colleges and Schools or the Accrediting
21 Commission of the Association of Independent Colleges and
22 Schools, and which confers degrees as defined in s. 1005.02
23 shall be eligible for inclusion in the dual enrollment or
24 early admission program. Students enrolled in dual enrollment
25 instruction shall be exempt from the payment of tuition and
26 fees, including laboratory fees. No student enrolled in
27 college credit mathematics or English dual enrollment
28 instruction shall be funded as a dual enrollment unless the
29 student has successfully completed the relevant section of the
30 entry-level examination required pursuant to s. 1008.30.
31

1 (j) Coenrollment.--If a high school student wishes to
2 earn high school credits from a community college and enrolls
3 in one or more adult secondary education courses at the
4 community college, the community college shall be reimbursed
5 for the costs incurred because of the high school student's
6 coenrollment as provided in the General Appropriations Act.

7 (k) Instruction in exploratory career
8 education.--Students in grades 7 through 12 who are enrolled
9 for more than four semesters in exploratory career education
10 may not be counted as full-time equivalent students for this
11 instruction.

12 (l) Calculation of additional full-time equivalent
13 membership based on international baccalaureate examination
14 scores of students.--A value of 0.24 full-time equivalent
15 student membership shall be calculated for each student
16 enrolled in an international baccalaureate course who receives
17 a score of 4 or higher on a subject examination. A value of
18 0.3 full-time equivalent student membership shall be
19 calculated for each student who receives an international
20 baccalaureate diploma. Such value shall be added to the total
21 full-time equivalent student membership in basic programs for
22 grades 9 through 12 in the subsequent fiscal year. The school
23 district shall distribute to each classroom teacher who
24 provided international baccalaureate instruction:

25 1. A bonus in the amount of \$50 for each student
26 taught by the International Baccalaureate teacher in each
27 international baccalaureate course who receives a score of 4
28 or higher on the international baccalaureate examination.

29 2. An additional bonus of \$500 to each International
30 Baccalaureate teacher in a school designated performance grade
31 category "D" or "F" who has at least one student scoring 4 or

1 higher on the international baccalaureate examination,
2 regardless of the number of classes taught or of the number of
3 students scoring a 4 or higher on the international
4 baccalaureate examination.

5
6 Bonuses awarded to a teacher according to this paragraph shall
7 not exceed \$2,000 in any given school year and shall be in
8 addition to any regular wage or other bonus the teacher
9 received or is scheduled to receive.

10 (m) Calculation of additional full-time equivalent
11 membership based on Advanced International Certificate of
12 Education examination scores of students.--A value of 0.24
13 full-time equivalent student membership shall be calculated
14 for each student enrolled in a full-credit Advanced
15 International Certificate of Education course who receives a
16 score of 2 or higher on a subject examination. A value of 0.12
17 full-time equivalent student membership shall be calculated
18 for each student enrolled in a half-credit Advanced
19 International Certificate of Education course who receives a
20 score of 1 or higher on a subject examination. A value of 0.3
21 full-time equivalent student membership shall be calculated
22 for each student who received an Advanced International
23 Certificate of Education diploma. Such value shall be added to
24 the total full-time equivalent student membership in basic
25 programs for grades 9 through 12 in the subsequent fiscal
26 year. The school district shall distribute to each classroom
27 teacher who provided Advanced International Certificate of
28 Education instruction:

29 1. A bonus in the amount of \$50 for each student
30 taught by the Advanced International Certificate of Education
31 teacher in each full-credit Advanced International Certificate

1 of Education course who receives a score of 2 or higher on the
2 Advanced International Certificate of Education examination. A
3 bonus in the amount of \$25 for each student taught by the
4 Advanced International Certificate of Education teacher in
5 each half-credit Advanced International Certificate of
6 Education course who receives a score of 1 or higher on the
7 Advanced International Certificate of Education examination.

8 2. An additional bonus of \$500 to each Advanced
9 International Certificate of Education teacher in a school
10 designated performance grade category "D" or "F" who has at
11 least one student scoring 2 or higher on the full-credit
12 Advanced International Certificate of Education examination,
13 regardless of the number of classes taught or of the number of
14 students scoring a 2 or higher on the full-credit Advanced
15 International Certificate of Education examination.

16 3. Additional bonuses of \$250 each to teachers of
17 half-credit Advanced International Certificate of Education
18 classes in a school designated performance grade category "D"
19 or "F" which has at least one student scoring a 1 or higher on
20 the half-credit Advanced International Certificate of
21 Education examination in that class. The maximum additional
22 bonus for a teacher awarded in accordance with this
23 subparagraph shall not exceed \$500 in any given school year.
24 Teachers receiving an award under subparagraph 2. are not
25 eligible for a bonus under this subparagraph.

26
27 Bonuses awarded to a teacher according to this paragraph shall
28 not exceed \$2,000 in any given school year and shall be in
29 addition to any regular wage or other bonus the teacher
30 received or is scheduled to receive.

31

1 (n) Calculation of additional full-time equivalent
2 membership based on college board advanced placement scores of
3 students.--A value of 0.24 full-time equivalent student
4 membership shall be calculated for each student in each
5 advanced placement course who receives a score of 3 or higher
6 on the College Board Advanced Placement Examination for the
7 prior year and added to the total full-time equivalent student
8 membership in basic programs for grades 9 through 12 in the
9 subsequent fiscal year. Each district must allocate at least
10 80 percent of the funds provided to the district for advanced
11 placement instruction, in accordance with this paragraph, to
12 the high school that generates the funds. The school district
13 shall distribute to each classroom teacher who provided
14 advanced placement instruction:

15 1. A bonus in the amount of \$50 for each student
16 taught by the Advanced Placement teacher in each advanced
17 placement course who receives a score of 3 or higher on the
18 College Board Advanced Placement Examination.

19 2. An additional bonus of \$500 to each Advanced
20 Placement teacher in a school designated performance grade
21 category "D" or "F" who has at least one student scoring 3 or
22 higher on the College Board Advanced Placement Examination,
23 regardless of the number of classes taught or of the number of
24 students scoring a 3 or higher on the College Board Advanced
25 Placement Examination.

26
27 Bonuses awarded to a teacher according to this paragraph shall
28 not exceed \$2,000 in any given school year and shall be in
29 addition to any regular wage or other bonus the teacher
30 received or is scheduled to receive.

31

1 (o) Year-round-school programs.--The Commissioner of
2 Education is authorized to adjust student eligibility
3 definitions, funding criteria, and reporting requirements of
4 statutes and rules in order that year-round-school programs
5 may achieve equivalent application of funding requirements
6 with non-year-round-school programs.

7 (p) Extended-school-year program.--It is the intent of
8 the Legislature that students be provided additional
9 instruction by extending the school year to 210 days or more.
10 Districts may apply to the Commissioner of Education for funds
11 to be used in planning and implementing an
12 extended-school-year program. The Department of Education
13 shall recommend to the Legislature the policies necessary for
14 full implementation of an extended school year.

15 (q) Determination of the basic amount for current
16 operation.--The basic amount for current operation to be
17 included in the Florida Education Finance Program for
18 kindergarten through grade 12 for each district shall be the
19 product of the following:

- 20 1. The full-time equivalent student membership in each
21 program, multiplied by
- 22 2. The cost factor for each program, adjusted for the
23 maximum as provided by paragraph (c), multiplied by
- 24 3. The base student allocation.

25 (r) Computation for funding through the Florida
26 Education Finance Program.--The State Board of Education may
27 adopt rules establishing programs and courses for which the
28 student may earn credit toward high school graduation.

29 (2) DETERMINATION OF DISTRICT COST DIFFERENTIALS.--The
30 Commissioner of Education shall annually compute for each
31 district the current year's district cost differential. The

1 district cost differential shall be calculated by adding each
2 district's price level index as published in the Florida Price
3 Level Index for the most recent 3 years and dividing the
4 resulting sum by 3. The result for each district shall be
5 multiplied by 0.008 and to the resulting product shall be
6 added 0.200; the sum thus obtained shall be the cost
7 differential for that district for that year.

8 (3) INSERVICE EDUCATIONAL PERSONNEL TRAINING
9 EXPENDITURE.--Of the amount computed in subsections (1) and
10 (2), a percentage of the base student allocation per full-time
11 equivalent student or other funds shall be expended for
12 educational training programs as determined by the district
13 school board as provided in s. 1012.98.

14 (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
15 EFFORT.--The Legislature shall prescribe the aggregate
16 required local effort for all school districts collectively as
17 an item in the General Appropriations Act for each fiscal
18 year. The amount that each district shall provide annually
19 toward the cost of the Florida Education Finance Program for
20 kindergarten through grade 12 programs shall be calculated as
21 follows:

22 (a) Estimated taxable value calculations.--
23 1.a. Not later than 2 working days prior to July 19,
24 the Department of Revenue shall certify to the Commissioner of
25 Education its most recent estimate of the taxable value for
26 school purposes in each school district and the total for all
27 school districts in the state for the current calendar year
28 based on the latest available data obtained from the local
29 property appraisers. Not later than July 19, the Commissioner
30 of Education shall compute a millage rate, rounded to the next
31 highest one one-thousandth of a mill, which, when applied to

1 95 percent of the estimated state total taxable value for
2 school purposes, would generate the prescribed aggregate
3 required local effort for that year for all districts. The
4 Commissioner of Education shall certify to each district
5 school board the millage rate, computed as prescribed in this
6 subparagraph, as the minimum millage rate necessary to provide
7 the district required local effort for that year.

8 b. The General Appropriations Act shall direct the
9 computation of the statewide adjusted aggregate amount for
10 required local effort for all school districts collectively
11 from ad valorem taxes to ensure that no school district's
12 revenue from required local effort millage will produce more
13 than 90 percent of the district's total Florida Education
14 Finance Program calculation, and the adjustment of the
15 required local effort millage rate of each district that
16 produces more than 90 percent of its total Florida Education
17 Finance Program entitlement to a level that will produce only
18 90 percent of its total Florida Education Finance Program
19 entitlement in the July calculation.

20 2. As revised data are received from property
21 appraisers, the Department of Revenue shall amend the
22 certification of the estimate of the taxable value for school
23 purposes. The Commissioner of Education, in administering the
24 provisions of subparagraph (9)(a)2., shall use the most recent
25 taxable value for the appropriate year.

26 (b) Final calculation.--

27 1. The Department of Revenue shall, upon receipt of
28 the official final assessed value of property from each of the
29 property appraisers, certify to the Commissioner of Education
30 the taxable value total for school purposes in each school
31 district, subject to the provisions of paragraph (d). The

1 commissioner shall use the official final taxable value for
2 school purposes for each school district in the final
3 calculation of the annual Florida Education Finance Program
4 allocations.

5 2. For the purposes of this paragraph, the official
6 final taxable value for school purposes shall be the taxable
7 value for school purposes on which the tax bills are computed
8 and mailed to the taxpayers, adjusted to reflect final
9 administrative actions of value adjustment boards and judicial
10 decisions pursuant to part I of chapter 194. By September 1 of
11 each year, the Department of Revenue shall certify to the
12 commissioner the official prior year final taxable value for
13 school purposes. For each county that has not submitted a
14 revised tax roll reflecting final value adjustment board
15 actions and final judicial decisions, the Department of
16 Revenue shall certify the most recent revision of the official
17 taxable value for school purposes. The certified value shall
18 be the final taxable value for school purposes, and no further
19 adjustments shall be made, except those made pursuant to
20 subparagraph (9)(a)2.

21 (c) Equalization of required local effort.--

22 1. The Department of Revenue shall include with its
23 certifications provided pursuant to paragraph (a) its most
24 recent determination of the assessment level of the prior
25 year's assessment roll for each county and for the state as a
26 whole.

27 2. The Commissioner of Education shall adjust the
28 required local effort millage of each district for the current
29 year, computed pursuant to paragraph (a), as follows:

30 a. The equalization factor for the prior year's
31 assessment roll of each district shall be multiplied by 95

1 percent of the taxable value for school purposes shown on that
2 roll and by the prior year's required local-effort millage,
3 exclusive of any equalization adjustment made pursuant to this
4 paragraph. The dollar amount so computed shall be the
5 additional required local effort for equalization for the
6 current year.

7 b. Such equalization factor shall be computed as the
8 quotient of the prior year's assessment level of the state as
9 a whole divided by the prior year's assessment level of the
10 county, from which quotient shall be subtracted 1.

11 c. The dollar amount of additional required local
12 effort for equalization for each district shall be converted
13 to a millage rate, based on 95 percent of the current year's
14 taxable value for that district, and added to the required
15 local effort millage determined pursuant to paragraph (a).

16 3. Notwithstanding the limitations imposed pursuant to
17 s. 1011.71(1), the total required local-effort millage,
18 including additional required local effort for equalization,
19 shall be an amount not to exceed 10 minus the maximum millage
20 allowed as nonvoted discretionary millage, exclusive of
21 millage authorized pursuant to s. 1011.71(2). Nothing herein
22 shall be construed to allow a millage in excess of that
23 authorized in s. 9, Art. VII of the State Constitution.

24 4. For the purposes of this chapter, the term
25 "assessment level" means the value-weighted mean assessment
26 ratio for the county or state as a whole, as determined
27 pursuant to s. 195.096, or as subsequently adjusted. In the
28 event a court has adjudicated that the department failed to
29 establish an accurate estimate of an assessment level of a
30 county and recomputation resulting in an accurate estimate
31 based upon the evidence before the court was not possible,

1 that county shall be presumed to have an assessment level
2 equal to that of the state as a whole.

3 5. If, in the prior year, taxes were levied against an
4 interim assessment roll pursuant to s. 193.1145, the
5 assessment level and prior year's nonexempt assessed valuation
6 used for the purposes of this paragraph shall be those of the
7 interim assessment roll.

8 (d) Exclusion.--

9 1. In those instances in which:

10 a. There is litigation either attacking the authority
11 of the property appraiser to include certain property on the
12 tax assessment roll as taxable property or contesting the
13 assessed value of certain property on the tax assessment roll,
14 and

15 b. The assessed value of the property in contest
16 involves more than 6 percent of the total nonexempt assessment
17 roll, the plaintiff shall provide to the district school board
18 of the county in which the property is located and to the
19 Department of Education a certified copy of the petition and
20 receipt for the good faith payment at the time they are filed
21 with the court.

22 2. For purposes of computing the required local effort
23 for each district affected by such petition, the Department of
24 Education shall exclude from the district's total nonexempt
25 assessment roll the assessed value of the property in contest
26 and shall add the amount of the good faith payment to the
27 district's required local effort.

28 (e) Recomputation.--Following final adjudication of
29 any litigation on the basis of which an adjustment in taxable
30 value was made pursuant to paragraph (d), the department shall
31 recompute the required local effort for each district for each

1 year affected by such adjustments, utilizing taxable values
2 approved by the court, and shall adjust subsequent allocations
3 to such districts accordingly.

4 (5) CATEGORICAL FUNDS.--

5 (a) In addition to the basic amount for current
6 operations for the FEFP as determined in subsection (1) the
7 Legislature may appropriate categorical funding for specified
8 programs, activities, or purposes.

9 (b) For fiscal year 2002-2003, if a district school
10 board finds and declares in a resolution adopted at a regular
11 meeting of the school board that the funds received for any of
12 the following categorical appropriations are urgently needed
13 to maintain school board specified academic classroom
14 instruction, the school board may consider and approve an
15 amendment to the school district operating budget transferring
16 the identified amount of the categorical funds to the
17 appropriate account for expenditure:

18 1. Funds for student transportation.

19 2. Funds for in-service educational personnel
20 training.

21 3. Funds for safe schools.

22 4. Funds for public school technology.

23 5. Funds for teacher recruitment and retention.

24 6. Funds for supplemental academic instruction.

25 (c) Each district school board shall include in its
26 annual financial report to the Department of Education the
27 amount of funds the school board transferred from each of the
28 categorical funds identified in this subsection and the
29 specific academic classroom instruction for which the
30 transferred funds were expended. The Department of Education
31 shall provide instructions and specify the format to be used

1 in submitting this required information as a part of the
2 district annual financial report.

3 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

4 (a) Annually, in an amount to be determined by the
5 Legislature through the General Appropriations Act, there
6 shall be added to the basic amount for current operation of
7 the FEFP qualified districts a sparsity supplement which shall
8 be computed as follows:

9
10
$$\frac{1101.8918}{\text{Sparsity Factor} = \frac{2700 + \text{district sparsity}}{\text{index}} - 0.1101}$$

14
15 except that districts with a sparsity index of 1,000 or less
16 shall be computed as having a sparsity index of 1,000, and
17 districts having a sparsity index of 7,308 and above shall be
18 computed as having a sparsity factor of zero. A qualified
19 district's full-time equivalent student membership shall equal
20 or be less than that prescribed annually by the Legislature in
21 the appropriations act. The amount prescribed annually by the
22 Legislature shall be no less than 17,000, but no more than
23 24,000.

24 (b) The district sparsity index shall be computed by
25 dividing the total number of full-time equivalent students in
26 all programs in the district by the number of senior high
27 school centers in the district, not in excess of three, which
28 centers are approved as permanent centers by a survey made by
29 the Department of Education.

30 (c) Each district's allocation of sparsity supplement
31 funds shall be adjusted in the following manner:

1 1. A maximum discretionary levy per FTE value for each
2 district shall be calculated by dividing the value of each
3 district's maximum discretionary levy by its FTE student
4 count;

5 2. A state average discretionary levy value per FTE
6 shall be calculated by dividing the total maximum
7 discretionary levy value for all districts by the state total
8 FTE student count;

9 3. For districts that have a levy value per FTE as
10 calculated in subparagraph 1. higher than the state average
11 calculated in subparagraph 2., a sparsity wealth adjustment
12 shall be calculated as the product of the difference between
13 the state average levy value per FTE calculated in
14 subparagraph 2. and the district's levy value per FTE
15 calculated in subparagraph 1. and the district's FTE student
16 count and -1;

17 4. Each district's sparsity supplement allocation
18 shall be calculated by adding the amount calculated as
19 specified in paragraphs (a) and (b) and the wealth adjustment
20 amount calculated in this paragraph.

21 (7) DECLINE IN FULL-TIME EQUIVALENT STUDENTS.--In
22 those districts where there is a decline between prior year
23 and current year unweighted FTE students, 50 percent of the
24 decline in the unweighted FTE students shall be multiplied by
25 the prior year calculated FEFP per unweighted FTE student and
26 shall be added to the allocation for that district. For this
27 purpose, the calculated FEFP shall be computed by multiplying
28 the weighted FTE students by the base student allocation and
29 then by the district cost differential. If a district
30 transfers a program to another institution not under the
31 authority of the district's school board, including a charter

1 technical career center, the decline is to be multiplied by a
2 factor of 0.15.

3 (8) QUALITY ASSURANCE GUARANTEE.--The Legislature may
4 annually in the General Appropriations Act determine a
5 percentage increase in funds per K-12 unweighted FTE as a
6 minimum guarantee to each school district. The guarantee shall
7 be calculated from prior year base funding per unweighted FTE
8 student which shall include the adjusted FTE dollars as
9 provided in subsection (9), quality guarantee funds, and
10 actual nonvoted discretionary local effort from taxes. From
11 the base funding per unweighted FTE, the increase shall be
12 calculated for the current year. The current year funds from
13 which the guarantee shall be determined shall include the
14 adjusted FTE dollars as provided in subsection (9) and
15 potential nonvoted discretionary local effort from taxes. A
16 comparison of current year funds per unweighted FTE to prior
17 year funds per unweighted FTE shall be computed. For those
18 school districts which have less than the legislatively
19 assigned percentage increase, funds shall be provided to
20 guarantee the assigned percentage increase in funds per
21 unweighted FTE student. Should appropriated funds be less than
22 the sum of this calculated amount for all districts, the
23 commissioner shall prorate each district's allocation. This
24 provision shall be implemented to the extent specifically
25 funded.

26 (9) TOTAL ALLOCATION OF STATE FUNDS TO EACH DISTRICT
27 FOR CURRENT OPERATION.--The total annual state allocation to
28 each district for current operation for the FEFP shall be
29 distributed periodically in the manner prescribed in the
30 General Appropriations Act.

31

1 (a) The basic amount for current operation for the
2 FEFP as determined in subsection (1), multiplied by the
3 district cost differential factor as determined in subsection
4 (2), plus the amounts provided for categorical components
5 within the FEFP, plus the amount for the sparsity supplement
6 as determined in subsection (6), the decline in full-time
7 equivalent students as determined in subsection (7), and the
8 quality assurance guarantee as determined in subsection (8),
9 less the required local effort as determined in subsection
10 (4). If the funds appropriated for the purpose of funding the
11 total amount for current operation as provided in this
12 paragraph are not sufficient to pay the state requirement in
13 full, the department shall prorate the available state funds
14 to each district in the following manner:

15 1. Determine the percentage of proration by dividing
16 the sum of the total amount for current operation, as provided
17 in this paragraph for all districts collectively, and the
18 total district required local effort into the sum of the state
19 funds available for current operation and the total district
20 required local effort.

21 2. Multiply the percentage so determined by the sum of
22 the total amount for current operation as provided in this
23 paragraph and the required local effort for each individual
24 district.

25 3. From the product of such multiplication, subtract
26 the required local effort of each district; and the remainder
27 shall be the amount of state funds allocated to the district
28 for current operation.

29 (b) The amount thus obtained shall be the net annual
30 allocation to each school district. However, if it is
31 determined that any school district received an

1 underallocation or overallocation for any prior year because
2 of an arithmetical error, assessment roll change, full-time
3 equivalent student membership error, or any allocation error
4 revealed in an audit report, the allocation to that district
5 shall be appropriately adjusted. If the Department of
6 Education audit adjustment recommendation is based upon
7 controverted findings of fact, the Commissioner of Education
8 is authorized to establish the amount of the adjustment based
9 on the best interests of the state.

10 (c) The amount thus obtained shall represent the net
11 annual state allocation to each district; however,
12 notwithstanding any of the provisions herein, each district
13 shall be guaranteed a minimum level of funding in the amount
14 and manner prescribed in the General Appropriations Act.

15 Section 657. Section 1011.64, Florida Statutes, is
16 created to read:

17 1011.64 School district minimum classroom expenditure
18 requirements.--

19 (1) The Legislature may require any school district
20 that fails to meet minimum academic performance standards to
21 increase emphasis on classroom instruction activities from
22 operating funds, including, but not limited to, those provided
23 for the operation of schools pursuant to s. 1011.62.

24 (2) For the purpose of implementing the provisions of
25 this section, the Legislature shall prescribe minimum academic
26 performance standards and minimum classroom expenditure
27 requirements for districts not meeting such minimum academic
28 performance standards in the General Appropriations Act.

29 (a) Minimum academic performance standards may be
30 based on, but are not limited to, district performance grades
31 determined pursuant to s. 1008.34(8).

1 (b) School district minimum classroom expenditure
2 requirements shall be calculated pursuant to subsection (3).
3 (3)(a) Annually the Department of Education shall
4 calculate for each school district:
5 1. Total K-12 operating expenditures, which are
6 defined as the amount of total general fund expenditures for
7 K-12 programs as reported in accordance with the accounts and
8 codes prescribed in the most recent issuance of the Department
9 of Education publication entitled "Financial and Program Cost
10 Accounting and Reporting for Florida Schools" and as included
11 in the most recent annual financial report submitted to the
12 Commissioner of Education, less the student transportation
13 revenue allocation from the state appropriation for that
14 purpose, amounts transferred to other funds, and increases to
15 the amount of the general fund unreserved ending fund balance
16 when the total unreserved ending fund balance is in excess of
17 5 percent of the total general fund revenues.
18 2. Expenditures for classroom instruction, which shall
19 be the sum of the general fund expenditures for K-12
20 instruction and instructional staff training.
21 (b) The department shall annually calculate for each
22 district, and for the entire state, the percentage of
23 classroom expenditures to total operating expenditures as
24 calculated pursuant to subparagraphs (a)1. and 2.
25 (4) In order for the Department of Education to
26 monitor the implementation of this section, each school
27 district which is required to increase emphasis on classroom
28 activities from operating funds pursuant to subsection (1)
29 shall submit to the department the following two reports in a
30 format determined by the department:
31

1 (a) An initial report, which shall include the
2 proposed budget actions identified for increased classroom
3 expenditures, a description of how such actions are designed
4 to improve student achievement, and a copy of the published
5 statement required by s. 1011.03(3). This report shall be
6 submitted within 30 days after final budget approval as
7 provided in s. 200.065.

8 (b) A final report, prepared at the end of each fiscal
9 year, which shall include, but is not limited to, information
10 that clearly indicates the degree of each district's
11 compliance or noncompliance with the requirements of this
12 section. If not fully compliant, the district shall include a
13 statement which has been adopted at a public hearing and
14 signed by the district school superintendent and district
15 school board members, which explains why the requirements of
16 this section have not been met.

17 (c) The department shall provide annual summaries of
18 these two reports to the Governor, the President of the
19 Senate, and the Speaker of the House of Representatives.

20 Section 658. Section 1011.65, Florida Statutes, is
21 created to read:

22 1011.65 Florida Education Finance Program
23 Appropriation Allocation Conference.--Prior to the
24 distribution of any funds appropriated in the General
25 Appropriations Act for the K-12 Florida Education Finance
26 Program formula and for the formula-funded categorical
27 programs, the Commissioner of Education shall conduct an
28 allocation conference. Conference principals shall include
29 representatives of the Department of Education, the Executive
30 Office of the Governor, and the Appropriations Committees of
31 the Senate and the House of Representatives. Conference

1 principals shall discuss and agree to all conventions,
2 including rounding conventions, and methods of computation to
3 be used to calculate Florida Education Finance Program and
4 categorical entitlements of the districts for the fiscal year
5 for which the appropriations are made. These conventions and
6 calculation methods shall remain in effect until further
7 agreements are reached in subsequent allocation conferences
8 called by the commissioner for that purpose. The commissioner
9 shall also, prior to each recalculation of Florida Education
10 Finance Program and categorical allocations of the districts,
11 provide conference principals with all data necessary to
12 replicate those allocations precisely. This data shall include
13 a matrix by district by program of all full-time equivalent
14 changes made by the department as part of its administration
15 of state full-time equivalent caps.

16 Section 659. Section 1011.66, Florida Statutes, is
17 created to read:

18 1011.66 Distribution of funds in first quarter.--Upon
19 the request of any school district whose net state FEFP
20 funding is less than 60 percent of its gross state and local
21 FEFP funding, the Department of Education shall distribute to
22 that school district in the first quarter of the fiscal year
23 an amount from the funds appropriated for the FEFP in the
24 General Appropriations Act up to a maximum of 15 percent of
25 that school district's gross state and local FEFP funding or
26 that school district's net state FEFP funding, whichever is
27 less.

28 Section 660. Section 1011.67, Florida Statutes, is
29 created to read:

30 1011.67 Funds for instructional materials.--The
31 department is authorized to allocate and distribute to each

1 district an amount as prescribed annually by the Legislature
2 for instructional materials for student membership in basic
3 and special programs in grades K-12, which will provide for
4 growth and maintenance needs. For purposes of this section,
5 unweighted full-time equivalent students enrolled in the lab
6 schools in state universities are to be included as school
7 district students and reported as such to the department. The
8 annual allocation shall be determined as follows:
9 (1) The growth allocation for each school district
10 shall be calculated as follows:
11 (a) Subtract from that district's projected full-time
12 equivalent membership of students in basic and special
13 programs in grades K-12 used in determining the initial
14 allocation of the Florida Education Finance Program, the prior
15 year's full-time equivalent membership of students in basic
16 and special programs in grades K-12 for that district.
17 (b) Multiply any such increase in full-time equivalent
18 student membership by the allocation for a set of
19 instructional materials, as determined by the department, or
20 as provided for in the General Appropriations Act.
21 (c) The amount thus determined shall be that
22 district's initial allocation for growth for the school year.
23 However, the department shall recompute and adjust the initial
24 allocation based on actual full-time equivalent student
25 membership data for that year.
26 (2) The maintenance of the instructional materials
27 allocation for each school district shall be calculated by
28 multiplying each district's prior year full-time equivalent
29 membership of students in basic and special programs in grades
30 K-12 by the allocation for maintenance of a set of
31 instructional materials as provided for in the General

1 Appropriations Act. The amount thus determined shall be that
2 district's initial allocation for maintenance for the school
3 year; however, the department shall recompute and adjust the
4 initial allocation based on such actual full-time equivalent
5 student membership data for that year.

6 (3) In the event the funds appropriated are not
7 sufficient for the purpose of implementing this section in
8 full, the department shall prorate the funds available for
9 instructional materials after first funding in full each
10 district's growth allocation.

11 Section 661. Section 1011.68, Florida Statutes, is
12 created to read:

13 1011.68 Funds for student transportation.--The annual
14 allocation to each district for transportation to public
15 school programs, including charter schools as provided in s.
16 1002.33(18)(b), of students in membership in kindergarten
17 through grade 12 and in migrant and exceptional student
18 programs below kindergarten shall be determined as follows:

19 (1) Subject to the rules of the State Board of
20 Education, each district shall determine the membership of
21 students who are transported:

22 (a) By reason of living 2 miles or more from school.

23 (b) By reason of being students with disabilities or
24 enrolled in a teenage parent program, regardless of distance
25 to school.

26 (c) By reason of being in a state prekindergarten
27 program, regardless of distance from school.

28 (d) By reason of being career and technical, dual
29 enrollment, or students with disabilities transported from one
30 school center to another to participate in an instructional
31 program or service; or students with disabilities, transported

1 from one designation to another in the state, provided one
2 designation is a school center and provided the student's
3 individual educational plan (IEP) identifies the need for the
4 instructional program or service and transportation to be
5 provided by the school district. A "school center" is defined
6 as a public school center, community college, state
7 university, or other facility rented, leased, or owned and
8 operated by the school district or another public agency. A
9 "dual enrollment student" is defined as a public school
10 student in membership in both a public secondary school
11 program and a community college or a state university program
12 under a written agreement to partially fulfill ss. 1003.435
13 and 1007.23 and earning full-time equivalent membership under
14 s. 1011.62(1)(i).

15 (e) With respect to elementary school students whose
16 grade level does not exceed grade 6, by reason of being
17 subjected to hazardous walking conditions en route to or from
18 school as provided in s. 1006.23. Such rules shall, when
19 appropriate, provide for the determination of membership under
20 this paragraph for less than 1 year to accommodate the needs
21 of students who require transportation only until such
22 hazardous conditions are corrected.

23 (f) By reason of being a pregnant student or student
24 parent, and the child of a student parent as provided in s.
25 1003.54, regardless of distance from school.

26 (2) The allocation for each district shall be
27 calculated annually in accordance with the following formula:

28
29 T = B + EX. The elements of this formula are defined as
30 follows: T is the total dollar allocation for transportation.
31 B is the base transportation dollar allocation prorated by an

1 adjusted student membership count. The adjusted membership
2 count shall be derived from a multiplicative index function in
3 which the base student membership is adjusted by multiplying
4 it by index numbers that individually account for the impact
5 of the price level index, average bus occupancy, and the
6 extent of rural population in the district. EX is the base
7 transportation dollar allocation for disabled students
8 prorated by an adjusted disabled student membership count.
9 The base transportation dollar allocation for disabled
10 students is the total state base disabled student membership
11 count weighted for increased costs associated with
12 transporting disabled students and multiplying it by the prior
13 year's average per student cost for transportation. The
14 adjusted disabled student membership count shall be derived
15 from a multiplicative index function in which the weighted
16 base disabled student membership is adjusted by multiplying it
17 by index numbers that individually account for the impact of
18 the price level index, average bus occupancy, and the extent
19 of rural population in the district. Each adjustment factor
20 shall be designed to affect the base allocation by no more or
21 less than 10 percent.

22 (3) The total allocation to each district for
23 transportation of students shall be the sum of the amounts
24 determined in subsection (2). If the funds appropriated for
25 the purpose of implementing this section are not sufficient to
26 pay the base transportation allocation and the base
27 transportation allocation for disabled students, the
28 Department of Education shall prorate the available funds on a
29 percentage basis. If the funds appropriated for the purpose
30 of implementing this section exceed the sum of the base
31 transportation allocation and the base transportation

1 allocation for disabled students, the base transportation
2 allocation for disabled students shall be limited to the
3 amount calculated in subsection (2), and the remaining balance
4 shall be added to the base transportation allocation.

5 (4) No district shall use funds to purchase
6 transportation equipment and supplies at prices which exceed
7 those determined by the department to be the lowest which can
8 be obtained, as prescribed in s. 1006.27(1).

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

22 (6) Notwithstanding other provisions of this section,
23 in no case shall any student or students be counted for
24 transportation funding more than once per day. This provision
25 includes counting students for funding pursuant to trips in
26 school buses, passenger cars, or boats or general purpose
27 transportation.

28 (7) Any funds received by a school district under this
29 section that are not required to transport students may, at
30 the discretion of the district school board, be transferred to
31 the district's Florida Education Finance Program.

1 Section 662. Section 1011.69, Florida Statutes, is
2 created to read:

3 1011.69 Equity in School-Level Funding Act.--

4 (1) This section may be cited as the "Equity in
5 School-Level Funding Act."

6 (2)(a) Beginning in the 2000-2001 fiscal year,
7 district school boards shall allocate to each school within
8 the district at least 50 percent of the funds generated by
9 that school based upon the Florida Education Finance Program
10 as provided in s. 1011.62 and the General Appropriations Act,
11 including gross state and local funds, discretionary lottery
12 funds, and funds from the school district's current operating
13 discretionary millage levy.

14 (b) Beginning in the 2001-2002 fiscal year, district
15 school boards shall allocate to each school within the
16 district at least 65 percent of the funds generated by that
17 school based upon the Florida Education Finance Program as
18 provided in s. 1011.62 and the General Appropriations Act,
19 including gross state and local funds, discretionary lottery
20 funds, and funds from the school district's current operating
21 discretionary millage levy.

22 (c) Beginning in the 2002-2003 fiscal year, district
23 school boards shall allocate to each school within the
24 district at least 80 percent of the funds generated by that
25 school based upon the Florida Education Finance Program as
26 provided in s. 1011.62 and the General Appropriations Act,
27 including gross state and local funds, discretionary lottery
28 funds, and funds from the school district's current operating
29 discretionary millage levy.

30 (d) Beginning in the 2003-2004 fiscal year, district
31 school boards shall allocate to each school within the

1 district at least 90 percent of the funds generated by that
2 school based upon the Florida Education Finance Program as
3 provided in s. 1011.62 and the General Appropriations Act,
4 including gross state and local funds, discretionary lottery
5 funds, and funds from the school district's current operating
6 discretionary millage levy.

7
8 Total funding for each school shall be recalculated during the
9 year to reflect the revised calculations under the Florida
10 Education Finance Program by the state and the actual weighted
11 full-time equivalent students reported by the school during
12 the full-time equivalent student survey periods designated by
13 the Commissioner of Education. If the district school board is
14 providing programs or services to students funded by federal
15 funds, any eligible students enrolled in the schools in the
16 district shall be provided federal funds. Only those districts
17 that initially applied for charter school district status,
18 pursuant to s. 1003.62, and have been approved by the State
19 Board of Education are exempt from the provisions of this
20 section.

21 (3) Funds allocated to a school pursuant to this
22 section that are unused at the end of the fiscal year shall
23 not revert to the district, but shall remain with the school.
24 These carryforward funds may be used for any purpose provided
25 by law at the discretion of the principal of the school.

26 (4) Recommendations made by the Governor's Equity in
27 Educational Opportunity Task Force shall be reviewed to
28 identify potential categorical funds to be included in the
29 district allocation methodology required in subsection (2).

30 (5) Funds appropriated in the General Appropriations
31 Act for supplemental academic instruction to be used for the

1 purposes described in s. 1011.62(1)(f) are excluded from the
2 school-level allocation under this section.

3 Section 663. Section 1011.70, Florida Statutes, is
4 created to read:

5 1011.70 Medicaid certified school funding
6 maximization.--

7 (1) Each school district, subject to the provisions of
8 ss. 409.9071 and 409.908(21) and this section, is authorized
9 to certify funds provided for a category of required Medicaid
10 services termed "school-based services," which are
11 reimbursable under the federal Medicaid program. Such services
12 shall include, but not be limited to, physical, occupational,
13 and speech therapy services, behavioral health services,
14 mental health services, transportation services, Early
15 Periodic Screening, Diagnosis, and Treatment (EPSDT)
16 administrative outreach for the purpose of determining
17 eligibility for exceptional student education, and any other
18 such services, for the purpose of receiving federal Medicaid
19 financial participation. Certified school funding shall not be
20 available for the following services:

21 (a) Family planning.

22 (b) Immunizations.

23 (c) Prenatal care.

24 (2) The Department of Education shall monitor
25 compliance of each participating school district with the
26 Medicaid provider agreements. In addition, the department
27 shall develop standardized recordkeeping procedures for the
28 school districts that meet Medicaid requirements for audit
29 purposes.

30 (3) Each school district's continued participation in
31 certifying funds to be reimbursed for Medicaid expenditures is

1 contingent upon the district providing to the department an
2 annual accounting of how the federal Medicaid reimbursements
3 are utilized.

4 (4) Funds generated pursuant to this section may be
5 used for autism therapy services allowed by federal law.

6 (5) Developmental research schools, as authorized
7 under s. 1002.32, shall be authorized to participate in the
8 Medicaid certified school match program subject to the
9 provisions of subsections (1)-(4) and ss. 409.9071 and
10 409.908(21).

11 Section 664. Section 1011.71, Florida Statutes, is
12 created to read:

13 1011.71 District school tax.--

14 (1) If the district school tax is not provided in the
15 General Appropriations Act or the substantive bill
16 implementing the General Appropriations Act, each district
17 school board desiring to participate in the state allocation
18 of funds for current operation as prescribed by s. 1011.62(9)
19 shall levy on the taxable value for school purposes of the
20 district, exclusive of millage voted under the provisions of
21 s. 9(b) or s. 12, Art. VII of the State Constitution, a
22 millage rate not to exceed the amount certified by the
23 commissioner as the minimum millage rate necessary to provide
24 the district required local effort for the current year,
25 pursuant to s. 1011.62(4)(a)1. In addition to the required
26 local effort millage levy, each district school board may levy
27 a nonvoted current operating discretionary millage. The
28 Legislature shall prescribe annually in the appropriations act
29 the maximum amount of millage a district may levy. The millage
30 rate prescribed shall exceed zero mills but shall not exceed
31 the lesser of 1.6 mills or 25 percent of the millage which is

1 required pursuant to s. 1011.62(4), exclusive of millage
2 levied pursuant to subsection (2).
3 (2) In addition to the maximum millage levy as
4 provided in subsection (1), each school board may levy not
5 more than 2 mills against the taxable value for school
6 purposes to fund:
7 (a) New construction and remodeling projects, as set
8 forth in s. 1013.64(3)(b) and (6)(b) and included in the
9 district's educational plant survey pursuant to s. 1013.31,
10 without regard to prioritization, sites and site improvement
11 or expansion to new sites, existing sites, auxiliary
12 facilities, athletic facilities, or ancillary facilities.
13 (b) Maintenance, renovation, and repair of existing
14 school plants or of leased facilities to correct deficiencies
15 pursuant to s. 1013.15(2).
16 (c) The purchase, lease-purchase, or lease of school
17 buses; drivers' education vehicles; motor vehicles used for
18 the maintenance or operation of plants and equipment; security
19 vehicles; or vehicles used in storing or distributing
20 materials and equipment.
21 (d) The purchase, lease-purchase, or lease of new and
22 replacement equipment.
23 (e) Payments for educational facilities and sites due
24 under a lease-purchase agreement entered into by a district
25 school board pursuant to s. 1003.02(1)(f) or s. 1013.15(2),
26 not exceeding, in the aggregate, an amount equal to
27 three-fourths of the proceeds from the millage levied by a
28 district school board pursuant to this subsection.
29 (f) Payment of loans approved pursuant to ss. 1011.14
30 and 1011.15.
31

1 (g) Payment of costs directly related to complying
2 with state and federal environmental statutes, rules, and
3 regulations governing school facilities.

4 (h) Payment of costs of leasing relocatable
5 educational facilities, of renting or leasing educational
6 facilities and sites pursuant to s. 1013.15(2), or of renting
7 or leasing buildings or space within existing buildings
8 pursuant to s. 1013.15(4).

9
10 Violations of these expenditure provisions shall result in an
11 equal dollar reduction in the Florida Education Finance
12 Program (FEFP) funds for the violating district in the fiscal
13 year following the audit citation.

14 (3) These taxes shall be certified, assessed, and
15 collected as prescribed in s. 1011.04 and shall be expended as
16 provided by law.

17 (4) Nothing in s. 1011.62(4)(a)1. shall in any way be
18 construed to increase the maximum school millage levies as
19 provided for in subsection (1).

20 (5)(a) It is the intent of the Legislature that, by
21 July 1, 2003, revenue generated by the millage levy authorized
22 by subsection (2) should be used only for the costs of
23 construction, renovation, remodeling, maintenance, and repair
24 of the educational plant; for the purchase, lease, or
25 lease-purchase of equipment, educational plants, and
26 construction materials directly related to the delivery of
27 student instruction; for the rental or lease of existing
28 buildings, or space within existing buildings, originally
29 constructed or used for purposes other than education, for
30 conversion to use as educational facilities; for the opening
31 day collection for the library media center of a new school;

1 for the purchase, lease-purchase, or lease of school buses;
2 and for servicing of payments related to certificates of
3 participation issued for any purpose prior to the effective
4 date of this act. Costs associated with the lease-purchase of
5 equipment, educational plants, and school buses may include
6 the issuance of certificates of participation on or after the
7 effective date of this act and the servicing of payments
8 related to certificates so issued. For purposes of this
9 section, "maintenance and repair" is defined in s. 1013.01.
10 (b) For purposes not delineated in paragraph (a) for
11 which proceeds received from millage levied under subsection
12 (2) may be legally expended, a district school board may spend
13 no more than the following percentages of the amount the
14 district spent for these purposes in fiscal year 1995-1996:
15 1. In fiscal year 2000-2001, 40 percent.
16 2. In fiscal year 2001-2002, 25 percent.
17 3. In fiscal year 2002-2003, 10 percent.
18 (c) Beginning July 1, 2003, revenue generated by the
19 millage levy authorized by subsection (2) must be used only
20 for the purposes delineated in paragraph (a).
21 (d) Notwithstanding any other provision of this
22 subsection, if through its adopted facilities work program a
23 district has clearly identified the need for an ancillary
24 plant, has provided opportunity for public input as to the
25 relative value of the ancillary plant versus an educational
26 plant, and has obtained public approval, the district may use
27 revenue generated by the millage levy authorized by subsection
28 (2) for the construction, renovation, remodeling, maintenance,
29 or repair of an ancillary plant.
30
31

1 A district that violates these expenditure restrictions shall
2 have an equal dollar reduction in funds appropriated to the
3 district under s. 1011.62 in the fiscal year following the
4 audit citation. The expenditure restrictions do not apply to
5 any school district that certifies to the Commissioner of
6 Education that all of the district's instructional space needs
7 for the next 5 years can be met from capital outlay sources
8 that the district reasonably expects to receive during the
9 next 5 years or from alternative scheduling or construction,
10 leasing, rezoning, or technological methodologies that exhibit
11 sound management.

12 (6) In addition to the maximum millage levied under
13 this section and the General Appropriations Act, a school
14 district may levy, by local referendum or in a general
15 election, additional millage for school operational purposes
16 up to an amount that, when combined with nonvoted millage
17 levied under this section, does not exceed the 10-mill limit
18 established in s. 9(b), Art. VII of the State Constitution.
19 Any such levy shall be for a maximum of 4 years and shall be
20 counted as part of the 10-mill limit established in s. 9(b),
21 Art. VII of the State Constitution. Millage elections
22 conducted under the authority granted pursuant to this section
23 are subject to s. 1011.73. Funds generated by such additional
24 millage do not become a part of the calculation of the Florida
25 Education Finance Program total potential funds in 2001-2002
26 or any subsequent year and must not be incorporated in the
27 calculation of any hold-harmless or other component of the
28 Florida Education Finance Program formula in any year. If an
29 increase in required local effort, when added to existing
30 millage levied under the 10-mill limit, would result in a
31 combined millage in excess of the 10-mill limit, any millage

1 levied pursuant to this subsection shall be considered to be
2 required local effort to the extent that the district millage
3 would otherwise exceed the 10-mill limit.

4 Section 665. Section 1011.715, Florida Statutes, is
5 created to read:

6 1011.715 Resolution regarding school capital outlay
7 surcharge.--The resolution of a district school board
8 providing for the imposition of the school capital outlay
9 surtax authorized in s. 212.055(6) may include a covenant by
10 the district school board to decrease the capital local school
11 property tax levied pursuant to s. 1011.71(2) and to maintain
12 that tax at the reduced millage as long as the surtax is in
13 effect. The resolution may also provide that the surtax shall
14 sunset on December 31 of any year in which the district school
15 board levies the capital property tax under s. 1011.71(2) at a
16 millage rate in excess of the reduced millage rate promised in
17 the resolution. Finally, if the surtax revenues are pledged
18 to service bonded indebtedness, the district school board may
19 covenant not to levy the capital property tax under s.
20 1011.71(2) at a millage rate in excess of the reduced millage
21 rate promised in the resolution.

22 Section 666. Section 1011.72, Florida Statutes, is
23 created to read:

24 1011.72 Levy based on interim assessment roll;
25 reimbursement to state for additional taxes collected upon
26 reconciliation of roll.--In any year in which the base student
27 allocation has been guaranteed to school districts through the
28 use of state funds, a school district which levied taxes based
29 on an interim assessment roll shall be required to reimburse
30 the state in an amount equal to the additional taxes collected
31 upon reconciliation of that roll. Beginning with the

1 distribution following the delinquency date of the
2 supplemental bills, the state shall withhold all funds
3 otherwise available to that school district from the
4 appropriation to the Florida Education Finance Program until
5 such time as the state is completely reimbursed.

6 Section 667. Section 1011.73, Florida Statutes, is
7 created to read:

8 1011.73 District millage elections.--

9 (1) MILLAGE AUTHORIZED NOT TO EXCEED TWO YEARS.--The
10 district school board, pursuant to resolution adopted at a
11 regular meeting, shall direct the county commissioners to call
12 an election at which the electors within the school districts
13 may approve an ad valorem tax millage as authorized in s. 9,
14 Art. VII of the State Constitution. Such election may be held
15 at any time, except that not more than one such election shall
16 be held during any 12-month period. Any millage so authorized
17 shall be levied for a period not in excess of 2 years or until
18 changed by another millage election, whichever is the earlier.
19 In the event any such election is invalidated by a court of
20 competent jurisdiction, such invalidated election shall be
21 considered not to have been held.

22 (2) MILLAGE AUTHORIZED NOT TO EXCEED FOUR YEARS.--The
23 district school board, pursuant to resolution adopted at a
24 regular meeting, shall direct the county commissioners to call
25 an election at which the electors within the school district
26 may approve an ad valorem tax millage as authorized under s.
27 1011.71(6). Such election may be held at any time, except that
28 not more than one such election shall be held during any
29 12-month period. Any millage so authorized shall be levied for
30 a period not in excess of 4 years or until changed by another
31 millage election, whichever is earlier. If any such election

1 is invalidated by a court of competent jurisdiction, such
2 invalidated election shall be considered not to have been
3 held.

4 (3) HOLDING ELECTIONS.--All school district millage
5 elections shall be held and conducted in the manner prescribed
6 by law for holding general elections, except as provided in
7 this chapter.

8 (4) FORM OF BALLOT.--

9 (a) The district school board may propose a single
10 millage or two millages, with one for operating expenses and
11 another for a local capital improvement reserve fund. When two
12 millage figures are proposed, each millage must be voted on
13 separately.

14 (b) The district school board shall provide the
15 wording of the substance of the measure and the ballot title
16 in the resolution calling for the election. The wording of the
17 ballot must conform to the provisions of s. 101.161.

18 (5) QUALIFICATION OF ELECTORS.--All qualified electors
19 of the school district are entitled to vote in the election to
20 set the school tax district millage levy.

21 (6) RESULTS OF ELECTION.--When the district school
22 board proposes one tax levy for operating expenses and another
23 for the local capital improvement reserve fund, the results
24 shall be considered separately. The tax levy shall be levied
25 only in case a majority of the electors participating in the
26 election vote in favor of the proposed special millage.

27 (7) EXPENSES OF ELECTION.--The cost of the publication
28 of the notice of the election and all expenses of the election
29 in the school district shall be paid by the district school
30 board.

31

1 Section 668. Section 1011.74, Florida Statutes, is
2 created to read:

3 1011.74 Source and use of district capital improvement
4 fund.--The district capital improvement fund shall consist of
5 funds derived from the sale of school district bonds
6 authorized in s. 17, Art. XII of the State Constitution of
7 1885 as amended, together with any other funds directed to be
8 placed therein by rules of the State Board of Education, and
9 other similar funds which are to be used for capital outlay
10 purposes within the district.

11 Section 669. Section 1011.75, Florida Statutes, is
12 created to read:

13 1011.75 Gifted education exemplary program grants.--

14 (1) This section shall be known and may be cited as
15 the "Challenge Grant Program for the Gifted."

16 (2) There is hereby created a grant program for
17 education for the gifted which shall be administered by the
18 Commissioner of Education in cooperation and consultation with
19 appropriate organizations and associations concerned with
20 education for the gifted and pursuant to rules adopted by the
21 State Board of Education. The program may be implemented in
22 any public school.

23 (3) Pursuant to policies and rules to be adopted by
24 the State Board of Education, each district school board, two
25 or more district school boards in cooperation, or a public
26 school principal through the district school board may submit
27 to the commissioner a proposed program designed to effectuate
28 an exemplary program for education for the gifted in a school,
29 district, or group of districts. Consideration for funding
30 shall be given to proposed programs of district school boards
31 that are developed with the cooperation of a community college

1 or public or private college or university for the purpose of
2 providing advanced accelerated instruction for public school
3 students pursuant to s. 1003.435. In order to be approved, a
4 program proposal must include:

5 (a) Clearly stated goals and objectives expressed, to
6 the maximum extent possible, in measurable terms.

7 (b) Information concerning the number of students,
8 teachers, and other personnel to be involved in the program.

9 (c) The estimated cost of the program and the number
10 of years for which it is to be funded.

11 (d) Provisions for evaluation of the program and for
12 its integration into the general curriculum and financial
13 program of the school district or districts at the end of the
14 funded period.

15 (e) Such other information and provisions as the
16 commissioner requires.

17 (4) The commissioner shall review and approve,
18 disapprove, or resubmit for modification all proposed programs
19 for education for the gifted submitted. For those programs
20 approved, the commissioner shall authorize distribution of
21 funds equal to the cost of the program from funds appropriated
22 to the Department of Education for exemplary program grants
23 for education for the gifted as provided for by this section.
24 These funds shall be in addition to any funds for education
25 for the gifted provided pursuant to s. 1011.62.

26 Section 670. Section 1011.76, Florida Statutes, is
27 created to read:

28 1011.76 Small School District Stabilization Program.--

29 (1) There is created the Small School District
30 Stabilization Program to assist school districts in rural
31 communities that document economic conditions or other

1 significant community influences that negatively impact the
2 school district. The purpose of the program is to provide
3 technical assistance and financial support to maintain the
4 stability of the educational program in the school district. A
5 rural community means a county with a population of 75,000 or
6 less; or a county with a population of 100,000 or less that is
7 contiguous to a county with a population of 75,000 or less.

8 (2) In order to participate in this program, a school
9 district must be located in a rural area of critical economic
10 concern designated by the Executive Office of the Governor,
11 and the district school board must submit a resolution to the
12 Office of Tourism, Trade, and Economic Development requesting
13 participation in the program. A rural area of critical
14 economic concern must be a rural community, or a region
15 composed of such, that has been adversely affected by an
16 extraordinary economic event or a natural disaster or that
17 presents a unique economic development concern or opportunity
18 of regional impact. The resolution must be accompanied with
19 documentation of the economic conditions in the community,
20 provide information indicating the negative impact of these
21 conditions on the school district's financial stability, and
22 the school district must participate in a best financial
23 management practices review to determine potential
24 efficiencies that could be implemented to reduce program costs
25 in the district.

26 (3) The Office of Tourism, Trade, and Economic
27 Development, in consultation with the Department of Education,
28 shall review the resolution and other information required by
29 subsection (2) and determine whether the school district is
30 eligible to participate in the program. Factors influencing
31 the office's determination may include, but are not limited

1 to, reductions in the county tax roll resulting from business
2 closures or other causes, or a reduction in student enrollment
3 due to business closures or impacts in the local economy.

4 (4) Effective July 1, 2000, and thereafter, when the
5 Office of Tourism, Trade, and Economic Development authorizes
6 a school district to participate in the program, the
7 Legislature may give priority to that district for a best
8 financial management practices review in the school district,
9 subject to approval pursuant to s. 1008.35(7), to the extent
10 that funding is provided annually for such purpose in the
11 General Appropriations Act. The scope of the review shall be
12 as set forth in s. 1008.35.

13 (5) Effective July 1, 2000, and thereafter, the
14 Department of Education may award the school district a
15 stabilization grant intended to protect the district from
16 continued financial reductions. The amount of the grant will
17 be determined by the Department of Education and may be
18 equivalent to the amount of the decline in revenues projected
19 for the next fiscal year. In addition, the Office of Tourism,
20 Trade, and Economic Development may implement a rural economic
21 development initiative to identify the economic factors that
22 are negatively impacting the community and may consult with
23 Enterprise Florida, Inc., in developing a plan to assist the
24 county with its economic transition. The grant will be
25 available to the school district for a period of up to 5 years
26 to the extent that funding is provided for such purpose in the
27 General Appropriations Act.

28 (6) Based on the availability of funds, the Office of
29 Tourism, Trade, and Economic Development or the Department of
30 Education may enter into contracts or issue grants necessary
31 to implement the program.

1 Section 671. Section 1011.765, Florida Statutes, is
2 created to read:

3 1011.765 Florida Academic Improvement Trust Fund
4 matching grants.--

5 (1) MATCHING GRANTS.--The Florida Academic Improvement
6 Trust Fund shall be utilized to provide matching grants to the
7 Florida School for the Deaf and the Blind Endowment Fund and
8 to any public school district education foundation that meets
9 the requirements of this section and is recognized by the
10 local school district as its designated K-12 education
11 foundation.

12 (a) The State Board of Education shall adopt rules for
13 the administration, submission, documentation, evaluation, and
14 approval of requests for matching funds and for maintaining
15 accountability for endowments and the proceeds of endowments.

16 (b) Donations, state matching funds, or proceeds from
17 endowments established pursuant to this section shall be used
18 at the discretion of the public school district education
19 foundation or the Florida School for the Deaf and the Blind
20 for academic achievement within the school district or school,
21 and shall not be expended for the construction of facilities
22 or for the support of interscholastic athletics. No public
23 school district education foundation or the Florida School for
24 the Deaf and the Blind shall accept or purchase facilities for
25 which the state will be asked for operating funds unless the
26 Legislature has granted prior approval for such acquisition.

27 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated
28 to the Florida Academic Improvement Trust Fund shall be
29 allocated by the Department of Education in the following
30 manner:

31

1 (a) For every year in which there is a legislative
2 appropriation to the trust fund, an equal amount of the annual
3 appropriation, to be determined by dividing the total
4 legislative appropriation by the number of local education
5 foundations as well as the Florida School for the Deaf and the
6 Blind, must be reserved for each public school district
7 education foundation and the Florida School for the Deaf and
8 the Blind Endowment Fund to provide each foundation and the
9 Florida School for the Deaf and the Blind with an opportunity
10 to receive and match appropriated funds. Trust funds that
11 remain unmatched by contribution on April 1 of any year shall
12 be made available for matching by any public school district
13 education foundation and by the Florida School for the Deaf
14 and the Blind which shall have an opportunity to apply for
15 excess trust funds prior to the award of such funds.

16 (b) Matching grants shall be proportionately allocated
17 from the trust fund on the basis of matching each \$4 of state
18 funds with \$6 of private funds. To be eligible for matching, a
19 minimum of \$4,500 must be raised from private sources.

20 (c) Funds sufficient to provide the match shall be
21 transferred from the state trust fund to the public school
22 education foundation or to the Florida School for the Deaf and
23 the Blind Endowment Fund upon notification that a
24 proportionate amount has been received and deposited by the
25 foundation or school into its own trust fund.

26 (d) If the total of the amounts to be distributed in
27 any quarter pursuant to this subsection exceeds the amount of
28 funds remaining from specific appropriations made for the
29 implementation of this section, all grants shall be
30 proportionately reduced so that the total of matching grants
31 distributed does not exceed available appropriations.

1 (3) GRANT ADMINISTRATION.--

2 (a) Each public school district education foundation
3 and the Florida School for the Deaf and the Blind
4 participating in the Florida Academic Improvement Trust Fund
5 shall separately account for all funds received pursuant to
6 this section, and may establish its own academic improvement
7 trust fund as a depository for the private contributions,
8 state matching funds, and earnings on investments of such
9 funds. State matching funds shall be transferred to the public
10 school district education foundation or to the Florida School
11 for the Deaf and the Blind Endowment Fund upon notification
12 that the foundation or school has received and deposited
13 private contributions that meet the criteria for matching as
14 provided in this section. The public school district education
15 foundations and the Florida School for the Deaf and the Blind
16 are responsible for the maintenance, investment, and
17 administration of their academic improvement trust funds.

18 (b) The public school district education foundations
19 and the Florida School for the Deaf and the Blind shall be
20 responsible for soliciting and receiving contributions to be
21 deposited and matched with grants for establishing endowments
22 for academic achievement within the school district or school.

23 (c) Each public school district education foundation
24 and the Florida School for the Deaf and the Blind shall be
25 responsible for proper expenditure of the funds received
26 pursuant to this section.

27 Section 672. Section 1011.77, Florida Statutes, is
28 created to read:

29 1011.77 Special laws and general laws of local
30 application prohibited.--

31

1 (1) Pursuant to s. 11(a)(21), Art. III of the State
2 Constitution, the Legislature hereby prohibits special laws
3 and general laws of local application pertaining to:
4 (a) The assessment or collection of taxes for school
5 purposes insofar as it may affect the distribution of state
6 funds, including the determination of millages therefor, the
7 extension of time therefor, relief of tax officers from due
8 performance of their duties, and relief of their sureties from
9 liability.
10 (b) The Florida Education Finance Program as enacted
11 in 1973 or as subsequently amended.
12 (2) The department shall determine whether any
13 district has received additional funds subsequent to June 30,
14 1973, as a result of any special law or general law of local
15 application described in subsection (1) and shall deduct an
16 amount equal to any such additional funds from allocations to
17 that district.
18 Section 673. Part III of chapter 1011, Florida
19 Statutes, shall be entitled "Funding for Workforce Education"
20 and shall consist of ss. 1011.80-1011.801.
21 Section 674. Section 1011.80, Florida Statutes, is
22 created to read:
23 1011.80 Funds for operation of adult technical
24 education programs.--
25 (1) As used in this section, the terms "workforce
26 development education" and "workforce development program"
27 include:
28 (a) Adult general education programs designed to
29 improve the employability skills of the state's workforce as
30 defined in s. 1004.02(5).
31

1 (b) Career and technical certificate programs, as
2 defined in s. 1004.02(23).

3 (c) Applied technology diploma programs.

4 (d) Continuing workforce education courses.

5 (e) Degree technical education programs.

6 (f) Apprenticeship and preapprenticeship programs as
7 defined in s. 446.021.

8 (2) Any workforce development education program may be
9 conducted by a community college or a school district, except
10 that college credit in an associate in applied science or an
11 associate in science degree may be awarded only by a community
12 college. However, if an associate in applied science or an
13 associate in science degree program contains within it an
14 occupational completion point that confers a certificate or an
15 applied technology diploma, that portion of the program may be
16 conducted by a school district technical center. Any
17 instruction designed to articulate to a degree program is
18 subject to guidelines and standards adopted by the State Board
19 of Education pursuant to s. 1007.25.

20 (3) If a program for disabled adults pursuant to s.
21 1004.93 is a workforce development program as defined in law,
22 it must be funded as provided in this section.

23 (4) The Florida Workforce Development Education Fund
24 is created to provide performance-based funding for all
25 workforce development programs, whether the programs are
26 offered by a school district or a community college. Funding
27 for all workforce development education programs must be from
28 the Workforce Development Education Fund and must be based on
29 cost categories, performance output measures, and performance
30 outcome measures.

31

1 (a) The cost categories must be calculated to identify
2 high-cost programs, medium-cost programs, and low-cost
3 programs. The cost analysis used to calculate and assign a
4 program of study to a cost category must include at least both
5 direct and indirect instructional costs, consumable supplies,
6 equipment, and standard program length.

7 (b)1. The performance output measure for career and
8 technical education programs of study is student completion of
9 a career and technical program of study that leads to an
10 occupational completion point associated with a certificate;
11 an apprenticeship program; or a program that leads to an
12 applied technology diploma or an associate in applied science
13 or associate in science degree. Performance output measures
14 for registered apprenticeship programs shall be based on
15 program lengths that coincide with lengths established
16 pursuant to the requirements of chapter 446.

17 2. The performance output measure for an adult general
18 education course of study is measurable improvement in student
19 skills. This measure shall include improvement in literacy
20 skills, grade level improvement as measured by an approved
21 test, or attainment of a State of Florida diploma or an adult
22 high school diploma.

23 (c) The performance outcome measures for programs
24 funded through the Workforce Development Education Fund are
25 associated with placement and retention of students after
26 reaching a completion point or completing a program of study.
27 These measures include placement or retention in employment
28 that is related to the program of study; placement into or
29 retention in employment in an occupation on the Workforce
30 Estimating Conference list of high-wage, high-skill
31 occupations with sufficient openings, or other High Wage/High

1 Skill Program occupations as determined by Workforce Florida,
2 Inc.; and placement and retention of participants or former
3 participants in the welfare transition program in employment.
4 Continuing postsecondary education at a level that will
5 further enhance employment is a performance outcome for adult
6 general education programs. Placement and retention must be
7 reported pursuant to ss. 1008.39 and 1008.43.
8 (5) State funding and student fees for workforce
9 development instruction funded through the Workforce
10 Development Education Fund shall be established as follows:
11 (a) For a continuing workforce education course, state
12 funding shall equal 50 percent of the cost of instruction,
13 with student fees, business support, quick-response training
14 funds, or other means making up the remaining 50 percent.
15 (b) For all other workforce development education
16 funded through the Workforce Development Education Fund, state
17 funding shall equal 75 percent of the average cost of
18 instruction with the remaining 25 percent made up from student
19 fees. Fees for courses within a program shall not vary
20 according to the cost of the individual program, but instead
21 shall be based on a uniform fee calculated and set at the
22 state level, as adopted by the State Board of Education,
23 unless otherwise specified in the General Appropriations Act.
24 (c) For fee-exempt students pursuant to s. 1009.25,
25 unless otherwise provided for in law, state funding shall
26 equal 100 percent of the average cost of instruction.
27 (6)(a) A school district or a community college that
28 provides workforce development education funded through the
29 Workforce Development Education Fund shall receive funds in
30 accordance with distributions for base and performance funding
31

1 established by the Legislature in the General Appropriations
2 Act, pursuant to the following conditions:
3 1. Base funding shall not exceed 85 percent of the
4 current fiscal year total Workforce Development Education Fund
5 allocation, which shall be distributed by the Legislature in
6 the General Appropriations Act based on a maximum of 85
7 percent of the institution's prior year total allocation from
8 base and performance funds.
9 2. Performance funding shall be at least 15 percent of
10 the current fiscal year total Workforce Development Education
11 Fund allocation, which shall be distributed by the Legislature
12 in the General Appropriations Act based on the previous fiscal
13 year's achievement of output and outcomes in accordance with
14 formulas adopted pursuant to subsection (9). Performance
15 funding must incorporate payments for at least three levels of
16 placements that reflect wages and workforce demand. Payments
17 for completions must not exceed 60 percent of the payments for
18 placement. School districts and community colleges shall be
19 awarded funds pursuant to this paragraph based on performance
20 output data and performance outcome data available in that
21 year.
22 3. If a local educational agency achieves a level of
23 performance sufficient to generate a full allocation as
24 authorized by the workforce development funding formula, the
25 agency may earn performance incentive funds as appropriated
26 for that purpose in a General Appropriations Act. If
27 performance incentive funds are funded and awarded, these
28 funds must be added to the local educational agency's prior
29 year total allocation from the Workforce Development Education
30 Fund and shall be used to calculate the following year's base
31 funding.

1 (b) A program is established to assist school
2 districts and community colleges in responding to the needs of
3 new and expanding businesses and thereby strengthening the
4 state's workforce and economy. The program may be funded in
5 the General Appropriations Act. A school district or community
6 college may expend funds under the program without regard to
7 performance criteria set forth in subparagraph (a)2. The
8 district or community college shall use the program to provide
9 customized training for businesses which satisfies the
10 requirements of s. 288.047. Business firms whose employees
11 receive the customized training must provide 50 percent of the
12 cost of the training. Balances remaining in the program at the
13 end of the fiscal year shall not revert to the general fund,
14 but shall be carried over for 1 additional year and used for
15 the purpose of serving incumbent worker training needs of area
16 businesses with fewer than 100 employees. Priority shall be
17 given to businesses that must increase or upgrade their use of
18 technology to remain competitive.

19 (7) A school district or community college that earns
20 performance funding must use the money to benefit the
21 postsecondary adult and technical education programs it
22 provides. The money may be used for equipment upgrades,
23 program expansions, or any other use that would result in
24 workforce development program improvement. The district school
25 board or community college board of trustees may not withhold
26 any portion of the performance funding for indirect costs.
27 Notwithstanding s. 216.351, funds awarded pursuant to this
28 section may be carried across fiscal years and shall not
29 revert to any other fund maintained by the district school
30 board or community college board of trustees.

31

1 (8) The State Board of Education and Workforce
2 Florida, Inc., shall provide the Legislature with recommended
3 formulas, criteria, timeframes, and mechanisms for
4 distributing performance funds. The commissioner shall
5 consolidate the recommendations and develop a consensus
6 proposal for funding. The Legislature shall adopt a formula
7 and distribute the performance funds to the State Board of
8 Education for community colleges and school districts through
9 the General Appropriations Act. These recommendations shall be
10 based on formulas that would discourage low-performing or
11 low-demand programs and encourage through performance-funding
12 awards:

13 (a) Programs that prepare people to enter high-wage
14 occupations identified by the Workforce Estimating Conference
15 created by s. 216.136 and other programs as approved by
16 Workforce Florida, Inc. At a minimum, performance incentives
17 shall be calculated for adults who reach completion points or
18 complete programs that lead to specified high-wage employment
19 and to their placement in that employment.

20 (b) Programs that successfully prepare adults who are
21 eligible for public assistance, economically disadvantaged,
22 disabled, not proficient in English, or dislocated workers for
23 high-wage occupations. At a minimum, performance incentives
24 shall be calculated at an enhanced value for the completion of
25 adults identified in this paragraph and job placement of such
26 adults upon completion. In addition, adjustments may be made
27 in payments for job placements for areas of high unemployment.

28 (c) Programs that are specifically designed to be
29 consistent with the workforce needs of private enterprise and
30 regional economic development strategies, as defined in
31 guidelines set by Workforce Florida, Inc. Workforce Florida,

1 Inc., shall develop guidelines to identify such needs and
2 strategies based on localized research of private employers
3 and economic development practitioners.
4 (d) Programs identified by Workforce Florida, Inc., as
5 increasing the effectiveness and cost efficiency of education.
6 (9) A high school student dually enrolled under s.
7 1007.271 in a workforce development program funded through the
8 Workforce Development Education Fund and operated by a
9 community college or school district technical center
10 generates the amount calculated by the Workforce Development
11 Education Fund, including any payment of performance funding,
12 and the proportional share of full-time equivalent enrollment
13 generated through the Florida Education Finance Program for
14 the student's enrollment in a high school. If a high school
15 student is dually enrolled in a community college program,
16 including a program conducted at a high school, the community
17 college earns the funds generated through the Workforce
18 Development Education Fund and the school district earns the
19 proportional share of full-time equivalent funding from the
20 Florida Education Finance Program. If a student is dually
21 enrolled in a technical center operated by the same district
22 as the district in which the student attends high school, that
23 district earns the funds generated through the Workforce
24 Development Education Fund and also earns the proportional
25 share of full-time equivalent funding from the Florida
26 Education Finance Program. If a student is dually enrolled in
27 a workforce development program provided by a technical center
28 operated by a different school district, the funds must be
29 divided between the two school districts proportionally from
30 the two funding sources. A student may not be reported for
31 funding in a dual enrollment workforce development program

1 unless the student has completed the basic skills assessment
2 pursuant to s. 1004.91.

3 (10) The State Board of Education may adopt rules to
4 administer this section.

5 Section 675. Section 1011.801, Florida Statutes, is
6 created to read:

7 1011.801 Workforce Development Capitalization
8 Incentive Grant Program.--The Legislature recognizes that the
9 need for school districts and community colleges to be able to
10 respond to emerging local or statewide economic development
11 needs is critical to the workforce development system. The
12 Workforce Development Capitalization Incentive Grant Program
13 is created to provide grants to school districts and community
14 colleges on a competitive basis to fund some or all of the
15 costs associated with the creation or expansion of workforce
16 development programs that serve specific employment workforce
17 needs.

18 (1) Funds awarded for a workforce development
19 capitalization incentive grant may be used for instructional
20 equipment, laboratory equipment, supplies, personnel, student
21 services, or other expenses associated with the creation or
22 expansion of a workforce development program. Expansion of a
23 program may include either the expansion of enrollments in a
24 program or expansion into new areas of specialization within a
25 program. No grant funds may be used for recurring
26 instructional costs or for institutions' indirect costs.

27 (2) The State Board of Education shall accept
28 applications from school districts or community colleges for
29 workforce development capitalization incentive grants.
30 Applications from school districts or community colleges shall
31 contain projected enrollments and projected costs for the new

1 or expanded workforce development program. The State Board of
2 Education, in consultation with the Workforce Florida, Inc.,
3 shall review and rank each application for a grant according
4 to subsection (3) and shall submit to the Legislature a list
5 in priority order of applications recommended for a grant
6 award.

7 (3) The State Board of Education shall give highest
8 priority to programs that train people to enter high-skill,
9 high-wage occupations identified by the Workforce Estimating
10 Conference and other programs approved by Workforce Florida,
11 Inc.; programs that train people to enter occupations under
12 the welfare transition program; or programs that train for the
13 workforce adults who are eligible for public assistance,
14 economically disadvantaged, disabled, not proficient in
15 English, or dislocated workers. The State Board of Education
16 shall consider the statewide geographic dispersion of grant
17 funds in ranking the applications and shall give priority to
18 applications from education agencies that are making maximum
19 use of their workforce development funding by offering
20 high-performing, high-demand programs.

21 Section 676. Part IV of chapter 1011, Florida
22 Statutes, shall be entitled "Funding for Community Colleges"
23 and shall consist of ss. 1011.81-1011.86.

24 Section 677. Section 1011.81, Florida Statutes, is
25 created to read:

26 1011.81 Community College Program Fund.--There is
27 established a Community College Program Fund. This fund shall
28 comprise all appropriations made by the Legislature for the
29 support of the current operating program and shall be
30 apportioned and distributed to the community college districts
31 of the state on the basis of procedures established by law and

1 rules of the State Board of Education. The annual
2 apportionment for each community college district shall be
3 distributed monthly in payments as nearly equal as possible.

4 Section 678. Section 1011.82, Florida Statutes, is
5 created to read:

6 1011.82 Requirements for participation in Community
7 College Program Fund.--Each community college district which
8 participates in the state appropriations for the Community
9 College Program Fund shall provide evidence of its effort to
10 maintain an adequate community college program which shall:

11 (1) Meet the minimum standards prescribed by the State
12 Board of Education in accordance with s. 1001.02(9).

13 (2) Effectively fulfill the mission of the community
14 colleges in accordance with s. 1004.65.

15 Section 679. Section 1011.83, Florida Statutes, is
16 created to read:

17 1011.83 Financial support of community colleges.--Each
18 community college that has been approved by the Department of
19 Education and meets the requirements of law and rules of the
20 State Board of Education shall participate in the community
21 college program fund. However, funds to support workforce
22 development programs conducted by community colleges shall be
23 provided by the Workforce Development Education Fund pursuant
24 to s. 1011.80.

25 Section 680. Section 1011.84, Florida Statutes, is
26 created to read:

27 1011.84 Procedure for determining state financial
28 support and annual apportionment of state funds to each
29 community college district.--The procedure for determining
30 state financial support and the annual apportionment to each
31 community college district authorized to operate a community

1 college under the provisions of s. 1001.61 shall be as
2 follows:

3 (1) DETERMINING THE AMOUNT TO BE INCLUDED IN THE
4 COMMUNITY COLLEGE PROGRAM FUND FOR THE CURRENT OPERATING
5 PROGRAM.--

6 (a) The Department of Education shall determine
7 annually from an analysis of operating costs, prepared in the
8 manner prescribed by rules of the State Board of Education,
9 the costs per full-time equivalent student served in courses
10 and fields of study offered in community colleges. This
11 information and current college operating budgets shall be
12 submitted to the Executive Office of the Governor with the
13 legislative budget request prior to each regular session of
14 the Legislature.

15 (b) The allocation of funds for community colleges
16 shall be based on advanced and professional disciplines,
17 college-preparatory programs, and other programs for adults
18 funded pursuant to s. 1011.80.

19 (c) The category of lifelong learning is for students
20 enrolled pursuant to s. 1004.93. A student shall also be
21 reported as a lifelong learning student for his or her
22 enrollment in any course that he or she has previously taken,
23 unless it is a credit course in which the student earned a
24 grade of D or F.

25 (d) If an adult student has been determined to be a
26 disabled student eligible for an approved educational program
27 for disabled adults provided pursuant to s. 1004.93 and rules
28 of the State Board of Education and is enrolled in a class
29 with curriculum frameworks developed for the program, state
30 funding for that student shall be provided at a level double

31

1 that of a student enrolled in a special adult general
2 education program provided by a community college.

3 (e) The State Board of Education shall adopt rules to
4 implement s. 9(d)(8)f., Art. XII of the State Constitution.
5 These rules shall provide for the use of the funds available
6 under s. 9(d)(8)f., Art. XII by an individual community
7 college for operating expense in any fiscal year during which
8 the State Board of Education has determined that all major
9 capital outlay needs have been met. Highest priority for the
10 use of these funds for purposes other than financing approved
11 capital outlay projects shall be for the proper maintenance
12 and repair of existing facilities for projects approved by the
13 State Board of Education. However, in any fiscal year in which
14 funds from this source are authorized for operating expense
15 other than approved maintenance and repair projects, the
16 allocation of community college program funds shall be reduced
17 by an amount equal to the sum used for such operating expense
18 for that community college that year, and that amount shall
19 not be released or allocated among the other community
20 colleges that year.

21 (2) DETERMINING THE AMOUNT TO BE INCLUDED FOR CAPITAL
22 OUTLAY AND DEBT SERVICE.--The amount included for capital
23 outlay and debt service shall be as determined and provided in
24 s. 18, Art. XII of the State Constitution of 1885, as adopted
25 by s. 9(d), Art. XII of the 1968 revised State Constitution
26 and State Board of Education rules.

27 (3) DETERMINING THE APPORTIONMENT FROM STATE FUNDS.--

28 (a) By December 15 of each year, the Department of
29 Education shall estimate the annual enrollment of each
30 community college for the current fiscal year and for the 6
31 subsequent fiscal years. These estimates shall be based upon

1 prior years' enrollments, upon the initial fall term
2 enrollments for the current fiscal year for each college, and
3 upon each college's estimated current enrollment and
4 demographic changes in the respective community college
5 districts.

6 (b) The apportionment to each community college from
7 the Community College Program Fund shall be determined
8 annually in the General Appropriations Act. In determining
9 each college's apportionment, the Legislature shall consider
10 the following components:

11 1. Base budget, which includes the state appropriation
12 to the Community College Program Fund in the current year plus
13 the related student tuition and out-of-state fees assigned in
14 the current General Appropriations Act.

15 2. The cost-to-continue allocation, which consists of
16 incremental changes to the base budget, including salaries,
17 price levels, and other related costs allocated through a
18 funding model approved by the Legislature which may recognize
19 differing economic factors arising from the individual
20 educational approaches of the various community colleges,
21 including, but not limited to:

22 a. Direct Instructional Funding, including class size,
23 faculty productivity factors, average faculty salary, ratio of
24 full-time to part-time faculty, costs of programs, and
25 enrollment factors.

26 b. Academic Support, including small colleges factor,
27 multicampus factor, and enrollment factor.

28 c. Student Services Support, including headcount of
29 students as well as FTE count and enrollment factors.

30 d. Library Support, including volume and other
31 materials/audiovisual requirements.

1 e. Special Projects.
2 f. Operations and Maintenance of Plant, including
3 square footage and utilization factors.
4 g. District Cost Differential.
5 3. Students enrolled in a recreation and leisure
6 program and students enrolled in a lifelong learning program
7 who may not be counted as full-time equivalent enrollments for
8 purposes of enrollment workload adjustments.
9 4. Operating costs of new facilities adjustments,
10 which shall be provided, from funds available, for each new
11 facility that is owned by the college and is recommended in
12 accordance with s. 1013.31.
13 5. New and improved program enhancements, which shall
14 be determined by the Legislature.
15
16 Student fees in the base budget plus student fee revenues
17 generated by increases in fee rates shall be deducted from the
18 sum of the components determined in subparagraphs 1.-5. The
19 amount remaining shall be the net annual state apportionment
20 to each college.
21 (c) No community college shall commit funds for the
22 employment of personnel or resources in excess of those
23 required to continue the same level of support for either the
24 previously approved enrollment or the revised enrollment,
25 whichever is lower.
26 (d) The apportionment to each community college
27 district for capital outlay and debt service shall be the
28 amount determined in accordance with subsection (2). This
29 amount, less any amount determined as necessary for
30 administrative expense by the State Board of Education and any
31 amount necessary for debt service on bonds issued by the State

1 Board of Education, shall be transmitted to the community
2 college board of trustees to be expended in a manner
3 prescribed by rules of the State Board of Education.

4 (e) If at any time the unencumbered balance in the
5 general fund of the community college board of trustees
6 approved operating budget goes below 5 percent, the president
7 shall provide written notification to the State Board of
8 Education.

9 (f) Expenditures for apprenticeship programs shall be
10 reported separately.

11 (4) EXPENDITURE OF ALLOCATED FUNDS.--Any funds
12 allocated herein to any community college shall be expended
13 only for the purpose of supporting that community college.

14 (5) REPORT OF REMEDIAL EDUCATION.--Each community
15 college board of trustees shall report the volume and cost of
16 remedial education activities as a separate item in its annual
17 cost accounting system.

18 Section 681. Section 1011.85, Florida Statutes, is
19 created to read:

20 1011.85 Dr. Philip Benjamin Matching Grant Program for
21 Community Colleges.--

22 (1) There is created the Dr. Philip Benjamin Matching
23 Grant Program for Community Colleges as a single matching
24 gifts program that encompasses the goals originally set out in
25 the Academic Improvement Program, the Scholarship Matching
26 Program, and the Health Care Education Quality Enhancement
27 Challenge Grant. The program shall be administered according
28 to rules of the State Board of Education and used to encourage
29 private support in enhancing community colleges by providing
30 the community college system with the opportunity to receive
31 and match challenge grants. Funds received prior to the

1 effective date of this act for each of the three programs
2 shall be retained in the separate account for which it was
3 designated.
4 (2) Each community college board of trustees receiving
5 state appropriations under this program shall approve each
6 gift to ensure alignment with the unique mission of the
7 community college. The board of trustees must link all
8 requests for a state match to the goals and mission statement.
9 The Florida Community College Foundation Board receiving state
10 appropriations under this program shall approve each gift to
11 ensure alignment with its goals and mission statement.
12 (3) Upon approval by the community college board of
13 trustees and the State Board of Education, the ordering of
14 donations for priority listing of unmatched gifts should be
15 determined by the submitting community college.
16 (4) Each year, eligible contributions received by a
17 community college's foundation or the State Board of Education
18 by February 1 shall be eligible for state matching funds.
19 (a) Each community college board of trustees and, when
20 applicable, the Florida Community College Foundation Board,
21 receiving state appropriations under this program shall also
22 certify in an annual report to the State Board of Education
23 the receipt of eligible cash contributions that were
24 previously unmatched by the state. The State Board of
25 Education shall adopt rules providing all community colleges
26 with an opportunity to apply for excess funds before the
27 awarding of such funds.
28 (b) Community colleges must submit to the State Board
29 of Education an annual expenditure report tracking the use of
30 all matching funds.
31

1 (c) The audit of each foundation receiving state funds
2 from this program must include a certification of accuracy in
3 the amount reported for matching funds.

4 (5) The matching ratio for donations that are
5 specifically designated to support scholarships, student
6 loans, or need-based grants shall be \$1 of state funds to \$1
7 of local private funds.

8 (6) Otherwise, funds shall be proportionately
9 allocated to the community colleges on the basis of matching
10 each \$6 of local or private funds with \$4 of state funds. To
11 be eligible, a minimum of \$4,500 must be raised from private
12 sources.

13 (7) The community college board of trustees, in
14 conjunction with the donor, shall make the determination of
15 whether scholarships established pursuant to this program are
16 endowed.

17 (8)(a) Funds sufficient to provide the match shall be
18 transferred from the state appropriations to the local
19 community college foundation or the statewide community
20 college foundation upon notification that a proportionate
21 amount has been received and deposited by a community college
22 in its own trust fund.

23 (b) If state funds appropriated for the program are
24 insufficient to match contributions, the amount allocated
25 shall be reduced in proportion to its share of the total
26 eligible contributions. However, in making proportional
27 reductions, every community college shall receive a minimum of
28 \$75,000 in state matching funds if its eligible contributions
29 would have generated an amount at least equal to \$75,000. All
30 unmet contributions shall be eligible for state matching funds
31 in subsequent fiscal years.

1 (9) Each community college entity shall establish its
2 own matching grant program fund as a depository for the
3 private contributions and matching state funds provided under
4 this section. Community college foundations are responsible
5 for the maintenance, investment, and administration of their
6 matching grant program funds.

7 (10) The State Board of Education may receive
8 submissions of requests for matching funds and documentation
9 relating to those requests, may approve requests for matching
10 funds, and may allocate such funds to the community colleges.

11 (11) The board of trustees of the community college
12 and the State Board of Education are responsible for
13 determining the uses for the proceeds of their respective
14 trust funds. Such use of the proceeds shall include, but not
15 be limited to, expenditure of the funds for:

16 (a) Scientific and technical equipment.

17 (b) Scholarships, loans, or need-based grants.

18 (c) Other activities that will benefit future students
19 as well as students currently enrolled at the community
20 college, will improve the quality of education at the
21 community college, or will enhance economic development in the
22 community.

23 Section 682. Section 1011.86, Florida Statutes, is
24 created to read:

25 1011.86 Educational leadership enhancement grants.--

26 (1) State universities and community colleges may
27 submit proposals for educational leadership enhancement grants
28 to the Commissioner of Education. Proposals shall be funded
29 competitively.

30 (2) To be eligible for funding, proposals must create
31 programs designed to strengthen the academic and professional

1 coursework or executive management preparation of women and
2 minorities.

3 (3) Each proposal must include specific measurable
4 goals and objectives.

5 (4) The State Board of Education may adopt any rules
6 necessary to implement the provisions of this grant program.

7 (5) The grant program shall be implemented to the
8 extent funded in the General Appropriations Act.

9 Section 683. Part V of chapter 1011, Florida Statutes,
10 shall be entitled "Funding for Universities" and shall consist
11 of ss. 1011.90-1011.94.

12 Section 684. Section 1011.90, Florida Statutes, is
13 created to read:

14 1011.90 State university funding.--

15 (1) Planned enrollments for each university as
16 accepted or modified by the Legislature and program cost
17 categories shall be the basis for the allocation of
18 appropriated funds to the universities.

19 (2) In addition to enrollment-based appropriations,
20 categorical programs shall be established in universities
21 which are not directly related to planned student enrollment.
22 Such programs shall be based upon the assigned missions of the
23 institutions and shall include, but not be limited to,
24 research and public service programs and authority to spend
25 fee revenues collected pursuant to subsection (5) and s.
26 1009.24. Appropriations by the Legislature and allocations to
27 universities shall be based upon full costs, as determined
28 pursuant to subsection (1), and priorities established by the
29 Legislature.

30 (3) The Legislature by line item in an appropriations
31 act may identify programs of extraordinary quality for the

1 utilization of state funds to be matched by nonstate and
2 nonfederal sources.

3 (4) The State Board of Education shall establish and
4 validate a cost-estimating system consistent with the
5 requirements of subsection (1) and shall report as part of its
6 legislative budget request the actual expenditures for the
7 fiscal year ending the previous June 30. Expenditure analysis,
8 operating budgets, and annual financial statements of each
9 university must be prepared using the standard financial
10 reporting procedures and formats prescribed by the State Board
11 of Education. These formats shall be the same as used for the
12 2000-2001 fiscal year reports. Any revisions to these
13 financial and reporting procedures and formats must be
14 approved by the Executive Office of the Governor and the
15 appropriations committees of the Legislature jointly under the
16 provisions of s. 216.023(3). The State Board of Education
17 shall continue to collect and maintain at a minimum the
18 management information databases existing on June 30, 2002.
19 The expenditure analysis report shall include total
20 expenditures from all sources for the general operation of the
21 university and shall be in such detail as needed to support
22 the legislative budget request.

23 (5) If the actual enrollment for any university is
24 less than planned enrollment by more than 5 percent for any 2
25 consecutive fiscal years, the university enrollment plan for
26 the next year shall be reduced. If actual enrollment exceeds
27 planned enrollment by more than 5 percent, an explanation of
28 the excess shall be provided with the next year's enrollment
29 plan. The analysis of enrollment conducted for implementing
30 this subsection shall be based on the categories of enrollment
31 used in the education and general appropriation.

1 Section 685. Section 1011.91, Florida Statutes, is
2 created to read:

3 1011.91 Additional appropriation.--

4 (1) All moneys received by universities, other than
5 from state and federal sources, from student building and
6 capital improvement fees, and from vending machine
7 collections, are hereby appropriated to the use of the
8 respective universities collecting same, to be expended as the
9 university board of trustees may direct; however, the funds
10 shall not be expended except in pursuance of detailed budgets
11 filed with the State Board of Education and shall not be
12 expended for the construction or reconstruction of buildings
13 except as provided under s. 1013.74.

14 (2) All moneys received from vending machine
15 collections by universities shall be expended only as set
16 forth in detailed budgets approved by the State Board of
17 Education.

18 (3)(a) All moneys received by universities for the
19 Auxiliary Enterprises and Contracts, Grants and Donations
20 budget entities, and the self-insurance program authorized in
21 s. 1004.24, shall be exempt from the requirements of s.
22 216.023.

23 (b) No new state appropriation shall be obligated as a
24 source of matching funds for potential federal or private
25 contracts or grants. Upon the termination of any federal or
26 private contracts or grants, the state shall not be obligated
27 to provide continued funding for personnel or project costs
28 related to such contracts or grants.

29 Section 686. Section 1011.93, Florida Statutes, is
30 created to read:

31

1 1011.93 Pari-mutuel wagering funded research and
2 development programs.--Each fiscal year, the first \$250,000 of
3 the funds credited to the Pari-mutuel Wagering Trust Fund
4 shall be used to fund the establishment and implementation of
5 research and development programs at the University of
6 Florida. The University of Florida shall administer the
7 distribution of the funds. These programs must include, but
8 are not limited to:

9 (1) Research related to the breeding, health, feeding,
10 or training of dogs and horses.

11 (2) Development of continuing education programs for
12 individuals involved in the care and treatment of dogs and
13 horses at pari-mutuel facilities.

14 (3) Establishment of a postmortem evaluation program
15 for break-down injuries of dogs and horses.

16 (4) Research and development of helmet safety and the
17 improvement of jai alai equipment.

18 Section 687. Section 1011.94, Florida Statutes, is
19 created to read:

20 1011.94 Trust Fund for University Major Gifts.--

21 (1) There is established a Trust Fund for University
22 Major Gifts. The purpose of the trust fund is to enable each
23 university and New College to provide donors with an incentive
24 in the form of matching grants for donations for the
25 establishment of permanent endowments, which must be invested,
26 with the proceeds of the investment used to support libraries
27 and instruction and research programs, as defined by procedure
28 of the State Board of Education. All funds appropriated for
29 the challenge grants, new donors, major gifts, or eminent
30 scholars program must be deposited into the trust fund and
31 invested pursuant to s. 18.125 until the State Board of

1 Education allocates the funds to universities to match private
2 donations. Notwithstanding s. 216.301 and pursuant to s.
3 216.351, any undisbursed balance remaining in the trust fund
4 and interest income accruing to the portion of the trust fund
5 which is not matched and distributed to universities must
6 remain in the trust fund and be used to increase the total
7 funds available for challenge grants. The State Board of
8 Education may authorize any university to encumber the state
9 matching portion of a challenge grant from funds available
10 under s. 1011.45.

11 (2) The State Board of Education shall specify the
12 process for submission, documentation, and approval of
13 requests for matching funds, accountability for endowments and
14 proceeds of endowments, allocations to universities,
15 restrictions on the use of the proceeds from endowments, and
16 criteria used in determining the value of donations.

17 (3)(a) The State Board of Education shall allocate the
18 amount appropriated to the trust fund to each university and
19 New College based on the amount of the donation and the
20 restrictions applied to the donation.

21 (b) Donations for a specific purpose must be matched
22 in the following manner:

23 1. Each university that raises at least \$100,000 but
24 no more than \$599,999 from a private source must receive a
25 matching grant equal to 50 percent of the private
26 contribution.

27 2. Each university that raises a contribution of at
28 least \$600,000 but no more than \$1 million from a private
29 source must receive a matching grant equal to 70 percent of
30 the private contribution.

31

1 3. Each university that raises a contribution in
2 excess of \$1 million but no more than \$1.5 million from a
3 private source must receive a matching grant equal to 75
4 percent of the private contribution.

5 4. Each university that raises a contribution in
6 excess of \$1.5 million but no more than \$2 million from a
7 private source must receive a matching grant equal to 80
8 percent of the private contribution.

9 5. Each university that raises a contribution in
10 excess of \$2 million from a private source must receive a
11 matching grant equal to 100 percent of the private
12 contribution.

13 (c) The State Board of Education shall encumber state
14 matching funds for any pledged contributions, pro rata, based
15 on the requirements for state matching funds as specified for
16 the particular challenge grant and the amount of the private
17 donations actually received by the university for the
18 respective challenge grant.

19 (4) Matching funds may be provided for contributions
20 encumbered or pledged under the Eminent Scholars Act prior to
21 July 1, 1994, and for donations or pledges of any amount equal
22 to or in excess of the prescribed minimums which are pledged
23 for the purpose of this section.

24 (5)(a) Each university foundation and New College
25 Foundation shall establish a challenge grant account for each
26 challenge grant as a depository for private contributions and
27 state matching funds to be administered on behalf of the State
28 Board of Education, the university, or New College. State
29 matching funds must be transferred to a university foundation
30 or New College Foundation upon notification that the
31 university or New College has received and deposited the

1 amount specified in this section in a foundation challenge
2 grant account.

3 (b) The foundation serving a university and New
4 College Foundation each has the responsibility for the
5 maintenance and investment of its challenge grant account and
6 for the administration of the program on behalf of the
7 university or New College, pursuant to procedures specified by
8 the State Board of Education. Each foundation shall include in
9 its annual report to the State Board of Education information
10 concerning collection and investment of matching gifts and
11 donations and investment of the account.

12 (c) A donation of at least \$600,000 and associated
13 state matching funds may be used to designate an Eminent
14 Scholar Endowed Chair pursuant to procedures specified by the
15 State Board of Education.

16 (6) The donations, state matching funds, or proceeds
17 from endowments established under this section may not be
18 expended for the construction, renovation, or maintenance of
19 facilities or for the support of intercollegiate athletics.

20 Section 688. Chapter 1012, Florida Statutes, shall be
21 entitled "Personnel" and shall consist of ss.
22 1012.01-1012.992.

23 Section 689. Part I of chapter 1012, Florida Statutes,
24 shall be entitled "General Provisions" and shall consist of s.
25 1012.01.

26 Section 690. Section 1012.01, Florida Statutes, is
27 created to read:

28 1012.01 K-12 definitions.--Specific definitions shall
29 be as follows, and wherever such defined words or terms are
30 used in the Florida K-20 Education Code, they shall be used as
31 follows:

1 (1) SCHOOL OFFICERS.--The officers of the state system
2 of public education shall be the Commissioner of Education and
3 the members of the State Board of Education; and, for each
4 district school system, the officers shall be the district
5 school superintendent and members of the district school
6 board.

7 (2) INSTRUCTIONAL PERSONNEL.--"Instructional
8 personnel" means any staff member whose function includes the
9 provision of direct instructional services to students.
10 Instructional personnel also includes personnel whose
11 functions provide direct support in the learning process of
12 students. Included in the classification of instructional
13 personnel are:

14 (a) Classroom teachers.--Classroom teachers are staff
15 members assigned the professional activity of instructing
16 students in courses in classroom situations, including basic
17 instruction, exceptional student education, career and
18 technical education, and adult education, including substitute
19 teachers.

20 (b) Student personnel services.--Student personnel
21 services include staff members responsible for: advising
22 students with regard to their abilities and aptitudes,
23 educational and occupational opportunities, and personal and
24 social adjustments; providing placement services; performing
25 educational evaluations; and similar functions. Included in
26 this classification are guidance counselors, social workers,
27 occupational/placement specialists, and school psychologists.

28 (c) Librarians/media specialists.--Librarians/media
29 specialists are staff members responsible for providing school
30 library media services. These employees are responsible for
31 evaluating, selecting, organizing, and managing media and

1 technology resources, equipment, and related systems;
2 facilitating access to information resources beyond the
3 school; working with teachers to make resources available in
4 the instructional programs; assisting teachers and students in
5 media productions; and instructing students in the location
6 and use of information resources.

7 (d) Other instructional staff.--Other instructional
8 staff are staff members who are part of the instructional
9 staff but are not classified in one of the categories
10 specified in paragraphs (a)-(c). Included in this
11 classification are primary specialists, learning resource
12 specialists, instructional trainers, adjunct educators
13 certified pursuant to s. 1012.57, and similar positions.

14 (e) Education paraprofessionals.--Education
15 paraprofessionals are individuals who are under the direct
16 supervision of an instructional staff member, aiding the
17 instructional process. Included in this classification are
18 classroom paraprofessionals in regular instruction,
19 exceptional education paraprofessionals, career education
20 paraprofessionals, adult education paraprofessionals, library
21 paraprofessionals, physical education and playground
22 paraprofessionals, and other school-level paraprofessionals.

23 (3) ADMINISTRATIVE PERSONNEL.--"Administrative
24 personnel" includes personnel who perform management
25 activities such as developing broad policies for the school
26 district and executing those policies through the direction of
27 personnel at all levels within the district. Administrative
28 personnel are generally high-level, responsible personnel who
29 have been assigned the responsibilities of systemwide or
30 schoolwide functions, such as district school superintendents,
31 assistant superintendents, deputy superintendents, school

1 principals, assistant principals, technical center directors,
2 and others who perform management activities. Broad
3 classifications of administrative personnel are as follows:
4 (a) District-based instructional
5 administrators.--Included in this classification are persons
6 with district-level administrative or policymaking duties who
7 have broad authority for management policies and general
8 school district operations related to the instructional
9 program. Such personnel often report directly to the district
10 school superintendent and supervise other administrative
11 employees. This classification includes assistant, associate,
12 or deputy superintendents and directors of major instructional
13 areas, such as curriculum, federal programs such as Title I,
14 specialized instructional program areas such as exceptional
15 student education, career and technical education, and similar
16 areas.
17 (b) District-based noninstructional
18 administrators.--Included in this classification are persons
19 with district-level administrative or policymaking duties who
20 have broad authority for management policies and general
21 school district operations related to the noninstructional
22 program. Such personnel often report directly to the district
23 school superintendent and supervise other administrative
24 employees. This classification includes assistant, associate,
25 or deputy superintendents and directors of major
26 noninstructional areas, such as personnel, construction,
27 facilities, transportation, data processing, and finance.
28 (c) School administrators.--Included in this
29 classification are:
30 1. School principals or school directors who are staff
31 members performing the assigned activities as the

1 administrative head of a school and to whom have been
2 delegated responsibility for the coordination and
3 administrative direction of the instructional and
4 noninstructional activities of the school. This classification
5 also includes technical center directors.

6 2. Assistant principals who are staff members
7 assisting the administrative head of the school. This
8 classification also includes assistant principals for
9 curriculum and administration.

10 (4) YEAR OF SERVICE.--The minimum time which may be
11 recognized in administering the state program of education,
12 not including retirement, as a year of service by a school
13 employee shall be full-time actual service; and, beginning
14 July 1963, such service shall also include sick leave and
15 holidays for which compensation was received but shall exclude
16 all other types of leave and holidays for a total of more than
17 one-half of the number of days required for the normal
18 contractual period of service for the position held, which
19 shall be 196 days or longer, or the minimum required for the
20 district to participate in the Florida Education Finance
21 Program in the year service was rendered, or the equivalent
22 for service performed on a daily or hourly basis; provided,
23 further, that absence from duty after the date of beginning
24 service shall be covered by leave duly authorized and granted;
25 further, the school board shall have authority to establish a
26 different minimum for local district school purposes.

27 (5) SCHOOL VOLUNTEER.--A school volunteer is any
28 nonpaid person who may be appointed by a district school board
29 or its designee. School volunteers may include, but may not be
30 limited to, parents, senior citizens, students, and others who
31 assist the teacher or other members of the school staff.

1 (6) EDUCATIONAL SUPPORT EMPLOYEES.--"Educational
2 support employees" means employees whose job functions are
3 neither administrative nor instructional, yet whose work
4 supports the educational process.
5 (a) Other professional staff or
6 nonadministrative/noninstructional employees are staff members
7 who perform professional job functions which are
8 nonadministrative/noninstructional in nature and who are not
9 otherwise classified in this section. Included in this
10 classification are employees such as doctors, nurses,
11 attorneys, certified public accountants, and others
12 appropriate to the classification.
13 (b) Technicians are individuals whose occupations
14 require a combination of knowledge and manual skill which can
15 be obtained through about 2 years of post-high school
16 education, such as is offered in many technical institutes and
17 community colleges, or through equivalent on-the-job training.
18 (c) Clerical/secretarial workers are individuals whose
19 job requires skills and training in clerical-type work,
20 including activities such as preparing, transcribing,
21 systematizing, or preserving written communications and
22 reports or operating equipment performing those functions.
23 Included in this classification are secretaries, bookkeepers,
24 messengers, and office machine operators.
25 (d) Skilled crafts workers are individuals who perform
26 jobs which require special manual skill and a thorough and
27 comprehensive knowledge of the processes involved in the work
28 which is acquired through on-the-job training and experience
29 or through apprenticeship or other formal training programs.
30 Lead workers for the various skilled crafts areas shall be
31 included in this classification.

1 (e) Service workers are staff members performing a
2 service for which there are no formal qualifications,
3 including those responsible for: cleaning the buildings,
4 school plants, or supporting facilities; maintenance and
5 operation of such equipment as heating and ventilation
6 systems; preserving the security of school property; and
7 keeping the school plant safe for occupancy and use. Lead
8 workers in the various service areas shall be included in this
9 broad classification.

10 (7) MANAGERS.--"Managers" includes those staff members
11 who perform managerial and supervisory functions while usually
12 also performing general operations functions. Managers may be
13 either instructional or noninstructional in their
14 responsibility. They may direct employees' work, plan the work
15 schedule, control the flow and distribution of work or
16 materials, train employees, handle complaints, authorize
17 payments, and appraise productivity and efficiency of
18 employees. This classification includes coordinators and
19 supervisors working under the general direction of those staff
20 identified as district-based instructional or noninstructional
21 administrators.

22 Section 691. Part II of chapter 1012, Florida
23 Statutes, shall be entitled "K-20 Personnel Issues" and shall
24 consist of ss. 1012.05-1012.07.

25 Section 692. Section 1012.05, Florida Statutes, is
26 created to read:

27 1012.05 Teacher recruitment and retention.--

28 (1) The Department of Education, in cooperation with
29 teacher organizations, district personnel offices, and
30 schools, colleges, and departments of education in public and

31

1 nonpublic postsecondary educational institutions, shall
2 concentrate on the recruitment of qualified teachers.
3 (2) The Department of Education shall:
4 (a) Develop and implement a system for posting
5 teaching vacancies and establish a database of teacher
6 applicants that is accessible within and outside the state.
7 (b) Advertise in major newspapers, national
8 professional publications, and other professional publications
9 and in schools of education.
10 (c) Utilize state and nationwide toll-free numbers.
11 (d) Conduct periodic communications with district
12 personnel directors regarding applicants.
13 (e) Provide district access to the applicant database
14 by computer or telephone.
15 (f) Develop and distribute promotional materials
16 related to teaching as a career.
17 (g) Publish and distribute information pertaining to
18 employment opportunities, application procedures, teacher
19 certification, and teacher salaries.
20 (h) Provide information related to certification
21 procedures.
22 (i) Develop and sponsor the Florida Future Educator of
23 America Program throughout the state.
24 (j) Develop, in consultation with school district
25 staff including, but not limited to, district school
26 superintendents, district school board members, and district
27 human resources personnel, a long-range plan for educator
28 recruitment and retention.
29 (k) Identify best practices for retaining high-quality
30 teachers.
31

1 (1) Develop, in consultation with Workforce Florida,
2 Inc., and the Agency for Workforce Innovation, created
3 pursuant to ss. 445.004 and 20.50, respectively, a plan for
4 accessing and identifying available resources in the state's
5 workforce system for the purpose of enhancing teacher
6 recruitment and retention.

7 (3) The Department of Education, in cooperation with
8 district personnel offices, shall sponsor a job fair in a
9 central part of the state to match in-state educators and
10 out-of-state educators with teaching opportunities in this
11 state.

12 Section 693. Section 1012.06, Florida Statutes, is
13 created to read:

14 1012.06 Temporary assignment of professional staff
15 among K-20 system.--To facilitate economical and effective use
16 of professional staff, school districts, public postsecondary
17 educational institutions, and the Department of Education may
18 enter into written agreements assigning employees among
19 themselves. The purpose of the temporary assignment is to
20 bring staff together within the state system of education,
21 notwithstanding their current places of assignment or agencies
22 of employment, who possess specific or unique knowledge or
23 experience especially suited to solving specific problems,
24 developing new programs, or providing technical assistance on
25 specific tasks or programs.

26 (1) A person may be temporarily assigned for whatever
27 period of time is required for a specific task; however, no
28 assignment may be for a period of more than 2 years.

29 (2) A person on temporary assignment shall be
30 considered on temporary assignment duty to regular work
31 assignments of the sending agency; shall be entitled to all

1 benefits to which the person would otherwise be entitled,
2 including compensation for injury or disability; shall receive
3 the same salary and benefits as at the person's regular
4 assignment; and shall remain an employee of the permanent
5 employer for all purposes, except that the person shall be
6 supervised by the agency to which assigned. Payment of such
7 salary and benefits may be made by either agency as provided
8 in the assignment agreement.

9 (3) Travel and per diem expenses incurred while a
10 person is on temporary assignment shall be paid by the agency
11 to which the person is assigned. Round-trip travel and moving
12 expenses from the person's permanent location to the temporary
13 assignment may be paid by either agency, as provided in the
14 assignment agreement, for any assignment in excess of 3
15 months. Notwithstanding s. 112.061 to the contrary, a person
16 may be paid per diem expenses for any temporary assignment of
17 3 months or less.

18 Section 694. Section 1012.07, Florida Statutes, is
19 created to read:

20 1012.07 Identification of critical teacher shortage
21 areas.--

22 (1) As used in ss. 1009.57, 1009.58, and 1009.59, the
23 term "critical teacher shortage area" applies to mathematics,
24 science, career education, and high priority location areas.
25 The State Board of Education may identify career education
26 programs having critical teacher shortages. The State Board of
27 Education shall adopt rules pursuant to ss. 120.536(1) and
28 120.54, necessary to annually identify other critical teacher
29 shortage areas and high priority location areas. The state
30 board shall also consider teacher characteristics such as
31 ethnic background, race, and sex in determining critical

1 teacher shortage areas. School grade levels may also be
2 designated critical teacher shortage areas. Individual
3 district school boards may identify other critical teacher
4 shortage areas. Such shortages must be certified to and
5 approved by the State Board of Education. High priority
6 location areas shall be in high-density, low-economic urban
7 schools and low-density, low-economic rural schools and shall
8 include schools which meet criteria which include, but are not
9 limited to, the percentage of free lunches, the percentage of
10 students under Chapter I of the Education Consolidation and
11 Improvement Act of 1981, and the faculty attrition rate.

12 (2) This section shall be implemented only to the
13 extent as specifically funded and authorized by law.

14 Section 695. Part III of chapter 1012, Florida
15 Statutes, shall be entitled "Public Schools; Personnel" and
16 shall consist of ss. 1012.21-1012.798.

17 Section 696. Part III.a. of chapter 1012, Florida
18 Statutes, shall be entitled "Department of Education, District
19 School Board, District School Superintendent, and School
20 Principal Duties; Public School Personnel" and shall consist
21 of ss. 1012.21-1012.28.

22 Section 697. Section 1012.21, Florida Statutes, is
23 created to read:

24 1012.21 Department of Education duties; K-12
25 personnel.--

26 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In
27 cooperation with the Florida Department of Law Enforcement,
28 the Department of Education may periodically perform criminal
29 history record checks on individuals who hold a certificate
30 pursuant to s. 1012.56 or s. 1012.57.

31

1 (2) COMPUTER DATABASE OF CERTAIN PERSONS WHOSE
2 EMPLOYMENT WAS TERMINATED.--

3 (a) The Department of Education shall establish a
4 computer database containing the names of persons whose
5 employment is terminated under s. 1012.33(1)(a) or (4)(c),
6 which information shall be available to the district school
7 superintendents and their designees.

8 (b) Each district school superintendent shall report
9 to the Department of Education the name of any person
10 terminated under s. 1012.33(1)(a) or (4)(c) within 10 working
11 days after the date of final action by the district school
12 board on the termination, and the department shall immediately
13 enter the information in the computer records.

14 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE
15 TO CHILD SUPPORT DELINQUENCY.--The Department of Education
16 shall allow applicants for new or renewal certificates and
17 renewal certificateholders to be screened by the Title IV-D
18 child support agency pursuant to s. 409.2598 to assure
19 compliance with an obligation for support, as defined in s.
20 409.2554. The purpose of this section is to promote the
21 public policy of this state as established in s. 409.2551.
22 The department shall, when directed by the court, deny the
23 application of any applicant found to have a delinquent
24 support obligation. The department shall issue or reinstate
25 the certificate without additional charge to the
26 certificateholder when notified by the court that the
27 certificateholder has complied with the terms of the court
28 order. The department shall not be held liable for any
29 certificate denial or suspension resulting from the discharge
30 of its duties under this section.

31

1 (4) CONFERENCES OF PUBLIC SCHOOL PERSONNEL.--As a
2 means of stimulating the professional improvement of personnel
3 in service, the Department of Education may call conferences
4 of personnel of the public schools on matters relating solely
5 to education, which conferences, if held on a school day
6 within the period of time covered by a contract, shall be
7 attended with pay by all who may be designated in the call of
8 the Department of Education, provided that the call of the
9 Department of Education may indicate that attendance is
10 optional, and that in any case of those absent from their
11 usual duties during the time of the conference, only those
12 actually in attendance at the conference shall be entitled to
13 pay for time covered by the conference.

14 (5) SCHOOL-RELATED EMPLOYEE OF THE YEAR PROGRAM.--The
15 Department of Education shall, by rule, provide for a
16 School-Related Employee of the Year Program. In addition to
17 any other provision, the department shall include in such
18 rules that:

19 (a) The program shall apply to school-related
20 employees.

21 (b) The program shall be modeled after the Teacher of
22 the Year Program.

23 (c) One school-related employee of the year shall be
24 nominated by each district school board in the state.

25 (d) A selection process shall be instituted to select
26 the school-related employee of the year so that the top five
27 finalists receive awards under the program.

28 Section 698. Effective upon this act becoming a law,
29 section 1012.22, Florida Statutes, is created to read:

30 1012.22 Public school personnel; powers and duties of
31 the district school board.--The district school board shall:

1 (1) Designate positions to be filled, prescribe
2 qualifications for those positions, and provide for the
3 appointment, compensation, promotion, suspension, and
4 dismissal of employees as follows, subject to the requirements
5 of this chapter:

6 (a) Positions, qualifications, and appointments.--

7 1. The district school board shall act upon written
8 recommendations submitted by the district school
9 superintendent for positions to be filled, for minimum
10 qualifications for personnel for the various positions, and
11 for the persons nominated to fill such positions.

12 2. The district school board may reject for good cause
13 any employee nominated.

14 3. If the third nomination by the district school
15 superintendent for any position is rejected for good cause, if
16 the district school superintendent fails to submit a
17 nomination for initial employment within a reasonable time as
18 prescribed by the district school board, or if the district
19 school superintendent fails to submit a nomination for
20 reemployment within the time prescribed by law, the district
21 school board may proceed on its own motion to fill such
22 position.

23 4. The district school board's decision to reject a
24 person's nomination does not give that person a right of
25 action to sue over the rejection and may not be used as a
26 cause of action by the nominated employee.

27 (b) Time to act on nominations.--The district school
28 board shall act not later than 3 weeks after the end of the
29 regular legislative session or May 31, whichever is later, on
30 the district school superintendent's nominations of
31

1 supervisors, principals, and members of the instructional
2 staff.

3 (c) Compensation and salary schedules.--

4 1. The district school board shall adopt a salary
5 schedule or salary schedules designed to furnish incentives
6 for improvement in training and for continued efficient
7 service to be used as a basis for paying all school employees
8 and fix and authorize the compensation of school employees on
9 the basis thereof.

10 2. A district school board, in determining the salary
11 schedule for instructional personnel, must base a portion of
12 each employee's compensation on performance demonstrated under
13 s. 1012.34, must consider the prior teaching experience of a
14 person who has been designated state teacher of the year by
15 any state in the United States, and must consider prior
16 professional experience in the field of education gained in
17 positions in addition to district level instructional and
18 administrative positions.

19 3. In developing the salary schedule, the district
20 school board shall seek input from parents, teachers, and
21 representatives of the business community.

22 4. 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

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

1 may not be considered in determining the salary schedules
2 required by paragraph (c). Monetary awards shall be limited to
3 persons who propose procedures or ideas adopted by the board
4 which will result in eliminating or reducing district school
5 board expenditures or improving district or school center
6 operations. Nonmonetary awards shall include, but are not
7 limited to, certificates, plaques, medals, ribbons, and
8 photographs. The district school board may expend funds for
9 such recognition and awards. No award granted under this
10 paragraph shall exceed \$2,000 or 10 percent of the first
11 year's gross savings, whichever is greater.

12 (h) Planning and training time for teachers.--The
13 district school board may adopt rules to make provisions for
14 teachers to have time for lunch and some planning and training
15 time when they will not be directly responsible for the
16 children, provided that some adult supervision shall be
17 furnished for the students during such periods.

18 (i) Comprehensive program of staff development.--The
19 district school board shall establish a comprehensive program
20 of staff development.

21 (2) Adopt policies relating to personnel leave as
22 follows:

23 (a) Annual leave.--The district school board may adopt
24 rules that provide for the earning of annual leave by
25 employees, including educational support employees, who are
26 employed for 12 calendar months a year.

27 (b) Sick leave.--The district school board may adopt
28 rules relating to sick leave, in accordance with the
29 provisions of this chapter.

30 (c) Illness-in-line-of-duty leave.--The district
31 school board may adopt rules relating to

1 illness-in-the-line-of-duty leave, in accordance with the
2 provisions of this chapter.

3 (d) Sabbatical leave.--The district school board may
4 adopt rules relating to sabbatical leave, in accordance with
5 the provisions of this chapter.

6 Section 699. Section 1012.23, Florida Statutes, is
7 created to read:

8 1012.23 School district personnel policies.--Except as
9 otherwise provided by law or the State Constitution, district
10 school boards may adopt rules governing personnel matters,
11 including the assignment of duties and responsibilities for
12 all district employees.

13 Section 700. Section 1012.24, Florida Statutes, is
14 created to read:

15 1012.24 Employment and compensation of instructional
16 personnel during specific emergencies.--In the event of an
17 epidemic, strike, mass walkout, substantial numbers of teacher
18 resignations, or other urgent condition, a district school
19 board upon recommendation of the district school
20 superintendent may find and declare that an emergency exists
21 because there is not a sufficient number of certified teachers
22 to continue the normal operation of the schools within the
23 district. In said event the district school board may upon
24 recommendation of the district school superintendent employ,
25 contract with, and compensate for instructional services
26 rendered any person who shall be deemed qualified by
27 regulations of the district school board. In such event, a
28 state certificate to teach shall not be required for such
29 employment, contract, or compensation.

30 Section 701. Section 1012.25, Florida Statutes, is
31 created to read:

1 1012.25 School officers to turn over money and
2 property to successors.--Every school officer shall turn over
3 to his or her successor or successors in office, on retiring,
4 all books, papers, documents, records, funds, money, and
5 property of whatever kind which the officer may have acquired,
6 received, and held by virtue of his or her office and shall
7 take full receipt for them from his or her successor and shall
8 make in correct form all reports required by the state. No
9 school officer who receives any salary or compensation for his
10 or her services shall be entitled to be paid or compensated
11 for the last month served until the provisions of this section
12 have been fully observed. Any person violating the provisions
13 of this section shall forfeit his or her compensation for the
14 last month served and commits a misdemeanor of the second
15 degree, punishable as provided in s. 775.082 or s. 775.083.

16 Section 702. Section 1012.26, Florida Statutes, is
17 created to read:

18 1012.26 Legal services for employees; reimbursement
19 for judgments in civil actions.--Each district school board
20 may provide legal services for officers and employees of the
21 school board who are charged with civil or criminal actions
22 arising out of and in the course of the performance of
23 assigned duties and responsibilities. The district school
24 board shall provide for reimbursement of reasonable expenses
25 for legal services for officers and employees of school boards
26 who are charged with civil or criminal actions arising out of
27 and in the course of the performance of assigned duties and
28 responsibilities upon successful defense by the employee or
29 officer. However, in any case in which the officer or employee
30 pleads guilty or nolo contendere or is found guilty of any
31 such action, the officer or employee shall reimburse the

1 district school board for any legal services which the school
2 board may have supplied pursuant to this section. A district
3 school board may also reimburse an officer or employee of the
4 school board for any judgment which may be entered against him
5 or her in a civil action arising out of and in the course of
6 the performance of his or her assigned duties and
7 responsibilities. Each expenditure by a district school board
8 for legal defense of an officer or employee, or for
9 reimbursement pursuant to this section, shall be made at a
10 public meeting with notice pursuant to s. 120.525(1). The
11 provision of such legal services or reimbursement under the
12 conditions described above is declared to be a district school
13 purpose for which district school funds may be expended.

14 Section 703. Section 1012.27, Florida Statutes, is
15 created to read:

16 1012.27 Public school personnel; powers and duties of
17 district school superintendent.--The district school
18 superintendent shall be responsible, as required herein, for
19 directing the work of the personnel, subject to the
20 requirements of this chapter, and in addition the district
21 school superintendent shall have the following duties:

22 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

23 (a) Recommend to the district school board duties and
24 responsibilities which need to be performed and positions
25 which need to be filled to make possible the development of an
26 adequate school program in the district.

27 (b) Recommend minimum qualifications of personnel for
28 these various positions, and nominate in writing persons to
29 fill such positions.

30
31

1 The district school superintendent's recommendations for
2 filling instructional positions at the school level must
3 consider nominations received from school principals of the
4 respective schools. Before transferring a teacher who holds a
5 professional teaching certificate from one school to another,
6 the district school superintendent shall consult with the
7 principal of the receiving school and allow the principal to
8 review the teacher's records and interview the teacher. If, in
9 the judgment of the principal, students would not benefit from
10 the placement, an alternative placement may be sought.

11 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
12 recommend to the district school board for adoption a salary
13 schedule or salary schedules. The district school
14 superintendent must recommend a salary schedule for
15 instructional personnel which bases a portion of each
16 employee's compensation on performance demonstrated under s.
17 1012.34. In developing the recommended salary schedule, the
18 district school superintendent shall include input from
19 parents, teachers, and representatives of the business
20 community.

21 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the
22 district school board terms for contracting with employees and
23 prepare such contracts as are approved.

24 (4) TRANSFER AND PROMOTIONS.--Recommend employees for
25 transfer and transfer any employee during any emergency and
26 report the transfer to the district school board at its next
27 regular meeting.

28 (5) SUSPENSION AND DISMISSAL.--Suspend members of the
29 instructional staff and other school employees during
30 emergencies for a period extending to and including the day of
31 the next regular or special meeting of the district school

1 board and notify the district school board immediately of such
2 suspension. When authorized to do so, serve notice on the
3 suspended member of the instructional staff of charges made
4 against him or her and of the date of hearing. Recommend
5 employees for dismissal under the terms prescribed herein.

6 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE
7 INSTRUCTION.--Direct or arrange for the proper direction and
8 improvement, under rules of the district school board, of the
9 work of all members of the instructional staff and other
10 employees of the district school system, supervise or arrange
11 under rules of the district school board for the supervision
12 of instruction in the district, and take such steps as are
13 necessary to bring about continuous improvement.

14 Section 704. Section 1012.28, Florida Statutes, is
15 created to read:

16 1012.28 Public school personnel; duties of school
17 principals.--

18 (1) Public school principals shall supervise public
19 school personnel as the district school board determines
20 necessary.

21 (2) The school principal is responsible for
22 recommending to the district school superintendent the
23 employment of instructional personnel to be assigned to the
24 school to which the principal is assigned.

25 (3) Each school principal is responsible for the
26 performance of all personnel employed by the district school
27 board and assigned to the school to which the principal is
28 assigned. The school principal shall faithfully and
29 effectively apply the personnel assessment system approved by
30 the district school board pursuant to s. 1012.34.

31

1 (4) Each school principal shall assist the teachers
2 within the school to use student assessment data, as measured
3 by student learning gains pursuant to s. 1008.22, for
4 self-evaluation.

5 (5) Each school principal shall perform such duties as
6 may be assigned by the district school superintendent,
7 pursuant to the rules of the district school board. Such rules
8 shall include, but are not limited to, rules relating to
9 administrative responsibility, instructional leadership in
10 implementing the Sunshine State Standards and the overall
11 educational program of the school to which the school
12 principal is assigned, submission of personnel recommendations
13 to the district school superintendent, administrative
14 responsibility for records and reports, administration of
15 corporal punishment, and student suspension.

16 (6) A school principal who fails to comply with this
17 section shall be ineligible for any portion the performance
18 pay policy incentive under s. 1012.22(1)(c).

19 Section 705. Part III.b. of chapter 1012, Florida
20 Statutes, shall be entitled "Personnel Files, Qualifications,
21 Contracts, Assessments for Public Schools" and shall consist
22 of ss. 1012.31-1012.34.

23 Section 706. Section 1012.31, Florida Statutes, is
24 created to read:

25 1012.31 Personnel files.--Public school system
26 employee personnel files shall be maintained according to the
27 following provisions:

28 (1)(a) Except for materials pertaining to work
29 performance or such other matters that may be cause for
30 discipline, suspension, or dismissal under laws of this state,
31 no derogatory materials relating to an employee's conduct,

1 service, character, or personality shall be placed in the
2 personnel file of such employee.

3 (b) No anonymous letter or anonymous materials shall
4 be placed in the personnel file.

5 (2)(a) Materials relating to work performance,
6 discipline, suspension, or dismissal must be reduced to
7 writing and signed by a person competent to know the facts or
8 make the judgment.

9 (b)1. No such materials may be placed in a personnel
10 file unless they have been reduced to writing within 45 days,
11 exclusive of the summer vacation period, of the school system
12 administration becoming aware of the facts reflected in the
13 materials.

14 2. Additional information related to such written
15 materials previously placed in the file may be appended to
16 such materials to clarify or amplify them as needed.

17 (c) A copy of such materials to be added to an
18 employee's personnel file shall be provided to the employee
19 either:

20 1. By certified mail, return receipt requested, to his
21 or her address of record; or

22 2. By personal delivery. The employee's signature on a
23 copy of the materials to be filed shall be proof that such
24 materials were given to the employee, with the understanding
25 that such signature merely signifies receipt and does not
26 necessarily indicate agreement with its contents.

27 (d) An employee has the right to answer in writing any
28 such materials in a personnel file on July 1, 1983, as well as
29 any such materials filed thereafter, and the answer shall be
30 attached to the file copy. An employee has the right to
31 request that the district school superintendent or the

1 superintendent's designee make an informal inquiry regarding
2 material in the employee's personnel file which the employee
3 believes to be false. The official who makes the inquiry shall
4 append to the material a written report of his or her
5 findings.

6 (e) Upon request, an employee, or any person
7 designated in writing by the employee, shall be permitted to
8 examine the personnel file of such employee. The employee
9 shall be permitted conveniently to reproduce any materials in
10 the file, at a cost no greater than the fees prescribed in s.
11 119.07(1).

12 (f) The custodian of the record shall maintain a
13 record in the file of those persons reviewing the file each
14 time it is reviewed.

15 (3)(a) Public school system employee personnel files
16 are subject to the provisions of s. 119.07(1), except as
17 follows:

18 1. Any complaint and any material relating to the
19 investigation of a complaint against an employee shall be
20 confidential and exempt from the provisions of s. 119.07(1)
21 until the conclusion of the preliminary investigation or until
22 such time as the preliminary investigation ceases to be
23 active. If the preliminary investigation is concluded with
24 the finding that there is no probable cause to proceed further
25 and with no disciplinary action taken or charges filed, a
26 statement to that effect signed by the responsible
27 investigating official shall be attached to the complaint, and
28 the complaint and all such materials shall be open thereafter
29 to inspection pursuant to s. 119.07(1). If the preliminary
30 investigation is concluded with the finding that there is
31 probable cause to proceed further or with disciplinary action

1 taken or charges filed, the complaint and all such materials
2 shall be open thereafter to inspection pursuant to s.
3 119.07(1). If the preliminary investigation ceases to be
4 active, the complaint and all such materials shall be open
5 thereafter to inspection pursuant to s. 119.07(1). For the
6 purpose of this subsection, a preliminary investigation shall
7 be considered active as long as it is continuing with a
8 reasonable, good faith anticipation that an administrative
9 finding will be made in the foreseeable future. An
10 investigation shall be presumed to be inactive if no finding
11 relating to probable cause is made within 60 days after the
12 complaint is made.

13 2. An employee evaluation prepared pursuant to s.
14 1012.56, s. 1012.34, or s. 1012.33 or rules adopted by the
15 State Board of Education or district school board under the
16 authority of those sections shall be confidential and exempt
17 from the provisions of s. 119.07(1) until the end of the
18 school year immediately following the school year in which the
19 evaluation was made. No evaluation prepared before July 1,
20 1983, shall be made public pursuant to this section.

21 3. No material derogatory to an employee shall be open
22 to inspection until 10 days after the employee has been
23 notified pursuant to paragraph (2)(c).

24 4. The payroll deduction records of an employee shall
25 be confidential and exempt from the provisions of s.
26 119.07(1).

27 5. Employee medical records, including psychiatric and
28 psychological records, shall be confidential and exempt from
29 the provisions of s. 119.07(1); however, at any hearing
30 relative to the competency or performance of an employee, the
31

1 administrative law judge, hearing officer, or panel shall have
2 access to such records.

3 (b) Notwithstanding other provisions of this
4 subsection, all aspects of the personnel file of each employee
5 shall be open to inspection at all times by district school
6 board members, the district school superintendent, and the
7 principal, or their respective designees, in the exercise of
8 their respective duties.

9 (c) Notwithstanding other provisions of this
10 subsection, all aspects of the personnel file of each employee
11 shall be made available to law enforcement personnel in the
12 conduct of a lawful criminal investigation.

13 (4) The term "personnel file," as used in this
14 section, means all records, information, data, or materials
15 maintained by a public school system, in any form or retrieval
16 system whatsoever, with respect to any of its employees, which
17 is uniquely applicable to that employee whether maintained in
18 one or more locations.

19 Section 707. Section 1012.32, Florida Statutes, is
20 created to read:

21 1012.32 Qualifications of personnel.--

22 (1) To be eligible for appointment in any position in
23 any district school system, a person shall be of good moral
24 character; shall have attained the age of 18 years, if he or
25 she is to be employed in an instructional capacity; and shall,
26 when required by law, hold a certificate or license issued
27 under rules of the State Board of Education or the Department
28 of Children and Family Services, except when employed pursuant
29 to s. 1012.55 or under the emergency provisions of s. 1012.24.
30 Previous residence in this state shall not be required in any
31 school of the state as a prerequisite for any person holding a

1 valid Florida certificate or license to serve in an
2 instructional capacity.
3 (2)(a) Instructional and noninstructional personnel
4 who are hired to fill positions requiring direct contact with
5 students in any district school system or university lab
6 school shall, upon employment, file a complete set of
7 fingerprints taken by an authorized law enforcement officer or
8 an employee of the school or district who is trained to take
9 fingerprints. These fingerprints shall be submitted to the
10 Department of Law Enforcement for state processing and to the
11 Federal Bureau of Investigation for federal processing. The
12 new employees shall be on probationary status pending
13 fingerprint processing and determination of compliance with
14 standards of good moral character. Employees found through
15 fingerprint processing to have been convicted of a crime
16 involving moral turpitude shall not be employed in any
17 position requiring direct contact with students. Probationary
18 employees terminated because of their criminal record shall
19 have the right to appeal such decisions. The cost of the
20 fingerprint processing may be borne by the district school
21 board or the employee.
22 (b) Personnel who have been fingerprinted or screened
23 pursuant to this subsection and who have not been unemployed
24 for more than 90 days shall not be required to be
25 refingerprinted or rescreened in order to comply with the
26 requirements of this subsection.
27 Section 708. Section 1012.33, Florida Statutes, is
28 created to read:
29 1012.33 Contracts with instructional staff,
30 supervisors, and school principals.--
31

1 (1)(a) Each person employed as a member of the
2 instructional staff in any district school system shall be
3 properly certified pursuant to s. 1012.56 or s. 1012.57 or
4 employed pursuant to s. 1012.39 and shall be entitled to and
5 shall receive a written contract as specified in chapter 230.
6 All such contracts, except continuing contracts as specified
7 in subsection (4), shall contain provisions for dismissal
8 during the term of the contract only for just cause. Just
9 cause includes, but is not limited to, the following
10 instances, as defined by rule of the State Board of Education:
11 misconduct in office, incompetency, gross insubordination,
12 willful neglect of duty, or conviction of a crime involving
13 moral turpitude.

14 (b) A supervisor or school principal shall be properly
15 certified and shall receive a written contract as specified in
16 chapter 1001. Such contract may be for an initial period not
17 to exceed 3 years, subject to annual review and renewal. The
18 first 97 days of an initial contract is a probationary period.
19 During the probationary period, the employee may be dismissed
20 without cause or may resign from the contractual position
21 without breach of contract. After the first 3 years, the
22 contract may be renewed for a period not to exceed 3 years and
23 shall contain provisions for dismissal during the term of the
24 contract only for just cause, in addition to such other
25 provisions as are prescribed by the district school board.

26 (2) Any person so employed on the basis of a written
27 offer of a specific position by a duly authorized agent of the
28 district school board for a stated term of service at a
29 specified salary, and who accepted such offer by telegram or
30 letter or by signing the regular contract form, who violates
31 the terms of such contract or agreement by leaving his or her

1 position without first being released from his or her contract
2 or agreement by the district school board of the district in
3 which the person is employed shall be subject to the
4 jurisdiction of the Education Practices Commission. The
5 district school board shall take official action on such
6 violation and shall furnish a copy of its official minutes to
7 the Commissioner of Education.

8 (3)(a) Each district school board shall provide a
9 professional service contract as prescribed herein. Each
10 member of the instructional staff who completed the following
11 requirements prior to July 1, 1984, shall be entitled to and
12 shall be issued a continuing contract in the form prescribed
13 by rules of the state board pursuant to s. 231.36, Florida
14 Statutes (1981). Each member of the instructional staff who
15 completes the following requirements on or after July 1, 1984,
16 shall be entitled to and shall be issued a professional
17 service contract in the form prescribed by rules of the state
18 board as provided herein:

19 1. The member must hold a professional certificate as
20 prescribed by s. 1012.56 and rules of the State Board of
21 Education.

22 2. The member must have completed 3 years of
23 probationary service in the district during a period not in
24 excess of 5 successive years, except for leave duly authorized
25 and granted.

26 3. The member must have been recommended by the
27 district school superintendent for such contract and
28 reappointed by the district school board based on successful
29 performance of duties and demonstration of professional
30 competence.

31

1 4. For any person newly employed as a member of the
2 instructional staff after June 30, 1997, the initial annual
3 contract shall include a 97-day probationary period during
4 which time the employee's contract may be terminated without
5 cause or the employee may resign without breach of contract.

6 (b) The professional service contract shall be
7 effective at the beginning of the school fiscal year following
8 the completion of all requirements therefor.

9 (c) The period of service provided herein may be
10 extended to 4 years when prescribed by the district school
11 board and agreed to in writing by the employee at the time of
12 reappointment.

13 (d) A district school board may issue a continuing
14 contract prior to July 1, 1984, and may issue a professional
15 service contract subsequent to July 1, 1984, to any employee
16 who has previously held a professional service contract or
17 continuing contract in the same or another district within
18 this state. Any employee who holds a continuing contract may,
19 but is not required to, exchange such continuing contract for
20 a professional service contract in the same district.

21 (e) A professional service contract shall be renewed
22 each year unless the district school superintendent, after
23 receiving the recommendations required by s. 1012.34, charges
24 the employee with unsatisfactory performance and notifies the
25 employee of performance deficiencies as required by s.
26 1012.34. An employee who holds a professional service contract
27 on July 1, 1997, is subject to the procedures set forth in
28 paragraph (f) during the term of the existing professional
29 service contract. The employee is subject to the procedures
30 set forth in s. 1012.34(3)(d) upon the next renewal of the
31 professional service contract; however, if the employee is

1 notified of performance deficiencies before the next contract
2 renewal date, the procedures of s. 1012.34(3)(d) do not apply
3 until the procedures set forth in paragraph (f) have been
4 exhausted and the professional service contract is
5 subsequently renewed.

6 (f) The district school superintendent shall notify an
7 employee who holds a professional service contract on July 1,
8 1997, in writing, no later than 6 weeks prior to the end of
9 the postschool conference period, of performance deficiencies
10 which may result in termination of employment, if not
11 corrected during the subsequent year of employment (which
12 shall be granted for an additional year in accordance with the
13 provisions in subsection (1)). Except as otherwise hereinafter
14 provided, this action shall not be subject to the provisions
15 of chapter 120, but the following procedures shall apply:

16 1. On receiving notice of unsatisfactory performance,
17 the employee, on request, shall be accorded an opportunity to
18 meet with the district school superintendent, or his or her
19 designee, for an informal review of the determination of
20 unsatisfactory performance.

21 2. An employee notified of unsatisfactory performance
22 may request an opportunity to be considered for a transfer to
23 another appropriate position, with a different supervising
24 administrator, for the subsequent year of employment. If the
25 request for the transfer is granted, the district school
26 superintendent shall annually report to the department the
27 total number of employees transferred pursuant to this
28 subparagraph, where they were transferred, and what, if any,
29 remediation was implemented to remediate the unsatisfactory
30 performance.

31

1 3. During the subsequent year, the employee shall be
2 provided assistance and inservice training opportunities to
3 help correct the noted performance deficiencies. The employee
4 shall also be evaluated periodically so that he or she will be
5 kept apprised of progress achieved.

6 4. Not later than 6 weeks prior to the close of the
7 postschool conference period of the subsequent year, the
8 district school superintendent, after receiving and reviewing
9 the recommendation required by s. 1012.34, shall notify the
10 employee, in writing, whether the performance deficiencies
11 have been corrected. If so, a new professional service
12 contract shall be issued to the employee. If the performance
13 deficiencies have not been corrected, the district school
14 superintendent may notify the district school board and the
15 employee, in writing, that the employee shall not be issued a
16 new professional service contract; however, if the
17 recommendation of the district school superintendent is not to
18 issue a new professional service contract, and if the employee
19 wishes to contest such recommendation, the employee will have
20 15 days from receipt of the district school superintendent's
21 recommendation to demand, in writing, a hearing. In such
22 hearing, the employee may raise as an issue, among other
23 things, the sufficiency of the district school
24 superintendent's charges of unsatisfactory performance. Such
25 hearing shall be conducted at the district school board's
26 election in accordance with one of the following procedures:

27 a. A direct hearing conducted by the district school
28 board within 60 days of receipt of the written appeal. The
29 hearing shall be conducted in accordance with the provisions
30 of ss. 120.569 and 120.57. A majority vote of the membership
31 of the district school board shall be required to sustain the

1 district school superintendent's recommendation. The
2 determination of the district school board shall be final as
3 to the sufficiency or insufficiency of the grounds for
4 termination of employment; or
5 b. A hearing conducted by an administrative law judge
6 assigned by the Division of Administrative Hearings of the
7 Department of Management Services. The hearing shall be
8 conducted within 60 days of receipt of the written appeal in
9 accordance with chapter 120. The recommendation of the
10 administrative law judge shall be made to the district school
11 board. A majority vote of the membership of the district
12 school board shall be required to sustain or change the
13 administrative law judge's recommendation. The determination
14 of the district school board shall be final as to the
15 sufficiency or insufficiency of the grounds for termination of
16 employment.
17 (g) Beginning July 1, 2001, for each employee who
18 enters into a written contract, pursuant to this section, in a
19 school district in which the employee was not employed as of
20 June 30, 2001, for purposes of pay, a district school board
21 must recognize and accept each year of full-time public school
22 teaching service earned in the State of Florida or outside the
23 state and for which the employee received a satisfactory
24 performance evaluation. Instructional personnel employed
25 pursuant to s. 121.091(9)(b)3. are exempt from the provisions
26 of this paragraph.
27 (4)(a) An employee who had continuing contract status
28 prior to July 1, 1984, shall be entitled to retain such
29 contract and all rights arising therefrom as prescribed by
30 rules of the State Board of Education adopted pursuant to s.
31

1 231.36, Florida Statutes (1981), unless the employee
2 voluntarily relinquishes his or her continuing contract.
3 (b) Any member of the district administrative or
4 supervisory staff and any member of the instructional staff,
5 including any school principal, who is under continuing
6 contract may be dismissed or may be returned to annual
7 contract status for another 3 years in the discretion of the
8 district school board, at the end of the school year, when a
9 recommendation to that effect is submitted in writing to the
10 district school board on or before April 1 of any school year,
11 giving good and sufficient reasons therefor, by the district
12 school superintendent, by the school principal if his or her
13 contract is not under consideration, or by a majority of the
14 district school board. The employee whose contract is under
15 consideration shall be duly notified in writing by the party
16 or parties preferring the charges at least 5 days prior to the
17 filing of the written recommendation with the district school
18 board, and such notice shall include a copy of the charges and
19 the recommendation to the district school board. The district
20 school board shall proceed to take appropriate action. Any
21 decision adverse to the employee shall be made by a majority
22 vote of the full membership of the district school board. Any
23 such decision adverse to the employee may be appealed by the
24 employee pursuant to s. 120.68.

25 (c) Any member of the district administrative or
26 supervisory staff and any member of the instructional staff,
27 including any school principal, who is under continuing
28 contract may be suspended or dismissed at any time during the
29 school year; however, the charges against him or her must be
30 based on immorality, misconduct in office, incompetency, gross
31 insubordination, willful neglect of duty, drunkenness, or

1 conviction of a crime involving moral turpitude, as these
2 terms are defined by rule of the State Board of Education.
3 Whenever such charges are made against any such employee of
4 the district school board, the district school board may
5 suspend such person without pay; but, if the charges are not
6 sustained, he or she shall be immediately reinstated, and his
7 or her back salary shall be paid. In cases of suspension by
8 the district school board or by the district school
9 superintendent, the district school board shall determine upon
10 the evidence submitted whether the charges have been sustained
11 and, if the charges are sustained, shall determine either to
12 dismiss the employee or fix the terms under which he or she
13 may be reinstated. If such charges are sustained by a majority
14 vote of the full membership of the district school board and
15 such employee is discharged, his or her contract of employment
16 shall be thereby canceled. Any such decision adverse to the
17 employee may be appealed by the employee pursuant to s.
18 120.68, provided such appeal is filed within 30 days after the
19 decision of the district school board.

20 (5) Should a district school board have to choose from
21 among its personnel who are on continuing contracts or
22 professional service contracts as to which should be retained,
23 such decisions shall be made pursuant to the terms of a
24 collectively bargained agreement, when one exists. If no such
25 agreement exists, the district school board shall prescribe
26 rules to handle reductions in workforce.

27 (6)(a) Any member of the instructional staff,
28 excluding an employee specified in subsection (4), may be
29 suspended or dismissed at any time during the term of the
30 contract for just cause as provided in paragraph (1)(a). The
31 district school board must notify the employee in writing

1 whenever charges are made against the employee and may suspend
2 such person without pay; but, if the charges are not
3 sustained, the employee shall be immediately reinstated, and
4 his or her back salary shall be paid. If the employee wishes
5 to contest the charges, the employee must, within 15 days
6 after receipt of the written notice, submit a written request
7 for a hearing. Such hearing shall be conducted at the district
8 school board's election in accordance with one of the
9 following procedures:

10 1. A direct hearing conducted by the district school
11 board within 60 days after receipt of the written appeal. The
12 hearing shall be conducted in accordance with the provisions
13 of ss. 120.569 and 120.57. A majority vote of the membership
14 of the district school board shall be required to sustain the
15 district school superintendent's recommendation. The
16 determination of the district school board shall be final as
17 to the sufficiency or insufficiency of the grounds for
18 termination of employment; or

19 2. A hearing conducted by an administrative law judge
20 assigned by the Division of Administrative Hearings of the
21 Department of Management Services. The hearing shall be
22 conducted within 60 days after receipt of the written appeal
23 in accordance with chapter 120. The recommendation of the
24 administrative law judge shall be made to the district school
25 board. A majority vote of the membership of the district
26 school board shall be required to sustain or change the
27 administrative law judge's recommendation. The determination
28 of the district school board shall be final as to the
29 sufficiency or insufficiency of the grounds for termination of
30 employment.

31

1 Any such decision adverse to the employee may be appealed by
2 the employee pursuant to s. 120.68, provided such appeal is
3 filed within 30 days after the decision of the district school
4 board.

5 (b) Any member of the district administrative or
6 supervisory staff, including any principal but excluding an
7 employee specified in subsection (4), may be suspended or
8 dismissed at any time during the term of the contract;
9 however, the charges against him or her must be based on
10 immorality, misconduct in office, incompetency, gross
11 insubordination, willful neglect of duty, drunkenness, or
12 conviction of any crime involving moral turpitude, as these
13 terms are defined by rule of the State Board of Education.
14 Whenever such charges are made against any such employee of
15 the district school board, the district school board may
16 suspend the employee without pay; but, if the charges are not
17 sustained, he or she shall be immediately reinstated, and his
18 or her back salary shall be paid. In cases of suspension by
19 the district school board or by the district school
20 superintendent, the district school board shall determine upon
21 the evidence submitted whether the charges have been sustained
22 and, if the charges are sustained, shall determine either to
23 dismiss the employee or fix the terms under which he or she
24 may be reinstated. If such charges are sustained by a
25 majority vote of the full membership of the district school
26 board and such employee is discharged, his or her contract of
27 employment shall be thereby canceled. Any such decision
28 adverse to the employee may be appealed by him or her pursuant
29 to s. 120.68, provided such appeal is filed within 30 days
30 after the decision of the district school board.

31

1 (7) The district school board of any given district
2 shall grant continuing service credit for time spent
3 performing duties as a member of the Legislature to any
4 district employee who possesses a professional service
5 contract, multiyear contract, or continuing contract.

6 (8) Notwithstanding any other provision of law, any
7 member who has retired may interrupt retirement and be
8 reemployed in any public school. Any member so reemployed by
9 the same district from which he or she retired may be employed
10 on a probationary contractual basis as provided in subsection
11 (1); however, no regular retirement employee shall be eligible
12 to renew membership under a retirement system created by
13 chapter 121 or chapter 238.

14 Section 709. Section 1012.34, Florida Statutes, is
15 created to read:

16 1012.34 Assessment procedures and criteria.--

17 (1) For the purpose of improving the quality of
18 instructional, administrative, and supervisory services in the
19 public schools of the state, the district school
20 superintendent shall establish procedures for assessing the
21 performance of duties and responsibilities of all
22 instructional, administrative, and supervisory personnel
23 employed by the school district. The Department of Education
24 must approve each district's instructional personnel
25 assessment system.

26 (2) The following conditions must be considered in the
27 design of the district's instructional personnel assessment
28 system:

29 (a) The system must be designed to support district
30 and school level improvement plans.

31

1 (b) The system must provide appropriate instruments,
2 procedures, and criteria for continuous quality improvement of
3 the professional skills of instructional personnel.

4 (c) The system must include a mechanism to give
5 parents an opportunity to provide input into employee
6 performance assessments when appropriate.

7 (d) In addition to addressing generic teaching
8 competencies, districts must determine those teaching fields
9 for which special procedures and criteria will be developed.

10 (e) Each district school board may establish a peer
11 assistance process. The plan may provide a mechanism for
12 assistance of persons who are placed on performance probation
13 as well as offer assistance to other employees who request it.

14 (f) The district school board shall provide training
15 programs that are based upon guidelines provided by the
16 Department of Education to ensure that all individuals with
17 evaluation responsibilities understand the proper use of the
18 assessment criteria and procedures.

19 (3) The assessment procedure for instructional
20 personnel and school administrators must be primarily based on
21 the performance of students assigned to their classrooms or
22 schools, as appropriate. The procedures must comply with, but
23 are not limited to, the following requirements:

24 (a) An assessment must be conducted for each employee
25 at least once a year. The assessment must be based upon sound
26 educational principles and contemporary research in effective
27 educational practices. The assessment must primarily use data
28 and indicators of improvement in student performance assessed
29 annually as specified in s. 1008.22 and may consider results
30 of peer reviews in evaluating the employee's performance.
31 Student performance must be measured by state assessments

1 required under s. 1008.22 and by local assessments for
2 subjects and grade levels not measured by the state assessment
3 program. The assessment criteria must include, but are not
4 limited to, indicators that relate to the following:
5 1. Performance of students.
6 2. Ability to maintain appropriate discipline.
7 3. Knowledge of subject matter. The district school
8 board shall make special provisions for evaluating teachers
9 who are assigned to teach out-of-field.
10 4. Ability to plan and deliver instruction, including
11 the use of technology in the classroom.
12 5. Ability to evaluate instructional needs.
13 6. Ability to establish and maintain a positive
14 collaborative relationship with students' families to increase
15 student achievement.
16 7. Other professional competencies, responsibilities,
17 and requirements as established by rules of the State Board of
18 Education and policies of the district school board.
19 (b) All personnel must be fully informed of the
20 criteria and procedures associated with the assessment process
21 before the assessment takes place.
22 (c) The individual responsible for supervising the
23 employee must assess the employee's performance. The evaluator
24 must submit a written report of the assessment to the district
25 school superintendent for the purpose of reviewing the
26 employee's contract. The evaluator must submit the written
27 report to the employee no later than 10 days after the
28 assessment takes place. The evaluator must discuss the written
29 report of assessment with the employee. The employee shall
30 have the right to initiate a written response to the
31

1 assessment, and the response shall become a permanent
2 attachment to his or her personnel file.

3 (d) If an employee is not performing his or her duties
4 in a satisfactory manner, the evaluator shall notify the
5 employee in writing of such determination. The notice must
6 describe such unsatisfactory performance and include notice of
7 the following procedural requirements:

8 1. Upon delivery of a notice of unsatisfactory
9 performance, the evaluator must confer with the employee, make
10 recommendations with respect to specific areas of
11 unsatisfactory performance, and provide assistance in helping
12 to correct deficiencies within a prescribed period of time.

13 2.a. If the employee holds a professional service
14 contract as provided in s. 1012.33, the employee shall be
15 placed on performance probation and governed by the provisions
16 of this section for 90 calendar days following the receipt of
17 the notice of unsatisfactory performance to demonstrate
18 corrective action. School holidays and school vacation periods
19 are not counted when calculating the 90-calendar-day period.
20 During the 90 calendar days, the employee who holds a
21 professional service contract must be evaluated periodically
22 and apprised of progress achieved and must be provided
23 assistance and inservice training opportunities to help
24 correct the noted performance deficiencies. At any time during
25 the 90 calendar days, the employee who holds a professional
26 service contract may request a transfer to another appropriate
27 position with a different supervising administrator; however,
28 a transfer does not extend the period for correcting
29 performance deficiencies.

30 b. Within 14 days after the close of the 90 calendar
31 days, the evaluator must assess whether the performance

1 deficiencies have been corrected and forward a recommendation
2 to the district school superintendent. Within 14 days after
3 receiving the evaluator's recommendation, the district school
4 superintendent must notify the employee who holds a
5 professional service contract in writing whether the
6 performance deficiencies have been satisfactorily corrected
7 and whether the district school superintendent will recommend
8 that the district school board continue or terminate his or
9 her employment contract. If the employee wishes to contest the
10 district school superintendent's recommendation, the employee
11 must, within 15 days after receipt of the district school
12 superintendent's recommendation, submit a written request for
13 a hearing. The hearing shall be conducted at the district
14 school board's election in accordance with one of the
15 following procedures:

16 (I) A direct hearing conducted by the district school
17 board within 60 days after receipt of the written appeal. The
18 hearing shall be conducted in accordance with the provisions
19 of ss. 120.569 and 120.57. A majority vote of the membership
20 of the district school board shall be required to sustain the
21 district school superintendent's recommendation. The
22 determination of the district school board shall be final as
23 to the sufficiency or insufficiency of the grounds for
24 termination of employment; or

25 (II) A hearing conducted by an administrative law
26 judge assigned by the Division of Administrative Hearings of
27 the Department of Management Services. The hearing shall be
28 conducted within 60 days after receipt of the written appeal
29 in accordance with chapter 120. The recommendation of the
30 administrative law judge shall be made to the district school
31 board. A majority vote of the membership of the district

1 school board shall be required to sustain or change the
2 administrative law judge's recommendation. The determination
3 of the district school board shall be final as to the
4 sufficiency or insufficiency of the grounds for termination of
5 employment.

6 (4) The district school superintendent shall notify
7 the department of any instructional personnel who receive two
8 consecutive unsatisfactory evaluations and who have been given
9 written notice by the district that their employment is being
10 terminated or is not being renewed or that the district school
11 board intends to terminate, or not renew, their employment.
12 The department shall conduct an investigation to determine
13 whether action shall be taken against the certificateholder
14 pursuant to s. 1012.795(1)(b).

15 (5) The district school superintendent shall develop a
16 mechanism for evaluating the effective use of assessment
17 criteria and evaluation procedures by administrators who are
18 assigned responsibility for evaluating the performance of
19 instructional personnel. The use of the assessment and
20 evaluation procedures shall be considered as part of the
21 annual assessment of the administrator's performance. The
22 system must include a mechanism to give parents and teachers
23 an opportunity to provide input into the administrator's
24 performance assessment, when appropriate.

25 (6) Nothing in this section shall be construed to
26 grant a probationary employee a right to continued employment
27 beyond the term of his or her contract.

28 (7) The district school board shall establish a
29 procedure annually reviewing instructional personnel
30 assessment systems to determine compliance with this section.

31 All substantial revisions to an approved system must be

1 reviewed and approved by the district school board before
2 being used to assess instructional personnel. Upon request by
3 a school district, the department shall provide assistance in
4 developing, improving, or reviewing an assessment system.

5 (8) The State Board of Education shall adopt rules
6 pursuant to ss. 120.536(1) and 120.54, that establish uniform
7 guidelines for the submission, review, and approval of
8 district procedures for the annual assessment of instructional
9 personnel and that include criteria for evaluating
10 professional performance.

11 Section 710. Part III.c. of chapter 1012, Florida
12 Statutes, shall be entitled "Personnel, Instructional and
13 Noninstructional; Authorization; Requirements" and shall
14 consist of ss. 1012.35-1012.46.

15 Section 711. Section 1012.35, Florida Statutes, is
16 created to read:

17 1012.35 Substitute teachers.--Each district school
18 board shall adopt rules prescribing the compensation of, and
19 the procedure for employment of, substitute teachers. Such
20 procedure for employment shall include, but is not limited to,
21 the filing of a complete set of fingerprints as required in s.
22 1012.32.

23 Section 712. Section 1012.36, Florida Statutes, is
24 created to read:

25 1012.36 Part-time teachers.--

26 (1) District school boards may hire certified and
27 qualified personnel as provided in ss. 1012.39 and 1012.57 to
28 teach a specified number of periods, which may be less than a
29 full school day or less than a full school year.

30 (2) Assigned additional school duties and salaries
31 shall be given in direct ratio to the number of periods

1 taught. Other benefits shall be provided by district school
2 board rule or, if applicable, pursuant to chapter 447.

3 Section 713. Section 1012.37, Florida Statutes, is
4 created to read:

5 1012.37 Education paraprofessionals.--A district
6 school board may appoint education paraprofessionals to assist
7 members of the instructional staff in carrying out their
8 duties and responsibilities. An education paraprofessional
9 shall not be required to hold a teaching certificate. An
10 education paraprofessional, while rendering services under the
11 supervision of a certified teacher, shall be accorded the same
12 protection of laws as that accorded the certified teacher.

13 Paid education paraprofessionals employed by a district school
14 board shall be entitled to the same rights as those accorded
15 noninstructional employees of the district school board.

16 Section 714. Section 1012.38, Florida Statutes, is
17 created to read:

18 1012.38 Education paraprofessional career
19 development.--

20 (1)(a) Each school district may adopt a program for
21 the career development of education paraprofessionals. The
22 purpose of the program is to provide to education
23 paraprofessionals a system of career development which is
24 based upon education and training advancement, and to furnish
25 economic incentives to encourage excellence among education
26 paraprofessionals.

27 (b) The adoption of each program is subject to chapter
28 447, and the implementation of a program is contingent upon
29 the agreement and ratification of the program by both the
30 employer and employees under s. 447.309.

31

- 1 (2) A district education paraprofessional career
2 development program must include voluntary participation by
3 paraprofessionals in five career development levels. The
4 district school board shall adopt a procedure for verifying
5 the competency levels of all persons who participate in the
6 career development program and a procedure to determine the
7 outcomes and results of the program and impact on student
8 performance.
- 9 (3)(a) Level I.--To qualify for Level I, the person
10 must meet:
- 11 1. The health requirement established for certified
12 personnel.
- 13 2. The age requirements for certified personnel.
- 14 3. The local school district requirements for
15 employment.
- 16 (b) Level II.--To qualify for Level II, the person
17 must:
- 18 1. Have earned a high school diploma or the
19 equivalent.
- 20 2. Possess a clear understanding of state and district
21 rules and policies relevant to paraprofessionals.
- 22 3. Possess knowledge of all state and district
23 instructional practices and policies relevant to
24 paraprofessionals.
- 25 4. Have maintained satisfactory job performance of
26 appropriate skills and competencies for 1 year.
- 27 (c) Level III.--To qualify for Level III, the person
28 must:
- 29 1. Have completed 30 college semester hours or the
30 equivalent inservice hours.
- 31

- 1 2. Possess a clear understanding of state and district
2 rules and policies relevant to paraprofessionals.
- 3 3. Possess knowledge of all state and district
4 instructional practices and policies relevant to
5 paraprofessionals.
- 6 4. Have maintained satisfactory job performance of
7 appropriate skills and competencies for 2 years.
- 8 (d) Level IV.--To qualify for Level IV, the person
9 must:
- 10 1. Have completed 60 college semester hours or the
11 equivalent inservice hours.
- 12 2. Possess a clear understanding of state and district
13 rules and policies relevant to paraprofessionals.
- 14 3. Possess knowledge of all state and district
15 instructional practices and policies relevant to
16 paraprofessionals.
- 17 4. Have maintained satisfactory job performance of
18 appropriate skills and competencies for 2 years.
- 19 (e) Level V.--To qualify for Level V, the person must:
- 20 1. Have completed coursework to earn a bachelor of
21 arts or bachelor of science degree from an accredited
22 institution pursuant to s. 1012.56(2)(c).
- 23 2. Possess a clear understanding of state and district
24 rules and policies relevant to paraprofessionals.
- 25 3. Possess knowledge of all state and district
26 instructional practices and policies relevant to
27 paraprofessionals.
- 28 4. Have maintained satisfactory job performance of
29 appropriate skills and competencies for 2 years.
- 30 (4) Paraprofessionals may not:
- 31 (a) Establish instructional objectives;

1 (b) Make decisions regarding the relevancy of certain
2 activities or procedures to the attainment of instructional
3 objectives;

4 (c) Make decisions regarding the appropriateness of
5 certain teaching materials for accomplishing instructional
6 objectives; or

7 (d) Make judgments regarding the attainment of
8 instructional objectives unless these judgments are based upon
9 clear and objective criteria, such as specific achievement
10 standards on a true-false test.

11 Section 715. Section 1012.39, Florida Statutes, is
12 created to read:

13 1012.39 Employment of substitute teachers, teachers of
14 adult education, nondegreed teachers of career education, and
15 career specialists; students performing clinical field
16 experience.--

17 (1) Notwithstanding ss. 1012.32, 1012.55, 1012.56, and
18 1012.57, or any other provision of law or rule to the
19 contrary, each district school board shall establish the
20 minimal qualifications for:

21 (a) Substitute teachers to be employed pursuant to s.
22 1012.35. The qualifications shall require the filing of a
23 complete set of fingerprints in the same manner as required by
24 s. 1012.32.

25 (b) Part-time and full-time teachers in adult
26 education programs. The qualifications shall require the
27 filing of a complete set of fingerprints in the same manner as
28 required by s. 1012.32. Faculty employed solely to conduct
29 postsecondary instruction may be exempted from this
30 requirement.

31

1 (c) Part-time and full-time nondegreed teachers of
2 career and technical programs. Qualifications shall be
3 established for agriculture, business, health occupations,
4 family and consumer sciences, industrial, marketing, career
5 specialist, and public service education teachers, based
6 primarily on successful occupational experience rather than
7 academic training. The qualifications for such teachers shall
8 require:

9 1. The filing of a complete set of fingerprints in the
10 same manner as required by s. 1012.32. Faculty employed solely
11 to conduct postsecondary instruction may be exempted from this
12 requirement.

13 2. Documentation of education and successful
14 occupational experience including documentation of:

15 a. A high school diploma or the equivalent.

16 b. Completion of 6 years of full-time successful
17 occupational experience or the equivalent of part-time
18 experience in the teaching specialization area. Alternate
19 means of determining successful occupational experience may be
20 established by the district school board.

21 c. Completion of career education training conducted
22 through the local school district inservice master plan.

23 d. For full-time teachers, completion of professional
24 education training in teaching methods, course construction,
25 lesson planning and evaluation, and teaching special needs
26 students. This training may be completed through coursework
27 from an accredited or approved institution or an approved
28 district teacher education program.

29 e. Demonstration of successful teaching performance.

30 (2) Substitute, adult education, and nondegreed career
31 education teachers who are employed pursuant to this section

1 shall have the same rights and protection of laws as certified
2 teachers.

3 (3) A student who is enrolled in a state-approved
4 teacher preparation program in a postsecondary educational
5 institution that is approved by rules of the State Board of
6 Education and who is jointly assigned by the postsecondary
7 educational institution and a district school board to perform
8 a clinical field experience under the direction of a regularly
9 employed and certified educator shall, while serving such
10 supervised clinical field experience, be accorded the same
11 protection of law as that accorded to the certified educator
12 except for the right to bargain collectively as an employee of
13 the district school board.

14 Section 716. Section 1012.40, Florida Statutes, is
15 created to read:

16 1012.40 Educational support employees.--

17 (1) As used in this section:

18 (a) "Educational support employee" means any person
19 employed by a district school system who is employed as a
20 teacher assistant, an education paraprofessional, a member of
21 the transportation department, a member of the operations
22 department, a member of the maintenance department, a member
23 of food service, a secretary, or a clerical employee, or any
24 other person who by virtue of his or her position of
25 employment is not required to be certified by the Department
26 of Education or district school board pursuant to s. 1012.39.
27 This section does not apply to persons employed in
28 confidential or management positions. This section applies to
29 all employees who are not temporary or casual and whose duties
30 require 20 or more hours in each normal working week.

31

1 **(b) "Employee" means any person employed as an**
2 **educational support employee.**

3 **(2)(a) Each educational support employee shall be**
4 **employed on probationary status for a period to be determined**
5 **through the appropriate collective bargaining agreement or by**
6 **district school board rule in cases where a collective**
7 **bargaining agreement does not exist.**

8 **(b) Upon successful completion of the probationary**
9 **period by the employee, the employee's status shall continue**
10 **from year to year unless the district school superintendent**
11 **terminates the employee for reasons stated in the collective**
12 **bargaining agreement, or in district school board rule in**
13 **cases where a collective bargaining agreement does not exist,**
14 **or reduces the number of employees on a districtwide basis for**
15 **financial reasons.**

16 **(c) In the event a district school superintendent**
17 **seeks termination of an employee, the district school board**
18 **may suspend the employee with or without pay. The employee**
19 **shall receive written notice and shall have the opportunity to**
20 **formally appeal the termination. The appeals process shall be**
21 **determined by the appropriate collective bargaining process or**
22 **by district school board rule in the event there is no**
23 **collective bargaining agreement.**

24 Section 717. Section 1012.41, Florida Statutes, is
25 created to read:

26 **1012.41 Employment of directors of career and**
27 **technical education.--In order to receive state funding, each**
28 **district school board that employs at least 15 full-time**
29 **equivalent career and technical teachers must employ a**
30 **director of career and technical education who meets the**
31 **certification requirements established by the State Board of**

1 Education. The directors shall be directly accountable to the
2 district school superintendent, or his or her designee, for
3 the planning and implementation of career and technical
4 programs. Two or more district school boards may employ a
5 single director.

6 Section 718. Section 1012.42, Florida Statutes, is
7 created to read:

8 1012.42 Teacher teaching out-of-field.--

9 (1) ASSISTANCE.--Each district school board shall
10 adopt and implement a plan to assist any teacher teaching
11 out-of-field, and priority consideration in professional
12 development activities shall be given to teachers who are
13 teaching out-of-field. The district school board shall require
14 that such teachers participate in a certification or staff
15 development program designed to provide the teacher with the
16 competencies required for the assigned duties. The
17 board-approved assistance plan must include duties of
18 administrative personnel and other instructional personnel to
19 provide students with instructional services. Each district
20 school board shall contact its regional workforce board,
21 created pursuant to s. 445.007, to identify resources that may
22 assist teachers who are teaching out-of-field and who are
23 pursuing certification.

24 (2) NOTIFICATION REQUIREMENTS.--When a teacher in a
25 district school system is assigned teaching duties in a class
26 dealing with subject matter that is outside the field in which
27 the teacher is certified, outside the field that was the
28 applicant's minor field of study, or outside the field in
29 which the applicant has demonstrated sufficient subject area
30 expertise, as determined by district school board policy in

31

1 the subject area to be taught, the parents of all students in
2 the class shall be notified in writing of such assignment.

3 Section 719. Section 1012.43, Florida Statutes, is
4 created to read:

5 1012.43 Career and technical teachers.--

6 (1) Career and technical teachers and other teachers
7 who qualify for certificates on the basis of nonacademic
8 preparation shall be entitled to all the contractual rights
9 and privileges now granted to other instructional personnel
10 holding equivalent certificates.

11 (2) A holder of a certificate based on nonacademic
12 preparation which entitled him or her to employment to teach
13 classes in career and technical or adult education shall not
14 be assigned to teach in a regular academic field of the
15 kindergarten through grade 12 school program.

16 Section 720. Section 1012.44, Florida Statutes, is
17 created to read:

18 1012.44 Qualifications for certain persons providing
19 speech-language services.--The State Board of Education shall
20 adopt rules for speech-language services to school districts
21 that qualify for the sparsity supplement as described in s.
22 1011.62(6). These services may be provided by baccalaureate
23 degree level persons for a period of 3 years. The rules shall
24 authorize the delivery of speech-language services by
25 baccalaureate degree level persons under the direction of a
26 certified speech-language pathologist with a master's degree
27 or higher. By October 1, 2003, these rules shall be reviewed
28 by the State Board of Education.

29 Section 721. Section 1012.45, Florida Statutes, is
30 created to read:

31 1012.45 School bus drivers; requirements and duties.--

1 (1) Each school bus driver must be of good moral
2 character, of good vision and hearing, able-bodied, free from
3 communicable disease, mentally alert, and sufficiently strong
4 physically to handle the bus with ease, and he or she must
5 possess other qualifications prescribed by the Commissioner of
6 Education, including those qualifications described in 49
7 C.F.R. s. 391, relating to physical qualifications and
8 examinations and 49 C.F.R. part 40 and part 382, relating to
9 controlled substance and alcohol use and testing, and he or
10 she must hold a valid commercial driver's license with a
11 passenger endorsement.

12 (2) Each school bus driver has the authority and
13 responsibility to control students during the time students
14 are on the school bus pursuant to s. 1006.10.

15 (3) The State Board of Education shall adopt rules
16 outlining requirements that school bus drivers must meet
17 before they are employed by district school boards.

18 (4) Each district school board may provide a school
19 bus driver training program and may make this program
20 available to private school bus drivers by contract.

21 Section 722. Section 1012.46, Florida Statutes, is
22 created to read:

23 1012.46 Athletic trainers.--

24 (1) School districts may establish and implement an
25 athletic injuries prevention and treatment program. Central to
26 this program should be the employment and availability of
27 persons trained in the prevention and treatment of physical
28 injuries which may occur during athletic activities. The
29 program should reflect opportunities for progressive
30 advancement and compensation in employment as provided in
31 subsection (2) and meet certain other minimum standards

1 developed by the Department of Education. The goal of the
2 Legislature is to have school districts employ and have
3 available a full-time teacher athletic trainer in each high
4 school in the state.

5 (2) To the extent practicable, a school district
6 program should include the following employment classification
7 and advancement scheme:

8 (a) First responder.--To qualify as a first responder,
9 a person must possess a professional, temporary, part-time,
10 adjunct, or substitute certificate pursuant to s. 1012.56, be
11 certified in cardiopulmonary resuscitation, first aid, and
12 have 15 semester hours in courses such as care and prevention
13 of athletic injuries, anatomy, physiology, nutrition,
14 counseling, and other similar courses approved by the
15 Commissioner of Education. This person may only administer
16 first aid and similar care.

17 (b) Teacher athletic trainer.--To qualify as a teacher
18 athletic trainer, a person must possess a professional,
19 temporary, part-time, adjunct, or substitute certificate
20 pursuant to s. 1012.35, s. 1012.56 or s. 1012.57, and be
21 licensed as required by part XIII of chapter 468.

22 Section 723. Part III.d. of chapter 1012, Florida
23 Statutes, shall be entitled "Educator Certification for Public
24 Schools; Renewal; Duties" and shall consist of ss.
25 1012.51-1012.595.

26 Section 724. Section 1012.51, Florida Statutes, is
27 created to read:

28 1012.51 Legislative intent; declaration.--It is the
29 intent and purpose of the Legislature that the practice of
30 teaching in the public school system and its related services,
31 including administering and supervisory services, shall be

1 designated as professional services. Teaching is hereby
2 declared to be a profession in Florida, with similar rights,
3 responsibilities, and privileges accorded other legally
4 recognized professions.

5 Section 725. Section 1012.52, Florida Statutes, is
6 created to read:

7 1012.52 Teacher quality; legislative findings.--

8 (1) The Legislature intends to implement a
9 comprehensive approach to increase students' academic
10 achievement and improve teaching quality. The Legislature
11 recognizes that professional educators play an important role
12 in shaping the future of this state and the nation by
13 developing the knowledge and skills of our future workforce
14 and laying the foundation for good citizenship and full
15 participation in community and civic life. The Legislature
16 also recognizes its role in meeting the state's educational
17 priorities so as to provide opportunity for all students to
18 achieve at the levels set by the Sunshine State Standards.

19 (2) The Legislature further finds that effective
20 educators are able to do the following:

21 (a) Write and speak in a logical and understandable
22 style, using appropriate grammar and sentence structure, and
23 demonstrate a command of standard English, enunciation,
24 clarity of oral directions, and pace and precision in
25 speaking.

26 (b) Read, comprehend, and interpret professional and
27 other written material.

28 (c) Compute, think logically, and solve problems.

29 (d) Recognize signs of students' difficulty with the
30 reading and computational process and apply appropriate

31

1 measures to improve students' reading and computational
2 performance.
3 (e) Recognize patterns of physical, social, emotional,
4 and intellectual development in students, including
5 exceptional students in the regular classroom.
6 (f) Recognize and demonstrate awareness of the
7 educational needs of students who have limited proficiency in
8 English and employ appropriate teaching strategies.
9 (g) Use and integrate appropriate technology in
10 teaching and learning processes and in managing, evaluating,
11 and improving instruction.
12 (h) Use assessment and other diagnostic strategies to
13 assist the continuous development and acquisition of knowledge
14 and understanding of the learner.
15 (i) Use teaching and learning strategies that include
16 consideration of each student's learning styles, needs, and
17 background.
18 (j) Demonstrate the ability to maintain a positive,
19 collaborative relationship with students' families to increase
20 student achievement.
21 (k) Recognize signs of tendency toward violence and
22 severe emotional distress in students and apply techniques of
23 crisis intervention.
24 (l) Recognize signs of alcohol and drug abuse in
25 students and know how to appropriately work with such students
26 and seek assistance designed to prevent future abuse.
27 (m) Recognize the physical and behavioral indicators
28 of child abuse and neglect and know rights and
29 responsibilities regarding reporting.
30
31

1 (n) Demonstrate the ability to maintain a positive
2 environment in the classroom while achieving order and
3 discipline.

4 (o) Demonstrate the ability to grade student
5 performance effectively.

6 (p) Demonstrate knowledge and understanding of the
7 value of, and strategies for, promoting parental involvement
8 in education.

9 Section 726. Section 1012.53, Florida Statutes, is
10 created to read:

11 1012.53 Duties of instructional personnel.--

12 (1) The primary duty of instructional personnel is to
13 work diligently and faithfully to help students meet or exceed
14 annual learning goals, to meet state and local achievement
15 requirements, and to master the skills required to graduate
16 from high school prepared for postsecondary education and
17 work. This duty applies to instructional personnel whether
18 they teach or function in a support role.

19 (2) Members of the instructional staff of the public
20 schools shall perform duties prescribed by rules of the
21 district school board. The rules shall include, but are not
22 limited to, rules relating to a teacher's duty to help
23 students master challenging standards and meet all state and
24 local requirements for achievement; teaching efficiently and
25 faithfully, using prescribed materials and methods, including
26 technology-based instruction; recordkeeping; and fulfilling
27 the terms of any contract, unless released from the contract
28 by the district school board.

29 Section 727. Section 1012.54, Florida Statutes, is
30 created to read:

31

1 1012.54 Purpose of instructional personnel
2 certification.--It is the intent of the Legislature that
3 school personnel certified in this state possess the
4 credentials, knowledge, and skills necessary to allow the
5 opportunity for a high-quality education in the public
6 schools. The purpose of school personnel certification is to
7 protect the educational interests of students, parents, and
8 the public at large by assuring that teachers in this state
9 are professionally qualified. In fulfillment of its duty to
10 the citizens of this state, the Legislature has established
11 certification requirements to assure that educational
12 personnel in public schools possess appropriate skills in
13 reading, writing, and mathematics, and adequate pedagogical
14 knowledge, including the use of technology to enhance student
15 learning, and relevant subject matter competence so as to
16 demonstrate an acceptable level of professional performance.
17 Further, the Legislature has established a certificate renewal
18 process which promotes the continuing professional improvement
19 of school personnel, thereby enhancing public education in all
20 areas of the state.

21 Section 728. Section 1012.55, Florida Statutes, is
22 created to read:

23 1012.55 Positions for which certificates required.--
24 (1) The State Board of Education shall classify school
25 services, designate the certification subject areas, establish
26 competencies, including the use of technology to enhance
27 student learning, and certification requirements for all
28 school-based personnel, and adopt rules in accordance with
29 which the professional, temporary, and part-time certificates
30 shall be issued by the Department of Education to applicants
31 who meet the standards prescribed by such rules for their

1 class of service. Each person employed or occupying a position
2 as school supervisor, school principal, teacher, library media
3 specialist, school counselor, athletic coach, or other
4 position in which the employee serves in an instructional
5 capacity, in any public school of any district of this state
6 shall hold the certificate required by law and by rules of the
7 State Board of Education in fulfilling the requirements of the
8 law for the type of service rendered. However, the state board
9 shall adopt rules authorizing district school boards to employ
10 selected noncertificated personnel to provide instructional
11 services in the individuals' fields of specialty or to assist
12 instructional staff members as education paraprofessionals.

13 (2) Each person who is employed and renders service as
14 an athletic coach in any public school in any district of this
15 state shall hold a valid temporary or professional certificate
16 or an athletic coaching certificate. The athletic coaching
17 certificate may be used for either part-time or full-time
18 positions. The provisions of this subsection do not apply to
19 any athletic coach who voluntarily renders service and who is
20 not employed by any public school district of this state.

21 (3) Each person employed as a school nurse shall hold
22 a license to practice nursing in the state, and each person
23 employed as a school physician shall hold a license to
24 practice medicine in the state.

25 (4) A commissioned or noncommissioned military officer
26 who is an instructor of junior reserve officer training shall
27 be exempt from requirements for teacher certification, except
28 for the filing of fingerprints pursuant to s. 1012.32, if he
29 or she meets the following qualifications:

30 (a) Is retired from active military duty, pursuant to
31 chapter 102 of Title 10, U.S.C.

1 **(b) Satisfies criteria established by the appropriate**
2 **military service for certification by the service as a junior**
3 **reserve officer training instructor.**

4 **(c) Has an exemplary military record.**

5
6 **If such instructor is assigned instructional duties other than**
7 **junior reserve officer training, he or she shall hold the**
8 **certificate required by law and rules of the state board for**
9 **the type of service rendered.**

10 Section 729. Effective July 1, 2002, section 1012.56,
11 Florida Statutes, is created to read:

12 **1012.56 Educator certification requirements.--**

13 **(1) APPLICATION.--Each person seeking certification**
14 **pursuant to this chapter shall submit a completed application**
15 **containing the applicant's social security number to the**
16 **Department of Education and remit the fee required pursuant to**
17 **s. 1012.59 and rules of the State Board of Education. Pursuant**
18 **to the federal Personal Responsibility and Work Opportunity**
19 **Reconciliation Act of 1996, each party is required to provide**
20 **his or her social security number in accordance with this**
21 **section. Disclosure of social security numbers obtained**
22 **through this requirement shall be limited to the purpose of**
23 **administration of the Title IV-D program of the Social**
24 **Security Act for child support enforcement. Pursuant to s.**
25 **120.60, the department shall issue within 90 calendar days**
26 **after the stamped receipted date of the completed application:**

27 **(a) A certificate covering the classification, level,**
28 **and area for which the applicant is deemed qualified; or**

29 **(b) An official statement of status of eligibility.**

30 **The statement of status of eligibility must advise the**
31 **applicant of any qualifications that must be completed to**

1 qualify for certification. Each statement of status of
2 eligibility is valid for 2 years after its date of issuance,
3 except as provided in paragraph (2)(d). A statement of status
4 of eligibility may be reissued for one additional 2-year
5 period if application is made while the initial statement of
6 status of eligibility is valid or within 1 year after the
7 initial statement expires, and if the certification subject
8 area is authorized to be issued by the state board at the time
9 the application requesting a reissued statement of status of
10 eligibility is received.

11 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
12 certification pursuant to this chapter, a person must:

13 (a) Be at least 18 years of age.

14 (b) File a written statement, under oath, that the
15 applicant subscribes to and will uphold the principles
16 incorporated in the Constitution of the United States and the
17 Constitution of the State of Florida.

18 (c) Document receipt of a bachelor's or higher degree
19 from an accredited institution of higher learning, or a
20 nonaccredited institution of higher learning that the
21 Department of Education has identified as having a quality
22 program resulting in a bachelor's degree, or higher. Each
23 applicant seeking initial certification must have attained at
24 least a 2.5 overall grade point average on a 4.0 scale in the
25 applicant's major field of study. The applicant may document
26 the required education by submitting official transcripts from
27 institutions of higher education or by authorizing the direct
28 submission of such official transcripts through established
29 electronic network systems. The bachelor's or higher degree
30 may not be required in areas approved in rule by the State
31 Board of Education as nondegreed areas.

1 (d) Submit to a fingerprint check from the Department
2 of Law Enforcement and the Federal Bureau of Investigation
3 pursuant to s. 1012.32. If the fingerprint reports indicate a
4 criminal history or if the applicant acknowledges a criminal
5 history, the applicant's records shall be referred to the
6 Bureau of Educator Standards for review and determination of
7 eligibility for certification. If the applicant fails to
8 provide the necessary documentation requested by the Bureau of
9 Educator Standards within 90 days after the date of the
10 receipt of the certified mail request, the statement of
11 eligibility and pending application shall become invalid.

12 (e) Be of good moral character.

13 (f) Be competent and capable of performing the duties,
14 functions, and responsibilities of an educator.

15 (g) Demonstrate mastery of general knowledge, pursuant
16 to subsection (3).

17 (h) Demonstrate mastery of subject area knowledge,
18 pursuant to subsection (4).

19 (i) Demonstrate mastery of professional preparation
20 and education competence, pursuant to subsection (5).

21 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
22 demonstrating mastery of general knowledge are:

23 (a) Achievement of passing scores on basic skills
24 examination required by state board rule;

25 (b) Achievement of passing scores on the College Level
26 Academic Skills Test earned prior to July 1, 2002;

27 (c) A valid standard teaching certificate issued by
28 another state that requires an examination of mastery of
29 general knowledge;

30
31

- 1 (d) A valid standard teaching certificate issued by
2 another state and valid certificate issued by the National
3 Board for Professional Teaching Standards; or
4 (e) A valid standard teaching certificate issued by
5 another state and documentation of 2 years of continuous
6 successful full-time teaching or administrative experience
7 during the 5-year period immediately preceding the date of
8 application for certification.
- 9 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable
10 means of demonstrating mastery of subject area knowledge are:
11 (a) Achievement of passing scores on subject area
12 examinations required by state board rule;
13 (b) Completion of the subject area specialization
14 requirements specified in state board rule and verification of
15 the attainment of the essential subject matter competencies by
16 the district school superintendent of the employing school
17 district or chief administrative officer of the employing
18 state-supported or private school for a subject area for which
19 a subject area examination has not been developed and required
20 by state board rule;
21 (c) Completion of the graduate level subject area
22 specialization requirements specified in state board rule for
23 a subject coverage requiring a master's or higher degree and
24 achievement of a passing score on the subject area examination
25 specified in state board rule;
26 (d) A valid standard teaching certificate issued by
27 another state that requires an examination of mastery of
28 subject area knowledge;
29 (e) A valid standard teaching certificate issued by
30 another state and valid certificate issued by the National
31 Board for Professional Teaching Standards; or

- 1 (f) A valid standard teaching certificate issued by
2 another state and documentation of 2 years of continuous
3 successful full-time teaching or administrative experience
4 during the 5-year period immediately preceding the date of
5 application for certification.
- 6 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
7 COMPETENCE.--Acceptable means of demonstrating mastery of
8 professional preparation and education competence are:
- 9 (a) Completion of an approved teacher preparation
10 program at a postsecondary educational institution within this
11 state and achievement of a passing score on the professional
12 education competency examination required by state board rule;
- 13 (b) Completion of a teacher preparation program at a
14 postsecondary educational institution outside Florida and
15 achievement of a passing score on the professional education
16 competency examination required by state board rule;
- 17 (c) A valid standard teaching certificate issued by
18 another state that requires an examination of mastery of
19 professional education competence;
- 20 (d) A valid standard teaching certificate issued by
21 another state and valid certificate issued by the National
22 Board for Professional Teaching Standards;
- 23 (e) A valid standard teaching certificate issued by
24 another state and documentation of 2 years of continuous
25 successful full-time teaching or administrative experience
26 during the 5-year period immediately preceding the date of
27 application for certification;
- 28 (f) Completion of professional preparation courses as
29 specified in state board rule, successful completion of a
30 professional education competence demonstration program
31 pursuant to paragraph (7)(b), and achievement of a passing

1 score on the professional education competency examination
2 required by state board rule; or
3 (g) Successful completion of a professional
4 preparation alternative certification and education competency
5 program, outlined in paragraph (7)(a).
6 (6) TYPES AND TERMS OF CERTIFICATION.--
7 (a) The Department of Education shall issue a
8 professional certificate for a period not to exceed 5 years to
9 any applicant who meets all the requirements outlined in
10 subsection (2).
11 (b) The department shall issue a temporary certificate
12 to any applicant who completes the requirements outlined in
13 paragraphs (2)(a)-(f) and completes the subject area content
14 requirements specified in state board rule or demonstrates
15 mastery of subject area knowledge pursuant to subsection (4)
16 and holds an accredited degree or a degree approved by the
17 Department of Education at the level required for the subject
18 area specialization in state board rule.
19 (c) The department shall issue one nonrenewable 2-year
20 temporary certificate and one nonrenewable 5-year professional
21 certificate to a qualified applicant who holds a bachelor's
22 degree in the area of speech-language impairment to allow for
23 completion of a master's degree program in speech-language
24 impairment.
25
26 Each temporary certificate is valid for 3 school fiscal years
27 and is nonrenewable. However, the requirement in paragraph
28 (2)(g) must be met within 1 calendar year of the date of
29 employment under the temporary certificate. Individuals who
30 are employed under contract at the end of the 1 calendar year
31 time period may continue to be employed through the end of the

1 school year in which they have been contracted. A school
2 district shall not employ, or continue the employment of, an
3 individual in a position for which a temporary certificate is
4 required beyond this time period if the individual has not met
5 the requirement of paragraph (2)(g). The State Board of
6 Education shall adopt rules to allow the department to extend
7 the validity period of a temporary certificate for 2 years
8 when the requirements for the professional certificate, not
9 including the requirement in paragraph (2)(g), were not
10 completed due to the serious illness or injury of the
11 applicant or other extraordinary extenuating circumstances.
12 The department shall reissue the temporary certificate for 2
13 additional years upon approval by the Commissioner of
14 Education. A written request for reissuance of the certificate
15 shall be submitted by the district school superintendent, the
16 governing authority of a university lab school, the governing
17 authority of a state-supported school, or the governing
18 authority of a private school.

19 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION
20 AND EDUCATION COMPETENCY PROGRAM.--

21 (a) The Department of Education shall develop and each
22 school district must provide a cohesive competency-based
23 professional preparation alternative certification program by
24 which members of a school district's instructional staff may
25 satisfy the mastery of professional preparation and education
26 competence requirements specified in this subsection and rules
27 of the State Board of Education. Participants must hold a
28 state-issued temporary certificate. A school district shall
29 provide a competency-based alternative certification
30 preparation program developed by the Department of Education

31

1 or developed by the district and approved by the Department of
2 Education. The program shall include the following components:
3 1. A minimum period of initial preparation prior to
4 assuming duties as the teacher of record.
5 2. An option for collaboration between school
6 districts and other supporting agencies for implementation.
7 3. Experienced peer mentors.
8 4. An assessment that provides for:
9 a. An initial evaluation of each educator's
10 competencies to determine an appropriate individualized
11 professional development plan.
12 b. A postevaluation to assure successful completion of
13 the program.
14 5. Professional education preparation content
15 knowledge that includes, but is not limited to, the following:
16 a. Requirements specified in state board rule for
17 professional preparation.
18 b. The educator-accomplished practices approved by the
19 state board.
20 c. A variety of data indicators for student progress.
21 d. Methodologies, including technology-based
22 methodologies, for teaching subject content that supports the
23 Sunshine State Standards for students.
24 e. Techniques for effective classroom management.
25 f. Techniques and strategies for operationalizing the
26 role of the teacher in assuring a safe learning environment
27 for students.
28 g. Methodologies for assuring the ability of all
29 students to read, write, and compute.
30
31

1 6. Required achievement of passing scores on the
2 professional education competency examination required by
3 state board rule.

4 (b) Each school district must and a state supported
5 public school or a private school may develop and maintain a
6 system by which members of the instructional staff may
7 demonstrate mastery of professional education competence as
8 required by law. Each program must be based on classroom
9 application and instructional performance and must include a
10 performance evaluation plan for documenting the demonstration
11 of required professional education competence.

12 (8) EXAMINATIONS.--

13 (a) The Commissioner of Education, with the approval
14 of the State Board of Education, may contract for developing,
15 printing, administering, scoring, and appropriate analysis of
16 the written examinations required.

17 (b) The State Board of Education shall, by rule,
18 specify the examination scores that are required for the
19 issuance of a professional certificate and temporary
20 certificate. Such rules must define generic subject area
21 competencies and must establish uniform evaluation guidelines.

22 (c) The State Board of Education shall designate the
23 certification areas for subject area examinations. All
24 required examinations may be taken prior to graduation.

25 (d) If an applicant takes an examination developed by
26 this state and does not achieve the score necessary for
27 certification, the applicant may review his or her completed
28 examination and bring to the attention of the department any
29 errors that would result in a passing score.

30 (e) For any examination developed by this state, the
31 Department of Education and the State Board of Education shall

1 maintain confidentiality of the examination, developmental
2 materials, and workpapers, which are exempt from s. 119.07(1).

3 (f) The examinations used for demonstration of mastery
4 of general knowledge, professional education competence, and
5 subject area knowledge shall be aligned with student standards
6 approved by the state board. The delivery system for these
7 examinations shall provide for overall efficiency,
8 user-friendly application, reasonable accessibility to
9 prospective teachers, and prompt attainment of examination
10 results. The examination of competency for demonstration of
11 subject area knowledge shall be sufficiently comprehensive to
12 assess subject matter expertise for individuals who have
13 acquired subject knowledge either through college credit or by
14 other means.

15 (g) All examination instruments, including
16 developmental materials and workpapers directly related
17 thereto, which are prepared, prescribed, or administered
18 pursuant to this section shall be confidential and exempt from
19 the provisions of s. 119.07(1) and from s. 1001.52. Provisions
20 governing access to, maintenance of, and destruction of such
21 instruments and related materials shall be prescribed by rules
22 of the State Board of Education.

23 (9) NONCITIZENS.--

24 (a) The State Board of Education may adopt rules for
25 issuing certificates to noncitizens who are needed to teach
26 and who are legally admitted to the United States through the
27 United States Immigration and Naturalization Service. The
28 filing of a written oath to uphold the principles of the
29 Constitution of the United States and the Constitution of the
30 State of Florida, required under paragraph (2)(b), does not
31 apply to individuals assigned to teach on an exchange basis.

1 (b) A certificate may not be issued to a citizen of a
2 nation controlled by forces that are antagonistic to
3 democratic forms of government, except to an individual who
4 has been legally admitted to the United States through the
5 United States Immigration and Naturalization Service.

6 (10) DENIAL OF CERTIFICATE.--

7 (a) The Department of Education may deny an applicant
8 a certificate if the department possesses evidence
9 satisfactory to it that the applicant has committed an act or
10 acts, or that a situation exists, for which the Education
11 Practices Commission would be authorized to revoke a teaching
12 certificate.

13 (b) The decision of the department is subject to
14 review by the Education Practices Commission upon the filing
15 of a written request from the applicant within 20 days after
16 receipt of the notice of denial.

17 (11) STATE BOARD RULES.--The State Board of Education
18 shall adopt rules pursuant to ss. 120.536 and 120.54, as
19 necessary to implement this section.

20 (12) PRIOR APPLICATION.--Persons who apply for
21 certification are governed by the law and rules in effect at
22 the time of application for issuance of the initial
23 certificate, provided that continuity of certificates is
24 maintained.

25 (13) PERSONNEL RECORDS.--The Department of Education
26 shall maintain a complete statement of the academic
27 preparation, professional training, and teaching experience of
28 each person to whom a certificate is issued. The applicant or
29 the district school superintendent shall furnish the
30 information using a format or forms provided by the
31 department.

1 (14) AUTHORITY OF COMMISSIONER.--The Commissioner of
2 Education may make decisions regarding an applicant's
3 certification under extenuating circumstances not otherwise
4 provided for in statute or by rule. However, an applicant for
5 certification approved by the commissioner must possess the
6 credentials, knowledge, and skills necessary to provide
7 quality education in the public schools.

8 (15) COMPARISON OF ROUTES TO A PROFESSIONAL
9 CERTIFICATE.--Beginning with the 2003-2004 school year, the
10 Department of Education shall conduct a longitudinal study to
11 compare performance of certificateholders who are employed in
12 Florida school districts. The study shall compare a sampling
13 of educators who have qualified for a professional certificate
14 since July 1, 2002, based on the following:

15 (a) Graduation from a state-approved teacher
16 preparation program.

17 (b) Completion of a state-approved professional
18 preparation and education competency program.

19 (c) A valid standard teaching certificate issued by a
20 state other than Florida.

21
22 The department comparisons shall be made to determine if there
23 is any significant difference in the performance of these
24 groups of teachers, as measured by their students' achievement
25 levels and learning gains as measured by s. 1008.22.

26 Section 730. Section 1012.565, Florida Statutes, is
27 created to read:

28 1012.565 Educator certification for blind and visually
29 impaired students.--As a part of the certification process,
30 teachers certified in the education of blind and visually
31 impaired students shall be required to demonstrate competence

1 in reading, writing, and teaching braille pursuant to
2 standards adopted by the Department of Education, comparable
3 to the braille reading and writing standards adopted by the
4 National Library Service for the Blind and Physically
5 Handicapped, Library of Congress, Washington, D.C. The
6 department shall ensure that teachers of students with visual
7 impairments have access to inservice instruction for the
8 purpose of updating their braille skill competence.

9 Section 731. Section 1012.57, Florida Statutes, is
10 created to read:

11 1012.57 Certification of adjunct educators.--

12 (1) Notwithstanding the provisions of ss. 1012.32,
13 1012.55, and 1012.56, or any other provision of law or rule to
14 the contrary, district school boards may issue an adjunct
15 teaching certificate to any applicant who fulfills the
16 requirements of s. 1012.56(2)(a)-(f) and who has expertise in
17 the subject area to be taught. An applicant shall be
18 considered to have expertise in the subject area to be taught
19 if the applicant has at least a minor in the subject area or
20 demonstrates sufficient subject area mastery as determined by
21 district school board policy. The adjunct teaching certificate
22 shall be used for part-time teaching positions. The intent of
23 this provision is to allow school districts to tap the wealth
24 of talent and expertise represented in Florida's citizens who
25 may wish to teach part-time in a Florida public school by
26 permitting school districts to issue adjunct certificates.
27 Adjunct certificateholders should be used as a strategy to
28 reduce the teacher shortage; thus, adjunct certificateholders
29 should supplement a school's instructional staff, not supplant
30 it. Each school principal shall assign an experienced peer
31 mentor to assist the adjunct teaching certificateholder during

1 the certificateholder's first year of teaching, and an adjunct
2 certificateholder may participate in a district's new teacher
3 training program. District school boards shall provide the
4 adjunct teaching certificateholder an orientation in classroom
5 management prior to assigning the certificateholder to a
6 school. Each adjunct teaching certificate is valid for 5
7 school years and is renewable if:

8 (a) The applicant completes a minimum of 60 inservice
9 points or 3 semester hours of college credit. The earned
10 credits must include instruction in classroom management,
11 district school board procedures, school culture, and other
12 activities that enhance the professional teaching skills of
13 the certificateholder.

14 (b) The applicant has received satisfactory
15 performance evaluations during each year of teaching under
16 adjunct teaching certification.

17 (2) Individuals who are certified and employed
18 pursuant to this section shall have the same rights and
19 protection of laws as teachers certified pursuant to s.
20 1012.56.

21 Section 732. Section 1012.575, Florida Statutes, is
22 created to read:

23 1012.575 Alternative preparation programs for
24 certified teachers to add additional coverage.--A district
25 school board may design alternative teacher preparation
26 programs to enable persons already certificated to add an
27 additional coverage to their certificates. Each alternative
28 teacher preparation program shall be reviewed and approved by
29 the Department of Education to assure that persons who
30 complete the program are competent in the necessary areas of
31 subject matter specialization. Two or more school districts

1 may jointly participate in an alternative preparation program
2 for teachers.

3 Section 733. Section 1012.58, Florida Statutes, is
4 created to read:

5 1012.58 Transition to Teaching Program.--

6 (1) LEGISLATIVE INTENT.--The Transition to Teaching
7 Program is created to encourage and assist midcareer
8 professionals who want to become teachers.

9 (2) GRANTS; ELIGIBLE APPLICANTS.--

10 (a) The Commissioner of Education shall design the
11 process for receiving and evaluating grant proposals in
12 accordance with state and federal appropriations guidelines.
13 Grants may be awarded only to the extent that funding is
14 provided.

15 (b) The Commissioner of Education shall request
16 proposals from eligible applicants to participate in the
17 program. Each application must:

18 1. Describe the target group of career-changing
19 professionals upon which the applicant will focus in carrying
20 out its program, including a description of the
21 characteristics of the target group that shows how the
22 knowledge and experience of its members are likely to improve
23 their ability to become effective teachers.

24 2. Describe how the applicant will identify and
25 recruit program participants.

26 3. Describe how the applicant will ensure that program
27 participants are placed and teach in eligible school districts
28 in this state.

29 4. Describe the teacher support services that program
30 participants will receive throughout at least their first year
31 of teaching.

1 5. Describe how the applicant will collaborate with
2 other institutions, agencies, or organizations to recruit,
3 train, place, and support program participants, including
4 evidence of the commitment of those institutions, agencies, or
5 organizations to the applicant's program.

6 (c) The Commissioner of Education must require an
7 evaluation process to measure the progress and effectiveness
8 of the program. This evaluation must include:

9 1. The program's goals and objectives.

10 2. The performance indicators that the applicant will
11 use to measure the program's progress.

12 3. The outcome measures that will be used to determine
13 the program's effectiveness.

14 4. An assurance that the applicant will provide the
15 commissioner with information the commissioner finds necessary
16 to determine the overall effectiveness of the programs.

17 (3) PROGRAM IMPLEMENTATION; AUTHORIZED EXPENDITURES.--

18 (a) An applicant shall estimate the funds required for
19 the proposed program. All funds provided for a program must be
20 used as authorized in federal guidelines.

21 (b) Eligible applicants are encouraged to implement
22 the program using the following components:

23 1. Recruiting program participants, including
24 informing them of opportunities under the program and putting
25 them in contact with other institutions, agencies, or
26 organizations that will train, place, and support them in the
27 teaching profession.

28 2. Assisting providers of teacher training to tailor
29 their training to meet the particular needs of professionals
30 who are changing their careers to teaching.

31

1 3. Placement activities, including identifying
2 eligible local education agencies with a need for the skills
3 and characteristics of the newly trained program participants
4 and assisting those participants to obtain employment in those
5 school districts.

6 4. Post-placement support activities for program
7 participants.

8 (4) ELIGIBLE PARTICIPANTS; REQUIREMENTS FOR GRANT
9 REPAYMENT.--

10 (a) Each participant who receives a grant from the
11 program to pursue a teacher preparation program must agree to
12 teach in an eligible school district in this state for at
13 least 3 years after certification. To be eligible, a school
14 district must meet the requirements established in regulations
15 that implement the Omnibus Appropriations Bill of 2000.

16 (b) The commissioner shall establish conditions under
17 which a participant must repay all or a portion of the
18 training stipend if the participant fails to complete his or
19 her service obligation.

20 Section 734. Section 1012.585, Florida Statutes, is
21 created to read:

22 1012.585 Process for renewal of professional
23 certificates.--

24 (1)(a) District school boards in this state shall
25 renew state-issued professional certificates as follows:

26 1. Each district school board shall renew state-issued
27 professional certificates for individuals who hold a
28 professional certificate by this state and are employed by
29 that district pursuant to criteria established in subsections
30 (2), (3), and (4) and rules of the State Board of Education.

31

1 2. The employing school district may charge the
2 individual an application fee not to exceed the amount charged
3 by the Department of Education for such services, including
4 associated late renewal fees. Each district school board
5 shall transmit monthly to the department a fee in an amount
6 established by the State Board of Education for each renewed
7 certificate. The fee shall not exceed the actual cost for
8 maintenance and operation of the statewide certification
9 database and for the actual costs incurred in printing and
10 mailing such renewed certificates. As defined in current rules
11 of the state board, the department shall contribute a portion
12 of such fee for purposes of funding the Educator Recovery
13 Network established in s. 1012.798. The department shall
14 deposit all funds into the Educational Certification Trust
15 Fund for use as specified in s. 1012.59.

16 (b) The department shall renew state-issued
17 professional certificates for individuals who are not employed
18 by a district school board of this state pursuant to criteria
19 established in subsections (2), (3), and (4) and requirements
20 specified in rules of the state board.

21 (2)(a) All professional certificates, except a
22 nonrenewable professional certificate, shall be renewable for
23 successive periods not to exceed 5 years after the date of
24 submission of documentation of completion of the requirements
25 for renewal provided in subsection (3). Only one renewal may
26 be granted during each 5-year validity period of a
27 professional certificate.

28 (b) A teacher with national certification from the
29 National Board for Professional Teaching Standards is deemed
30 to meet state renewal requirements for the life of the
31

1 teacher's national certificate in the subject shown on the
2 national certificate.

3 (c) If the renewal application form is not received by
4 the department or by the employing school district before the
5 expiration of the professional certificate, the application
6 form, application fee, and a late fee must be submitted before
7 July 1 of the year following expiration of the certificate in
8 order to renew the professional certificate.

9 (d) The State Board of Education shall adopt rules to
10 allow a 1-year extension of the validity period of a
11 professional certificate in the event of serious illness,
12 injury, or other extraordinary extenuating circumstances of
13 the applicant. The department shall grant such 1-year
14 extension upon written request by the applicant or by the
15 district school superintendent or the governing authority of a
16 university lab school, state-supported school, or private
17 school that employs the applicant.

18 (3) For the renewal of a professional certificate, the
19 following requirements must be met:

20 (a) The applicant must earn a minimum of 6 college
21 credits or 120 inservice points or a combination thereof. For
22 each area of specialization to be retained on a certificate,
23 the applicant must earn at least 3 of the required credit
24 hours or equivalent inservice points in the specialization
25 area. Education in "clinical educator" training pursuant to s.
26 1004.04(5)(b) and credits or points that provide training in
27 the area of exceptional student education, normal child
28 development, and the disorders of development may be applied
29 toward any specialization area. Credits or points that provide
30 training in the areas of drug abuse, child abuse and neglect,
31 strategies in teaching students having limited proficiency in

1 English, or dropout prevention, or training in areas
2 identified in the educational goals and performance standards
3 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied
4 toward any specialization area. Credits or points earned
5 through approved summer institutes may be applied toward the
6 fulfillment of these requirements. Inservice points may also
7 be earned by participation in professional growth components
8 approved by the State Board of Education and specified
9 pursuant to s. 1012.98 in the district's approved master plan
10 for inservice educational training, including, but not limited
11 to, serving as a trainer in an approved teacher training
12 activity, serving on an instructional materials committee or a
13 state board or commission that deals with educational issues,
14 or serving on an advisory council created pursuant to s.
15 229.58.

16 (b) In lieu of college course credit or inservice
17 points, the applicant may renew a specialization area by
18 passage of a state board approved subject area test.

19 (c) If an applicant wishes to retain more than two
20 specialization areas on the certificate, the applicant shall
21 be permitted two successive validity periods for renewal of
22 all specialization areas, but must earn no fewer than 6
23 college course credit hours or the equivalent in any one
24 validity period.

25 (d) The State Board of Education shall adopt rules for
26 the expanded use of training for renewal of the professional
27 certificate for educators who are required to complete
28 training in teaching students of limited English proficiency
29 as follows:

30 1. A teacher who holds a professional certificate may
31 use college credits or inservice points completed in

1 English-for-Speakers-of-Other-Languages training in excess of
2 6 semester hours during one certificate-validity period toward
3 renewal of the professional certificate during the subsequent
4 validity periods.

5 2. A teacher who holds a temporary certificate may use
6 college credits or inservice points completed in
7 English-for-Speakers-of-Other-Languages training toward
8 renewal of the teacher's first professional certificate. Such
9 training must not have been included within the degree
10 program, and the teacher's temporary and professional
11 certificates must be issued for consecutive school years.

12 (4) When any person who holds a valid temporary
13 certificate or professional certificate is called into or
14 volunteers for actual wartime service or required peacetime
15 military service training, the certificate shall be renewed
16 for a period of time equal to the time spent in military
17 service if the person makes proper application and presents
18 substantiating evidence to the department or the employing
19 school district regarding such military service.

20 (5) The State Board of Education shall adopt rules to
21 allow the reinstatement of expired professional certificates.
22 The department may reinstate an expired professional
23 certificate if the certificateholder:

24 (a) Submits an application for reinstatement of the
25 expired certificate.

26 (b) Documents completion of 6 college credits during
27 the 5 years immediately preceding reinstatement of the expired
28 certificate, completion of 120 inservice points, or a
29 combination thereof, in an area specified in paragraph (3)(a).

30 (c) During the 5 years immediately preceding
31 reinstatement of the certificate, achieves a passing score on

1 the subject area test for each subject to be shown on the
2 reinstated certificate.

3
4 The requirements of this subsection may not be satisfied by
5 subject area tests or college credits completed for issuance
6 of the certificate that has expired.

7 Section 735. Section 1012.59, Florida Statutes, is
8 created to read:

9 1012.59 Certification fees.--

10 (1) The State Board of Education, by rule, shall
11 establish separate fees for applications, examinations,
12 certification, certification renewal, late renewal,
13 recordmaking, and recordkeeping, and may establish procedures
14 for scheduling and administering an examination upon an
15 applicant's request. Each fee shall be based on department
16 estimates of the revenue required to implement the provisions
17 of law with respect to certification of school personnel. The
18 application fee shall be nonrefundable. Each examination fee
19 shall be sufficient to cover the actual cost of developing and
20 administering the examination, but shall not exceed \$100 for
21 an examination.

22 (2) The proceeds from the collection of certification
23 fees, fines, penalties, and costs levied pursuant to this
24 chapter shall be remitted by the Department of Education to
25 the Treasurer for deposit into a separate fund to be known as
26 the "Educational Certification and Service Trust Fund" and
27 disbursed for the payment of expenses incurred by the
28 Educational Practices Commission and in the printing of forms
29 and bulletins and the issuing of certificates, upon vouchers
30 approved by the department.

31

1 Section 736. Section 1012.595, Florida Statutes, is
2 created to read:

3 1012.595 Saving clause.--Each applicant who was issued
4 a certificate by the Department of Education prior to June 25,
5 1986, shall be entitled to hold such certificate. Henceforth,
6 such certificate shall be renewed in accordance with the
7 provisions of chapter 86-156, Laws of Florida. No judicial or
8 administrative proceeding against a holder of a certificate
9 shall be abated as a result of this chapter.

10 Section 737. Part III.e. of chapter 1012, Florida
11 Statutes, shall be entitled "Leave, Retirement, Workers'
12 Compensation in Public Schools" and shall consist of ss.
13 1012.61-1012.695.

14 Section 738. Section 1012.61, Florida Statutes, is
15 created to read:

16 1012.61 Sick leave.--

17 (1) ELIGIBILITY.--Any member of the instructional
18 staff or any other employee of a district school system
19 employed on a full-time basis in the public schools of the
20 state who is unable to perform his or her duty in the school
21 on account of personal sickness, accident disability, or
22 extended personal illness, or because of illness or death of
23 father, mother, brother, sister, husband, wife, child, other
24 close relative, or member of his or her own household, and
25 consequently has to be absent from his or her work shall be
26 granted leave of absence for sickness by the district school
27 superintendent or by someone designated in writing by the
28 district school superintendent to do so.

29 (2) PROVISIONS GOVERNING SICK LEAVE.--The following
30 provisions shall govern sick leave:

31 (a) Extent of leave.--

1 1. Each member of the instructional staff employed on
2 a full-time basis is entitled to 4 days of sick leave as of
3 the first day of employment of each contract year and shall
4 thereafter earn 1 day of sick leave for each month of
5 employment, which shall be credited to the member at the end
6 of that month and which may not be used before it is earned
7 and credited to the member. Each other employee shall be
8 credited with 4 days of sick leave at the end of the first
9 month of employment of each contract year and shall thereafter
10 be credited for 1 day of sick leave for each month of
11 employment, which shall be credited to the employee at the end
12 of the month and which may not be used before it is earned and
13 credited to the employee. However, each member of the
14 instructional staff and each other employee is entitled to
15 earn no more than 1 day of sick leave times the number of
16 months of employment during the year of employment. If the
17 employee terminates his or her employment and has not accrued
18 the 4 days of sick leave available to him or her, the district
19 school board may withhold the average daily amount for the
20 days of sick leave used but unearned by the employee. Such
21 leave may be taken only when necessary because of sickness as
22 prescribed in this section. The sick leave shall be
23 cumulative from year to year. There shall be no limit on the
24 number of days of sick leave which a member of the
25 instructional staff or an educational support employee may
26 accrue, except that at least one-half of this cumulative leave
27 must be established within the district granting such leave.

28 2. A district school board may establish policies and
29 prescribe standards to permit an employee to be absent 6 days
30 each school year for personal reasons. However, such absences
31

1 for personal reasons must be charged only to accrued sick
2 leave, and leave for personal reasons is noncumulative.
3 3. District school boards may adopt rules permitting
4 the annual payment for accumulated sick leave that is earned
5 for that year and that is unused at the end of the school
6 year, based on the daily rate of pay of the employee
7 multiplied by up to 80 percent. Days for which such payment
8 is received shall be deducted from the accumulated leave
9 balance. Such annual payment may apply only to instructional
10 staff and educational support employees.
11 4. A district school board may establish policies to
12 provide terminal pay for accumulated sick leave to
13 instructional staff and educational support employees of the
14 district school board. If termination of employment is by
15 death of the employee, any terminal pay to which the employee
16 may have been entitled may be made to his or her beneficiary.
17 However, such terminal pay may not exceed an amount determined
18 as follows:
19 a. During the first 3 years of service, the daily rate
20 of pay multiplied by 35 percent times the number of days of
21 accumulated sick leave.
22 b. During the next 3 years of service, the daily rate
23 of pay multiplied by 40 percent times the number of days of
24 accumulated sick leave.
25 c. During the next 3 years of service, the daily rate
26 of pay multiplied by 45 percent times the number of days of
27 accumulated sick leave.
28 d. During the next 3 years of service, the daily rate
29 of pay multiplied by 50 percent times the number of days of
30 accumulated sick leave.
31

1 e. During and after the 13th year of service, the
2 daily rate of pay multiplied by 100 percent times the number
3 of days of accumulated sick leave.

4 5. A district school board may establish policies to
5 provide terminal pay for accumulated sick leave to any
6 full-time employee of the district school board other than
7 instructional staff or educational support employees as
8 defined in this section. If termination of the employee is by
9 death of the employee, any terminal pay to which the employee
10 may have been entitled may be made to the employee's
11 beneficiary.

12 a. Terminal pay may not exceed one-fourth of all
13 unused sick leave accumulated on or after July 1, 2001, and
14 may not exceed a maximum of 60 days of actual payment. This
15 limit does not impair any contractual agreement established
16 before July 1, 2001; however, a previously established
17 contract renewed on or after July 1, 2001, constitutes a new
18 contract.

19 b. For unused sick leave accumulated before July 1,
20 2001, terminal payment shall be made pursuant to a district
21 school board's policies, contracts, or rules that are in
22 effect on June 30, 2001.

23 c. If an employee has an accumulated sick leave
24 balance of 60 days of actual payment or more prior to July 1,
25 2001, sick leave earned after that date may not be accumulated
26 for terminal pay purposes until the accumulated leave balance
27 for leave earned before July 1, 2001, is less than 60 days.

28 (b) Claim must be filed.--Any district school board
29 employee who finds it necessary to be absent from his or her
30 duties because of illness, as defined in this section, shall
31 notify his or her immediate supervisor, if possible, before

1 the beginning of the workday on which the employee must be
2 absent or during that day, except for emergency reasons
3 recognized by the district school board as valid. Any
4 district school board employee shall, before claiming and
5 receiving compensation for the time absent from his or her
6 duties while absent because of sick leave as prescribed in
7 this section, make and file within 5 working days following
8 his or her return from such absence with the district school
9 superintendent of the district in which he or she is so
10 employed a written certificate which shall set forth the day
11 or days absent, that such absence was necessary, and that the
12 employee is entitled or not entitled to receive pay for such
13 absence in accordance with the provisions of this section;
14 however, the district school board of any district may adopt
15 rules under which the district school superintendent may
16 require a certificate of illness from a licensed physician or
17 from the county health officer.

18 (c) Compensation.--Any employee having unused sick
19 leave credit shall receive full-time compensation for the time
20 justifiably absent on sick leave, but no compensation may be
21 allowed beyond that which may be provided in subsection (4).

22 (d) Expenditure authorized.--District school boards
23 may expend public funds for payment to employees on account of
24 sickness. The expending and excluding of such funds shall be
25 in compliance with rules adopted by the Department of
26 Management Services pursuant to chapter 650.

27 (e) Use by family member.--Each district school system
28 must provide a policy under which a district employee may
29 authorize his or her spouse, child, parent, or sibling who is
30 also a district employee to use sick leave that has accrued to
31 the authorizing employee. In developing the policy, the

1 district school board must provide that the recipient may not
2 use the donated sick leave until all of his or her sick leave
3 has been depleted, excluding sick leave from a sick leave
4 pool, if the recipient participates in a sick leave pool.
5 Donated sick leave under this paragraph shall have no terminal
6 value as provided in s. 1012.61(2).

7 (3) SICK LEAVE POOL.--Notwithstanding any other
8 provision of this section, a district school board, based upon
9 the maintenance of reliable and accurate records by the
10 district school system showing the amount of sick leave which
11 has been accumulated and is unused by employees in accordance
12 with this section, may, by rule or collective bargaining
13 agreement, establish one or more plans allowing participating
14 full-time employees of a district school system to pool sick
15 leave accrued and allowing any sick leave thus pooled to be
16 disbursed to any participating employee who is in need of sick
17 leave in excess of that amount he or she has personally
18 accrued. Such rules or agreements shall include, but not be
19 limited to, the following provisions:

20 (a) Participation in any sick leave pool shall at all
21 times be voluntary on the part of employees.

22 (b) Any full-time employee shall be eligible for
23 participation in any sick leave pool after 1 year of
24 employment with the district school system, provided the
25 employee has accrued a minimum amount of unused sick leave
26 which shall be established by rule and provided, further, a
27 sick leave pool is established that allows participation by
28 that particular employee.

29 (c) Any sick leave pooled pursuant to this section
30 shall be removed from the personally accumulated sick leave
31 balance of the employee donating such leave.

1 (d) Participating employees shall make equal
2 contributions to the sick leave pool. There shall be
3 established a maximum amount of sick leave which may be
4 contributed by an employee to the pool. After the initial
5 contribution which an employee makes upon electing to
6 participate, no further contributions shall be required except
7 as may be necessary to replenish the pool. Any such further
8 contribution shall be equally required of all employees
9 participating in the pool.

10 (e) Any sick leave time drawn from the pool by a
11 participating employee must be used for said employee's
12 personal illness, accident, or injury.

13 (f) A participating employee is not eligible to use
14 sick leave from the pool until all of his or her sick leave
15 has been depleted, unless otherwise agreed to in a collective
16 bargaining agreement. There shall be established a maximum
17 number of days for which an employee may draw sick leave from
18 the sick leave pool.

19 (g) A participating employee who uses sick leave from
20 the pool is not required to recontribute such sick leave to
21 the pool, except as otherwise provided in this section.

22 (h) A participating employee who chooses to no longer
23 participate in the sick leave pool is not eligible to withdraw
24 any sick leave already contributed to the pool.

25 (i) Alleged abuse of the use of the sick leave pool
26 shall be investigated and, on a finding of wrongdoing, the
27 employee shall repay all of the sick leave credits drawn from
28 the sick leave pool and be subject to such other disciplinary
29 action as determined by the district school board to be
30 appropriate. Rules adopted for the administration of this
31 program shall provide for the investigation of the use of sick

1 leave utilized by the participating employee in the sick leave
2 pool.

3 Section 739. Section 1012.62, Florida Statutes, is
4 created to read:

5 1012.62 Transfer of sick leave and annual leave.--In
6 implementing the provisions of ss. 1001.42(4)(n) and
7 402.22(1)(d), educational personnel in Department of Children
8 and Family Services residential care facilities who are
9 employed by a district school board may request, and the
10 district school board shall accept, a lump-sum transfer of
11 accumulated sick leave for such personnel to the maximum
12 allowed by policies of the district school board,
13 notwithstanding the provisions of s. 110.122. Educational
14 personnel in Department of Children and Family Services
15 residential care facilities who are employed by a district
16 school board under the provisions of s. 402.22(1)(d) may
17 request, and the district school board shall accept, a
18 lump-sum transfer of accumulated annual leave for each person
19 employed by the district school board in a position in the
20 district eligible to accrue vacation leave under policies of
21 the district school board.

22 Section 740. Section 1012.63, Florida Statutes, is
23 created to read:

24 1012.63 Illness-in-line-of-duty leave.--Any district
25 school board employee shall be entitled to
26 illness-in-line-of-duty leave when he or she has to be absent
27 from his or her duties because of a personal injury received
28 in the discharge of duty or because of illness from any
29 contagious or infectious disease contracted in school work.
30 The following requirements shall be observed:

31

1 (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the
2 district school board employee shall be authorized for a total
3 of not to exceed 10 school days during any school year for
4 illness contracted, or injury incurred, from the causes
5 prescribed above. However, in the case of sickness or injury
6 occurring under such circumstances as in the opinion of the
7 district school board warrant it, additional emergency sick
8 leave may be granted out of local funds for such term and
9 under such conditions as the district school board deems
10 proper. The district school board may carry insurance to
11 safeguard the district school board against excessive payments
12 during any year.

13 (2) CLAIMS.--Any district school board employee who
14 has any claim for compensation while absent because of illness
15 contracted or injury incurred as prescribed herein shall file
16 a claim in the manner prescribed in s. 1012.61(2)(b) within 5
17 working days following the employee's return from such
18 absence. The school board of the district in which such person
19 is employed shall approve the claims and authorize the payment
20 thereof if the district school board is satisfied that the
21 claim correctly states the facts and that the claim is
22 entitled to payment in accordance with the provisions of this
23 section.

24 Section 741. Section 1012.64, Florida Statutes, is
25 created to read:

26 1012.64 Sabbatical leave.--

27 (1) Any member of the instructional staff of any
28 school district may be granted sabbatical leave for a period
29 not to exceed 1 year. A person who receives such leave may be
30 paid one-half of his or her ordinary salary during the period
31 of such leave, or in accordance with negotiated agreement or

1 district school board policy, and shall receive full benefits
2 during such period. A person compensated under this section
3 may not be compensated for other employment during the period
4 of sabbatical leave so that he or she would receive combined
5 compensation in excess of his or her ordinary salary.

6 (2) Funds, not to exceed 25 percent, of the district's
7 allocation for inservice training under s. 1011.62(3) or other
8 district funds may be expended in order to fulfill the
9 provisions of this section, provided that the district
10 allocates \$5 of district funds for each \$1 of state inservice
11 training funds expended under this subsection.

12 (3) Each district school board shall adopt rules to
13 implement this section.

14 Section 742. Section 1012.65, Florida Statutes, is
15 created to read:

16 1012.65 Terminal pay for accrued vacation leave.--A
17 district school board may establish policies to provide for a
18 lump-sum payment for accrued vacation leave to an employee of
19 the district school board upon termination of employment or
20 upon retirement, or to the employee's beneficiary if service
21 is terminated by death. Effective July 1, 2001, terminal pay
22 for accrued vacation leave may not exceed a maximum of 60 days
23 of actual payment. This limit does not impair any contractual
24 agreement established before July 1, 2001. For unused vacation
25 leave accumulated before July 1, 2001, terminal payment shall
26 be made pursuant to the district school board's policies,
27 contracts, or rules that are in effect on June 30, 2001.

28 Section 743. Section 1012.66, Florida Statutes, is
29 created to read:

30 1012.66 Provisions for leaves of absence.--All leaves
31 of absence for all district school board employees, except

1 those leaves prescribed by law, shall be granted with or
2 without compensation pursuant to rules adopted by the district
3 school board. Such leaves authorized by the district school
4 board shall include, but are not limited to, professional
5 leave and extended professional leave, personal leave,
6 military leave granted in compliance with chapter 115, and
7 maternity leave.

8 Section 744. Section 1012.67, Florida Statutes, is
9 created to read:

10 1012.67 Absence without leave.--Any district school
11 board employee who is willfully absent from duty without leave
12 shall forfeit compensation for the time of such absence, and
13 his or her employment shall be subject to termination by the
14 district school board.

15 Section 745. Section 1012.68, Florida Statutes, is
16 created to read:

17 1012.68 Records of absences.--The administrator of
18 each designated organizational unit shall see that both the
19 days present and the days absent for each employee are
20 reported to the district school superintendent at least once
21 each month in the manner prescribed for that purpose. This
22 report shall include the exact dates of, and the reasons for,
23 each absence. Each district school superintendent shall
24 establish procedures to ensure maintenance of the complete
25 records of all such absences.

26 Section 746. Section 1012.685, Florida Statutes, is
27 created to read:

28 1012.685 Retirement; annuities authorized.--

29 (1) District school boards may purchase annuities for
30 all school personnel with 25 or more years of creditable
31 service who have reached age 50 and have applied for

1 retirement under the Florida Retirement System or who have
2 reached age 55 and have applied for retirement under plan E of
3 the Teachers' Retirement System. No such annuity shall provide
4 for more than the total difference in retirement income
5 between the retirement benefit based on average monthly
6 compensation and creditable service as of the member's early
7 retirement date and the early retirement benefit.

8 (2) District school boards may purchase annuities for
9 members of the Florida Retirement System who have out-of-state
10 teaching service in another state or country which is
11 documented as valid by the appropriate district school board.
12 Such annuities may be based on no more than 5 years of
13 out-of-state teaching service and may equal, but not exceed,
14 the benefits that would be payable under the Florida
15 Retirement System if credit for out-of-state teaching was
16 authorized under that system.

17 (3) District school boards may invest funds, purchase
18 annuities, or provide local supplemental retirement programs
19 for purposes of providing annuities for school personnel.

20 (4) All retirement annuities shall comply with s. 14,
21 Art. X of the State Constitution.

22 Section 747. Section 1012.69, Florida Statutes, is
23 created to read:

24 1012.69 Provisions relating to Workers' Compensation
25 Law.--Nothing contained in this chapter shall supersede any of
26 the provisions of the Workers' Compensation Law; provided,
27 however, that where amounts payable under the provisions of
28 the education code, for injuries, accidents, or other
29 disabilities which would entitle an employee to compensation
30 under the provisions of the Workers' Compensation Law exceed
31 the amounts payable under the compensation law, payments shall

1 be made, as provided in the education code, for the difference
2 between the amount paid under the Workers' Compensation Law
3 and the amount due under the provisions of the education code.

4 Section 748. Section 1012.695, Florida Statutes, is
5 created to read:

6 1012.695 Local civil service system laws not
7 superseded.--Sections 1012.66, 1012.61, and 1012.63 shall not
8 be construed to supersede or modify any local law establishing
9 a civil service system covering employees of any school
10 district.

11 Section 749. Part III.f. of chapter 1012, Florida
12 Statutes, shall be entitled "Educator Benefits; Liability
13 Protection; Awards in Public Schools" and shall consist of ss.
14 1012.71-1012.77.

15 Section 750. Section 1012.71, Florida Statutes, is
16 created to read:

17 1012.71 The Florida Teachers Lead Program Stipend.--

18 (1) Funding for the Florida Teachers Lead Program
19 Stipend shall be as determined by the Legislature in the
20 General Appropriations Act. Funds appropriated for the Florida
21 Teachers Lead Program Stipend are provided to purchase
22 classroom materials and supplies used in the instruction of
23 students in kindergarten through grade 12 of the public school
24 system. From the funds appropriated, the Commissioner of
25 Education shall calculate an amount for each school district
26 by prorating the total of each school district's share of the
27 total K-12 unweighted FTE student enrollment.

28 (2) From the funds allocated to each district, the
29 district school board shall calculate an identical amount for
30 each classroom teacher which is his or her proportionate share
31 of the amount allocated to the district for the total number

1 of teachers in the district. The district school board shall
2 provide the funds no later than September 30 of each year
3 directly to each teacher as a stipend to purchase, on behalf
4 of the school district, classroom materials and supplies to be
5 used in the instruction of students assigned to the teacher.
6 Each teacher shall have sole discretion regarding which
7 classroom materials and supplies best meet the needs of the
8 students, when they are needed, and where they are acquired.
9 The funds expended by individual teachers shall not be subject
10 to state or local competitive bidding requirements.
11 Disbursement of Florida Teachers Lead Program Stipend funds
12 directly to each teacher shall complete the school district's
13 expenditure of these funds.

14 (3) Each teacher shall sign a statement acknowledging
15 receipt of the funds, agreeing to keep receipts to show the
16 expenditure of the funds used to purchase classroom materials
17 and supplies for use in the instruction of the students
18 assigned to them, and agreeing to return any unused funds by
19 the end of the regular school year. The statement to be signed
20 and dated by each teacher for receipt of the Florida Teachers
21 Lead Program Stipend shall include the wording: "I, ...(Name
22 of teacher)...., am employed by the County District School
23 Board as a full-time classroom teacher. I acknowledge that
24 Florida Teachers Lead Program Stipend funds are appropriated
25 by the Legislature for the sole purpose of purchasing
26 classroom materials and supplies to be used in the instruction
27 of students assigned to me. In accepting custody of these
28 funds, I agree to keep receipts for all expenditures. I
29 understand that if I do not keep receipts showing these funds
30 were spent to purchase classroom materials and supplies for
31 use with my students, it will be my personal responsibility to

1 pay any federal taxes due on these funds. I also agree to
2 return any unused funds to the district school board at the
3 end of the regular school year for deposit into the School
4 Advisory Council account of the school at which I was employed
5 at the time of the receipt of the funds."

6 (4) Florida Teachers Lead Program Stipend funds shall
7 be provided to each teacher in addition to any other funds
8 appropriated for public school operations.

9 (5) Any unused funds which are returned to the
10 district school board shall be deposited into the School
11 Advisory Council account of the school at which the teacher
12 returning the funds was employed at the time of the receipt of
13 the funds.

14 (6) For purposes of this section, the term "classroom
15 teacher" includes certified teachers employed on or before
16 September 1 of each year whose full-time job responsibility is
17 the classroom instruction of students in kindergarten through
18 grade 12, and full-time media specialists and guidance
19 counselors who serve students in kindergarten through grade
20 12. Only school district personnel employed in these positions
21 are eligible for the classroom materials and supply stipend
22 from funds appropriated to implement the provisions of this
23 section.

24 Section 751. Section 1012.72, Florida Statutes, is
25 created to read:

26 1012.72 Excellent Teaching Program.--

27 (1) The Legislature recognizes that teachers play a
28 critical role in preparing students to achieve the high levels
29 of academic performance expected by the Sunshine State
30 Standards. The Legislature further recognizes the importance
31 of identifying and rewarding teaching excellence and of

1 encouraging good teachers to become excellent teachers. The
2 Legislature finds that the National Board of Professional
3 Teaching Standards (NBPTS) has established high and rigorous
4 standards for accomplished teaching and has developed a
5 national voluntary system for assessing and certifying
6 teachers who demonstrate teaching excellence by meeting those
7 standards. It is therefore the Legislature's intent to provide
8 incentives for teachers to seek NBPTS certification and to
9 reward teachers who demonstrate teaching excellence by
10 attaining NBPTS certification and sharing their expertise with
11 other teachers.

12 (2) The Excellent Teaching Program is created to
13 provide monetary incentives and bonuses for teaching
14 excellence. The Department of Education shall distribute to
15 each school district or to the NBPTS an amount as prescribed
16 annually by the Legislature for the Excellent Teaching
17 Program. For purposes of this section, the Florida School for
18 the Deaf and the Blind shall be considered a school district.
19 Unless otherwise provided in the General Appropriations Act,
20 each distribution shall be the sum of the amounts earned for
21 the following incentives and bonuses:

22 (a) A fee subsidy to be paid by the Department of
23 Education to the NBPTS on behalf of each individual who is an
24 employee of a district school board or a public school within
25 the school district, who is certified by the district to have
26 demonstrated satisfactory teaching performance pursuant to s.
27 1012.34 and who satisfies the prerequisites for participating
28 in the NBPTS certification program, and who agrees, in
29 writing, to pay 10 percent of the NBPTS participation fee and
30 to participate in the NBPTS certification program during the
31 school year for which the fee subsidy is provided. The fee

1 subsidy for each eligible participant shall be an amount equal
2 to 90 percent of the fee charged for participating in the
3 NBPTS certification program. The fee subsidy is a one-time
4 award and may not be duplicated for any individual.

5 (b) A portfolio-preparation incentive of \$150 paid by
6 the Department of Education to each teacher employed by a
7 district school board or a public school within a school
8 district who is participating in the NBPTS certification
9 program. The portfolio-preparation incentive is a one-time
10 award paid during the school year for which the NBPTS fee
11 subsidy is provided.

12 (c) An annual bonus equal to 10 percent of the prior
13 fiscal year's statewide average salary for classroom teachers
14 to be distributed to the school district to be paid to each
15 individual who holds NBPTS certification and is employed by
16 the district school board or by a public school within the
17 school district. The district school board shall distribute
18 the annual bonus to each individual who meets the requirements
19 of this paragraph and who is certified annually by the
20 district to have demonstrated satisfactory teaching
21 performance pursuant to s. 1012.34. The annual bonus may be
22 paid as a single payment or divided into not more than three
23 payments.

24 (d) An annual bonus equal to 10 percent of the prior
25 fiscal year's statewide average salary for classroom teachers
26 to be distributed to the school district to be paid to each
27 individual who meets the requirements of paragraph (c) and
28 agrees, in writing, to provide the equivalent of 12 workdays
29 of mentoring and related services to public school teachers
30 within the state who do not hold NBPTS certification. The
31 district school board shall distribute the annual bonus in a

1 single payment following the completion of all required
2 mentoring and related services for the year. It is not the
3 intent of the Legislature to remove excellent teachers from
4 their assigned classrooms; therefore, credit may not be
5 granted by a school district or public school for mentoring or
6 related services provided during student contact time during
7 the 196 days of required service for the school year.

8
9 A teacher for whom the state pays the certification fee and
10 who does not complete the certification program or does not
11 teach in a public school of this state for at least 1 year
12 after completing the certification program must repay the
13 amount of the certification fee to the state. However, a
14 teacher who completes the certification program but fails to
15 be awarded NBPTS certification is not required to repay the
16 amount of the certification fee if the teacher meets the
17 1-year teaching requirement. Repayment is not required of a
18 teacher who does not complete the certification program or
19 fails to fulfill the teaching requirement because of the
20 teacher's death or disability or because of other extenuating
21 circumstances as determined by the State Board of Education.

22 (3)(a) In addition to any other remedy available under
23 the law, any person who is a recipient of a certification fee
24 subsidy paid to the NBPTS and who is an employee of the state
25 or any of its political subdivisions is considered to have
26 consented, as a condition of employment, to the voluntary or
27 involuntary withholding of wages to repay to the state the
28 amount of such a certification fee subsidy awarded under this
29 section. Any such employee who defaults on the repayment of
30 such a certification fee subsidy must, within 60 days after
31 service of a notice of default by the Department of Education

1 to the employee, establish a repayment schedule which must be
2 agreed to by the department and the employee, for repaying the
3 defaulted sum through payroll deductions. The department may
4 not require the employee to pay more than 10 percent of the
5 employee's pay per pay period under such a repayment schedule
6 or plan. If the employee fails to establish a repayment
7 schedule within the specified period of time or fails to meet
8 the terms and conditions of the agreed upon or approved
9 repayment schedule as authorized by this subsection, the
10 employee has breached an essential condition of employment and
11 is considered to have consented to the involuntary withholding
12 of wages or salary for the repayment of the certification fee
13 subsidy.

14 (b) A person who is employed by the state, or any of
15 its political subdivisions, may not be dismissed for having
16 defaulted on the repayment of the certification fee subsidy to
17 the state.

18 (4) The State Board of Education may adopt rules
19 pursuant to ss. 120.536 and 120.54 as necessary to implement
20 the provisions for payment of the fee subsidies, incentives,
21 and bonuses and for the repayment of defaulted certification
22 fee subsidies under this section.

23 (5) The Excellent Teaching Program Trust Fund shall be
24 administered by the Department of Education pursuant to s.
25 1010.72.

26 Section 752. Section 1012.73, Florida Statutes, is
27 created to read:

28 1012.73 Florida Mentor Teacher School Pilot Program.--

29 (1) The Legislature recognizes that high-quality
30 teachers are essential to assuring excellence and increasing
31 the achievement levels of all students. The purpose of this

1 section is to provide a model to reform and improve the
2 current structure of the teaching profession. There is created
3 a Florida Mentor Teacher School Pilot Program to attract,
4 retain, and motivate high-quality teachers. The commissioner
5 shall select a combination of elementary, middle, and high
6 schools representing small, medium, and large districts. Each
7 approved school shall receive an equivalent grant based upon
8 the number of schools selected by the commissioner and the
9 amount of the legislative appropriation. Each mentor teacher
10 school program shall be approved based on criteria specified
11 by the commissioner.

12 (2) The goals of the Florida Mentor Teacher School
13 Pilot Program are to:

14 (a) Provide teachers with multiple career paths,
15 beginning as education paraprofessionals and rising to
16 associate teachers, teachers, lead teachers, and mentor
17 teachers. The five levels must have highly differentiated
18 duties. The mentor teacher shall have a reduced teaching
19 schedule that permits weekly instruction to all students under
20 the mentor teacher's supervision while also allowing for
21 demonstration lessons, coaching, facilitating curriculum
22 development, and providing staff development for other
23 teachers at the school.

24 (b) Establish broad salary ranges to provide
25 flexibility and to reward performance and to negotiate
26 salaries to attract teachers to hard-to-staff schools and
27 subjects. Advancement shall be determined by academic
28 achievement, examination, demonstration, and student learning
29 gains data. Each mentor teacher shall be eligible for a total
30 annual salary incentive of up to twice the average district
31 classroom teacher's salary. Fifty percent of the mentor

1 teacher salary incentive shall be based on increased student
2 achievement of students assigned to the supervision of the
3 mentor teacher.
4 (c) Provide ongoing professional development for
5 teachers to learn and grow professionally that includes a
6 daily block of time for associate teachers, teachers, and lead
7 teachers to reflect and plan and to interact with the mentor
8 teacher.
9 (d) Provide all eligible teachers with the opportunity
10 for national certification.
11 (e) Provide for a specified organizational pattern,
12 such as clusters or teams of teachers for grade levels or
13 subject areas comprised of associate teachers, teachers, and
14 lead teachers who are supported by education paraprofessional
15 learning guides and directed by a mentor teacher.
16 (3) The five teacher career development positions and
17 minimum requirements are:
18 (a) Education paraprofessional learning guide.--An
19 education paraprofessional learning guide must hold an
20 associate degree from a postsecondary educational institution
21 and must demonstrate appropriate writing, speaking, and
22 computation skills.
23 (b) Associate teacher.--An associate teacher must hold
24 a bachelor's degree from a postsecondary educational
25 institution and a valid Florida teaching certificate as
26 provided by s. 1012.56.
27 (c) Teacher.--A teacher must hold a bachelor's degree
28 or higher from a postsecondary educational institution and a
29 valid Florida teaching certificate, have a minimum of 3 years'
30 full-time teaching experience, document satisfactory teaching
31

1 performance, and document evidence of positive student
2 learning gains, when data become available.

3 (d) Lead teacher.--A lead teacher must hold a
4 bachelor's degree or higher from a postsecondary educational
5 institution and a valid Florida professional teaching
6 certificate, have a minimum of 3 years' full-time teaching
7 experience, document exemplary teaching performance, and
8 document evidence of significant positive student learning
9 gains, when data become available. A lead teacher shall
10 provide intensive support for associate teachers and teachers.

11 (e) Mentor teacher.--A mentor teacher must:

12 1. Hold a bachelor's degree or higher from a
13 postsecondary educational institution and a valid Florida
14 professional teaching certificate.

15 2. Have a minimum of 5 years' full-time teaching
16 experience.

17 3. Document exemplary teaching performance.

18 4. Document evidence of significant positive student
19 learning gains, when data become available.

20 5. Hold a valid National Board for Professional
21 Teaching Standards certificate; have been selected as a
22 school, district, or state teacher of the year; or hold an
23 equivalent status as determined by the commissioner.

24 6. Demonstrate expertise as a staff developer.

25 (4) The State Board of Education may adopt rules,
26 pursuant to ss. 120.536(1) and 120.54, for the implementation
27 of this section and approval of the mentor teacher school
28 program.

29 (5) This section shall be implemented to the extent
30 specifically funded in the General Appropriations Act.
31

1 Section 753. Section 1012.74, Florida Statutes, is
2 created to read:

3 1012.74 Florida educators professional liability
4 insurance protection.--

5 (1) The Legislature intends that all the teachers in
6 this state be protected from liability for monetary damages
7 and the cost of defense of actions resulting from claims made
8 against them arising out of occurrences in the course of
9 activities in their professional capacity.

10 (2)(a) Educator professional liability coverage for
11 all instructional personnel, as defined by s. 1012.01(2), who
12 are full-time personnel, as defined by the district school
13 board policy, shall be provided by specific appropriations
14 under the General Appropriations Act.

15 (b) Educator professional liability coverage shall be
16 extended at cost to all instructional personnel, as defined by
17 s. 1012.01(3), who are part-time personnel, as defined by the
18 district school board policy, and choose to participate in the
19 state-provided program.

20 (c) Educator professional liability coverage shall be
21 extended at cost to all administrative personnel, as defined
22 by s. 1012.01(2), who choose to participate in the
23 state-provided program.

24 (3) The Department of Education shall administer the
25 educator liability program. The insurance carrier providing
26 any portion of educator professional liability coverage under
27 the program which is procured with state funds must be
28 selected by a competitive process. The amount of the
29 appropriation for purchase of liability insurance remaining
30 after liability insurance is provided shall revert to general
31 revenue unallocated.

1 Section 754. Section 1012.75, Florida Statutes, is
2 created to read:

3 1012.75 Liability of teacher or principal; excessive
4 force.--

5 (1) Except in the case of excessive force or cruel and
6 unusual punishment, a teacher or other member of the
7 instructional staff, a principal or the principal's designated
8 representative, or a bus driver shall not be civilly or
9 criminally liable for any action carried out in conformity
10 with State Board of Education and district school board rules
11 regarding the control, discipline, suspension, and expulsion
12 of students, including, but not limited to, any exercise of
13 authority under s. 1003.32 or s. 1006.09.

14 (2) The State Board of Education shall adopt rules
15 that outline administrative standards for the use of
16 reasonable force by school personnel to maintain a safe and
17 orderly learning environment. Such standards shall be
18 distributed to each school in the state and shall provide
19 guidance to school personnel in receiving the limitations on
20 liability specified in this section.

21 Section 755. Section 1012.77, Florida Statutes, is
22 created to read:

23 1012.77 Christa McAuliffe Ambassador for Education
24 Program.--

25 (1) The Legislature recognizes that Florida continues
26 to face teacher shortages and that fewer young people consider
27 teaching as a career. It is the intent of the Legislature to
28 promote the positive and rewarding aspects of being a teacher,
29 to encourage more individuals to become teachers, and to
30 provide annual sabbatical support for outstanding Florida
31 teachers to serve as goodwill ambassadors for education. The

1 Legislature further wishes to honor the memory of Christa
2 McAuliffe, who epitomized the challenge and inspiration that
3 teaching can be.
4 (2) The Christa McAuliffe Ambassador for Education
5 Program is established to provide salary, travel, and other
6 related expenses annually for an outstanding Florida teacher
7 to promote the positive aspects of teaching as a career. The
8 goals of the program are to:
9 (a) Enhance the stature of teachers and the teaching
10 profession.
11 (b) Promote the importance of quality education and
12 teaching for our future.
13 (c) Inspire and attract talented people to become
14 teachers.
15 (d) Provide information regarding Florida's
16 scholarship and loan programs related to teaching.
17 (e) Promote the teaching profession within community
18 and business groups.
19 (f) Provide information to retired military personnel
20 and other individuals who might consider teaching as a second
21 career.
22 (g) Work with and represent the Department of
23 Education, as needed.
24 (h) Work with and encourage the efforts of school and
25 district teachers of the year.
26 (i) Support the activities of the Florida Future
27 Educator of America Program.
28 (j) Represent Florida teachers at business, trade,
29 education, and other conferences and meetings.
30
31

1 (k) Promote the teaching profession in other ways
2 related to the teaching responsibilities, background
3 experiences, and aspirations of the Ambassador for Education.

4 (3) The Teacher of the Year shall serve as the
5 Ambassador for Education. If the Teacher of the Year is
6 unable to serve as the Ambassador for Education, the first
7 runner-up shall serve in his or her place. The Department of
8 Education shall establish application and selection procedures
9 for determining an annual teacher of the year. Applications
10 and selection criteria shall be developed and distributed
11 annually by the Department of Education to all school
12 districts. The Commissioner of Education shall establish a
13 selection committee which assures representation from teacher
14 organizations, administrators, and parents to select the
15 Teacher of the Year and Ambassador for Education from among
16 the district teachers of the year.

17 (4)(a) The Commissioner of Education shall pay an
18 annual salary, fringe benefits, travel costs, and other costs
19 associated with administering the program.

20 (b) The Ambassador for Education shall serve for 1
21 year, from July 1 to June 30, and shall be assured of
22 returning to his or her teaching position upon completion of
23 the program. The ambassador will not have a break in
24 creditable or continuous service or employment for the period
25 of time in which he or she participates in the program.

26 Section 756. Part III.g. of chapter 1012, Florida
27 Statutes, shall be entitled "Personnel Discipline and
28 Assistance in Public Schools" and shall consist of ss.
29 1012.79-1012.798.

30 Section 757. Section 1012.79, Florida Statutes, is
31 created to read:

1 1012.79 Education Practices Commission;
2 organization.--
3 (1) The Education Practices Commission consists of 17
4 members, including 7 teachers, 5 administrators, and 5 lay
5 citizens (of whom 2 shall be former district school board
6 members), appointed by the State Board of Education from
7 nominations by the Commissioner of Education and subject to
8 Senate confirmation. Prior to making nominations, the
9 commissioner shall consult with the teaching and other
10 involved associations in the state. In making nominations, the
11 commissioner shall attempt to achieve equal geographical
12 representation, as closely as possible.
13 (a) A teacher member, in order to be qualified for
14 appointment:
15 1. Must be certified to teach in the state.
16 2. Must be a resident of the state.
17 3. Must have practiced the profession in this state
18 for at least 5 years immediately preceding the appointment.
19 (b) A school administrator member, in order to be
20 qualified for appointment:
21 1. Must have an endorsement on the educator
22 certificate in the area of school administration or
23 supervision.
24 2. Must be a resident of the state.
25 3. Must have practiced the profession as an
26 administrator for at least 5 years immediately preceding the
27 appointment.
28 (c) The lay members must be residents of the state.
29 (2) Members of the commission shall serve for 4-year
30 staggered terms. No commission member may serve more than 8
31 years.

1 (3) The State Board of Education may remove any member
2 from the commission for misconduct or malfeasance in office,
3 incapacity, or neglect of duty.

4 (4) From among its members, the commission shall elect
5 a chair who shall preside over meetings of the commission and
6 perform other duties directed by the commission or required by
7 its duly adopted rules or operating procedures. School
8 districts shall be reimbursed for substitute teachers required
9 to replace commission members, when they are carrying out
10 their official duties, at a rate established by the school
11 district for substitute teachers. The department may
12 reimburse local school districts for substitutes.

13 (5) The commission, by a vote of three-fourths of the
14 membership, shall employ an executive director, who shall be
15 exempt from career service. The executive director may be
16 dismissed by a majority vote of the membership.

17 (6)(a) The commission shall be assigned to the
18 Department of Education for administrative purposes. The
19 commission, in the performance of its powers and duties, shall
20 not be subject to control, supervision, or direction by the
21 Department of Education.

22 (b) The property, personnel, and appropriations
23 related to the specified authority, powers, duties, and
24 responsibilities of the commission shall be provided to the
25 commission by the Department of Education.

26 (7) The duties and responsibilities of the commission
27 are to:

28 (a) Interpret and apply the standards of professional
29 practice established by the State Board of Education.

30 (b) Revoke or suspend a certificate or take other
31 appropriate action as provided in ss. 1012.56 and 1012.796.

1 (c) Report to and meet with the State Board of
2 Education at least once each year.

3 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54
4 to implement provisions of law conferring duties upon it.

5 (8)(a) The commission shall, from time to time,
6 designate members of the commission to serve on panels for the
7 purpose of reviewing and issuing final orders upon cases
8 presented to the commission. A case concerning a complaint
9 against a teacher shall be reviewed and a final order thereon
10 shall be entered by a panel composed of seven commission
11 members, four of whom shall be teachers. A case concerning a
12 complaint against an administrator shall be reviewed and a
13 final order thereon shall be entered by a panel composed of
14 seven commission members, four of whom shall be
15 administrators.

16 (b) A majority of a quorum of a panel of the
17 commission shall have final agency authority in all cases
18 involving the revocation, suspension, or other disciplining of
19 certificates of teachers and school administrators. A majority
20 of the membership of the panel shall constitute a quorum. The
21 district school board shall retain the authority to discipline
22 teachers and administrators pursuant to law.

23 (9) The commission shall make such expenditures as may
24 be necessary in exercising its authority and powers and
25 carrying out its duties and responsibilities, including
26 expenditures for personal services, general counsel or access
27 to counsel, and rent at the seat of government and elsewhere;
28 for books of reference, periodicals, furniture, equipment, and
29 supplies; and for printing and binding. The expenditures of
30 the commission shall be subject to the powers and duties of
31 the Department of Banking and Finance as provided in s. 17.03.

1 (10) The commission shall be financed from the
2 following: certification fees; fines, penalties, and costs
3 collected pursuant to s. 1012.796(9); and general revenue.

4 Section 758. Section 1012.795, Florida Statutes, is
5 created to read:

6 1012.795 Education Practices Commission; authority to
7 discipline.--

8 (1) The Education Practices Commission may suspend the
9 educator certificate of any person as defined in s. 1012.01(2)
10 or (3) for a period of time not to exceed 3 years, thereby
11 denying that person the right to teach for that period of
12 time, after which the holder may return to teaching as
13 provided in subsection (4); may revoke the educator
14 certificate of any person, thereby denying that person the
15 right to teach for a period of time not to exceed 10 years,
16 with reinstatement subject to the provisions of subsection
17 (4); may revoke permanently the educator certificate of any
18 person; may suspend the educator certificate, upon order of
19 the court, of any person found to have a delinquent child
20 support obligation; or may impose any other penalty provided
21 by law, provided it can be shown that the person:

22 (a) Obtained the educator certificate by fraudulent
23 means.

24 (b) Has proved to be incompetent to teach or to
25 perform duties as an employee of the public school system or
26 to teach in or to operate a private school.

27 (c) Has been guilty of gross immorality or an act
28 involving moral turpitude.

29 (d) Has had an educator certificate revoked in another
30 state.

31

1 (e) Has been convicted of a misdemeanor, felony, or
2 any other criminal charge, other than a minor traffic
3 violation.
4 (f) Upon investigation, has been found guilty of
5 personal conduct which seriously reduces that person's
6 effectiveness as an employee of the district school board.
7 (g) Has breached a contract, as provided in s.
8 1012.33(2).
9 (h) Has been the subject of a court order directing
10 the Education Practices Commission to suspend the certificate
11 as a result of a delinquent child support obligation.
12 (i) Has violated the Principles of Professional
13 Conduct for the Education Profession prescribed by State Board
14 of Education rules.
15 (j) Has otherwise violated the provisions of law, the
16 penalty for which is the revocation of the educator
17 certificate.
18 (k) Has violated any order of the Education Practices
19 Commission.
20 (2) The plea of guilty in any court, the decision of
21 guilty by any court, the forfeiture by the teaching
22 certificateholder of a bond in any court of law, or the
23 written acknowledgment, duly witnessed, of offenses listed in
24 subsection (1) to the district school superintendent or a duly
25 appointed representative or to the district school board shall
26 be prima facie proof of grounds for revocation of the
27 certificate as listed in subsection (1) in the absence of
28 proof by the certificateholder that the plea of guilty,
29 forfeiture of bond, or admission of guilt was caused by
30 threats, coercion, or fraudulent means.
31

1 (3) The revocation by the Education Practices
2 Commission of an educator certificate of any person
3 automatically revokes any and all Florida educator
4 certificates held by that person.

5 (4)(a) An educator certificate which has been
6 suspended under this section is automatically reinstated at
7 the end of the suspension period, provided the certificate did
8 not expire during the period of suspension. If the
9 certificate expired during the period of suspension, the
10 holder of the former certificate may secure a new certificate
11 by making application therefor and by meeting the
12 certification requirements of the state board current at the
13 time of the application for the new certificate. An educator
14 certificate suspended pursuant to a court order for a
15 delinquent child support obligation may only be reinstated
16 upon notice from the court that the party has complied with
17 the terms of the court order.

18 (b) A person whose educator certificate has been
19 revoked under this section may apply for a new certificate at
20 the expiration of that period of ineligibility fixed by the
21 Education Practices Commission by making application therefor
22 and by meeting the certification requirements of the state
23 board current at the time of the application for the new
24 certificate.

25 (5) Each district school superintendent and the
26 governing authority of each university lab school,
27 state-supported school, or private school shall report to the
28 department the name of any person certified pursuant to this
29 chapter or employed and qualified pursuant to s. 1012.39:
30
31

1 (a) Who has been convicted of, or who has pled nolo
2 contendere to, a misdemeanor, felony, or any other criminal
3 charge, other than a minor traffic infraction;
4 (b) Who that official has reason to believe has
5 committed or is found to have committed any act which would be
6 a ground for revocation or suspension under subsection (1); or
7 (c) Who has been dismissed or severed from employment
8 because of conduct involving any immoral, unnatural, or
9 lascivious act.
10 (6)(a) When an individual violates the provisions of a
11 settlement agreement enforced by a final order of the
12 Education Practices Commission, an order to show cause may be
13 issued by the clerk of the commission. The order shall require
14 the individual to appear before the commission to show cause
15 why further penalties should not be levied against the
16 individual's certificate pursuant to the authority provided to
17 the Education Practices Commission in subsection (1). The
18 Education Practices Commission may fashion further penalties
19 under the authority of subsection (1) as deemed appropriate
20 when the show cause order is responded to by the individual.
21 (b) The Education Practices Commission shall issue a
22 final order revoking an individual's Florida educator's
23 certificate for a minimum of 1 year under the following
24 circumstances:
25 1. If the individual:
26 a. Has been found to have violated the provisions of
27 this section, such that the Education Practices Commission has
28 the authority to discipline the individual's Florida
29 educator's certificate on two separate occasions;
30
31

1 b. Has twice entered into a settlement agreement
2 enforced by a final order of the Education Practices
3 Commission; or

4 c. Has been found to have violated the provisions of
5 this section, such that the Education Practices Commission has
6 the authority to discipline the individual's Florida
7 educator's certificate on one occasion and entered into a
8 settlement agreement enforced by a final order of the
9 Education Practices Commission on one occasion; and

10 2. A third finding of probable cause and a finding
11 that the allegations are proven or admitted to is subsequently
12 found by the Commissioner of Education.

13
14 If, in the third instance, the individual enters into a
15 settlement agreement with the Department of Education, that
16 agreement shall also include a penalty revoking that
17 individual's Florida educator's certificate for a minimum of 1
18 year.

19 Section 759. Section 1012.796, Florida Statutes, is
20 created to read:

21 1012.796 Complaints against teachers and
22 administrators; procedure; penalties.--

23 (1)(a) The Department of Education shall cause to be
24 investigated expeditiously any complaint filed before it or
25 otherwise called to its attention which, if legally
26 sufficient, contains grounds for the revocation or suspension
27 of a certificate or any other appropriate penalty as set forth
28 in subsection (7). The complaint is legally sufficient if it
29 contains the ultimate facts which show a violation has
30 occurred as provided in s. 1012.795. The department may
31 investigate or continue to investigate and take appropriate

1 action in a complaint even though the original complainant
2 withdraws the complaint or otherwise indicates a desire not to
3 cause it to be investigated or prosecuted to completion. The
4 department may investigate or continue to investigate and take
5 action on a complaint filed against a person whose educator
6 certificate has expired if the act or acts which are the basis
7 for the complaint were allegedly committed while that person
8 possessed an educator certificate.

9 (b) When an investigation is undertaken, the
10 department shall notify the certificateholder and the district
11 school superintendent in the district in which the
12 certificateholder is employed and shall inform the
13 certificateholder of the substance of any complaint which has
14 been filed against that certificateholder, unless the
15 department determines that such notification would be
16 detrimental to the investigation, in which case the department
17 may withhold notification.

18 (c) Each school district shall file in writing with
19 the department all legally sufficient complaints within 30
20 days after the date on which subject matter of the complaint
21 comes to the attention of the school district. The school
22 district shall include all information relating to the
23 complaint which is known to the school district at the time of
24 filing. Each district school board shall develop policies and
25 procedures to comply with this reporting requirement. The
26 district school board policies and procedures shall include
27 appropriate penalties for all personnel of the district school
28 board for nonreporting and procedures for promptly informing
29 the district school superintendent of each legally sufficient
30 complaint. The district school superintendent is charged with
31 knowledge of these policies and procedures. If the district

1 school superintendent has knowledge of a legally sufficient
2 complaint and does not report the complaint, or fails to
3 enforce the policies and procedures of the district school
4 board, and fails to comply with the requirements of this
5 subsection, in addition to other actions against
6 certificateholders authorized by law, the district school
7 superintendent shall be subject to penalties as specified in
8 s. 1001.51(13). This paragraph does not limit or restrict the
9 power and duty of the department to investigate complaints as
10 provided in paragraphs (a) and (b), regardless of the school
11 district's untimely filing, or failure to file, complaints and
12 followup reports.

13 (2) The Commissioner of Education shall develop job
14 specifications for investigative personnel employed by the
15 department. Such specifications shall be substantially
16 equivalent to or greater than those job specifications of
17 investigative personnel employed by the Department of Business
18 and Professional Regulation. The department may contract with
19 the Department of Business and Professional Regulation for
20 investigations. No person who is responsible for conducting an
21 investigation of a teacher or administrator may prosecute the
22 same case. The department general counsel or members of that
23 staff may conduct prosecutions under this section.

24 (3) The department staff shall advise the commissioner
25 concerning the findings of the investigation. The department
26 general counsel or members of that staff shall review the
27 investigation and advise the commissioner concerning probable
28 cause or lack thereof. The determination of probable cause
29 shall be made by the commissioner. The commissioner shall
30 provide an opportunity for a conference, if requested, prior
31 to determining probable cause. The commissioner may enter

1 into deferred prosecution agreements in lieu of finding
2 probable cause when in his or her judgment such agreements
3 would be in the best interests of the department, the
4 certificateholder, and the public. Such deferred prosecution
5 agreements shall become effective when filed with the clerk of
6 the Education Practices Commission. However, a deferred
7 prosecution agreement shall not be entered into where there is
8 probable cause to believe that a felony or an act of moral
9 turpitude has occurred. Upon finding no probable cause, the
10 commissioner shall dismiss the complaint.

11 (4) The complaint and all information obtained
12 pursuant to the investigation by the department shall be
13 confidential and exempt from the provisions of s. 119.07(1)
14 until the conclusion of the preliminary investigation of the
15 complaint, until such time as the preliminary investigation
16 ceases to be active, or until such time as otherwise provided
17 by s. 1012.798(6). However, the complaint and all material
18 assembled during the investigation may be inspected and copied
19 by the certificateholder under investigation, or the
20 certificateholder's designee, after the investigation is
21 concluded, but prior to the determination of probable cause by
22 the commissioner. If the preliminary investigation is
23 concluded with the finding that there is no probable cause to
24 proceed, the complaint and information shall be open
25 thereafter to inspection pursuant to s. 119.07(1). If the
26 preliminary investigation is concluded with the finding that
27 there is probable cause to proceed and a complaint is filed
28 pursuant to subsection (6), the complaint and information
29 shall be open thereafter to inspection pursuant to s.
30 119.07(1). If the preliminary investigation ceases to be
31 active, the complaint and all such material shall be open

1 thereafter to inspection pursuant to s. 119.07(1), except as
2 otherwise provided pursuant to s. 1012.798(6). For the purpose
3 of this subsection, a preliminary investigation shall be
4 considered active as long as it is continuing with a
5 reasonable, good faith anticipation that an administrative
6 finding will be made in the foreseeable future.

7 (5) When deemed necessary to protect the health,
8 safety, and welfare of a minor student, the district school
9 superintendent in consultation with the school principal may,
10 and upon the request of the Commissioner of Education shall,
11 temporarily suspend a certificateholder from the
12 certificateholder's regularly assigned duties, with pay, and
13 reassign the suspended certificateholder to a position that
14 does not require direct contact with students in the district
15 school system. Such suspension shall continue until the
16 completion of the proceedings and the determination of
17 sanctions, if any, pursuant to this section and s. 1012.795.

18 (6) Upon the finding of probable cause, the
19 commissioner shall file a formal complaint and prosecute the
20 complaint pursuant to the provisions of chapter 120. An
21 administrative law judge shall be assigned by the Division of
22 Administrative Hearings of the Department of Management
23 Services to hear the complaint if there are disputed issues of
24 material fact. The administrative law judge shall make
25 recommendations in accordance with the provisions of
26 subsection (7) to the appropriate Education Practices
27 Commission panel which shall conduct a formal review of such
28 recommendations and other pertinent information and issue a
29 final order. The commission shall consult with its legal
30 counsel prior to issuance of a final order.

31

- 1 (7) A panel of the commission shall enter a final
2 order either dismissing the complaint or imposing one or more
3 of the following penalties:
- 4 (a) Denial of an application for a teaching
5 certificate or for an administrative or supervisory
6 endorsement on a teaching certificate. The denial may provide
7 that the applicant may not reapply for certification, and that
8 the department may refuse to consider that applicant's
9 application, for a specified period of time or permanently.
- 10 (b) Revocation or suspension of a certificate.
- 11 (c) Imposition of an administrative fine not to exceed
12 \$2,000 for each count or separate offense.
- 13 (d) Placement of the teacher, administrator, or
14 supervisor on probation for a period of time and subject to
15 such conditions as the commission may specify, including
16 requiring the certified teacher, administrator, or supervisor
17 to complete additional appropriate college courses or work
18 with another certified educator, with the administrative costs
19 of monitoring the probation assessed to the educator placed on
20 probation.
- 21 (e) Restriction of the authorized scope of practice of
22 the teacher, administrator, or supervisor.
- 23 (f) Reprimand of the teacher, administrator, or
24 supervisor in writing, with a copy to be placed in the
25 certification file of such person.
- 26 (g) Imposition of an administrative sanction, upon a
27 person whose teaching certificate has expired, for an act or
28 acts committed while that person possessed a teaching
29 certificate or an expired certificate subject to late renewal,
30 which sanction bars that person from applying for a new
31 certificate for a period of 10 years or less, or permanently.

1 (8) Violations of the provisions of probation shall
2 result in an order to show cause issued by the clerk of the
3 Education Practices Commission. Upon failure of the
4 probationer, at the time and place stated in the order, to
5 show cause satisfactorily to the Education Practices
6 Commission why a penalty for violating probation should not be
7 imposed, the Education Practices Commission shall impose
8 whatever penalty is appropriate as established in s.
9 1012.795(6). Any probation period will be tolled when an order
10 to show cause has been issued until the issue is resolved by
11 the Education Practices Commission.

12 (9) All moneys collected by, or awarded to, the
13 commission as fees, fines, penalties, or costs shall be
14 deposited into the Educational Certification and Service Trust
15 Fund pursuant to s. 1012.59.

16 Section 760. Section 1012.797, Florida Statutes, is
17 created to read:

18 1012.797 Notification of district school
19 superintendent of certain charges against or convictions of
20 employees.--

21 (1) Notwithstanding the provisions of s. 985.04(4) or
22 any other provision of law to the contrary, a law enforcement
23 agency shall, within 48 hours, notify the appropriate district
24 school superintendent of the name and address of any employee
25 of the school district who is charged with a felony or with a
26 misdemeanor involving the abuse of a minor child or the sale
27 or possession of a controlled substance. The notification
28 shall include the specific charge for which the employee of
29 the school district was arrested. Such notification shall
30 include other education providers such as the Florida School

31

1 for the Deaf and the Blind, university lab schools, and
2 private elementary and secondary schools.

3 (2) Except to the extent necessary to protect the
4 health, safety, and welfare of other students, the information
5 obtained by the district school superintendent pursuant to
6 this section may be released only to appropriate school
7 personnel or as otherwise provided by law.

8 Section 761. Section 1012.798, Florida Statutes, is
9 created to read:

10 1012.798 Recovery network program for educators.--

11 (1) RECOVERY NETWORK ESTABLISHED.--There is created
12 within the Department of Education, a recovery network program
13 to assist educators who are impaired as a result of alcohol
14 abuse, drug abuse, or a mental condition in obtaining
15 treatment to permit their continued contribution to the
16 education profession. Any person who holds certification
17 issued by the department pursuant to s. 1012.56 is eligible
18 for the assistance.

19 (2) STAFF.--

20 (a) The department shall employ an administrator and
21 staff as are necessary to be assigned exclusively to the
22 recovery network program.

23 (b) The Commissioner of Education shall establish the
24 criteria for and appoint the staff of the program.

25 (c) The department may contract with other
26 professionals to implement this section.

27 (3) PURPOSE.--The recovery network program shall
28 assist educators in obtaining treatment and services from
29 approved treatment providers, but each impaired educator must
30 pay for his or her treatment under terms and conditions agreed
31 upon by the impaired educator and the treatment provider. A

1 person who is admitted to the program must contract with the
2 treatment provider and the program. The treatment contract
3 must prescribe the type of treatment and the responsibilities
4 of the impaired educator and of the provider and must provide
5 that the impaired educator's progress will be monitored by the
6 program.

7 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery
8 network program shall locate, evaluate, and approve qualified
9 treatment providers.

10 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION
11 AND DEPARTMENT.--The recovery network program shall operate
12 independently of, but may cooperate with, the Office of
13 Professional Practices Services of the Department of Education
14 and the Education Practices Commission. A person's
15 participation in the program entitles the commissioner to
16 enter into a deferred prosecution agreement pursuant to s.
17 1012.796, or such participation may be considered a factor in
18 mitigation of or a condition of disciplinary action against
19 the person's certificate by the Education Practices Commission
20 pursuant to s. 1012.795.

21 (6) PARTICIPATION.--The recovery network program shall
22 operate independently of employee assistance programs operated
23 by local school districts, and the powers and duties of school
24 districts to make employment decisions, including disciplinary
25 decisions, is not affected except as provided in this section:

26 (a) A person who is not subject to investigation or
27 proceedings under ss. 1012.795 and 1012.796 may voluntarily
28 seek assistance through a local school district employee
29 assistance program for which he or she is eligible and through
30 the recovery network, regardless of action taken against him
31 or her by a school district. Voluntarily seeking assistance

1 alone does not subject a person to proceedings under ss.
2 1012.795 and 1012.796.

3 (b) A person who is subject to investigation or
4 proceedings under ss. 1012.795 and 1012.796 may be required to
5 participate in the program. The program may approve a local
6 employee assistance program as a treatment provider or as a
7 means of securing a treatment provider. The program and the
8 local school district shall cooperate so that the person may
9 obtain treatment without limiting the school district's
10 statutory powers and duties as an employer or the disciplinary
11 procedures under ss. 1012.795 and 1012.796.

12 (c) A person who has not previously been under
13 investigation by the department may be enrolled in a treatment
14 program by the recovery network after an investigation has
15 commenced, if the person:

16 1. Acknowledges his or her impairment.

17 2. Agrees to evaluation, as approved by the recovery
18 network.

19 3. Agrees to enroll in an appropriate treatment
20 program approved by the recovery network.

21 4. Executes releases for all medical and treatment
22 records regarding his or her impairment and participation in a
23 treatment program to the recovery network, pursuant to 42
24 U.S.C. s. 290dd-3 and the federal regulations adopted
25 thereunder.

26 5. Enters into a deferred prosecution agreement with
27 the commissioner, which provides that no prosecution shall be
28 instituted concerning the matters enumerated in the agreement
29 if the person is properly enrolled in the treatment program
30 and successfully completes the program as certified by the
31 recovery network. The commissioner is under no obligation to

1 enter into a deferred prosecution agreement with the educator
2 but may do so if he or she determines that it is in the best
3 interest of the educational program of the state.
4 6. Has not previously entered a substance abuse
5 program.
6 7. Is not being investigated for any action involving
7 commission of a felony or violent act against another person.
8 8. Has not had multiple arrests for minor drug use,
9 possession, or abuse of alcohol.
10 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
11 DETERMINED.--If a complaint is made to the department against
12 a teacher or an administrator pursuant to s. 1012.796 and a
13 finding of no probable cause indicates that no concern other
14 than impairment exists, the department shall inform the person
15 of the availability of assistance provided by the recovery
16 network program.
17 (8) ADMISSION.--A person who is referred or who
18 requests admission to the recovery network program shall be
19 temporarily admitted pending a finding that he or she has:
20 (a) Acknowledged his or her impairment problem.
21 (b) Agreed to evaluation as approved by the recovery
22 network program.
23 (c) Voluntarily enrolled in an appropriate treatment
24 program approved by the recovery network program.
25 (d) Voluntarily sought agreement from the school
26 district for temporary leave or limitations on the scope of
27 employment if the temporary leave or limitations are included
28 in the treatment provider's recommendations; or voluntarily
29 agreed to pursue the alternative treatment recommended by the
30 treatment provider if the school district does not approve
31

1 such temporary leave or limitations on the scope of
2 employment.

3 (e) Executed releases to the recovery network program
4 for all medical and treatment records regarding his or her
5 impairment and participation in a treatment program pursuant
6 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted
7 thereunder.

8 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved
9 treatment provider must disclose to the recovery network
10 program all information in its possession which relates to a
11 person's impairment and participation in the treatment
12 program. Information obtained under this subsection is
13 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
14 of the State Constitution. This exemption is necessary to
15 promote the rehabilitation of impaired educators and to
16 protect the privacy of treatment program participants. The
17 failure to provide such information to the program is grounds
18 for withdrawal of approval of a treatment provider. Medical
19 records provided to the program may not be disclosed to any
20 other person, except as authorized by law.

21 (10) DECLARATION OF INELIGIBILITY.--

22 (a) A person may be declared ineligible for further
23 assistance from the recovery network program if he or she does
24 not progress satisfactorily in a treatment program or leaves a
25 prescribed program or course of treatment without the approval
26 of the treatment provider.

27 (b) The determination of ineligibility must be made by
28 the commissioner in cases referred to him or her by the
29 program administrator. Before referring a case to the
30 commissioner, the administrator must discuss the circumstances
31 with the treatment provider. The commissioner may direct the

1 Office of Professional Practices Services to investigate the
2 case and provide a report.

3 (c) If a treatment contract with the program is a
4 condition of a deferred prosecution agreement, and the
5 commissioner determines that the person is ineligible for
6 further assistance, the commissioner may agree to modify the
7 terms and conditions of the deferred prosecution agreement or
8 may issue an administrative complaint, pursuant to s.
9 1012.796, alleging the charges regarding which prosecution was
10 deferred. The person may dispute the determination as an
11 affirmative defense to the administrative complaint by
12 including with his or her request for hearing on the
13 administrative complaint a written statement setting forth the
14 facts and circumstances that show that the determination of
15 ineligibility was erroneous. If administrative proceedings
16 regarding the administrative complaint, pursuant to ss.
17 120.569 and 120.57, result in a finding that the determination
18 of ineligibility was erroneous, the person is eligible to
19 participate in the program. If the determination of
20 ineligibility was the only reason for setting aside the
21 deferred prosecution agreement and issuing the administrative
22 complaint and the administrative proceedings result in a
23 finding that the determination was erroneous, the complaint
24 shall be dismissed and the deferred prosecution agreement
25 reinstated without prejudice to the commissioner's right to
26 reissue the administrative complaint for other breaches of the
27 agreement.

28 (d) If a treatment contract with the program is a
29 condition of a final order of the Education Practices
30 Commission, the commissioner's determination of ineligibility
31 constitutes a finding of probable cause that the person failed

1 to comply with the final order. The commissioner shall issue
2 an administrative complaint, and the case shall proceed under
3 ss. 1012.795 and 1012.796, in the same manner as cases based
4 on a failure to comply with an order of the Education
5 Practices Commission.

6 (e) If the person voluntarily entered into a treatment
7 contract with the program, the commissioner shall issue a
8 written notice stating the reasons for the determination of
9 ineligibility. Within 20 days after the date of such notice,
10 the person may contest the determination of ineligibility
11 pursuant to ss. 120.569 and 120.57.

12 (11) MEDICAL RECORDS RELEASE.--Medical records
13 released pursuant to paragraph (8)(e) may be disclosed to the
14 commissioner, the Office of Professional Practices Services,
15 and the Education Practices Commission only as required for
16 purposes of this section, or as otherwise authorized by law.
17 Further disclosure or release of the medical records may not
18 be made except as authorized by law and in accordance with 42
19 U.S.C. s. 290dd-2 and the federal regulations adopted
20 thereunder. The medical records are confidential and exempt
21 from s. 119.07(1) and s. 24(a), Art. I of the State
22 Constitution.

23 (12) FEES.--The State Board of Education shall include
24 in the fees established pursuant to s. 1012.59 an amount
25 sufficient to implement the provisions of this section. The
26 State Board of Education shall by rule establish procedures
27 and additional standards for:

28 (a) Approving treatment providers, including
29 appropriate qualifications and experience, amount of
30 reasonable fees and charges, and quality and effectiveness of
31 treatment programs provided.

1 (b) Admitting eligible persons to the program.

2 (c) Evaluating impaired persons by the recovery
3 network program.

4 Section 762. Part IV of chapter 1012, Florida
5 Statutes, shall be entitled "Public Postsecondary Educational
6 Institutions; Personnel" and shall consist of ss.
7 1012.80-1012.97.

8 Section 763. Part IV.a. of chapter 1012, Florida
9 Statutes, shall be entitled "General Provisions" and shall
10 consist of ss. 1012.80-1012.801.

11 Section 764. Section 1012.80, Florida Statutes, is
12 created to read:

13 1012.80 Participation by employees in disruptive
14 activities at public postsecondary educational institutions;
15 penalties.--

16 (1) Any person who accepts the privilege extended by
17 the laws of this state of employment at any public
18 postsecondary educational institution shall, by so working at
19 such institution, be deemed to have given his or her consent
20 to the policies of that institution, the State Board of
21 Education, and the laws of this state. Such policies shall
22 include prohibition against disruptive activities at public
23 postsecondary educational institutions.

24 (2) After it has been determined that an employee of a
25 public postsecondary educational institution has participated
26 in disruptive activities, the institution may terminate the
27 contract of the employee, and thereafter such person shall not
28 be employed by any state public school or public postsecondary
29 educational institution.

30 Section 765. Effective upon this act becoming a law,
31 section 1012.801, Florida Statutes, is created to read:

1 1012.801 Employees of the Division of Colleges and
2 Universities.--Employees of the Division of Colleges and
3 Universities of the Department of Education who are
4 participating in the State University Optional Retirement
5 Program prior to June 30, 2002, shall be eligible to continue
6 such participation as long as they remain employees of the
7 Department of Education or a state university without a break
8 in continuous service.

9 Section 766. Part IV.b. of chapter 1012, Florida
10 Statutes, shall be entitled "Community Colleges; Personnel"
11 and shall consist of ss. 1012.81-1012.88.

12 Section 767. Section 1012.81, Florida Statutes, is
13 created to read:

14 1012.81 Personnel records.--Rules of the State Board
15 of Education shall prescribe the content and custody of
16 limited-access records which a community college may maintain
17 on its employees. Such records shall be limited to
18 information reflecting evaluations of employee performance and
19 shall be open to inspection only by the employee and by
20 officials of the college who are responsible for supervision
21 of the employee. Such limited-access employee records are
22 confidential and exempt from the provisions of s. 119.07(1).
23 Except as required for use by the president in the discharge
24 of his or her official responsibilities, the custodian of
25 limited-access employee records may release information from
26 such records only upon authorization in writing from the
27 employee or the president or upon order of a court of
28 competent jurisdiction.

29 Section 768. Section 1012.82, Florida Statutes, is
30 created to read:

31

1 1012.82 Teaching faculty; minimum teaching hours per
2 week.--Each full-time member of the teaching faculty at any
3 community college who is paid wholly from funds appropriated
4 from the community college program fund shall teach a minimum
5 of 15 classroom contact hours per week at such institution.
6 However, the required classroom contact hours per week may be
7 reduced upon approval of the president of the institution in
8 direct proportion to specific duties and responsibilities
9 assigned the faculty member by his or her departmental chair
10 or other appropriate college administrator. Such specific
11 duties may include specific research duties, specific duties
12 associated with developing television, video tape, or other
13 specifically assigned innovative teaching techniques or
14 devices, or assigned responsibility for off-campus student
15 internship or work-study programs. A "classroom contact hour"
16 consists of a regularly scheduled classroom activity of not
17 less than 50 minutes in a course of instruction which has been
18 approved by the community college board of trustees. Any
19 full-time faculty member who is paid partly from community
20 college program funds and partly from other funds or
21 appropriations shall teach a minimum number of classroom
22 contact hours per week in such proportion to 15 classroom
23 contact hours as his or her salary paid from community college
24 program funds bears to his or her total salary.

25 Section 769. Section 1012.83, Florida Statutes, is
26 created to read:

27 1012.83 Contracts with administrative and
28 instructional staff.--Each person employed in an
29 administrative or instructional capacity in a community
30 college shall be entitled to a contract as provided by rules
31 of the State Board of Education.

1 Section 770. Section 1012.84, Florida Statutes, is
2 created to read:

3 1012.84 Exemption from county civil service
4 commissions.--

5 (1) Any community college located in a county which
6 has either a budget commission or a civil service commission
7 is exempt from the regulation, supervision, and control of any
8 such commission.

9 (2) Any general or special law conflicting with this
10 section is repealed to the extent that said law conflicts with
11 this section.

12 Section 771. Section 1012.85, Florida Statutes, is
13 created to read:

14 1012.85 Payment of costs of civil actions against
15 officers, employees, or agents of community college board of
16 trustees.--

17 (1) Whenever any civil action has been brought against
18 any officer of the community college board of trustees,
19 including a board member, or any person employed by or agent
20 of the community college board of trustees, of any community
21 college for any act or omission arising out of and in the
22 course of the performance of his or her duties and
23 responsibilities, the community college board of trustees may
24 defray all costs of defending such action, including
25 reasonable attorney's fees and expenses together with costs of
26 appeal, if any, and may save harmless and protect such person
27 from any financial loss resulting therefrom; and the community
28 college board of trustees may be self-insured, to enter into
29 risk management programs, or to purchase insurance for
30 whatever coverage it may choose, or to have any combination
31 thereof, to cover all such losses and expenses. However, any

1 attorney's fees paid from public funds for any officer,
2 employee, or agent who is found to be personally liable by
3 virtue of acting outside the scope of his or her employment or
4 acting in bad faith, with malicious purpose, or in a manner
5 exhibiting wanton and willful disregard of human rights,
6 safety, or property may be recovered by the state, county,
7 municipality, or political subdivision in a civil action
8 against such officer, employee, or agent.

9 (2) Failure by a community college board of trustees
10 to perform any act authorized by this section shall not
11 constitute a cause of action against a community college or
12 its trustees, officers, employees, or agents.

13 Section 772. Section 1012.855, Florida Statutes, is
14 created to read:

15 1012.855 Employment of community college personnel;
16 discrimination in granting salary prohibited.--

17 (1)(a) Employment of all personnel in each community
18 college shall be upon recommendation of the president, subject
19 to rejection for cause by the community college board of
20 trustees; to the rules of the State Board of Education
21 relative to certification, tenure, leaves of absence of all
22 types, including sabbaticals, remuneration, and such other
23 conditions of employment as the State Board of Education deems
24 necessary and proper; and to policies of the community college
25 board of trustees not inconsistent with law.

26 (b) Any internal auditor employed by a community
27 college shall be hired by the community college board of
28 trustees and shall report directly to the board.

29 (2) Each community college board of trustees shall
30 undertake a program to eradicate any discrimination on the
31

1 basis of gender, race, or physical handicap in the granting of
2 salaries to employees.

3 Section 773. Section 1012.86, Florida Statutes, is
4 created to read:

5 1012.86 Community college employment equity
6 accountability program.--

7 (1) Each community college shall include in its annual
8 equity update a plan for increasing the representation of
9 women and minorities in senior-level administrative positions
10 and in full-time faculty positions, and for increasing the
11 representation of women and minorities who have attained
12 continuing-contract status. Positions shall be defined in the
13 personnel data element directory of the Department of
14 Education. The plan must include specific measurable goals and
15 objectives, specific strategies and timelines for
16 accomplishing these goals and objectives, and comparable
17 national standards as provided by the Department of Education.
18 The goals and objectives shall be based on meeting or
19 exceeding comparable national standards and shall be reviewed
20 and recommended by the State Board of Education as
21 appropriate. Such plans shall be maintained until appropriate
22 representation has been achieved and maintained for at least 3
23 consecutive reporting years.

24 (2)(a) On or before May 1 of each year, each community
25 college president shall submit an annual employment
26 accountability plan to the Commissioner of Education and the
27 State Board of Education. The accountability plan must show
28 faculty and administrator employment data according to
29 requirements specified on the federal Equal Employment
30 Opportunity (EE0-6) report.

31

1 (b) The plan must show the following information for
2 those positions including, but not limited to:
3 1. Job classification title.
4 2. Gender.
5 3. Ethnicity.
6 4. Appointment status.
7 5. Salary information. At each community college,
8 salary information shall also include the salary ranges in
9 which new hires were employed compared to the salary ranges
10 for employees with comparable experience and qualifications.
11 6. Other comparative information including, but not
12 limited to, composite information regarding the total number
13 of positions within the particular job title classification
14 for the community college by race, gender, and salary range
15 compared to the number of new hires.
16 7. A statement certifying diversity and balance in the
17 gender and ethnic composition of the selection committee for
18 each vacancy, including a brief description of guidelines used
19 for ensuring balanced and diverse membership on selection and
20 review committees.
21 (c) The annual employment accountability plan shall
22 also include an analysis and an assessment of the community
23 college's attainment of annual goals and of long-range goals
24 for increasing the number of women and minorities in faculty
25 and senior-level administrative positions, and a corrective
26 action plan for addressing underrepresentation.
27 (d) Each community college's employment accountability
28 plan must also include:
29 1. The requirements for receiving a continuing
30 contract.
31

1 2. A brief description of the process used to grant
2 continuing-contract status.

3 3. A brief description of the process used to annually
4 apprise each eligible faculty member of progress toward
5 attainment of continuing-contract status.

6 (3) Community college presidents and the heads of each
7 major administrative division shall be evaluated annually on
8 the progress made toward meeting the goals and objectives of
9 the community college's employment accountability plan.

10 (a) The community college presidents, or the
11 presidents' designees, shall annually evaluate each department
12 chairperson, dean, provost, and vice president in achieving
13 the annual and long-term goals and objectives. A summary of
14 the results of such evaluations shall be reported annually by
15 the community college president to the community college board
16 of trustees. Annual budget allocations by the community
17 college board of trustees for positions and funding must take
18 into consideration these evaluations.

19 (b) Community college boards of trustees shall
20 annually evaluate the performance of the community college
21 presidents in achieving the annual and long-term goals and
22 objectives. A summary of the results of such evaluations shall
23 be reported to the Commissioner of Education and the State
24 Board of Education as part of the community college's annual
25 employment accountability plan, and to the Legislature as part
26 of the annual equity progress report submitted by the State
27 Board of Education.

28 (4) The State Board of Education shall submit an
29 annual equity progress report to the President of the Senate
30 and the Speaker of the House of Representatives on or before
31 January 1 of each year.

1 (5) Each community college shall develop a budgetary
2 incentive plan to support and ensure attainment of the goals
3 developed pursuant to this section. The plan shall specify,
4 at a minimum, how resources shall be allocated to support the
5 achievement of goals and the implementation of strategies in a
6 timely manner. After prior review and approval by the
7 community college president and the community college board of
8 trustees, the plan shall be submitted as part of the annual
9 employment accountability plan submitted by each community
10 college to the State Board of Education.

11 (6) Subject to available funding, the Legislature
12 shall provide an annual appropriation to the State Board of
13 Education to be allocated to community college presidents,
14 faculty, and administrative personnel to further enhance
15 equity initiatives and related priorities that support the
16 mission of colleges and departments in recognition of the
17 attainment of the equity goals and objectives.

18 Section 774. Section 1012.865, Florida Statutes, is
19 created to read:

20 1012.865 Sick leave.--Each community college board of
21 trustees shall adopt rules whereby any full-time employee who
22 is unable to perform his or her duties at the community
23 college on account of personal sickness, accident disability,
24 or extended personal illness, or because of illness or death
25 of the employee's father, mother, brother, sister, husband,
26 wife, child, or other close relative or member of the
27 employee's own household, and who consequently has to be
28 absent from work shall be granted leave of absence for
29 sickness by the president or by the president's designated
30 representative. The following provisions shall govern sick
31 leave:

1 (1) DEFINITIONS.--As used in this section, unless the
2 context otherwise requires, the term:

3 (a) "Educational support employee" means any person
4 employed by a community college as an education or
5 administrative paraprofessional; a member of the operations,
6 maintenance, or comparable department; or a secretary,
7 clerical, or comparable level support employee.

8 (b) "Instructional staff" shall be used synonymously
9 with the word "teacher" or "faculty" and includes faculty
10 members, librarians, counselors, and other comparable members
11 engaged in an instructional capacity in the community college.

12 (2) EXTENT OF LEAVE WITH COMPENSATION.--

13 (a) Each full-time employee shall earn 1 day of sick
14 leave with compensation for each calendar month or major
15 fraction of a calendar month of service, not to exceed 12 days
16 for each fiscal year. Such leave shall be taken only when
17 necessary because of sickness as herein prescribed. Such sick
18 leave shall be cumulative from year to year. Accumulated sick
19 leave may be transferred from another Florida community
20 college, the Florida Department of Education, a state
21 university, a Florida district school board, or a state
22 agency, provided that at least one-half of the sick leave
23 accumulated at any time must have been established in the
24 college in which such employee is currently employed.

25 (b) A community college board of trustees may
26 establish rules and prescribe procedures whereby a full-time
27 employee may, at the beginning date of employment in any year,
28 be credited with 12 days of sick leave with compensation in
29 excess of the number of days the employee has earned. Upon
30 termination of employment, the employee's final compensation
31 shall be adjusted in an amount necessary to ensure that sick

1 leave with compensation does not exceed the days of earned
2 sick leave as provided herein.

3 (c) A community college board of trustees may
4 establish rules and prescribe standards to permit a full-time
5 employee to be absent no more than 4 days for personal
6 reasons. However, such absences for personal reasons shall be
7 charged only to accrued sick leave, and leave for personal
8 reasons shall be noncumulative.

9 (d) A community college board of trustees may
10 establish rules to provide terminal pay for accumulated sick
11 leave to full-time instructional staff and educational support
12 employees or to the employee's beneficiary if service is
13 terminated by death. However, such terminal pay may not
14 exceed an amount determined as follows:

15 1. During the first 3 years of service, the daily rate
16 of pay multiplied by 35 percent times the number of days of
17 accumulated sick leave.

18 2. During the next 3 years of service, the daily rate
19 of pay multiplied by 40 percent times the number of days of
20 accumulated sick leave.

21 3. During the next 3 years of service, the daily rate
22 of pay multiplied by 45 percent times the number of days of
23 accumulated sick leave.

24 4. During the 10th year of service, the daily rate of
25 pay multiplied by 50 percent times the number of days of
26 accumulated sick leave.

27 5. During the next 20 years of service, the daily rate
28 of pay multiplied by 50 percent plus up to an additional 2.5
29 percent per year for each year of service beyond 10 years,
30 times the number of days of accumulated sick leave.

31

1 If an employee receives terminal pay benefits based on unused
2 sick leave credit, all unused sick leave credit shall become
3 invalid; however, if an employee terminates his or her
4 employment without receiving terminal pay benefits and is
5 reemployed, his or her sick leave credit shall be reinstated.
6 (e) A community college board of trustees may, by
7 rule, provide for terminal pay for accumulated unused sick
8 leave to be paid to any full-time employee of a community
9 college other than instructional staff or educational support
10 employees. If termination of employment is by death of the
11 employee, any terminal pay to which the employee may have been
12 entitled shall be made to the employee's beneficiary.
13 1. For unused sick leave accumulated before July 1,
14 2001, terminal pay shall be made pursuant to rules or policies
15 of the board of trustees which were in effect on June 30,
16 2001.
17 2. For unused sick leave accumulated on or after July
18 1, 2001, terminal payment may not exceed an amount equal to
19 one-fourth of the employee's unused sick leave or 60 days of
20 the employee's pay, whichever amount is less.
21 3. If the employee had an accumulated sick leave
22 balance of 60 days or more on June 30, 2001, sick leave earned
23 after that date may not be accumulated for terminal pay
24 purposes until the accumulated leave balance as of June 30,
25 2001, is less than 60 days.
26 (3) CLAIM MUST BE FILED.--Any full-time employee who
27 finds it necessary to be absent from his or her duties because
28 of illness as defined in this section shall notify the
29 community college president or a college official designated
30 by the president, if possible before the opening of college on
31 the day on which the employee must be absent or during the

1 day, except when he or she is absent for emergency reasons
2 recognized by the community college board of trustees as
3 valid. Any employee shall, before claiming and receiving
4 compensation for the time absent from his or her duties while
5 absent because of sick leave as prescribed in this section,
6 make and file a written certificate which shall set forth the
7 day or days absent, that such absence was necessary, and that
8 he or she is entitled or not entitled to receive pay for such
9 absence in accordance with the provisions of this section. The
10 community college board of trustees may adopt rules under
11 which the president may require a certificate of illness from
12 a licensed physician or from the county health officer.

13 (4) COMPENSATION.--Any full-time employee who has
14 unused sick leave credit shall receive full-time compensation
15 for the time justifiably absent on sick leave; however, no
16 compensation may be allowed beyond that provided in subsection
17 (6).

18 (5) EXPENDITURE AUTHORIZED.--Community college boards
19 of trustees may expend public funds for payment to employees
20 on account of sickness. The expending and excluding of such
21 funds shall be in compliance with rules adopted by the
22 Department of Management Services pursuant to chapter 650.

23 (6) SICK LEAVE POOL.--Notwithstanding any other
24 provision of this section, a community college board of
25 trustees may, by rule, based upon the maintenance of reliable
26 and accurate records by the community college showing the
27 amount of sick leave which has been accumulated and is unused
28 by employees in accordance with this section, establish a plan
29 allowing participating full-time employees of the community
30 college to pool sick leave accrued and allowing any sick leave
31 thus pooled to be disbursed to any participating employee who

1 is in need of sick leave in excess of that amount he or she
2 has personally accrued. Such rules shall include, but not be
3 limited to, the following provisions:
4 (a) Participation in the sick leave pool shall at all
5 times be voluntary on the part of employees.
6 (b) Any full-time employee shall be eligible for
7 participation in the sick leave pool after 1 year of
8 employment with the community college, provided such employee
9 has accrued a minimum amount of unused sick leave, which
10 minimum shall be established by rule.
11 (c) Any sick leave pooled pursuant to this section
12 shall be removed from the personally accumulated sick leave
13 balance of the employee donating such leave.
14 (d) Participating employees shall make equal
15 contributions to the sick leave pool. There shall be
16 established a maximum amount of sick leave which may be
17 contributed to the pool by an employee. After the initial
18 contribution which an employee makes upon electing to
19 participate, no further contributions shall be required except
20 as may be necessary to replenish the pool. Any such further
21 contribution shall be equally required of all employees
22 participating in the pool.
23 (e) Any sick leave time drawn from the pool by a
24 participating employee must be used for that employee's
25 personal illness, accident, or injury.
26 (f) A participating employee will not be eligible to
27 use sick leave from the pool until all of his or her sick
28 leave has been depleted. There shall be established a maximum
29 number of days for which an employee may draw sick leave from
30 the sick leave pool.
31

1 (g) A participating employee who uses sick leave from
2 the pool will not be required to recontribute such sick leave
3 to the pool, except as otherwise provided herein.

4 (h) A participating employee who chooses to no longer
5 participate in the sick leave pool will not be eligible to
6 withdraw any sick leave already contributed to the pool.

7 (i) Alleged abuse of the use of the sick leave pool
8 shall be investigated, and, on a finding of wrongdoing, the
9 employee shall repay all of the sick leave credits drawn from
10 the sick leave pool and shall be subject to such other
11 disciplinary action as is determined by the board to be
12 appropriate. Rules adopted for the administration of this
13 program shall provide for the investigation of the use of sick
14 leave utilized by the participating employee in the sick leave
15 pool.

16 Section 775. Section 1012.87, Florida Statutes, is
17 created to read:

18 1012.87 Retirement annuities.--Each community college
19 board of trustees may purchase annuities for its community
20 college personnel who have 25 or more years of creditable
21 service and who have reached age 55 and have applied for
22 retirement under the Florida Retirement System. No such
23 annuity may provide for more than the total difference in
24 retirement income between the retirement benefit based on
25 average monthly compensation and creditable service as of the
26 member's early retirement date and the early retirement
27 benefit. Community college boards of trustees may also
28 purchase annuities for members of the Florida Retirement
29 System who have out-of-state teaching service in another state
30 or country which is documented as valid by the appropriate
31 educational entity. Such annuities may be based on no more

1 than 5 years of out-of-state teaching service and may equal,
2 but not exceed, the benefits that would be payable under the
3 Florida Retirement System if credit for out-of-state teaching
4 was authorized under that system. Each community college board
5 of trustees may invest funds, purchase annuities, or provide
6 local supplemental retirement programs for purposes of
7 providing retirement annuities for community college
8 personnel. All such retirement annuities shall comply with s.
9 14, Art. X of the State Constitution.

10 Section 776. Section 1012.875, Florida Statutes, is
11 created to read:

12 1012.875 Community College Optional Retirement
13 Program.--Each community college may implement an optional
14 retirement program, if such program is established therefor
15 pursuant to s. 1001.64(20), under which annuity contracts
16 providing retirement and death benefits may be purchased by,
17 and on behalf of, eligible employees who participate in the
18 program. Except as otherwise provided herein, this retirement
19 program, which shall be known as the State Community College
20 System Optional Retirement Program, may be implemented and
21 administered only by an individual community college or by a
22 consortium of community colleges.

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

24 (a) "Activation" means the date upon which an optional
25 retirement program is first made available by the program
26 administrator to eligible employees.

27 (b) "College" means community colleges as defined in
28 s. 1000.21.

29 (c) "Department" means the Department of Management
30 Services.

31

1 (d) "Program administrator" means the individual
2 college or consortium of colleges responsible for implementing
3 and administering an optional retirement program.

4 (e) "Program participant" means an eligible employee
5 who has elected to participate in an available optional
6 retirement program as authorized by this section.

7 (2) Participation in the optional retirement program
8 provided by this section is limited to employees who satisfy
9 the criteria set forth in s. 121.051(2)(c).

10 (3)(a) With respect to any employee who is eligible to
11 participate in the optional retirement program by reason of
12 qualifying employment commencing before the program's
13 activation:

14 1. The employee may elect to participate in the
15 optional retirement program in lieu of participation in the
16 Florida Retirement System. To become a program participant,
17 the employee must file with the personnel officer of the
18 college, within 60 days after the program's activation, both a
19 written election on a form provided by the department and a
20 completed application for an individual contract or
21 certificate.

22 2. An employee's participation in the optional
23 retirement program commences on the first day of the next full
24 calendar month following the filing of the election and
25 completed application with the program administrator and
26 receipt of such election by the department. An employee's
27 membership in the Florida Retirement System terminates on this
28 same date.

29 3. Any such employee who fails to make an election to
30 participate in the optional retirement program within 60 days
31

1 after its activation has elected to retain membership in the
2 Florida Retirement System.

3 (b) With respect to any employee who becomes eligible
4 to participate in an optional retirement program by reason of
5 qualifying employment commencing on or after 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 commencing qualifying
12 employment, both a written election on a form provided by the
13 department and a completed application for an individual
14 contract or 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. If the employee makes an election to participate in
23 the optional retirement program before the community college
24 submits its initial payroll for the employee, participation in
25 the optional retirement program commences on the first date of
26 employment.

27 4. Any such employee who fails to make an election to
28 participate in the optional retirement program within 60 days
29 after commencing qualifying employment has elected to retain
30 membership in the Florida Retirement System.

31

1 (c) Any employee who, on or after an optional
2 retirement program's activation, becomes eligible to
3 participate in the program by reason of a change in status due
4 to the subsequent designation of the employee's position as
5 one of those referenced in subsection (2), or due to the
6 employee's appointment, promotion, transfer, or
7 reclassification to a position referenced in subsection (2),
8 must be notified by the community college of the employee's
9 eligibility to participate in the optional retirement program
10 in lieu of participation in the Florida Retirement System.
11 These eligible employees are subject to the provisions of
12 paragraph (b) and may elect to participate in the optional
13 retirement program in the same manner as those employees
14 described in paragraph (b), except that the 60-day election
15 period commences upon the date notice of eligibility is
16 received by the employee.

17 (d) Program participants must be fully and immediately
18 vested in the optional retirement program.

19 (e) The election by an eligible employee to
20 participate in the optional retirement program is irrevocable
21 for so long as the employee continues to meet the eligibility
22 requirements set forth in this section and in s.
23 121.051(2)(c), except as provided in paragraph (i).

24 (f) If a program participant becomes ineligible to
25 continue participating in the optional retirement program
26 pursuant to the criteria referenced in subsection (2), the
27 employee becomes a member of the Florida Retirement System if
28 eligible. The college must notify the department of an
29 employee's change in eligibility status within 30 days after
30 the event that makes the employee ineligible to continue
31 participation in the optional retirement program.

1 (g) An eligible employee who is a member of the
2 Florida Retirement System at the time of election to
3 participate in the optional retirement program retains all
4 retirement service credit earned under the Florida Retirement
5 System at the rate earned. Additional service credit in the
6 Florida Retirement System may not be earned while the employee
7 participates in the optional retirement program, nor is the
8 employee eligible for disability retirement under the Florida
9 Retirement System.

10 (h) A program participant may not simultaneously
11 participate in any other state-administered retirement system,
12 plan, or class.

13 (i) Except as provided in s. 121.052(6)(d), a program
14 participant who is or who becomes dually employed in two or
15 more positions covered by the Florida Retirement System, one
16 of which is eligible for an optional retirement program
17 pursuant to this section and one of which is not, is subject
18 to the dual employment provisions of chapter 121.

19 (4)(a) Each college must contribute on behalf of each
20 program participant an amount equal to 10.43 percent of the
21 participant's gross monthly compensation. The college shall
22 deduct an amount approved by the community college to provide
23 for the administration of the optional retirement program.
24 Payment of this contribution must be made either directly by
25 the community college or through the program administrator to
26 the designated company contracting for payment of benefits to
27 the program participant.

28 (b) Each community college must contribute on behalf
29 of each program participant an amount equal to the unfunded
30 actuarial accrued liability portion of the employer
31 contribution which would be required if the program

1 participant were a member of the Regular Class of the Florida
2 Retirement System. Payment of this contribution must be made
3 directly by the college to the department for deposit in the
4 Florida Retirement System Trust Fund.

5 (c) Each program participant who has executed an
6 annuity contract may contribute by way of salary reduction or
7 deduction a percentage of the program participant's gross
8 compensation, but this percentage may not exceed the
9 corresponding percentage contributed by the community college
10 to the optional retirement program. Payment of this
11 contribution may be made either directly by the college or
12 through the program administrator to the designated company
13 contracting for payment of benefits to the program
14 participant.

15 (d) Contributions to an optional retirement program by
16 a college or a program participant are in addition to, and
17 have no effect upon, contributions required now or in future
18 by the federal Social Security Act.

19 (5)(a) The benefits to be provided to program
20 participants must be provided through individual contracts or
21 group annuity contracts, which may be fixed, variable, or
22 both. Each individual contract or certificate must state the
23 type of annuity contract on its face page, and must include at
24 least a statement of ownership, the contract benefits, annuity
25 income options, limitations, expense charges, and surrender
26 charges, if any.

27 (b) Benefits are payable under the optional retirement
28 program to program participants or their beneficiaries, and
29 the benefits must be paid only by the designated company in
30 accordance with the terms of the annuity contracts applicable
31 to the program participant, provided that benefits funded by

1 employer contributions are payable only as a lifetime annuity
2 to the program participant, except for:
3 1. A lump-sum payment to the program participant's
4 beneficiary or estate upon the death of the program
5 participant; or
6 2. A cash-out of a de minimis account upon the request
7 of a former program participant who has been terminated for a
8 minimum of 6 months from the employment that caused the
9 participant to be eligible for participation. A de minimis
10 account is an account with a designated company containing
11 employer contributions and accumulated earnings of not more
12 than \$3,500. The cash-out must be a complete liquidation of
13 the account balance with that designated company and is
14 subject to the provisions of the Internal Revenue Code.
15 (c) The benefits payable to any person under the
16 optional retirement program, and any contribution accumulated
17 under the program, are not subject to assignment, execution,
18 attachment, or to any legal process whatsoever.
19 (6)(a) The optional retirement program authorized by
20 this section must be implemented and administered by the
21 program administrator under s. 403(b) of the Internal Revenue
22 Code. The program administrator has the express authority to
23 contract with a third party to fulfill any of the program
24 administrator's duties.
25 (b) The program administrator shall solicit
26 competitive bids or issue a request for proposal and select no
27 more than four companies from which annuity contracts may be
28 purchased under the optional retirement program. In making
29 these selections, the program administrator shall consider the
30 following factors:
31 1. The financial soundness of the company.

1 2. The extent of the company's experience in providing
2 annuity contracts to fund retirement programs.

3 3. The nature and extent of the rights and benefits
4 provided to program participants in relation to the premiums
5 paid.

6 4. The suitability of the rights and benefits provided
7 to the needs of eligible employees and the interests of the
8 college in the recruitment and retention of employees.

9
10 In lieu of soliciting competitive bids or issuing a request
11 for proposals, the program administrator may authorize the
12 purchase of annuity contracts under the optional retirement
13 program from those companies currently selected by the
14 department to offer such contracts through the State
15 University System Optional Retirement Program, as set forth in
16 s. 121.35.

17 (c) Optional retirement program annuity contracts must
18 be approved in form and content by the program administrator
19 in order to qualify. The program administrator may use the
20 same annuity contracts currently used within the State
21 University System Optional Retirement Program, as set forth in
22 s. 121.35.

23 (d) The provision of each annuity contract applicable
24 to a program participant must be contained in a written
25 program description that includes a report of pertinent
26 financial and actuarial information on the solvency and
27 actuarial soundness of the program and the benefits applicable
28 to the program participant. The company must furnish the
29 description annually to the program administrator, and to each
30 program participant upon commencement of participation in the
31 program and annually thereafter.

1 (e) The program administrator must ensure that each
2 program participant is provided annually with an accounting of
3 the total contributions and the annual contributions made by
4 and on the behalf of the program participant.

5 Section 777. Section 1012.88, Florida Statutes, is
6 created to read:

7 1012.88 Community college police.--

8 (1) Each community college is permitted and empowered
9 to employ police officers for the community college, who must
10 be designated community college police.

11 (2) Each community college police officer is a law
12 enforcement officer of the state and a conservator of the
13 peace who has the authority to arrest, in accordance with the
14 laws of this state, any person for a violation of state law or
15 applicable county or municipal ordinance if that violation
16 occurs on or in any property or facilities of the community
17 college by which he or she is employed or any property or
18 facilities of a direct-support organization of such community
19 college. A community college police officer may also arrest a
20 person off campus for a violation committed on campus after a
21 hot pursuit of that person that began on any such property or
22 facilities. A community college police officer may bear arms
23 in the performance of his or her duties and carry out a search
24 pursuant to a search warrant on the campus where he or she is
25 employed. Community college police, upon request of the
26 sheriff or local police authority, may serve subpoenas or
27 other legal process and may make arrests of persons against
28 whom arrest warrants have been issued or against whom charges
29 have been made for violations of federal or state laws or
30 county or municipal ordinances.

31

1 (3) Community college police shall promptly deliver
2 all persons arrested and charged with felonies to the sheriff
3 of the county within which the community college is located
4 and all persons arrested and charged with misdemeanors to the
5 applicable authority as provided by law, but otherwise to the
6 sheriff of the county in which the community college is
7 located.

8 (4) Community college police must meet the minimum
9 standards established by the Police Standards and Training
10 Commission of the Department of Law Enforcement and chapter
11 943 for law enforcement officers. Each community college
12 police officer must, before entering into the performance of
13 his or her duties, take the oath of office established by the
14 community college. Each community college that employs police
15 officers may obtain and approve a bond on each police officer,
16 conditioned upon the officer's faithful performance of his or
17 her duties, which bond must be payable to the Governor. The
18 community college may determine the amount of the bond. In
19 determining the amount of the bond, the community college may
20 consider the amount of money or property likely to be in the
21 custody of the officer at any one time. The community college
22 shall provide a uniform set of identifying credentials to each
23 community college police officer it employs.

24 (5) In performance of any of the powers, duties, and
25 functions authorized by law, community college police have the
26 same rights, protections, and immunities afforded other law
27 enforcement officers.

28 (6) The community college, with the approval of the
29 Department of Law Enforcement, shall adopt rules, including,
30 without limitation, rules for the appointment, employment, and
31 removal of community college police in accordance with the

1 state Career Service System and shall establish in writing a
2 policy manual, that includes, without limitation, procedures
3 for managing routine law enforcement situations and emergency
4 law enforcement situations. The community college shall
5 furnish a copy of the policy manual to each of the police
6 officers it employs.

7 Section 778. Part IV.c. of chapter 1012, Florida
8 Statutes, shall be entitled "Universities; Personnel" and
9 shall consist of ss. 1012.91-1012.97.

10 Section 779. Section 1012.91, Florida Statutes, is
11 created to read:

12 1012.91 Personnel records.--

13 (1) Each university board of trustees shall adopt
14 rules prescribing the content and custody of limited-access
15 records that the university may maintain on its employees.
16 Such limited-access records are confidential and exempt from
17 the provisions of s. 119.07(1). Such records are limited to
18 the following:

19 (a) Records containing information reflecting academic
20 evaluations of employee performance shall be open to
21 inspection only by the employee and by officials of the
22 university responsible for supervision of the employee.

23 (b) Records maintained for the purposes of any
24 investigation of employee misconduct, including but not
25 limited to a complaint against an employee and all information
26 obtained pursuant to the investigation of such complaint,
27 shall be confidential until the investigation ceases to be
28 active or until the university provides written notice to the
29 employee who is the subject of the complaint that the
30 university has either:

31

1 1. Concluded the investigation with a finding not to
2 proceed with disciplinary action;

3 2. Concluded the investigation with a finding to
4 proceed with disciplinary action; or

5 3. Issued a letter of discipline.

6
7 For the purpose of this paragraph, an investigation shall be
8 considered active as long as it is continuing with a
9 reasonable, good faith anticipation that a finding will be
10 made in the foreseeable future. An investigation shall be
11 presumed to be inactive if no finding is made within 90 days
12 after the complaint is filed.

13 (c) Records maintained for the purposes of any
14 disciplinary proceeding brought against an employee shall be
15 confidential until a final decision is made in the proceeding.
16 The record of any disciplinary proceeding, including any
17 evidence presented, shall be open to inspection by the
18 employee at all times.

19 (d) Records maintained for the purposes of any
20 grievance proceeding brought by an employee for enforcement of
21 a collective bargaining agreement or contract shall be
22 confidential and shall be open to inspection only by the
23 employee and by officials of the university conducting the
24 grievance proceeding until a final decision is made in the
25 proceeding.

26 (2) Notwithstanding the foregoing, any records or
27 portions thereof which are otherwise confidential by law shall
28 continue to be exempt from the provisions of s. 119.07(1). In
29 addition, for sexual harassment investigations, portions of
30 such records which identify the complainant, a witness, or
31

1 information which could reasonably lead to the identification
2 of the complainant or a witness are limited-access records.

3 (3) Except as required for use by the president in the
4 discharge of his or her official responsibilities, the
5 custodian of limited-access records may release information
6 from such records only upon authorization in writing from the
7 employee or upon order of a court of competent jurisdiction.

8 (4) Notwithstanding the provisions of subsection (1),
9 records comprising the common core items contained in the
10 State University System Student Assessment of Instruction or
11 comparable instrument may not be prescribed as limited-access
12 records.

13 (5) This section shall apply to records created after
14 July 1, 1995.

15 Section 780. Section 1012.92, Florida Statutes, is
16 created to read:

17 1012.92 Personnel codes of conduct; disciplinary
18 measures; rulemaking authority.--

19 (1) Each university board of trustees may adopt, by
20 rule, codes of conduct and appropriate penalties for
21 violations of rules by employees, to be administered by the
22 university. Such penalties, unless otherwise provided by law,
23 may include: reprimand; restitution; fines; restrictions on
24 the use of or removal from university facilities; educational
25 training or counseling requirements; and the imposition of
26 probation, suspension, dismissal, demotion, or other
27 appropriate disciplinary action.

28 (2) Sanctions authorized by university codes of
29 conduct may be imposed only for acts or omissions in violation
30 of rules adopted by the university, including rules adopted
31 under this section, rules of the State Board of Education,

1 county and municipal ordinances, and the laws of this state,
2 the United States, or any other state.

3 (3) The university board of trustees shall adopt rules
4 for the lawful discipline of any employee who intentionally
5 acts to impair, interfere with, or obstruct the orderly
6 conduct, processes, and functions of a state university. Said
7 rules may apply to acts conducted on or off campus when
8 relevant to such orderly conduct, processes, and functions.

9 Section 781. Section 1012.93, Florida Statutes, is
10 created to read:

11 1012.93 Faculty members; test of spoken English.--The
12 State Board of Education shall adopt rules requiring that all
13 faculty members in each state university and New College,
14 other than those persons who teach courses that are conducted
15 primarily in a foreign language, be proficient in the oral use
16 of English, as determined by a satisfactory grade on the "Test
17 of Spoken English" of the Educational Testing Service or a
18 similar test approved by the state board.

19 Section 782. Section 1012.94, Florida Statutes, is
20 created to read:

21 1012.94 Evaluations of faculty members; report.--
22 (1) For the purpose of evaluating faculty members,
23 each university board of trustees shall adopt rules for the
24 assignment of duties and responsibilities to faculty members.
25 These assigned duties or responsibilities shall be conveyed to
26 each faculty member at the beginning of each academic term, in
27 writing, by his or her departmental chair or other appropriate
28 university administrator making the assignment. In evaluating
29 the competencies of a faculty member, primary assessment shall
30 be in terms of his or her performance of the assigned duties
31 and responsibilities, and such evaluation shall be given

1 adequate consideration for the purpose of salary adjustments,
2 promotions, reemployment, and tenure. A faculty member who is
3 assigned full-time teaching duties as provided by law shall be
4 rewarded with salary adjustments, promotions, reemployment, or
5 tenure for meritorious teaching and other scholarly activities
6 related thereto.

7 (2) The State Board of Education shall establish
8 criteria for evaluating the quantity and quality of service to
9 public schools by university faculty members and shall require
10 consideration of this service in promotion, tenure, and other
11 reward measures. Each university board of trustees shall
12 ensure that the following policies are implemented:

13 (a) Flexible criteria for rewarding faculty members,
14 consistent with the educational goals and objectives of the
15 university, shall be established, which criteria shall include
16 quality teaching and service to public schools as major
17 factors in determining salary adjustments, promotions,
18 reemployment, or tenure.

19 (b) Measures shall be taken to increase the
20 recognition, reinforcements, and rewards given quality
21 teaching and service to public schools. Such measures might
22 include grants for professional development, curriculum
23 improvement, and instructional innovation, as well as awards
24 of varying kinds for meritorious teaching.

25 (c) The means of identifying and evaluating quality
26 teachers and outstanding service to public schools shall be
27 determined in accordance with established guidelines of the
28 university.

29 (3) The chief academic officer at each state
30 university and New College shall disseminate information to
31 all faculty members which clearly states that service to

1 public schools is one of the criteria used to determine salary
2 adjustments, promotions, reemployment, and tenure for faculty
3 members.

4 Section 783. Section 1012.945, Florida Statutes, is
5 created to read:

6 1012.945 Required number of classroom teaching hours
7 for university faculty members.--

8 (1) As used in this section:

9 (a) "State funds" means those funds appropriated
10 annually in the General Appropriations Act.

11 (b) "Classroom contact hour" means a regularly
12 scheduled 1-hour period of classroom activity in a course of
13 instruction which has been approved by the university.

14 (2) Each full-time equivalent teaching faculty member
15 at a university who is paid wholly from state funds shall
16 teach a minimum of 12 classroom contact hours per week at such
17 university. However, any faculty member who is assigned by his
18 or her departmental chair or other appropriate university
19 administrator professional responsibilities and duties in
20 furtherance of the mission of the university shall teach a
21 minimum number of classroom contact hours in proportion to 12
22 classroom hours per week as such especially assigned
23 mentioned duties and responsibilities bear to 12
24 classroom contact hours per week. Any full-time faculty member
25 who is paid partly from state funds and partly from other
26 funds or appropriations shall teach a minimum number of
27 classroom contact hours in such proportion to 12 classroom
28 contact hours per week as his or her salary paid from state
29 funds bears to his or her total salary. In determining the
30 appropriate hourly weighting of assigned duties other than
31 classroom contact hours, the universities shall develop and

1 apply a formula designed to equate the time required for
2 nonclassroom duties with classroom contact hours. "Full-time
3 equivalent teaching faculty member" shall be interpreted to
4 mean all faculty personnel budgeted in the instruction and
5 research portion of the budget, exclusive of those full-time
6 equivalent positions assigned to research, public service,
7 administrative duties, and academic advising. Full-time
8 administrators, librarians, and counselors shall be exempt
9 from the provisions of this section; and colleges of medicine
10 and law and others which are required for purposes of
11 accreditation to meet national standards prescribed by the
12 American Medical Association, the American Bar Association, or
13 other professional associations shall be exempt from the
14 provisions of this section to the extent that the requirements
15 of this section differ from the requirements of accreditation.

16 Section 784. Section 1012.95, Florida Statutes, is
17 created to read:

18 1012.95 University employment equity accountability
19 program.--

20 (1) Each state university and New College shall
21 maintain an annual equity plan for appropriate representation
22 of women and minorities in senior-level administrative
23 positions, within tenure-track faculty, and within
24 faculty-granted tenure. Such plan shall be maintained until
25 appropriate representation has been achieved. As used in this
26 subsection, the term:

27 (a) "Appropriate representation" means category
28 employment representation that at least meets comparable
29 national standards for at least two consecutive reporting
30 periods.

31

1 **(b) "Category" means major executive, administrative,**
2 **and professional grouping, including senior-level**
3 **administrative and professional positions, senior academic**
4 **administrative-level positions, and tenure-track faculty.**

5 **(2)(a) By April 1 of each year, each state university**
6 **president shall submit an annual equity report to the**
7 **Commissioner of Education and the State Board of Education.**
8 **The equity report shall consist of a status update, an**
9 **analysis, and a status report of selected personnel**
10 **transactions. As used in this paragraph, the term, "selected**
11 **personnel transactions" means new hires in, promotions into,**
12 **tenure actions in, and terminations from a category. Each**
13 **university shall provide the following information for the**
14 **selected personnel transactions including, but not limited to:**

- 15 **1. Job classification title.**
- 16 **2. Gender.**
- 17 **3. Race.**
- 18 **4. Appointment status.**

19
20 **The status update shall assess underrepresentation in each**
21 **category. The status report shall consist of current category**
22 **employment representation, comparable national standards, an**
23 **evaluation of representation, and annual goals to address**
24 **underrepresentation.**

25 **(b) After 1 year of implementation of a plan, and**
26 **annually thereafter, for those categories in which prior year**
27 **goals were not achieved, each university shall provide, in its**
28 **annual equity report, a narrative explanation and a plan for**
29 **achievement of equity. The plan shall include guidelines for**
30 **ensuring balanced membership on selection committees and**
31 **specific steps for developing a diverse pool of candidates for**

1 each vacancy in the category. The plan shall also include a
2 systematic process by which those responsible for hiring are
3 provided information and are evaluated regarding their
4 responsibilities pursuant to this section.

5 (c) The equity report shall include an analysis and
6 assessment of the university's accomplishment of annual goals,
7 as specified in the university's affirmative action plan, for
8 increasing the representation of women and minorities in
9 tenure-earning and senior-level administrative positions.

10 (d) The equity report shall also include the current
11 rank, race, and gender of faculty eligible for tenure in a
12 category. In addition, each university shall report
13 representation of the pool of tenure-eligible faculty at each
14 stage of the transaction process and provide certification
15 that each eligible faculty member was apprised annually of
16 progress toward tenure. Each university shall also report on
17 the dissemination of standards for achieving tenure; racial
18 and gender composition of committees reviewing recommendations
19 at each transaction level; and dissemination of guidelines for
20 equitable distribution of assignments.

21 (3)(a) A factor in the evaluation of university
22 presidents, vice presidents, deans, and chairpersons shall be
23 their annual progress in achieving the annual and long-range
24 hiring and promotional goals and objectives, as specified in
25 the university's equity plan and affirmative action plan.
26 Annual budget allocations for positions and funding shall be
27 based on this evaluation. A summary of such evaluations shall
28 be submitted to the Commissioner of Education and the State
29 Board of Education as part of the university's annual equity
30 report.

31

1 (b) The university boards of trustees shall annually
2 evaluate the performance of the university presidents in
3 achieving the annual equity goals and objectives. A summary of
4 the results of such evaluations shall be included as part of
5 the annual equity progress report submitted by the university
6 boards of trustees to the Legislature and the State Board of
7 Education.

8 (4) The State Board of Education shall submit an
9 annual equity progress report to the President of the Senate
10 and the Speaker of the House of Representatives on or before
11 August 1 of each year.

12 (5) Each university shall develop a budgetary
13 incentive plan to support and ensure attainment of the goals
14 developed pursuant to this section. The plan shall specify, at
15 a minimum, how resources shall be allocated to support the
16 achievement of goals and the implementation of strategies in a
17 timely manner. After prior review and approval by the
18 university president and the university board of trustees, the
19 plan shall be submitted as part of the annual equity report
20 submitted by each university to the State Board of Education.

21 (6) Relevant components of each university's
22 affirmative action plan may be used to satisfy the
23 requirements of this section.

24 (7) Subject to available funding, the Legislature
25 shall provide an annual appropriation to be allocated to the
26 universities to further enhance equity initiatives and related
27 priorities that support the mission of departments, divisions,
28 or colleges in recognition of the attainment of equity goals
29 and objectives.

30 Section 785. Section 1012.96, Florida Statutes, is
31 created to read:

1 1012.96 IFAS extension personnel; federal health
2 insurance programs notwithstanding the provisions of s.
3 110.123.--The Institute of Food and Agricultural Sciences at
4 the University of Florida may pay the employer's share of
5 premiums to the Federal Health Benefits Insurance Program from
6 its appropriated budget for any cooperative extension employee
7 of the institute having both state and federal appointments
8 and participating in the Federal Civil Service Retirement
9 System.

10 Section 786. Section 1012.965, Florida Statutes, is
11 created to read:

12 1012.965 Payment of costs of civil action against
13 employees.--

14 (1) An employee or agent under the right of control of
15 a university board of trustees who, pursuant to the university
16 board's policies or rules, renders medical care or treatment
17 at any hospital or health care facility with which the
18 university board maintains an affiliation agreement whereby
19 the hospital or health care facility provides to the
20 university board a clinical setting for health care education,
21 research, and services, shall not be deemed to be an agent of
22 any person other than the university board in any civil action
23 resulting from any act or omission of the employee or agent
24 while rendering said medical care or treatment. For this
25 subsection to apply, the patient shall be provided separate
26 written conspicuous notice by the university board of trustees
27 or by the hospital or health care facility, and shall
28 acknowledge receipt of this notice, in writing, unless
29 impractical by reason of an emergency, either personally or
30 through another person authorized to give consent for him or
31 her, that he or she will receive care provided by university

1 board's employees and liability, if any, that may arise from
2 that care is limited as provided by law. Compliance by a
3 hospital or health care facility with the requirements of
4 chapter 395 or s. 766.110(1) shall not be used as evidence in
5 any civil action to establish an employment or agency
6 relationship between the hospital or health care facility and
7 an employee or agent of the university board of trustees
8 providing services within the hospital or health care
9 facility.

10 (2) All faculty physicians employed by a university
11 board of trustees who are subject to the requirements of s.
12 456.013 shall complete their risk management continuing
13 education on issues specific to academic medicine. Such
14 continuing education shall include instruction for the
15 supervision of resident physicians as required by the
16 Accreditation Council for Graduate Medical Education. The
17 boards described in s. 456.013 shall adopt rules to implement
18 the provisions of this subsection.

19 (3) There are appropriated out of any funds available
20 to a university, not subject to the obligation of contract,
21 covenant, or trust, the amounts necessary to carry out the
22 purposes of this section.

23 (4) Failure of a university board of trustees or an
24 affiliated health care provider to do any act authorized by
25 this section shall not constitute a cause of action against
26 the university board, or an affiliated health care provider,
27 or any of their members, officers, or employees.

28 Section 787. Section 1012.97, Florida Statutes, is
29 created to read:

30 1012.97 University police.--
31

1 (1) Each university is empowered and directed to
2 provide for police officers for the university, and such
3 police officers shall hereafter be known and designated as the
4 "university police."

5 (2) The university police are hereby declared to be
6 law enforcement officers of the state and conservators of the
7 peace with the right to arrest, in accordance with the laws of
8 this state, any person for violation of state law or
9 applicable county or city ordinances when such violations
10 occur on any property or facilities that are under the
11 guidance, supervision, regulation, or control of the state
12 university or a direct-support organization of such
13 university, except that arrest may be made off campus when hot
14 pursuit originates on any such property or facilities. Such
15 officers shall have full authority to bear arms in the
16 performance of their duties and to execute search warrants
17 within their territorial jurisdiction. University police, when
18 requested by the sheriff or local police authority, may serve
19 subpoenas or other legal process and may make arrest of any
20 person against whom a warrant has been issued or any charge
21 has been made of violation of federal or state laws or county
22 or city ordinances.

23 (3) University police shall promptly deliver all
24 persons arrested and charged with a felony to the sheriff of
25 the county within which the university is located, and all
26 persons arrested and charged with misdemeanors shall be
27 delivered to the applicable authority as may be provided by
28 law, but otherwise to the sheriff of the county in which the
29 university is located.

30 (4) University police must meet the minimum standards
31 established by the Criminal Justice Standards and Training

1 Commission and chapter 943. Each police officer shall, before
2 entering into the performance of his or her duties, take the
3 oath of office as established by the university; and the
4 university may obtain and approve a bond on each officer,
5 payable to the Governor and his or her successors in office,
6 conditioned on the faithful performance of the duties of such
7 university police officer. The university may determine the
8 amount of the bond. In determining the amount of the bond, the
9 university may consider the amount of money or property likely
10 to be in the custody of the officer at any one time. The
11 university shall provide a uniform set of identification
12 credentials for each university police officer.

13 (5) In performance of any of the powers, duties, and
14 functions authorized by law or this section, university police
15 shall have the same rights, protections, and immunities
16 afforded other peace or law enforcement officers.

17 (6) The university, in concurrence with the Department
18 of Law Enforcement, shall adopt rules, including, but not
19 limited to, the appointment, employment, and removal of
20 university police and, further, establish in writing a policy
21 manual, including, but not limited to, routine and emergency
22 law enforcement situations. A policy manual shall be furnished
23 to each university police officer.

24 Section 788. Part V of chapter 1012, Florida Statutes,
25 shall be entitled "Professional Development" and shall consist
26 of ss. 1012.98-1012.985.

27 Section 789. Section 1012.98, Florida Statutes, is
28 created to read:

29 1012.98 School Community Professional Development
30 Act.--

31

1 (1) The Department of Education, public postsecondary
2 educational institutions, public school districts, and public
3 schools in this state shall collaborate to establish a
4 coordinated system of professional development. The purpose of
5 the professional development system is to enable the school
6 community to meet state and local student achievement
7 standards and the state education goals and to succeed in
8 school improvement as described in s. 1000.03.

9 (2) The school community includes administrative
10 personnel, managers, instructional personnel, support
11 personnel, members of district school boards, members of
12 school advisory councils, parents, business partners, and
13 personnel that provide health and social services to school
14 children. School districts may identify and include
15 additional members of the school community in the professional
16 development activities required by this section.

17 (3) The activities designed to implement this section
18 must:

19 (a) Increase the success of educators in guiding
20 student learning and development so as to implement state and
21 local educational standards, goals, and initiatives.

22 (b) Assist the school community in providing
23 stimulating educational activities that encourage and motivate
24 students to achieve at the highest levels and to become active
25 learners.

26 (c) Provide continuous support for all education
27 professionals as well as temporary intervention for education
28 professionals who need improvement in knowledge, skills, and
29 performance.

30 (4) The Department of Education, school districts,
31 schools, community colleges, and state universities share the

1 responsibilities described in this section. These

2 responsibilities include the following:

3 (a) The department shall develop and disseminate to
4 the school community model professional development methods
5 and programs that have demonstrated success in meeting
6 identified student needs. The Commissioner of Education shall
7 use data on student achievement to identify student needs. The
8 methods of dissemination must include a statewide performance
9 support system, a database of exemplary professional
10 development activities, a listing of available professional
11 development resources, training programs, and technical
12 assistance.

13 (b) Each school district shall develop a professional
14 development system. The system shall be developed in
15 consultation with teachers and representatives of community
16 college and university faculty, community agencies, and other
17 interested citizen groups to establish policy and procedures
18 to guide the operation of the district professional
19 development program. The professional development system
20 must:

21 1. Be approved by the department. All substantial
22 revisions to the system shall be submitted to the department
23 for review for continued approval.

24 2. Require the use of student achievement data; school
25 discipline data; school environment surveys; assessments of
26 parental satisfaction; performance appraisal data of teachers,
27 managers, and administrative personnel; and other performance
28 indicators to identify school and student needs that can be
29 met by improved professional performance.

30 3. Provide inservice activities coupled with followup
31 support that are appropriate to accomplish district-level and

1 school-level improvement goals and standards. The inservice
2 activities for instructional personnel shall primarily focus
3 on subject content and teaching methods, including technology,
4 as related to the Sunshine State Standards, assessment and
5 data analysis, classroom management, and school safety.

6 4. Include a master plan for inservice activities,
7 pursuant to rules of the State Board of Education, for all
8 district employees from all fund sources. The master plan
9 shall be updated annually by September 1 using criteria for
10 continued approval as specified by rules of the State Board of
11 Education. Written verification that the inservice plan meets
12 all requirements of this section must be submitted annually to
13 the commissioner by October 1.

14 5. Require each school principal to establish and
15 maintain an individual professional development plan for each
16 instructional employee assigned to the school. The individual
17 professional development plan must:

18 a. Be related to specific performance data for the
19 students to whom the teacher is assigned.

20 b. Define the inservice objectives and specific
21 measurable improvements expected in student performance as a
22 result of the inservice activity.

23 c. Include an evaluation component that determines the
24 effectiveness of the professional development plan.

25 6. Include inservice activities for school
26 administrative personnel that address updated skills necessary
27 for effective school management and instructional leadership.

28 7. Provide for systematic consultation with regional
29 and state personnel designated to provide technical assistance
30 and evaluation of local professional development programs.

31

1 8. Provide for delivery of professional development by
2 distance learning and other technology-based delivery systems
3 to reach more educators at lower costs.

4 9. Provide for the continuous evaluation of the
5 quality and effectiveness of professional development programs
6 in order to eliminate ineffective programs and strategies and
7 to expand effective ones. Evaluations must consider the impact
8 of such activities on the performance of participating
9 educators and their students' achievement and behavior.

10 (c) Each community college and state university shall
11 assist the department, school districts, and schools in the
12 design, delivery, and evaluation of professional development
13 activities. This assistance must include active participation
14 in state and local activities required by the professional
15 development system.

16 (5)(a) The Department of Education shall provide a
17 system for the recruitment, preparation, and professional
18 development of school administrative personnel. This system
19 shall:

20 1. Identify the knowledge, competencies, and skills
21 necessary for effective school management and instructional
22 leadership that align with student performance standards and
23 accountability measures.

24 2. Include performance evaluation methods.

25 3. Provide for alternate means for preparation of
26 school administrative personnel which may include programs
27 designed by school districts and postsecondary educational
28 institutions pursuant to guidelines developed by the
29 commissioner. Such preparation programs shall be approved by
30 the Department of Education.

31

1 4. Provide for the hiring of qualified out-of-state
2 school administrative personnel.

3 5. Provide advanced educational opportunities for
4 school-based instructional leaders.

5 (b) The Commissioner of Education shall appoint a task
6 force that includes a district school superintendent, a
7 district school board member, a principal, an assistant
8 principal, a teacher, a dean of a college of education, and
9 parents. The task force shall convene periodically to provide
10 recommendations to the department in the areas of recruitment,
11 certification, preparation, professional development, and
12 evaluation of school administrators.

13 (6) Each district school board shall provide funding
14 for the professional development system as required by s.
15 1011.62 and the General Appropriations Act, and shall direct
16 expenditures from other funding sources to strengthen the
17 system and make it uniform and coherent. A school district
18 may coordinate its professional development program with that
19 of another district, with an educational consortium, or with a
20 community college or university, especially in preparing and
21 educating personnel. Each district school board shall make
22 available inservice activities to instructional personnel of
23 nonpublic schools in the district and the state certified
24 teachers who are not employed by the district school board on
25 a fee basis not to exceed the cost of the activity per all
26 participants.

27 (7) An organization of private schools which has no
28 fewer than 10 member schools in this state, which publishes
29 and files with the Department of Education copies of its
30 standards, and the member schools of which comply with the
31 provisions of part II of chapter 1003, relating to compulsory

1 school attendance, may also develop a professional development
2 system that includes a master plan for inservice activities.
3 The system and inservice plan must be submitted to the
4 commissioner for approval pursuant to rules of the State Board
5 of Education.

6 (8) The Department of Education shall design methods
7 by which the state and district school boards may evaluate and
8 improve the professional development system. The evaluation
9 must include an annual assessment of data that indicate
10 progress or lack of progress of all students. If the review of
11 the data indicates progress, the department shall identify the
12 best practices that contributed to the progress. If the review
13 of the data indicates a lack of progress, the department shall
14 investigate the causes of the lack of progress, provide
15 technical assistance, and require the school district to
16 employ a different approach to professional development. The
17 department shall report annually to the State Board of
18 Education and the Legislature any school district that, in the
19 determination of the department, has failed to provide an
20 adequate professional development system. This report must
21 include the results of the department's investigation and of
22 any intervention provided.

23 (9) The State Board of Education may adopt rules
24 pursuant to ss. 120.536(1) and 120.54 to administer this
25 section.

26 (10) This section does not limit or discourage a
27 district school board from contracting with independent
28 entities for professional development services and inservice
29 education if the district school board believes that, through
30 such a contract, a better product can be acquired or its goals
31 for education improvement can be better met.

1 (11) For teachers, managers, and administrative
2 personnel who have been evaluated as less than satisfactory, a
3 district school board shall require participation in specific
4 professional development programs as part of the improvement
5 prescription.

6 Section 790. Section 1012.985, Florida Statutes, is
7 created to read:

8 1012.985 Statewide system for inservice professional
9 development.--The intent of this section is to establish a
10 statewide system of professional development that provides a
11 wide range of targeted inservice training to teachers,
12 managers, and administrative personnel designed to upgrade
13 skills and knowledge needed to reach world class standards in
14 education. The system shall consist of a network of
15 professional development academies in each region of the state
16 that are operated in partnership with area business partners
17 to develop and deliver high-quality training programs
18 purchased by school districts. The academies shall be
19 established to meet the human resource development needs of
20 professional educators, schools, and school districts. Funds
21 appropriated for the initiation of professional development
22 academies shall be allocated by the Commissioner of Education,
23 unless otherwise provided in an appropriations act. To be
24 eligible for startup funds, the academy must:

25 (1) Be established by the collaborative efforts of one
26 or more district school boards, members of the business
27 community, and the postsecondary educational institutions
28 which may award college credits for courses taught at the
29 academy.

30 (2) Demonstrate the capacity to provide effective
31 training to improve teaching skills in the areas of elementary

1 reading and mathematics, the use of instructional technology,
2 high school algebra, and classroom management, and to deliver
3 such training using face-to-face, distance learning, and
4 individualized computer-based delivery systems.

5 (3) Propose a plan for responding in an effective and
6 timely manner to the professional development needs of
7 teachers, managers, administrative personnel, schools, and
8 school districts relating to improving student achievement and
9 meeting state and local education goals.

10 (4) Demonstrate the ability to provide high-quality
11 trainers and training, appropriate followup and coaching for
12 all participants, and support school personnel in positively
13 impacting student performance.

14 (5) Be operated under contract with its public
15 partners and governed by an independent board of directors,
16 which should include at least one district school
17 superintendent and one district school board chair from the
18 participating school districts, the president of the
19 collective bargaining unit that represents the majority of the
20 region's teachers, and at least three individuals who are not
21 employees or elected or appointed officials of the
22 participating school districts. Regional educational consortia
23 as defined in s. 1001.451 satisfy the requirements of this
24 subsection.

25 (6) Be financed during the first year of operation by
26 an equal or greater match from private funding sources and
27 demonstrate the ability to be self-supporting within 1 year
28 after opening through fees for services, grants, or private
29 contributions. Regional educational consortia as defined in s.
30 1001.451 which serve rural areas of critical economic concern
31 are exempt from the funding match required by this subsection.

1 wherever educated, declare that it is the policy of each of
2 them, on the basis of cooperation with one another, to take
3 advantage of the preparation and experience of such persons
4 wherever gained, thereby serving the best interests of
5 society, of education, and of the teaching profession. It is
6 the purpose of this agreement to provide for the development
7 and execution of such programs of cooperation as will
8 facilitate the movement of teachers and other professional
9 educational personnel among the states party to it, and to
10 authorize specific interstate educational personnel contracts
11 to achieve that end.

12 2. The party states find that included in the large
13 movement of population among all sections of the nation are
14 many qualified educational personnel who move for family and
15 other personal reasons but who are hindered in using their
16 professional skill and experience in their new locations.
17 Variations from state to state in requirements for qualifying
18 educational personnel discourage such personnel from taking
19 the steps necessary to qualify in other states. As a
20 consequence, a significant number of professionally prepared
21 and experienced educators is lost to our school systems.
22 Facilitating the employment of qualified educational
23 personnel, without reference to their states of origin, can
24 increase the available educational resources. Participation in
25 this compact can increase the availability of educational
26 personnel.

27
28 ARTICLE II

29
30 DEFINITIONS

1 As used in this agreement and contracts made pursuant
2 to it, unless the context clearly requires otherwise:

3 1. "Educational personnel" means persons who must meet
4 requirements pursuant to state law as a condition of
5 employment in educational programs.

6 2. "Designated state official" means the education
7 official of a state selected by that state to negotiate and
8 enter into, on behalf of this state, contracts pursuant to
9 this agreement.

10 3. "Accept," or any variant thereof, means to
11 recognize and give effect to one or more determinations of
12 another state relating to the qualifications of educational
13 personnel in lieu of making or requiring a like determination
14 that would otherwise be required by or pursuant to the laws of
15 a receiving state.

16 4. "State" means a state, territory, or possession of
17 the United States; the district of Columbia; or the
18 Commonwealth of Puerto Rico.

19 5. "Originating state" means a state and the
20 subdivision thereof, if any, whose determination that certain
21 educational personnel are qualified to be employed for
22 specific duties in schools is acceptable in accordance with
23 the terms of a contract made pursuant to Article III.

24 6. "Receiving state" means a state and the
25 subdivisions thereof which accept educational personnel in
26 accordance with the terms of a contract made pursuant to
27 Article III.

28
29 ARTICLE III

30
31 INTERSTATE EDUCATIONAL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

PERSONNEL CONTRACTS

1. The designated state official of a party state may make one or more contracts on behalf of his or her state with one or more other party states providing for the acceptance of educational personnel. Any such contract for the period of its duration shall be applicable to and binding on the states whose designated state officials enter into it, and the subdivisions of those states, with the same force and effect as if incorporated in this agreement. A designated state official may enter into a contract pursuant to this article only with states in which he or she finds that there are programs of education, certification standards or other acceptable qualifications that assure preparation or qualification of educational personnel on a basis sufficiently comparable, even though not identical to that prevailing in his or her own state.

2. Any such contract shall provide for:

(a) Its duration.

(b) The criteria to be applied by an originating state in qualifying educational personnel for acceptance by a receiving state.

(c) Such waivers, substitutions, and conditional acceptances as shall aid the practical effectuation of the contract without sacrifice of basic educational standards.

(d) Any other necessary matters.

3. No contract made pursuant to this agreement shall be for a term longer than five years but any such contract may be renewed for like or lesser periods.

4. Any contract dealing with acceptance of educational personnel on the basis of their having completed an educational program shall specify the earliest date or dates

1 on which originating state approval of the program or programs
2 involved can have occurred. No contract made pursuant to this
3 agreement shall require acceptance by a receiving state or any
4 persons qualified because of successful completion of a
5 program prior to January 1, 1954.

6 5. The certification or other acceptance of a person
7 who has been accepted pursuant to the terms of a contract
8 shall not be revoked or otherwise impaired because the
9 contract has expired or been terminated. However, any
10 certificate or other qualifying document may be revoked or
11 suspended on any ground which would be sufficient for
12 revocation or suspension of a certificate or other qualifying
13 document initially granted or approved in the receiving state.

14 6. A contract committee composed of the designated
15 state officials of the contracting states or their
16 representatives shall keep the contract under continuous
17 review, study means of improving its administration, and
18 report no less frequently than once a year to the heads of the
19 appropriate education agencies of the contracting states.

20
21 ARTICLE IV

22
23 APPROVED AND ACCEPTED PROGRAMS

24 1. Nothing in this agreement shall be construed to
25 repeal or otherwise modify any law or regulation of a party
26 state relating to the approval of programs of educational
27 preparation having effect solely on the qualification of
28 educational personnel within that state.

29 2. To the extent that contracts made pursuant to this
30 agreement deal with the educational requirements for the
31 proper qualification of educational personnel, acceptance of a

1 program of educational preparation shall be in accordance with
2 such procedures and requirements as may be provided in the
3 applicable contract.

4
5 ARTICLE V

6
7 INTERSTATE COOPERATION

8 The party states agree that:

9 1. They will, so far as practicable, prefer the making
10 of multilateral contracts pursuant to Article III of this
11 agreement.

12 2. They will facilitate and strengthen cooperation in
13 interstate certification and other elements of educational
14 personnel qualification and for this purpose shall cooperate
15 with agencies, organizations, and associations interested in
16 certification and other elements of educational personnel
17 qualification.

18
19 ARTICLE VI

20
21 AGREEMENT EVALUATION

22 The designated state officials of any party states may
23 meet from time to time as a group to evaluate progress under
24 the agreement, and to formulate recommendations for changes.

25
26 ARTICLE VII

27
28 OTHER ARRANGEMENTS

29 Nothing in this agreement shall be construed to prevent
30 or inhibit other arrangements or practices of any party state

31

1 or states to facilitate the interchange of educational
2 personnel.

3
4 ARTICLE VIII

5
6 EFFECT AND WITHDRAWAL

7 1. This agreement shall become effective when enacted
8 into law by two states. Thereafter it shall become effective
9 as to any state upon its enactment of this agreement.

10 2. Any party state may withdraw from this agreement by
11 enacting a statute repealing the same, but no such withdrawal
12 shall take effect until one year after the governor of the
13 withdrawing state has given notice in writing of the
14 withdrawal to the governors of all other party states.

15 3. No withdrawal shall relieve the withdrawing state
16 of any obligation imposed upon it by a contract to which it is
17 a party. The duration of contracts and the methods and
18 conditions of withdrawal therefrom shall be those specified in
19 their terms.

20
21 ARTICLE IX

22
23 CONSTRUCTION AND SEVERABILITY

24 This agreement shall be liberally construed so as to
25 effectuate the purposes thereof. The provisions of this
26 agreement shall be severable and if any phrase, clause,
27 sentence or provision of this agreement is declared to be
28 contrary to the constitution of any state or of the United
29 States, or the application thereof to any government, agency,
30 person, or circumstance is held invalid, the validity of the
31 remainder of this agreement and the applicability thereof to

1 any government, agency, person, or circumstance shall not be
2 affected thereby. If this agreement shall be held contrary to
3 the constitution of any state participating therein, the
4 agreement shall remain in full force and effect as to the
5 state affected as to all severable matters.

6 Section 793. Section 1012.991, Florida Statutes, is
7 created to read:

8 1012.991 Commissioner designated official.--For the
9 purposes of the agreement set forth in Article IX, the
10 "designated state official" for this state shall be the
11 Commissioner of Education. The Commissioner of Education shall
12 enter into contracts pursuant to Article III of the agreement
13 only with the approval of the specific texts thereof by the
14 State Board of Education.

15 Section 794. Section 1012.992, Florida Statutes, is
16 created to read:

17 1012.992 Copies of contracts with other states;
18 depository.--Two copies of all contracts made on behalf of
19 this state pursuant to the agreement set forth in Article IX
20 shall be kept on file in the office of the Commissioner of
21 Education and in the office of the Department of State. The
22 Department of Education shall publish all such contracts in
23 convenient form.

24 Section 795. Chapter 1013, Florida Statutes, shall be
25 entitled "Educational Facilities" and shall consist of ss.
26 1013.01-1013.82.

27 Section 796. Part I of chapter 1013, Florida Statutes,
28 shall be entitled "Functions; Department of Education" and
29 shall consist of ss. 1013.01-1013.05.

30 Section 797. Section 1013.01, Florida Statutes, is
31 created to read:

1 1013.01 Definitions.--The following terms shall be
2 defined as follows for the purpose of this chapter:

3 (1) "Ancillary plant" is comprised of the building,
4 site, and site improvements necessary to provide such
5 facilities as vehicle maintenance, warehouses, maintenance, or
6 administrative buildings necessary to provide support services
7 to an educational program.

8 (2) "Auxiliary facility" means the spaces located at
9 educational plants which are not designed for student occupant
10 stations.

11 (3) "Board," unless otherwise specified, means a
12 district school board, a community college board of trustees,
13 a university board of trustees, and the Board of Trustees for
14 the Florida School for the Deaf and the Blind. The term
15 "board" does not include the State Board of Education.

16 (4) "Capital project," for the purpose of s. 9(a)(2),
17 Art. XII of the State Constitution, as amended, means sums of
18 money appropriated from the Public Education Capital Outlay
19 and Debt Service Trust Fund to the state system of public
20 education and other educational agencies as authorized by the
21 Legislature.

22 (5) "Core facilities" means the media center,
23 cafeteria, toilet facilities, and circulation space of an
24 educational plant.

25 (6) "Educational facilities" means the buildings and
26 equipment, structures, and special educational use areas that
27 are built, installed, or established to serve primarily the
28 educational purposes and secondarily the social and
29 recreational purposes of the community and which may lawfully
30 be used as authorized by the Florida Statutes and approved by
31 boards.

1 (7) "Educational plant" comprises the educational
2 facilities, site, and site improvements necessary to
3 accommodate students, faculty, administrators, staff, and the
4 activities of the educational program of each plant.

5 (8) "Educational plant survey" means a systematic
6 study of present educational and ancillary plants and the
7 determination of future needs to provide an appropriate
8 educational program and services for each student based on
9 projected capital outlay FTE's approved by the Department of
10 Education.

11 (9) "Feasibility study" means the examination and
12 analysis of information related to projected educational
13 facilities to determine whether they are reasonable and
14 possible.

15 (10) "Long-range planning" means devising a systematic
16 method based on educational information and needs, carefully
17 analyzed, to provide the facilities to meet the goals and
18 objectives of the educational agency for a period of 5 years.

19 (11) "Low-energy usage features" means engineering
20 features or devices that supplant or minimize the consumption
21 of fossil fuels by heating equipment and cooling equipment.
22 Such features may include, but are not limited to, high
23 efficiency chillers and boilers, thermal storage tanks, solar
24 energy systems, waste heat recovery systems, and facility load
25 management systems.

26 (12) "Maintenance and repair" means the upkeep of
27 educational and ancillary plants, including, but not limited
28 to, roof or roofing replacement short of complete replacement
29 of membrane or structure; repainting of interior or exterior
30 surfaces; resurfacing of floors; repair or replacement of
31 glass; repair of hardware, furniture, equipment, electrical

1 fixtures, and plumbing fixtures; and repair or resurfacing of
2 parking lots, roads, and walkways. The term "maintenance and
3 repair" does not include custodial or groundskeeping
4 functions, or renovation except for the replacement of
5 equipment with new equipment of equal systems meeting current
6 code requirements, provided that the replacement item neither
7 places increased demand upon utilities services or structural
8 supports nor adversely affects the function of safety to life
9 systems.

10 (13) "Need determination" means the identification of
11 types and amounts of educational facilities necessary to
12 accommodate the educational programs, student population,
13 faculty, administrators, staff, and auxiliary and ancillary
14 services of an educational agency.

15 (14) "New construction" means any construction of a
16 building or unit of a building in which the entire work is new
17 or an entirely new addition connected to an existing building
18 or which adds additional square footage to the space
19 inventory.

20 (15) "Passive design elements" means architectural
21 features that minimize heat gain, heat loss, and the use of
22 heating and cooling equipment when ambient conditions are
23 extreme and that permit use of the facility without heating or
24 air-conditioning when ambient conditions are moderate. Such
25 features may include, but are not limited to, building
26 orientation, landscaping, earth berms, insulation, thermal
27 windows and doors, overhangs, skylights, thermal chimneys, and
28 other design arrangements.

29 (16) "Public education capital outlay (PECO) funded
30 projects" means site acquisition, renovation, remodeling,
31 construction projects, and site improvements necessary to

1 accommodate buildings, equipment, other structures, and
2 special educational use areas that are built, installed, or
3 established to serve primarily the educational instructional
4 program of the district school board, community college board
5 of trustees, or university board of trustees.

6 (17) "Remodeling" means the changing of existing
7 facilities by rearrangement of spaces and their use and
8 includes, but is not limited to, the conversion of two
9 classrooms to a science laboratory or the conversion of a
10 closed plan arrangement to an open plan configuration.

11 (18) "Renovation" means the rejuvenating or upgrading
12 of existing facilities by installation or replacement of
13 materials and equipment and includes, but is not limited to,
14 interior or exterior reconditioning of facilities and spaces;
15 air-conditioning, heating, or ventilating equipment; fire
16 alarm systems; emergency lighting; electrical systems; and
17 complete roofing or roof replacement, including replacement of
18 membrane or structure. As used in this subsection, the term
19 "materials" does not include instructional materials.

20 (19) "Satisfactory educational facility" means a
21 facility that has been recommended for continued use by an
22 educational plant survey or that has been classified as
23 satisfactory in the state inventory of educational facilities.

24 (20) "Site" means a space of ground occupied or to be
25 occupied by an educational facility or program.

26 (21) "Site development" means work that must be
27 performed on an unimproved site in order to make it usable for
28 the desired purpose or work incidental to new construction or
29 to make an addition usable.

30 (22) "Site improvement" means work that must be
31 performed on an existing site to improve its utilization,

1 correct health and safety deficiencies, meet special program
2 needs, or provide additional service areas.

3 (23) "Site improvement incident to construction" means
4 the work that must be performed on a site as an accompaniment
5 to the construction of an educational facility.

6 (24) "Satellite facility" means the buildings and
7 equipment, structures, and special educational use areas that
8 are built, installed, or established by private business or
9 industry in accordance with chapter 6A-2, Florida
10 Administrative Code, to be used exclusively for educational
11 purposes to serve primarily the students of its employees and
12 that are staffed professionally by the district school board.

13 Section 798. Section 1013.02, Florida Statutes, is
14 created to read:

15 1013.02 Purpose; rules.--

16 (1) The purpose of this chapter is to authorize state
17 and local officials to cooperate in establishing and
18 maintaining educational plants that will provide for public
19 educational needs throughout the state.

20 (2) The State Board of Education shall adopt rules
21 pursuant to ss. 120.536(1) and 120.54 to implement the
22 provisions of this chapter.

23 Section 799. Section 1013.03, Florida Statutes, is
24 created to read:

25 1013.03 Functions of the department.--The functions of
26 the Department of Education as it pertains to educational
27 facilities shall include, but not be limited to, the
28 following:

29 (1) Establish recommended minimum and maximum square
30 footage standards for different functions and areas and
31 procedures for determining the gross square footage for each

1 educational facility to be funded in whole or in part by the
2 state, including public broadcasting stations but excluding
3 postsecondary special purpose laboratory space. The gross
4 square footage determination standards may be exceeded when
5 the core facility space of an educational facility is
6 constructed or renovated to accommodate the future addition of
7 classrooms to meet projected increases in student enrollment.
8 The department shall encourage multiple use of facilities and
9 spaces in educational plants.

10 (2) Establish, for the purpose of determining need,
11 equitably uniform utilization standards for all types of like
12 space, regardless of the level of education. These standards
13 shall also establish, for postsecondary education classrooms,
14 a minimum room utilization rate of 40 hours per week and a
15 minimum station utilization rate of 60 percent. These rates
16 shall be subject to increase based on national norms for
17 utilization of postsecondary education classrooms.

18 (3) Require boards to submit other educational plant
19 inventories data and statistical data or information relevant
20 to construction, capital improvements, and related costs.

21 (4) Require each board and other appropriate agencies
22 to submit complete and accurate financial data as to the
23 amounts of funds from all sources that are available and spent
24 for construction and capital improvements. The commissioner
25 shall prescribe the format and the date for the submission of
26 this data and any other educational facilities data. If any
27 district does not submit the required educational facilities
28 fiscal data by the prescribed date, the Commissioner of
29 Education shall notify the district school board of this fact
30 and, if appropriate action is not taken to immediately submit
31 the required report, the district school board shall be

1 directed to proceed pursuant to the provisions of s.
2 1001.42(11)(b). If any community college or university does
3 not submit the required educational facilities fiscal data by
4 the prescribed date, the same policy prescribed in this
5 subsection for school districts shall be implemented.
6 (5) Administer, under the supervision of the
7 Commissioner of Education, the Public Education Capital Outlay
8 and Debt Service Trust Fund and the School District and
9 Community College District Capital Outlay and Debt Service
10 Trust Fund.
11 (6) Develop, review, update, revise, and recommend a
12 mandatory portion of the Florida Building Code for educational
13 facilities construction and capital improvement by community
14 college boards and district school boards.
15 (7) Provide training, technical assistance, and
16 building code interpretation for requirements of the mandatory
17 Florida Building Code for the educational facilities
18 construction and capital improvement programs of the community
19 college boards and district school boards and, upon request,
20 approve phase III construction documents for remodeling,
21 renovation, or new construction of educational plants or
22 ancillary facilities, except that university boards of
23 trustees shall approve specifications and construction
24 documents for their respective institutions. The Department of
25 Management Services may, upon request, provide similar
26 services for the Florida School for the Deaf and the Blind and
27 shall use the Florida Building Code and the Florida Fire
28 Prevention Code.
29 (8) Provide minimum criteria, procedures, and training
30 to boards to conduct educational plant surveys and document
31 the determination of future needs.

1 (9) Make available to boards technical assistance,
2 awareness training, and research and technical publications
3 relating to lifesafety, casualty, sanitation, environmental,
4 maintenance, and custodial issues; and, as needed, technical
5 assistance for survey, planning, design, construction,
6 operation, and evaluation of educational and ancillary
7 facilities and plants, facilities administrative procedures
8 review, and training for new administrators.

9 (10)(a) Review and validate surveys proposed or
10 amended by the boards and recommend to the Commissioner of
11 Education, for approval, surveys that meet the requirements of
12 this chapter.

13 1. The term "validate" as applied to surveys by school
14 districts means to review inventory data as submitted to the
15 department by district school boards; provide for review and
16 inspection, where required, of student stations and aggregate
17 square feet of inventory changed from satisfactory to
18 unsatisfactory or changed from unsatisfactory to satisfactory;
19 compare new school inventory to allocation limits provided by
20 this chapter; review cost projections for conformity with cost
21 limits set by s. 1013.64(6); compare total capital outlay
22 full-time equivalent enrollment projections in the survey with
23 the department's projections; review facilities lists to
24 verify that student station and auxiliary facility space
25 allocations do not exceed the limits provided by this chapter
26 and related rules; review and confirm the application of
27 uniform facility utilization factors, where provided by this
28 chapter or related rules; utilize the documentation of
29 programs offered per site, as submitted by the board, to
30 analyze facility needs; confirm that need projections for
31 career and technical and adult educational programs comply

1 with needs documented by the Office of Workforce and Economic
2 Development; and confirm the assignment of full-time student
3 stations to all space except auxiliary facilities, which, for
4 purposes of exemption from student station assignment, include
5 the following:

- 6 a. Cafeterias.
- 7 b. Multipurpose dining areas.
- 8 c. Media centers.
- 9 d. Auditoriums.
- 10 e. Administration.
- 11 f. Elementary, middle, and high school resource rooms,
12 up to the number of such rooms recommended for the applicable
13 occupant and space design capacity of the educational plant in
14 the State Requirements for Educational Facilities, beyond
15 which student stations must be assigned.

16 g. Elementary school skills labs, up to the number of
17 such rooms recommended for the applicable occupant and space
18 design capacity of the educational plant in the State
19 Requirements for Educational Facilities, beyond which student
20 stations must be assigned.

- 21 h. Elementary school art and music rooms.
- 22 2. The term "validate" as applied to surveys by
23 community colleges and universities means to review and
24 document the approval of each new site and official
25 designation, where applicable; review the inventory database
26 as submitted by each board to the department, including
27 noncareer and technical, and total capital outlay full-time
28 equivalent enrollment projections per site and per college;
29 provide for the review and inspection, where required, of
30 student stations and aggregate square feet of space changed
31 from satisfactory to unsatisfactory; utilize and review the

1 documentation of programs offered per site submitted by the
2 boards as accurate for analysis of space requirements and
3 needs; confirm that needs projected for career and technical
4 and adult educational programs comply with needs documented by
5 the Office of Workforce and Economic Development; compare new
6 facility inventory to allocations limits as provided in this
7 chapter; review cost projections for conformity with state
8 averages or limits designated by this chapter; compare student
9 enrollment projections in the survey to the department's
10 projections; review facilities lists to verify that area
11 allocations and space factors for generating space needs do
12 not exceed the limits as provided by this chapter and related
13 rules; confirm the application of facility utilization factors
14 as provided by this chapter and related rules; and review, as
15 submitted, documentation of how survey recommendations will
16 implement the detail of current campus master plans and
17 integrate with local comprehensive plans and development
18 regulations.

19 (b) Recommend priority of projects to be funded for
20 approval by the state board, when required by law.

21 (11) Prepare the commissioner's comprehensive fixed
22 capital outlay legislative budget request and provide annually
23 an estimate of the funds available for developing required
24 3-year priority lists. This amount shall be based upon the
25 average percentage for the 5 prior years of funds appropriated
26 by the Legislature for fixed capital outlay to each level of
27 public education: public schools, community colleges, and
28 universities.

29 (12) Perform any other functions that may be involved
30 in educational facilities construction and capital improvement
31

1 which shall ensure that the intent of the Legislature is
2 implemented.

3 Section 800. Section 1013.04, Florida Statutes, is
4 created to read:

5 1013.04 School district facilities work program
6 performance and productivity standards; development;
7 measurement; application.--

8 (1) The Office of Educational Facilities and SMART
9 Schools Clearinghouse shall develop and adopt measures for
10 evaluating the performance and productivity of school district
11 facilities work programs. The measures may be both
12 quantitative and qualitative and must, to the maximum extent
13 practical, assess those factors that are within the districts'
14 control. The measures must, at a minimum, assess performance
15 in the following areas:

16 (a) Frugal production of high-quality projects.

17 (b) Efficient finance and administration.

18 (c) Optimal school and classroom size and utilization
19 rate.

20 (d) Safety.

21 (e) Core facility space needs and cost-effective
22 capacity improvements that consider demographic projections.

23 (f) Level of district local effort.

24 (2) The office shall establish annual performance
25 objectives and standards that can be used to evaluate district
26 performance and productivity.

27 (3) The office shall conduct ongoing evaluations of
28 district educational facilities program performance and
29 productivity, using the measures adopted under this section.

30 If, using these measures, the office finds that a district
31 failed to perform satisfactorily, the office must recommend to

1 the district school board actions to be taken to improve the
2 district's performance.

3 Section 801. Section 1013.05, Florida Statutes, is
4 created to read:

5 1013.05 Office of Educational Facilities and SMART
6 (Soundly Made, Accountable, Reasonable, and Thrifty) Schools
7 Clearinghouse.--

8 (1) The SMART Schools Clearinghouse is established to
9 assist school districts that seek to access School
10 Infrastructure Thrift (SIT) Program awards pursuant to ss.
11 1013.42 and 1013.72 or effort index grants pursuant to s.
12 1013.73. The office must use expedited procedures in providing
13 such assistance.

14 (2) The office shall prioritize school district SIT
15 Program awards based on a review of the district facilities
16 work programs and proposed construction projects.

17 Section 802. Part II of chapter 1013, Florida
18 Statutes, shall be entitled "Use and Management of Educational
19 Facilities" and shall consist of ss. 1013.10-1013.28.

20 Section 803. Section 1013.10, Florida Statutes, is
21 created to read:

22 1013.10 Use of buildings and grounds.--The board may
23 permit the use of educational facilities and grounds for any
24 legal assembly or for community use centers or may permit the
25 same to be used as voting places in any primary, regular, or
26 special election. The board shall adopt rules or policies and
27 procedures necessary to protect educational facilities and
28 grounds when used for such purposes.

29 Section 804. Section 1013.11, Florida Statutes, is
30 created to read:

31

1 1013.11 Postsecondary institutions assessment of
2 physical plant safety.--The president of each postsecondary
3 institution shall conduct or cause to be conducted an annual
4 assessment of physical plant safety. An annual report shall
5 incorporate the findings obtained through such assessment and
6 recommendations for the improvement of safety on each campus.
7 The annual report shall be submitted to the respective
8 governing or licensing board of jurisdiction no later than
9 January 1 of each year. Each board shall compile the
10 individual institutional reports and convey the aggregate
11 institutional reports to the Commissioner of Education. The
12 Commissioner of Education shall convey these reports and the
13 reports required in s. 1008.48 to the President of the Senate
14 and the Speaker of the House of Representatives no later than
15 March 1 of each year.

16 Section 805. Section 1013.12, Florida Statutes, is
17 created to read:

18 1013.12 Safety and sanitation standards and inspection
19 of property.--The State Board of Education shall adopt and
20 administer rules prescribing standards for the safety and
21 health of occupants of educational and ancillary plants as a
22 part of State Requirements for Educational Facilities or the
23 Florida Building Code for educational facilities construction
24 as provided in s. 1013.37, the provisions of chapter 633 to
25 the contrary notwithstanding. These standards must be used by
26 all public agencies when inspecting public educational and
27 ancillary plants. In accordance with such standards, each
28 board shall prescribe policies and procedures establishing a
29 comprehensive program of safety and sanitation for the
30 protection of occupants of public educational and ancillary
31 plants. Such policies must contain procedures for periodic

1 inspections as prescribed herein and for withdrawal of any
2 educational and ancillary plant, or portion thereof, from use
3 until unsafe or unsanitary conditions are corrected or
4 removed.

5 (1) PERIODIC INSPECTION OF PROPERTY BY DISTRICT SCHOOL
6 BOARDS.--

7 (a) Each board shall provide for periodic inspection
8 of each educational and ancillary plant at least once during
9 each fiscal year to determine compliance with standards of
10 sanitation and casualty safety prescribed in the rules of the
11 State Board of Education.

12 (b) Firesafety inspections of each educational and
13 ancillary plant must be made annually by persons certified by
14 the Division of State Fire Marshal to be eligible to conduct
15 firesafety inspections in public educational and ancillary
16 plants.

17 (c) In each firesafety inspection report, the board
18 shall include a plan of action and a schedule for the
19 correction of each deficiency. If immediate life-threatening
20 deficiencies are noted in any inspection, the board shall
21 either take action to promptly correct the deficiencies or
22 withdraw the educational or ancillary plant from use until
23 such time as the deficiencies are corrected.

24 (2) INSPECTION OF EDUCATIONAL PROPERTY BY OTHER PUBLIC
25 AGENCIES.--

26 (a) A safety or sanitation inspection of any
27 educational or ancillary plant may be made at any time by the
28 Department of Education or any other state or local agency
29 authorized or required to conduct such inspections by either
30 general or special law. Each agency conducting inspections
31 shall use the standards adopted by the Commissioner of

1 Education in lieu of, and to the exclusion of, any other
2 inspection standards prescribed either by statute or
3 administrative rule, the provisions of chapter 633 to the
4 contrary notwithstanding. The agency shall submit a copy of
5 the inspection report to the board.

6 (b) In addition to district school board inspections,
7 the applicable local fire control authority shall also
8 annually inspect district school board educational facilities
9 within its fire control district, using the standards adopted
10 by the Commissioner of Education. Reports shall be filed with
11 the district school board, and a copy shall be on file with
12 the local site administrator.

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

16 (a) Order that appropriate action be taken to correct
17 all deficiencies in accordance with a schedule determined
18 jointly by the inspecting authority and the board; in
19 developing the schedule, consideration must be given to the
20 seriousness of the deficiencies and the ability of the board
21 to obtain the necessary funds; or

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

25 (4) INSPECTIONS OF PUBLIC POSTSECONDARY EDUCATION
26 FACILITIES.--Firesafety inspections of community college and
27 university facilities shall comply with State Board of
28 Education rules.

29 Section 806. Section 1013.13, Florida Statutes, is
30 created to read:

31

1 1013.13 Coordination of school safety information;
2 construction design documents.--

3 (1) Each district school superintendent must provide
4 to the law enforcement agency and fire department that has
5 jurisdiction over each educational facility a copy of the
6 floor plans and other relevant documents for each educational
7 facility in the district, as defined in s. 1013.01. After the
8 initial submission of the floor plans and other relevant
9 documents, the district superintendent of schools shall
10 submit, by October 1 of each year, revised floor plans and
11 other relevant documents for each educational facility in the
12 district that was modified during the preceding year.

13 (2) Each community college president must provide to
14 the law enforcement agency and fire department that has
15 jurisdiction over the community college a copy of the floor
16 plans and other relevant documents for each educational
17 facility as defined in s. 1013.01. After the initial
18 submission of the floor plans and other relevant documents,
19 the community college president shall submit, by October 1 of
20 each year, revised floor plans and other relevant documents
21 for each educational facility that was modified during the
22 preceding year.

23 Section 807. Section 1013.14, Florida Statutes, is
24 created to read:

25 1013.14 Proposed purchase of real property by a board;
26 confidentiality of records; procedure.--

27 (1)(a) In any case in which a board, pursuant to the
28 provisions of this chapter, seeks to acquire by purchase any
29 real property for educational purposes, every appraisal,
30 offer, or counteroffer must be in writing and is exempt from
31 the provisions of s. 119.07(1) until an option contract is

1 executed or, if no option contract is executed, until 30 days
2 before a contract or agreement for purchase is considered for
3 approval by the board. If a contract or agreement for purchase
4 is not submitted to the board for approval, the exemption from
5 s. 119.07(1) shall expire 30 days after the termination of
6 negotiations. The board shall maintain complete and accurate
7 records of every such appraisal, offer, and counteroffer. For
8 the purposes of this section, the term "option contract" means
9 an agreement by the board to purchase a piece of property,
10 subject to the approval of the board at a public meeting after
11 30 days' public notice.

12 (b) Prior to acquisition of the property, the board
13 shall obtain at least one appraisal by an appraiser approved
14 pursuant to s. 253.025(6)(b) for each purchase in an amount
15 greater than \$100,000 and not more than \$500,000. For each
16 purchase in an amount in excess of \$500,000, the board shall
17 obtain at least two appraisals by appraisers approved pursuant
18 to s. 253.025(6)(b). If the agreed to purchase price exceeds
19 the average appraised value, the board is required to approve
20 the purchase by an extraordinary vote.

21 (2) Nothing in this section shall be interpreted as
22 providing an exemption from, or an exception to, s. 286.011.

23 Section 808. Section 1013.15, Florida Statutes, is
24 created to read:

25 1013.15 Lease, rental, and lease-purchase of
26 educational facilities and sites.--

27 (1) A board may lease any land, facilities, or
28 educational plants owned by it to any person or entity for
29 such term, for such rent, and upon such terms and conditions
30 as the board determines to be in its best interests; any such
31 lease may provide for the optional or binding purchase of the

1 land, facilities, or educational plants by the lessee upon
2 such terms and conditions as the board determines are in its
3 best interests. A determination that any such land, facility,
4 or educational plant so leased is unnecessary for educational
5 purposes is not a prerequisite to the leasing or
6 lease-purchase of such land, facility, or educational plant.
7 Prior to entering into or executing any such lease, a board
8 shall consider approval of the lease or lease-purchase
9 agreement at a public meeting, at which a copy of the proposed
10 agreement in its final form shall be available for inspection
11 and review by the public, after due notice as required by law.

12 (2)(a) A district school board may rent or lease
13 educational facilities and sites as defined in s. 1013.01.
14 Educational facilities and sites rented or leased for 1 year
15 or less shall be funded through the operations budget or funds
16 derived from millage proceeds pursuant to s. 1011.71(2). A
17 lease contract for 1 year or less, when extended or renewed
18 beyond a year, becomes a multiple-year lease. Operational
19 funds or funds derived from millage proceeds pursuant to s.
20 1011.71(2) may be authorized to be expended for multiple-year
21 leases. All leased facilities and sites must be inspected
22 prior to occupancy by the authority having jurisdiction.

23 1. All newly leased spaces must be inspected and
24 brought into compliance with the Florida Building Code
25 pursuant to chapter 553 and the life safety codes pursuant to
26 chapter 633, prior to occupancy, using the board's operations
27 budget or funds derived from millage proceeds pursuant to s.
28 1011.71(2).

29 2. Plans for renovation or remodeling of leased space
30 shall conform to the Florida Building Code and the Florida
31 Fire Prevention Code for educational occupancies or other

1 occupancies, as appropriate and as required in chapters 553
2 and 633, prior to occupancy.

3 3. All leased facilities must be inspected annually
4 for firesafety deficiencies in accordance with the applicable
5 code and have corrections made in accordance with s. 1013.12.
6 Operational funds or funds derived from millage proceeds
7 pursuant to s. 1011.71(2) may be used to correct deficiencies
8 in leased space.

9 4. When the board declares that a public emergency
10 exists, it may take up to 30 days to bring the leased facility
11 into compliance with the requirements of State Board of
12 Education rules.

13 (b) A board is authorized to lease-purchase
14 educational facilities and sites as defined in s. 1013.01. The
15 lease-purchase of educational facilities and sites shall be as
16 required by s. 1013.37, shall be advertised for and receive
17 competitive proposals and be awarded to the best proposer, and
18 shall be funded using current or other funds specifically
19 authorized by law to be used for such purpose.

20 1. A district school board, by itself, or through a
21 direct-support organization formed pursuant to s. 1013.77 or
22 nonprofit educational organization or a consortium of district
23 school boards, may, in developing a lease-purchase of
24 educational facilities and sites provide for separately
25 advertising for and receiving competitive bids or proposals on
26 the construction of facilities and the selection of financing
27 to provide the lowest cost funding available, so long as the
28 board determines that such process would best serve the public
29 interest and the pledged revenues are limited to those
30 authorized in s. 1011.71(2)(e).

31

1 2. All activities and information, including lists of
2 individual participants, associated with agreements made
3 pursuant to this section shall be subject to the provisions of
4 chapter 119 and s. 286.011.

5 (c)1. The term of any lease-purchase agreement,
6 including the initial term and any subsequent renewals, shall
7 not exceed the useful life of the educational facilities and
8 sites for which the agreement is made, or 30 years, whichever
9 is less.

10 2. The initial term or any renewal term of any
11 lease-purchase agreement shall expire on June 30 of each
12 fiscal year, but may be automatically renewed annually,
13 subject to a board making sufficient annual appropriations
14 therefor. Under no circumstances shall the failure of a board
15 to renew a lease-purchase agreement constitute a default or
16 require payment of any penalty or in any way limit the right
17 of a board to purchase or utilize educational facilities and
18 sites similar in function to the educational facilities and
19 sites that are the subject of the said lease-purchase
20 agreement. Educational facilities and sites being acquired
21 pursuant to a lease-purchase agreement shall be exempt from ad
22 valorem taxation.

23 3. No lease-purchase agreement entered into pursuant
24 to this subsection shall constitute a debt, liability, or
25 obligation of the state or a board or shall be a pledge of the
26 faith and credit of the state or a board.

27 4. Any lease-purchase agreement entered into pursuant
28 to this subsection shall stipulate an annual rate which may
29 consist of a principal component and an interest component,
30 provided that the maximum interest rate of any interest
31 component payable under any such lease-purchase agreement, or

1 any participation or certificated portion thereof, shall be
2 calculated in accordance with and be governed by the
3 provisions of s. 215.84.
4 (3) Lease agreements entered into by university boards
5 of trustees shall comply with the provisions of s. 1013.171.
6 (4)(a) A board may rent or lease existing buildings,
7 or space within existing buildings, originally constructed or
8 used for purposes other than education, for conversion to use
9 as educational facilities. Such buildings rented or leased for
10 1 year or less shall be funded through the operations budget
11 or funds derived from millage pursuant to s. 1011.71(2). A
12 rental agreement or lease contract for 1 year or less, when
13 extended or renewed beyond a year, becomes a multiple-year
14 rental or lease. Operational funds or funds derived from
15 millage proceeds pursuant to s. 1011.71(2) may be authorized
16 to be expended for multiple-year rentals or leases.
17 Notwithstanding any other provisions of this section, if a
18 building was constructed in conformance with all applicable
19 building and life safety codes, it shall be deemed to meet the
20 requirements for use and occupancy as an educational facility
21 subject only to the provisions of this subsection.
22 (b) Prior to occupying a rented or a leased existing
23 building, or space within an existing building, pursuant to
24 this subsection, a school board shall, in a public meeting,
25 adopt a resolution certifying that the following circumstances
26 apply to the building proposed for occupancy:
27 1. Growth among the school-age population in the
28 school district has created a need for new educational
29 facilities in a neighborhood where there is little or no
30 vacant land.
31

- 1 2. There exists a supply of vacant space in existing
2 buildings that meet state minimum building and life safety
3 codes.
- 4 3. Acquisition and conversion to use as educational
5 facilities of an existing building or buildings is a
6 cost-saving means of providing the needed classroom space as
7 determined by the difference between the cost of new
8 construction, including land acquisition and preparation and,
9 if applicable, demolition of existing structures, and the cost
10 of acquisition through rental or lease and conversion of an
11 existing building or buildings.
- 12 4. The building has been examined for suitability,
13 safety, and conformance with state minimum building and life
14 safety codes. The building examination shall consist, at a
15 minimum, of a review of existing documents, building site
16 reconnaissance, and analysis of the building conducted by, or
17 under the responsible charge of, a licensed structural
18 engineer.
- 19 5. A certificate of evaluation has been issued by an
20 appropriately licensed design professional which states that,
21 based on available documents, building site reconnaissance,
22 current knowledge, and design judgment in the professional's
23 opinion, the building meets the requirements of state minimum
24 building and life safety codes, provides safe egress of
25 occupants from the building, provides adequate firesafety, and
26 does not pose a substantial threat to life to persons who
27 would occupy the building for classroom use.
- 28 6. The plans for conversion of the building were
29 prepared by an appropriate design professional licensed in
30 this state and the work of conversion was performed by
31 contractors licensed in this state.

1 7. The conversion of the building was observed by an
2 appropriate design professional licensed in this state.

3 8. The building has been reviewed, inspected, and
4 granted a certificate of occupancy by the local building
5 department.

6 9. All ceilings, light fixtures, ducts, and registers
7 within the area to be occupied for classroom purposes were
8 constructed or have been reconstructed to meet state minimum
9 requirements.

10 Section 809. Section 1013.16, Florida Statutes, is
11 created to read:

12 1013.16 Construction of facilities on leased property;
13 conditions.--

14 (1) A board may construct or place educational
15 facilities and ancillary facilities on land that is owned by
16 any person after the board has acquired from the owner of the
17 land a long-term lease for the use of this land for a period
18 of not less than 40 years or the life expectancy of the
19 permanent facilities constructed thereon, whichever is longer.

20 (2) A board may enter into a short-term lease for the
21 use of land owned by any person on which temporary or
22 relocatable facilities are to be utilized.

23 Section 810. Section 1013.17, Florida Statutes, is
24 created to read:

25 1013.17 University leasing in affiliated research and
26 development park.--A university is exempt from the
27 requirements of s. 255.25(3), (4), and (8) when leasing
28 educational facilities in a research and development park with
29 which the university is affiliated and when the State Board of
30 Education certifies in writing that the leasing of said
31 educational facilities is in the best interests of the

1 university and that the exemption from competitive bid
2 requirements would not be detrimental to the state.

3 Section 811. Section 1013.171, Florida Statutes, is
4 created to read:

5 1013.171 University lease agreements; land,
6 facilities.--

7 (1) Each university is authorized to negotiate and
8 enter into agreements to lease land under its jurisdiction to
9 for-profit and nonprofit corporations, registered by the
10 Secretary of State to do business in this state, for the
11 purpose of erecting thereon facilities and accommodations
12 necessary and desirable to serve the needs and purposes of the
13 university, as determined by the systemwide strategic plan
14 adopted by the State Board of Education. Such agreement will
15 be for a term not in excess of 99 years or the life expectancy
16 of the permanent facilities constructed thereon, whichever is
17 shorter, and shall include as a part of the consideration
18 provisions for the eventual ownership of the completed
19 facilities by the state. The Board of Trustees of the Internal
20 Improvement Trust Fund upon request of the university shall
21 lease any such property to the university for sublease as
22 heretofore provided.

23 (2) Each university board of trustees is authorized to
24 enter into agreements with for-profit and nonprofit
25 corporations, registered by the Secretary of State to do
26 business in this state, whereby income-producing buildings,
27 improvements, and facilities necessary and desirable to serve
28 the needs and purposes of the university, as determined by the
29 systemwide strategic plan adopted by the State Board of
30 Education, are acquired by purchase or lease-purchase by the
31 university. When such agreements provide for lease-purchase of

1 facilities erected on land that is not under the jurisdiction
2 of the university, the agreement shall include as a part of
3 the consideration provisions for the eventual ownership of the
4 land and facility by the state. Agreements for lease-purchase
5 shall not exceed 30 years or the life expectancy of the
6 permanent facility constructed, whichever is shorter.
7 Notwithstanding the provisions of any other law, the
8 university board of trustees may enter into an agreement for
9 the lease-purchase of a facility under this section for a term
10 greater than 1 year. Each university board of trustees is
11 authorized to use any auxiliary trust funds, available and not
12 otherwise obligated, to pay rent to the owner should income
13 from the facilities not be sufficient in any debt payment
14 period. The trust funds used for payment of rent shall be
15 reimbursed as soon as possible to the extent that income from
16 the facilities exceeds the amount necessary for such debt
17 payment.

18 (3) Each university board of trustees may:

19 (a) Construct educational facilities on land that is
20 owned by a direct-support organization, as defined in s.
21 1004.28, or a governmental agency at the federal, state,
22 county, or municipal level, if the university has acquired a
23 long-term lease for the use of the land. The lease must be for
24 at least 40 years or the expected time the facilities to be
25 constructed on the land are expected to remain in a condition
26 acceptable for use, whichever is longer.

27 (b) Acquire a short-term lease from one of the
28 entities listed in paragraph (a) for the use of land, if
29 adequate temporary or relocatable facilities are available on
30 the land.

31

1 (c) Enter into a short-term lease for the use of land
2 and buildings upon which capital improvements may be made.

3
4 If sufficient land is not available from any of the entities
5 listed in paragraph (a), a university may acquire a short-term
6 lease from a private landowner or developer.

7 (4) Agreements as provided in this section shall be
8 entered into with an offeror resulting from publicly announced
9 competitive bids or proposals, except that the university may
10 enter into an agreement with an entity enumerated in paragraph
11 (3)(a) for leasing land or with a direct-support organization
12 as provided in s. 1004.28, which shall enter into subsequent
13 agreements for financing and constructing the project after
14 receiving competitive bids or proposals. Any facility
15 constructed, lease-purchased, or purchased under such
16 agreements, whether erected on land under the jurisdiction of
17 the university or not, shall conform to the construction
18 standards and codes applicable to university facilities. Each
19 university board of trustees shall adopt such rules as are
20 necessary to carry out its duties and responsibilities imposed
21 by this section.

22 (5) Agreements executed by the State Board of
23 Education prior to January 1, 1980, for the purposes listed
24 herein shall be validated, and said board's capacity to act in
25 such cases ratified and confirmed.

26 Section 812. Section 1013.18, Florida Statutes, is
27 created to read:

28 1013.18 Radio and television facilities.--

29 (1) A board may acquire, by purchase, license,
30 permanent easement, or gift, suitable lands and other
31 facilities, either within or without the boundaries of the

1 district, for use in providing educational radio or television
2 transmitting sites and may erect such buildings, antennas,
3 transmission equipment, towers, or other structures as are
4 necessary to accomplish the purposes of this section.

5 (2) Fixed capital outlay budget requests for public
6 broadcasting stations and instructional television and radio
7 facilities shall be submitted pursuant to s. 1013.60. The
8 commissioner may include any recommendations for these
9 purposes in the legislative budget request for fixed capital
10 outlay.

11 Section 813. Section 1013.19, Florida Statutes, is
12 created to read:

13 1013.19 Purchase, conveyance, or encumbrance of
14 property interests above surface of land; joint-occupancy
15 structures.--For the purpose of implementing jointly financed
16 construction project agreements, or for the construction of
17 combined occupancy structures, any board may purchase, own,
18 convey, sell, lease, or encumber airspace or any other
19 interests in property above the surface of the land, provided
20 the lease of airspace for nonpublic use is for such reasonable
21 rent, length of term, and conditions as the board in its
22 discretion may determine. All proceeds from such sale or lease
23 shall be used by the board or boards receiving the proceeds
24 solely for fixed capital outlay purposes. These purposes may
25 include the renovation or remodeling of existing facilities
26 owned by the board or the construction of new facilities;
27 however, for a community college board or university board,
28 such new facility must be authorized by the Legislature. It is
29 declared that the use of such rental by the board for public
30 purposes in accordance with its statutory authority is a
31 public use. Airspace or any other interest in property held by

1 the Board of Trustees of the Internal Improvement Trust Fund
2 or the State Board of Education may not be divested or
3 conveyed without approval of the respective board. Any
4 building, including any building or facility component that is
5 common to both nonpublic and educational portions thereof,
6 constructed in airspace that is sold or leased for nonpublic
7 use pursuant to this section is subject to all applicable
8 state, county, and municipal regulations pertaining to land
9 use, zoning, construction of buildings, fire protection,
10 health, and safety to the same extent and in the same manner
11 as such regulations would be applicable to the construction of
12 a building for nonpublic use on the appurtenant land beneath
13 the subject airspace. Any educational facility constructed or
14 leased as a part of a joint-occupancy facility is subject to
15 all rules and requirements of the respective boards or
16 departments having jurisdiction over educational facilities.

17 Section 814. Effective upon this act becoming a law,
18 section 1013.20, Florida Statutes, is created to read:

19 1013.20 Standards for relocatables used as classroom
20 space; inspections.--

21 (1) The State Board of Education shall adopt rules
22 establishing standards for relocatables intended for long-term
23 use as classroom space at a public elementary school, middle
24 school, or high school. "Long-term use" means the use of
25 relocatables at the same educational plant for a period of 4
26 years or more. Each relocatable acquired by a district school
27 board after the effective date of the rules and intended for
28 long-term use must comply with the standards. District school
29 boards shall submit a plan for the use of existing
30 relocatables within the 5-year work program to be reviewed and
31 approved by the commissioner by January 1, 2003. A progress

1 report shall be provided by the commissioner to the Speaker of
2 the House of Representatives and the President of the Senate
3 each January thereafter. Relocatables that fail to meet the
4 standards after completion of the approved plan may not be
5 used as classrooms. The standards shall protect the health,
6 safety, and welfare of occupants by requiring compliance with
7 the Florida Building Code or the State Requirements for
8 Educational Facilities for existing relocatables, as
9 applicable, to ensure the safety and stability of construction
10 and onsite installation; fire and moisture protection; air
11 quality and ventilation; appropriate wind resistance; and
12 compliance with the requirements of the Americans with
13 Disabilities Act of 1990. If appropriate and where
14 relocatables are not scheduled for replacement, the standards
15 must also require relocatables to provide access to the same
16 technologies available to similar classrooms within the main
17 school facility and, if appropriate, and where relocatables
18 are not scheduled for replacement, to be accessible by
19 adequate covered walkways. A relocatable that is subject to
20 this section and does not meet the standards shall not be
21 reported as providing satisfactory student stations in the
22 Florida Inventory of School Houses.

23 (2) Annual inspections for all satisfactory
24 relocatables designed for classroom use or being occupied by
25 students are required for: foundations; tie-downs; structural
26 integrity; weatherproofing; HVAC; electrical; plumbing, if
27 applicable; firesafety; and accessibility. Reports shall be
28 filed with the district school board and posted in each
29 respective relocatable in order to facilitate corrective
30 action.

31

1 Section 815. Section 1013.21, Florida Statutes, is
2 created to read:

3 1013.21 Reduction of relocatable facilities in use.--

4 (1)(a) It is a goal of the Legislature that all school
5 districts shall provide a quality educational environment for
6 their students such that, by July 1, 2003, student stations in
7 relocatable facilities exceeding 20 years of age and in use by
8 a district during the 1998-1999 fiscal year shall be removed
9 and the number of all other relocatable student stations at
10 over-capacity schools during that fiscal year shall be
11 decreased by half. The Legislature finds, however, that
12 necessary maintenance of existing facilities and public school
13 enrollment growth impair the ability of some districts to
14 achieve the goal of this section within 5 years. Therefore,
15 the Legislature is increasing its commitment to school funding
16 in this act, in part to help districts reduce the number of
17 temporary, relocatable student stations at over-capacity
18 schools. The Legislature intends that local school districts
19 also increase their investment toward meeting this goal. Each
20 district's progress toward meeting this goal shall be measured
21 annually by comparing district facilities work programs for
22 replacing relocatables with the state capital outlay
23 projections for education prepared by the Office of
24 Educational Facilities and SMART Schools Clearinghouse.
25 District facilities work programs shall be monitored by the
26 SMART Schools Clearinghouse to measure the commitment of local
27 school districts toward this goal.

28 (b) For the purposes of this section, an
29 "over-capacity school" means a school the capital outlay FTE
30 enrollment of which exceeds 100 percent of the space and
31 occupant design capacity of its nonrelocatable facilities.

1 However, if a school's initial design incorporated relocatable
2 or modular instructional space, an "over-capacity school"
3 shall mean a school the capital outlay FTE enrollment of which
4 exceeds 100 percent of the space and occupant design capacity
5 of its core facilities.

6 (2) In accordance with the legislative goal described
7 in subsection (1), any relocatables purchased with money
8 appropriated pursuant to chapter 97-384, Laws of Florida,
9 shall be counted at actual student capacity for purposes of s.
10 1013.31 for the life cycle of the relocatable.

11 Section 816. Section 1013.22, Florida Statutes, is
12 created to read:

13 1013.22 Obscenity on educational buildings or
14 vehicles.--Whoever willfully cuts, paints, pastes, marks, or
15 defaces by writing or in any other manner any educational
16 building, furniture, apparatus, appliance, outbuilding,
17 ground, fence, tree, post, vehicle, or other educational
18 property with an obscene word, image, or device commits a
19 misdemeanor of the second degree, punishable as provided in s.
20 775.082 or s. 775.083. This section shall not apply to any
21 student in grades K-12 subject to the discipline of a district
22 school board.

23 Section 817. Section 1013.23, Florida Statutes, is
24 created to read:

25 1013.23 Energy efficiency contracting.--

26 (1) LEGISLATIVE INTENT.--The Legislature finds that
27 investment in energy conservation measures in educational
28 facilities can reduce the amount of energy consumed and
29 produce immediate and long-term savings. It is the policy of
30 this state to encourage school districts, community colleges,
31 and state universities to invest in energy conservation

1 measures that reduce energy consumption, produce a cost
2 savings, and improve the quality of indoor air in facilities,
3 and, when economically feasible, to build, operate, maintain,
4 or renovate educational facilities in such a manner so as to
5 minimize energy consumption and maximize energy savings. It is
6 further the policy of this state to encourage school
7 districts, community colleges, and state universities to
8 reinvest any energy savings resulting from energy conservation
9 measures into additional energy conservation efforts.

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

12 (a) "Energy conservation measure" means a training
13 program, facility alteration, or equipment to be used in new
14 construction, including an addition to an existing facility,
15 that reduces energy costs, and includes, but is not limited
16 to:

17 1. Insulation of the facility structure and systems
18 within the facility.

19 2. Storm windows and doors, caulking or
20 weatherstripping, multi-glazed windows and doors,
21 heat-absorbing, or heat-reflective, glazed and coated window
22 and door systems, additional glazing, reductions in glass
23 area, and other window and door system modifications that
24 reduce energy consumption.

25 3. Automatic energy control systems.

26 4. Heating, ventilating, or air-conditioning system
27 modifications or replacements.

28 5. Replacement or modifications of lighting fixtures
29 to increase the energy efficiency of the lighting system
30 which, at a minimum, shall conform to the Florida Building
31 Code.

- 1 6. Energy recovery systems.
- 2 7. Cogeneration systems that produce steam or forms of
3 energy such as heat, as well as electricity, for use primarily
4 within a facility or complex of facilities.
- 5 8. Energy conservation measures that provide long-term
6 operating cost reductions and significantly reduce Btu
7 consumed.
- 8 9. Renewable energy systems, such as solar, biomass,
9 and wind.
- 10 10. Devices which reduce water consumption or sewer
11 charges.
- 12 (b) "Energy cost savings" means:
- 13 1. A measured reduction in fuel, energy, or operation
14 and maintenance costs created from the implementation of one
15 or more energy conservation measures when compared with an
16 established baseline for previous fuel, energy, or operation
17 and maintenance costs; or
- 18 2. For new construction, a projected reduction in
19 fuel, energy, or operation and maintenance costs created from
20 the implementation of one or more energy conservation measures
21 when compared with the projected fuel, energy, or operation
22 and maintenance costs for equipment if the minimum standards
23 of the Florida Building Code for educational facilities
24 construction were implemented and signed and sealed by a
25 registered professional engineer.
- 26 (c) "Energy performance-based contract" means a
27 contract for the evaluation, recommendation, and
28 implementation of energy conservation measures which includes,
29 at a minimum:
- 30
- 31

1 1. The design and installation of equipment to
2 implement one or more of such measures, and, if applicable,
3 operation and maintenance of such measures.
4 2. The amount of any actual annual savings. This
5 amount must meet or exceed total annual contract payments made
6 by the district school board, community college board of
7 trustees, or state university board of trustees for such
8 contract.
9 3. Financing charges to be incurred by the district
10 school board, community college board of trustees, or state
11 university board of trustees over the life of the contract.
12 (d) "Energy performance contractor" means a person or
13 business licensed pursuant to chapter 471, chapter 481, or
14 chapter 489 and experienced in the analysis, design,
15 implementation, and installation of energy conservation
16 measures through the implementation of energy
17 performance-based contracts.
18 (3) ENERGY PERFORMANCE-BASED CONTRACT PROCEDURES.--
19 (a) A district school board, community college board
20 of trustees, or state university board of trustees may enter
21 into an energy performance-based contract with an energy
22 performance contractor to significantly reduce energy or
23 operating costs of an educational facility through one or more
24 energy conservation measures.
25 (b) The energy performance contractor shall be
26 selected in compliance with s. 287.055; except that in a case
27 where a district school board, community college board of
28 trustees, or state university board of trustees determines
29 that fewer than three firms are qualified to perform the
30 required services, the requirement for agency selection of
31

1 three firms, as provided in s. 287.055(4)(b), shall not apply
2 and the bid requirements of s. 287.057 shall not apply.

3 (c) Before entering into a contract pursuant to this
4 section, the district school board, community college board of
5 trustees, or state university board of trustees shall provide
6 published notice of the meeting in which it proposes to award
7 the contract, the names of the parties to the proposed
8 contract, and the contract's purpose.

9 (d) Prior to the design and installation of the energy
10 conservation measure, the district school board, community
11 college board of trustees, or state university board of
12 trustees must obtain from the energy performance contractor a
13 report that discloses all costs associated with the energy
14 conservation measure and provides an estimate of the amount of
15 the energy cost savings. The report must be reviewed by either
16 the Department of Education or the Department of Management
17 Services or signed and sealed by a registered professional
18 engineer.

19 (e) A district school board, community college board
20 of trustees, or state university board of trustees may enter
21 into an energy performance-based contract with an energy
22 performance contractor if, after review of the report required
23 by paragraph (d), it finds that the amount it would spend on
24 the energy conservation measures recommended in the report
25 will not exceed the amount to be saved in energy and operation
26 costs over 20 years from the date of installation, based on
27 life-cycle costing calculations, if the recommendations in the
28 report were followed and if the energy performance contractor
29 provides a written guarantee that the energy or operating cost
30 savings will meet or exceed the costs of the system. The

31

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

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

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.

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

1 Section 823. Part III of chapter 1013, Florida
2 Statutes, shall be entitled "Planning and Construction of
3 Educational Facilities" and shall consist of ss.
4 1013.30-1013.54.

5 Section 824. Part III.a. of chapter 1013, Florida
6 Statutes, shall be entitled "Campus Master Plans and
7 Educational Plant Surveys" and shall consist of ss.
8 1013.30-1013.365.

9 Section 825. Section 1013.30, Florida Statutes, is
10 created to read:

11 1013.30 University campus master plans and campus
12 development agreements.--

13 (1) This section contains provisions for campus
14 planning and concurrency management that supersede the
15 requirements of part II of chapter 163, except when stated
16 otherwise in this section. These special growth management
17 provisions are adopted in recognition of the unique
18 relationship between university campuses and the local
19 governments in which they are located. While the campuses
20 provide research and educational benefits of statewide and
21 national importance, and further provide substantial
22 educational, economic, and cultural benefits to their host
23 local governments, they may also have an adverse impact on the
24 public facilities and services and natural resources of host
25 governments. On balance, however, universities should be
26 considered as vital public facilities of the state and local
27 governments. The intent of this section is to address this
28 unique relationship by providing for the preparation of campus
29 master plans and associated campus development agreements.

30 (2) As used in this section:

31

1 (a) "Affected local government" means a unit of local
2 government that provides public services to or is responsible
3 for maintaining facilities within a campus of an institution
4 or is directly affected by development that is proposed for a
5 campus.

6 (b) "Affected person" means a host local government;
7 an affected local government; any state, regional, or federal
8 agency; or a person who resides, owns property, or owns or
9 operates a business within the boundaries of a host local
10 government or affected local government.

11 (c) "Host local government" means a local government
12 within the jurisdiction of which all or part of a campus of an
13 institution is located, but does not include a county if no
14 part of an institution is located within its unincorporated
15 area.

16 (d) "Institution" means a university.

17 (3) Each university board of trustees shall prepare
18 and adopt a campus master plan for the university. The master
19 plan must identify general land uses and address the need for
20 and plans for provision of roads, parking, public
21 transportation, solid waste, drainage, sewer, potable water,
22 and recreation and open space during the coming 10 to 20
23 years. The plans must contain elements relating to future land
24 use, intergovernmental coordination, capital improvements,
25 recreation and open space, general infrastructure, housing,
26 and conservation. Each element must address compatibility with
27 the surrounding community. The master plan must identify
28 specific land uses, location of structures, densities and
29 intensities of use, and contain standards for onsite
30 development, site design, environmental management, and the
31 preservation of historic and archaeological resources. The

1 transportation element must address reasonable transportation
2 demand management techniques to minimize offsite impacts where
3 possible. Data and analyses on which the elements are based
4 must include, at a minimum: the characteristics of vacant
5 lands; projected impacts of development on onsite and offsite
6 infrastructure, public services, and natural resources;
7 student enrollment projections; student housing needs; and the
8 need for academic and support facilities. Master plans must be
9 updated at least every 5 years.

10 (4) Campus master plans may contain additional
11 elements at the discretion of the State Board of Education;
12 however, such elements are not subject to review under this
13 section. These additional elements may include the academic
14 mission of the institution, academic program, utilities,
15 public safety, architectural design, landscape architectural
16 design, and facilities maintenance.

17 (5) Subject to the right of the university board of
18 trustees to initiate the dispute resolution provisions of
19 subsection (8), a campus master plan must not be in conflict
20 with the comprehensive plan of the host local government and
21 the comprehensive plan of any affected local governments. A
22 campus master plan must be consistent with the state
23 comprehensive plan.

24 (6) Before a campus master plan is adopted, a copy of
25 the draft master plan must be sent for review to the host and
26 any affected local governments, the state land planning
27 agency, the Department of Environmental Protection, the
28 Department of Transportation, the Department of State, the
29 Fish and Wildlife Conservation Commission, and the applicable
30 water management district and regional planning council. These
31 agencies must be given 90 days after receipt of the campus

1 master plans in which to conduct their review and provide
2 comments to the university board of trustees. The commencement
3 of this review period must be advertised in newspapers of
4 general circulation within the host local government and any
5 affected local government to allow for public comment.
6 Following receipt and consideration of all comments, and the
7 holding of at least two public hearings within the host
8 jurisdiction, the university board of trustees shall adopt the
9 campus master plan. It is the intent of the Legislature that
10 the university board of trustees comply with the notice
11 requirements set forth in s. 163.3184(15) to ensure full
12 public participation in this planning process. Campus master
13 plans developed under this section are not rules and are not
14 subject to chapter 120 except as otherwise provided in this
15 section.

16 (7) Notice that the campus master plan has been
17 adopted must be forwarded within 45 days after its adoption to
18 any affected person that submitted comments on the draft
19 campus master plan. The notice must state how and where a copy
20 of the master plan may be obtained or inspected. Within 30
21 days after receipt of the notice of adoption of the campus
22 master plan, or 30 days after the date the adopted plan is
23 available for review, whichever is later, an affected person
24 who submitted comments on the draft master plan may petition
25 the university board of trustees, challenging the campus
26 master plan as not being in compliance with this section or
27 any rule adopted under this section. The petition must state
28 each objection, identify its source, and provide a recommended
29 action. A petition filed by an affected local government may
30 raise only those issues directly pertaining to the public
31 facilities or services that the affected local government

1 provides to or maintains within the campus or to the direct
2 impact that campus development would have on the affected
3 local government.

4 (8) Following receipt of a petition, the petitioning
5 party or parties and the university board of trustees shall
6 mediate the issues in dispute as follows:

7 (a) The parties have 60 days to resolve the issues in
8 dispute. Other affected parties that submitted comments on the
9 draft campus master plan must be given the opportunity to
10 participate in these and subsequent proceedings.

11 (b) If resolution of the matter cannot be achieved
12 within 60 days, the issues must be submitted to the state land
13 planning agency. The state land planning agency has 60 days to
14 hold informal hearings, if necessary, identify the issues
15 remaining in dispute, prepare a record of the proceedings, and
16 submit the matter to the Administration Commission for final
17 action. The report to the Administration Commission must list
18 each issue in dispute, describe the nature and basis for each
19 dispute, identify alternative resolutions of the dispute, and
20 make recommendations.

21 (c) After receiving the report from the state land
22 planning agency, the Administration Commission shall take
23 action to resolve the issues in dispute. In deciding upon a
24 proper resolution, the Administration Commission shall
25 consider the nature of the issues in dispute, the compliance
26 of the parties with this section, the extent of the conflict
27 between the parties, the comparative hardships, and the public
28 interest involved. If the Administration Commission
29 incorporates in its final order a term or condition that
30 specifically requires the university board of trustees or a
31 local government to amend or modify its plan, the university

1 board of trustees shall have a reasonable period of time to
2 amend or modify its plan, and a local government shall
3 initiate the required plan amendment, which shall be exempt
4 from the requirements of s. 163.3187(1). Any required
5 amendment to a local government comprehensive plan must be
6 limited in scope so as to only relate to specific impacts
7 attributable to the campus development. The final order of the
8 Administration Commission is subject to judicial review as
9 provided in s. 120.68.

10 (9) An amendment to a campus master plan must be
11 reviewed and adopted under subsections (6)-(8) if such
12 amendment, alone or in conjunction with other amendments,
13 would:

14 (a) Increase density or intensity of use of land on
15 the campus by more than 10 percent;

16 (b) Decrease the amount of natural areas, open space,
17 or buffers on the campus by more than 10 percent; or

18 (c) Rearrange land uses in a manner that will increase
19 the impact of any proposed campus development by more than 10
20 percent on a road or on another public facility or service
21 provided or maintained by the state, the county, the host
22 local government, or any affected local government.

23 (10) Upon adoption of a campus master plan, the
24 university board of trustees shall draft a proposed campus
25 development agreement for each local government and send it to
26 the local government within 270 days after the adoption of the
27 relevant campus master plan.

28 (11) At a minimum, each campus development agreement:

29 (a) Must identify the geographic area of the campus
30 and local government covered by the campus development
31 agreement.

1 (b) Must establish its duration, which must be at
2 least 5 years and not more than 10 years.

3 (c) Must address public facilities and services
4 including roads, sanitary sewer, solid waste, drainage,
5 potable water, parks and recreation, and public
6 transportation.

7 (d) Must, for each of the facilities and services
8 listed in paragraph (c), identify the level-of-service
9 standard established by the applicable local government,
10 identify the entity that will provide the service to the
11 campus, and describe any financial arrangements between the
12 State Board of Education and other entities relating to the
13 provision of the facility or service.

14 (e) Must, for each of the facilities and services
15 listed in paragraph (c), determine the impact of existing and
16 proposed campus development reasonably expected over the term
17 of the campus development agreement on each service or
18 facility and any deficiencies in such service or facility
19 which the proposed campus development will create or to which
20 it will contribute.

21 (f) May, if proposed by the university board of
22 trustees, address the issues prescribed in paragraphs (d) and
23 (e) with regard to additional facilities and services,
24 including, but not limited to, electricity, nonpotable water,
25 law enforcement, fire and emergency rescue, gas, and
26 telephone.

27 (g) Must, to the extent it addresses issues addressed
28 in the campus master plan and host local government
29 comprehensive plan, be consistent with the adopted campus
30 master plan and host local government comprehensive plan.
31

1 (12)(a) Each proposed campus development agreement
2 must clearly identify the lands to which the university board
3 of trustees intends the campus development agreement to apply.
4 (b) Such land may include:
5 1. Land to be purchased by the university board of
6 trustees and if purchased with state appropriated funds titled
7 in the name of the board of trustees of the Internal
8 Improvement Trust Fund for use by an institution over the life
9 of the campus development agreement.
10 2. Land not owned by the board of trustees of the
11 Internal Improvement Trust Fund if the university board of
12 trustees intends to undertake development activities on the
13 land during the term of the campus development agreement.
14 (c) Land owned by the Board of Trustees of the
15 Internal Improvement Trust Fund for lease to the State Board
16 of Education acting on behalf of the institution may be
17 excluded, but any development activity undertaken on excluded
18 land is subject to part II of chapter 163.
19 (13) With regard to the impact of campus development
20 on the facilities and services listed in paragraph (11)(c),
21 the following applies:
22 (a) All improvements to facilities or services which
23 are necessary to eliminate the deficiencies identified in
24 paragraph (11)(e) must be specifically listed in the campus
25 development agreement.
26 (b) The university board of trustees' fair share of
27 the cost of the measures identified in paragraph (a) must be
28 stated in the campus development agreement. In determining the
29 fair share, the effect of any demand management techniques,
30 which may include such techniques as flexible work hours and
31

1 carpooling, that are used by the State Board of Education to
2 minimize the offsite impacts shall be considered.
3 (c) The university board of trustees is responsible
4 for paying the fair share identified in paragraph (b), and it
5 may do so by:
6 1. Paying a fair share of each of the improvements
7 identified in paragraph (a); or
8 2. Taking on full responsibility for the improvements,
9 selected from the list of improvements identified in paragraph
10 (a), and agreed to between the host local government and the
11 State Board of Education, the total cost of which equals the
12 contribution identified in paragraph (b).
13 (d) All concurrency management responsibilities of the
14 university board of trustees are fulfilled if the university
15 board of trustees expends the total amount of funds identified
16 in paragraph (b) notwithstanding that the university board of
17 trustees may not have undertaken or made contributions to some
18 of the measures identified in paragraph (a).
19 (e) Capital projects included in the campus
20 development agreement may be used by the local government for
21 the concurrency management purposes.
22 (f) Funds provided by universities in accordance with
23 campus development agreements are subject to appropriation by
24 the Legislature. A development authorized by a campus
25 development agreement may not be built until the funds to be
26 provided pursuant to paragraph (b) are appropriated by the
27 Legislature.
28 (14) A campus development agreement may not address or
29 include any standards or requirements for onsite development,
30 including environmental management requirements or
31 requirements for site preparation.

1 (15) Once the university board of trustees and host
2 local government agree on the provisions of the campus
3 development agreement, the campus development agreement shall
4 be executed by the university board of trustees and the host
5 local government in a manner consistent with the requirements
6 of s. 163.3225. Once the campus development agreement is
7 executed, it is binding upon the university board of trustees
8 and host local government. A copy of the executed campus
9 development agreement must be sent to the state land planning
10 agency within 14 days after the date of execution.

11 (16) If, within 180 days following the host local
12 government's receipt of the proposed campus development
13 agreement, the university board of trustees and host local
14 government cannot reach agreement on the provisions of the
15 campus development agreement, the following procedures for
16 resolving the matter must be followed:

17 (a) The matter must be submitted to the state land
18 planning agency, which has 60 days to hold informal hearings,
19 if necessary, and identify the issues remaining in dispute,
20 prepare a record of the proceedings, and submit the matter to
21 the Administration Commission for final action. The report to
22 the Administration Commission must list each issue in dispute,
23 describe the nature and basis for each dispute, identify
24 alternative resolutions of each dispute, and make
25 recommendations.

26 (b) After receiving the report from the state land
27 planning agency, the Administration Commission shall take
28 action to resolve the issues in dispute. In deciding upon a
29 proper resolution, the Administration Commission shall
30 consider the nature of the issues in dispute, the compliance
31 of the parties with this section, the extent of the conflict

1 between the parties, the comparative hardships, and the public
2 interest involved. In resolving the matter, the Administration
3 Commission may prescribe, by order, the contents of the campus
4 development agreement.

5 (17) Disputes that arise in the implementation of an
6 executed campus development agreement must be resolved as
7 follows:

8 (a) Each party shall select one mediator and notify
9 the other in writing of the selection. Thereafter, within 15
10 days after their selection, the two mediators selected by the
11 parties shall select a neutral, third mediator to complete the
12 mediation panel.

13 (b) Each party is responsible for all costs and fees
14 payable to the mediator selected by it and shall equally bear
15 responsibility for the costs and fees payable to the third
16 mediator for services rendered and costs expended in
17 connection with resolving disputes pursuant to the campus
18 development agreement.

19 (c) Within 10 days after the selection of the
20 mediation panel, proceedings must be convened by the panel to
21 resolve the issues in dispute.

22 (d) Within 60 days after the convening of the panel,
23 the panel shall issue a report containing a recommended
24 resolution of the issues in dispute.

25 (e) If either the university board of trustees or
26 local government rejects the recommended resolution of the
27 issues in dispute, the disputed issues must be resolved
28 pursuant to the procedures provided by subsection (16).

29 (18) Once the campus development agreement is
30 executed, all campus development may proceed without further
31 review by the host local government if it is consistent with

1 the adopted campus master plan and associated campus
2 development agreement.

3 (19) A campus development agreement may be amended
4 under subsections (10)-(16):

5 (a) In conjunction with any amendment to the campus
6 master plan subject to the requirements in subsection (9).

7 (b) If either party delays by more than 12 months the
8 construction of a capital improvement identified in the
9 agreement.

10 (20) Any party to a campus development agreement or
11 aggrieved or adversely affected person, as defined in s.
12 163.3215(2), may file an action for injunctive relief in the
13 circuit court where the host local government is located to
14 enforce the terms of a campus development agreement or to
15 challenge compliance of the agreement with this section. This
16 action shall be the sole and exclusive remedy of an adversely
17 affected person other than a party to the agreement to enforce
18 any rights or obligations arising from a development
19 agreement.

20 (21) State and regional environmental program
21 requirements remain applicable, except that this section
22 supersedes all other sections of part II of chapter 163 and s.
23 380.06 except as provided in this section.

24 (22) In consultation with the state land planning
25 agency, the State Board of Education shall adopt rules
26 implementing subsections (3)-(6). The rules must set specific
27 schedules and procedures for the development and adoption of
28 campus master plans.

29 (23) Until the campus master plan and campus
30 development agreement for an institution have been finalized,
31 any dispute between the university board of trustees and a

1 local government relating to campus development for that
2 institution shall be resolved by the process established in
3 subsection (8).

4 Section 826. Section 1013.31, Florida Statutes, is
5 created to read:

6 1013.31 Educational plant survey; localized need
7 assessment; PECO project funding.--

8 (1) At least every 5 years, each board shall arrange
9 for an educational plant survey, to aid in formulating plans
10 for housing the educational program and student population,
11 faculty, administrators, staff, and auxiliary and ancillary
12 services of the district or campus, including consideration of
13 the local comprehensive plan. The Office of Workforce and
14 Economic Development shall document the need for additional
15 career and adult education programs and the continuation of
16 existing programs before facility construction or renovation
17 related to career or adult education may be included in the
18 educational plant survey of a school district or community
19 college that delivers career or adult education programs.
20 Information used by the Office of Workforce and Economic
21 Development to establish facility needs must include, but need
22 not be limited to, labor market data, needs analysis, and
23 information submitted by the school district or community
24 college.

25 (a) Survey preparation and required data.--Each survey
26 shall be conducted by the board or an agency employed by the
27 board. Surveys shall be reviewed and approved by the board,
28 and a file copy shall be submitted to the commissioner. The
29 survey report shall include at least an inventory of existing
30 educational and ancillary plants; recommendations for existing
31 educational and ancillary plants; recommendations for new

1 educational or ancillary plants, including the general
2 location of each in coordination with the land use plan;
3 campus master plan update and detail for community colleges;
4 the utilization of school plants based on an extended school
5 day or year-round operation; and such other information as may
6 be required by the rules of the State Board of Education. This
7 report may be amended, if conditions warrant, at the request
8 of the board or commissioner.

9 (b) Required need assessment criteria for district,
10 community college, and state university plant surveys.--Each
11 educational plant survey completed must use uniform data
12 sources and criteria specified in this paragraph. Each revised
13 educational plant survey and each new educational plant survey
14 supersedes previous surveys.

15 1. Each school district's educational plant survey
16 must reflect the capacity of existing satisfactory facilities
17 as reported in the Florida Inventory of School Houses.
18 Projections of facility space needs may not exceed the norm
19 space and occupant design criteria established by the State
20 Requirements for Educational Facilities. Existing and
21 projected capital outlay full-time equivalent student
22 enrollment must be consistent with data prepared by the
23 department and must include all enrollment used in the
24 calculation of the distribution formula in s. 1013.64(3). To
25 insure that the data reported to the Department of Education
26 as required by this section is correct, the department shall
27 annually conduct an onsite review of 5 percent of the
28 facilities reported for each school district completing a new
29 survey that year. If the department's review finds the data
30 reported by a district is less than 95 percent accurate,
31 within one year from the time of notification by the

1 department the district must submit revised reports correcting
2 its data. If a district fails to correct its reports, the
3 commissioner may direct that future fixed capital outlay funds
4 be withheld until such time as the district has corrected its
5 reports so that they are not less than 95 percent accurate.
6 All satisfactory relocatable classrooms, including those
7 owned, lease-purchased, or leased by the school district,
8 shall be included in the school district inventory of gross
9 capacity of facilities and must be counted at actual student
10 capacity for purposes of the inventory. For future needs
11 determination, student capacity shall not be assigned to any
12 relocatable classroom that is scheduled for elimination or
13 replacement with a permanent educational facility in the
14 adopted 5-year educational plant survey and in the district
15 facilities work program adopted under s. 1013.35. Those
16 relocatables clearly identified and scheduled for replacement
17 in a school board adopted financially feasible 5-year district
18 facilities work program shall be counted at zero capacity at
19 the time the work program is adopted and approved by the
20 school board. However, if the district facilities work program
21 is changed or altered and the relocatables are not replaced as
22 scheduled in the work program, they must then be reentered
23 into the system for counting at actual capacity. Relocatables
24 may not be perpetually added to the work program and
25 continually extended for purposes of circumventing the intent
26 of this section. All remaining relocatable classrooms,
27 including those owned, lease-purchased, or leased by the
28 school district, shall be counted at actual student capacity.
29 The educational plant survey shall identify the number of
30 relocatable student stations scheduled for replacement during
31 the 5-year survey period and the total dollar amount needed

1 for that replacement. All district educational plant surveys
2 shall include information on leased space used for conducting
3 the district's instructional program, in accordance with the
4 recommendations of the department's report authorized in s.
5 1013.15. A definition of satisfactory relocatable classrooms
6 shall be established by rule of the State Board of Education.

7 2. Each survey of a special facility, joint-use
8 facility, or cooperative career and technical education
9 facility must be based on capital outlay full-time equivalent
10 student enrollment data prepared by the department for school
11 districts, community colleges, and universities. A survey of
12 space needs of a joint-use facility shall be based upon the
13 respective space needs of the school districts, community
14 colleges, and universities, as appropriate. Projections of a
15 school district's facility space needs may not exceed the norm
16 space and occupant design criteria established by the State
17 Requirements for Educational Facilities.

18 3. Each community college's survey must reflect the
19 capacity of existing facilities as specified in the inventory
20 maintained by the Department of Education. Projections of
21 facility space needs must comply with standards for
22 determining space needs as specified by rule of the State
23 Board of Education. The 5-year projection of capital outlay
24 student enrollment must be consistent with the annual report
25 of capital outlay full-time student enrollment prepared by the
26 Department of Education.

27 4. Each state university's survey must reflect the
28 capacity of existing facilities as specified in the inventory
29 maintained and validated by the Department of Education.
30 Projections of facility space needs must be consistent with
31 standards for determining space needs approved by the

1 Department of Education. The projected capital outlay
2 full-time equivalent student enrollment must be consistent
3 with the 5-year planned enrollment cycle for the State
4 University System approved by the Department of Education.
5 5. The educational plant survey of a school district,
6 community college, or state university may include space needs
7 that deviate from approved standards for determining space
8 needs if the deviation is justified by the district or
9 institution and approved by the department as necessary for
10 the delivery of an approved educational program.
11 (c) Review and validation.--The department shall
12 review and validate the surveys of school districts, community
13 colleges, and universities, and any amendments thereto for
14 compliance with the requirements of this chapter and, when
15 required by the State Constitution, shall recommend those in
16 compliance for approval by the State Board of Education.
17 Annually, the department shall perform an in-depth analysis of
18 a representative sample of each survey of recommended needs
19 for five districts selected by the commissioner from among
20 districts with the largest need-to-revenue ratio. For the
21 purpose of this subsection, the need-to-revenue ratio is
22 determined by dividing the total 5-year cost of projects
23 listed on the district survey by the total 5-year fixed
24 capital outlay revenue projections from state and local
25 sources as determined by the department. The commissioner may
26 direct fixed capital outlay funds to be withheld from
27 districts until such time as the survey accurately projects
28 facilities needs.
29 (2) Only the district school superintendent, community
30 college president, or university president shall certify to
31

1 the department a project's compliance with the requirements
2 for expenditure of PECO funds prior to release of funds.

3 (a) Upon request for release of PECO funds for
4 planning purposes, certification must be made to the
5 department that the need and location of the facility are in
6 compliance with the board-approved survey recommendations and
7 that the project meets the definition of a PECO project and
8 the limiting criteria for expenditures of PECO funding.

9 (b) Upon request for release of construction funds,
10 certification must be made to the department that the need and
11 location of the facility are in compliance with the
12 board-approved survey recommendations, that the project meets
13 the definition of a PECO project and the limiting criteria for
14 expenditures of PECO funding, and that the construction
15 documents meet the requirements of the Florida Building Code
16 for educational facilities construction or other applicable
17 codes as authorized in this chapter.

18 Section 827. Section 1013.32, Florida Statutes, is
19 created to read:

20 1013.32 Exception to recommendations in educational
21 plant survey.--An exception to the recommendations in the
22 educational plant survey may be allowed if a board considers
23 that it will be advantageous to the welfare of the educational
24 system or that it will make possible a substantial saving of
25 funds. A board, upon determining that an exception is
26 warranted, must present a full statement, in writing, setting
27 forth all the facts to the Commissioner of Education.

28 Section 828. Section 1013.33, Florida Statutes, is
29 created to read:

30 1013.33 Coordination of planning with local governing
31 bodies.--

1 (1) It is the policy of this state to require the
2 coordination of planning between boards and local governing
3 bodies to ensure that plans for the construction and opening
4 of public educational facilities are facilitated and
5 coordinated in time and place with plans for residential
6 development, concurrently with other necessary services. Such
7 planning shall include the integration of the educational
8 plant survey and applicable policies and procedures of a board
9 with the local comprehensive plan and land development
10 regulations of local governing bodies. The planning must
11 include the consideration of allowing students to attend the
12 school located nearest their homes when a new housing
13 development is constructed near a county boundary and it is
14 more feasible to transport the students a short distance to an
15 existing facility in an adjacent county than to construct a
16 new facility or transport students longer distances in their
17 county of residence. The planning must also consider the
18 effects of the location of public education facilities,
19 including the feasibility of keeping central city facilities
20 viable, in order to encourage central city redevelopment and
21 the efficient use of infrastructure and to discourage
22 uncontrolled urban sprawl.

23 (2) A board and the local governing body must share
24 and coordinate information related to existing and planned
25 school facilities; proposals for development, redevelopment,
26 or additional development; and infrastructure required to
27 support the school facilities, concurrent with proposed
28 development. A school board shall use Department of Education
29 enrollment projections when preparing the 5-year district
30 facilities work program pursuant to s. 1013.35, and a school
31 board shall affirmatively demonstrate in the educational

1 facilities report consideration of local governments'
2 population projections to ensure that the 5-year work program
3 not only reflects enrollment projections but also considers
4 applicable municipal and county growth and development
5 projections. A school board is precluded from siting a new
6 school in a jurisdiction where the school board has failed to
7 provide the annual educational facilities report for the prior
8 year required pursuant to s. 1013.34 unless the failure is
9 corrected.

10 (3) The location of educational facilities shall be
11 consistent with the comprehensive plan of the appropriate
12 local governing body developed under part II of chapter 163
13 and the plan's implementing land development regulations, to
14 the extent that the regulations are not in conflict with or
15 the subject regulated is not specifically addressed by this
16 chapter or the state requirements for educational facilities,
17 unless mutually agreed by the local government and the board.

18 (4) To improve coordination relative to potential
19 educational facility sites, a board shall provide written
20 notice to the local government that has regulatory authority
21 over the use of the land at least 60 days prior to acquiring
22 or leasing property that may be used for a new public
23 educational facility. The local government, upon receipt of
24 this notice, shall notify the board within 45 days if the site
25 proposed for acquisition or lease is consistent with the land
26 use categories and policies of the local government's
27 comprehensive plan. This preliminary notice does not
28 constitute the local government's determination of consistency
29 pursuant to subsection (5).

30 (5) As early in the design phase as feasible, but at
31 least before commencing construction of a new public

1 educational facility, the local governing body that regulates
2 the use of land shall determine, in writing within 90 days
3 after receiving the necessary information and a school board's
4 request for a determination, whether a proposed educational
5 facility is consistent with the local comprehensive plan and
6 local land development regulations, to the extent that the
7 regulations are not in conflict with or the subject regulated
8 is not specifically addressed by this chapter or the Florida
9 Building Code for educational facilities and construction,
10 unless mutually agreed. If the determination is affirmative,
11 school construction may proceed and further local government
12 approvals are not required, except as provided in this
13 section. Failure of the local governing body to make a
14 determination in writing within 90 days after a district
15 school board's request for a determination of consistency
16 shall be considered an approval of the district school board's
17 application. Campus master plans and development agreements
18 must comply with the provisions of ss. 1013.30 and 1013.63.

19 (6) A local governing body may not deny the site
20 applicant based on adequacy of the site plan as it relates
21 solely to the needs of the school. If the site is consistent
22 with the comprehensive plan's future land use policies and
23 categories in which public schools are identified as allowable
24 uses, the local government may not deny the application but it
25 may impose reasonable development standards and conditions in
26 accordance with s. 1013.51(1) and consider the site plan and
27 its adequacy as it relates to environmental concerns, health,
28 safety and welfare, and effects on adjacent property.
29 Standards and conditions may not be imposed which conflict
30 with those established in this chapter or the State Uniform
31 Building Code, unless mutually agreed.

1 (7) This section does not prohibit a local governing
2 body and district school board from agreeing and establishing
3 an alternative process for reviewing a proposed educational
4 facility and site plan, and offsite impacts.

5 (8) Existing schools shall be considered consistent
6 with the applicable local government comprehensive plan
7 adopted under part II of chapter 163. The collocation of a new
8 proposed public educational facility with an existing public
9 educational facility, or the expansion of an existing public
10 educational facility is not inconsistent with the local
11 comprehensive plan, if the site is consistent with the
12 comprehensive plan's future land use policies and categories
13 in which public schools are identified as allowable uses, and
14 levels of service adopted by the local government for any
15 facilities affected by the proposed location for the new
16 facility are maintained. If a board submits an application to
17 expand an existing school site, the local governing body may
18 impose reasonable development standards and conditions on the
19 expansion only, and in a manner consistent with s. 1013.51(1).
20 Standards and conditions may not be imposed which conflict
21 with those established in this chapter or the State Uniform
22 Building Code, unless mutually agreed. Local government review
23 or approval is not required for:

24 (a) The placement of temporary or portable classroom
25 facilities; or

26 (b) Proposed renovation or construction on existing
27 school sites, with the exception of construction that changes
28 the primary use of a facility, includes stadiums, or results
29 in a greater than 5 percent increase in student capacity, or
30 as mutually agreed.

31

1 Section 829. Section 1013.34, Florida Statutes, is
2 created to read:

3 1013.34 General educational facilities report.--

4 (1) It is the policy of the state to foster
5 coordination between district school boards and the local
6 general-purpose governments as those local general-purpose
7 governments develop and implement plans under the Local
8 Government Comprehensive Planning and Land Development
9 Regulation Act, part II of chapter 163.

10 (2) Each district school board shall submit annually
11 on October 1 to each local government within the school
12 board's jurisdiction a general educational facilities report.
13 The general educational facilities report must contain
14 information detailing existing educational facilities and
15 their locations and projected needs. The report must also
16 contain the board's capital improvement plan, including
17 planned facilities with funding over the next 3 years, and the
18 educational facilities representing the district's unmet need.
19 The school board shall also provide a copy of its educational
20 plan survey to each local government at least once every 5
21 years.

22 Section 830. Section 1013.35, Florida Statutes, is
23 created to read:

24 1013.35 School district facilities work program;
25 definitions; preparation, adoption, and amendment; long-term
26 work programs.--

27 (1) DEFINITIONS.--As used in this section, the term:

28 (a) "Adopted district facilities work program" means
29 the 5-year work program adopted by the district school board
30 as provided in subsection (3).

31

1 (b) "Tentative district facilities work program" means
2 the 5-year listing of capital outlay projects required:
3 1. To properly maintain the educational plant and
4 ancillary facilities of the district.
5 2. To provide an adequate number of satisfactory
6 student stations for the projected student enrollment of the
7 district in K-12 programs in accordance with the goal in s.
8 1013.21.
9 (2) PREPARATION OF TENTATIVE DISTRICT FACILITIES WORK
10 PROGRAM.--
11 (a) Annually, prior to the adoption of the district
12 school budget, each district school board shall prepare a
13 tentative district facilities work program that includes:
14 1. A schedule of major repair and renovation projects
15 necessary to maintain the educational plant and ancillary
16 facilities of the district.
17 2. A schedule of capital outlay projects necessary to
18 ensure the availability of satisfactory student stations for
19 the projected student enrollment in K-12 programs. This
20 schedule shall consider:
21 a. The locations, capacities, and planned utilization
22 rates of current educational facilities of the district.
23 b. The proposed locations of planned facilities.
24 c. Plans for the use and location of relocatable
25 facilities, leased facilities, and charter school facilities.
26 d. Plans for multitrack scheduling, grade level
27 organization, block scheduling, or other alternatives that
28 reduce the need for permanent student stations.
29 e. Information concerning average class size and
30 utilization rate by grade level within the district that will
31 result if the tentative district facilities work program is

1 fully implemented. The average shall not include exceptional
2 student education classes or prekindergarten classes.
3 f. The number and percentage of district students
4 planned to be educated in relocatable facilities during each
5 year of the tentative district facilities work program.
6 g. Plans for the closure of any school, including
7 plans for disposition of the facility or usage of facility
8 space, and anticipated revenues.
9 3. The projected cost for each project identified in
10 the tentative district facilities work program. For proposed
11 projects for new student stations, a schedule shall be
12 prepared comparing the planned cost and square footage for
13 each new student station, by elementary, middle, and high
14 school levels, to the low, average, and high cost of
15 facilities constructed throughout the state during the most
16 recent fiscal year for which data is available from the
17 Department of Education.
18 4. A schedule of estimated capital outlay revenues
19 from each currently approved source which is estimated to be
20 available for expenditure on the projects included in the
21 tentative district facilities work program.
22 5. A schedule indicating which projects included in
23 the tentative district facilities work program will be funded
24 from current revenues projected in subparagraph 4.
25 6. A schedule of options for the generation of
26 additional revenues by the district for expenditure on
27 projects identified in the tentative district facilities work
28 program which are not funded under subparagraph 5. Additional
29 anticipated revenues may include effort index grants, SIT
30 Program awards, and Classrooms First funds.
31

1 (b) To the extent available, the tentative district
2 facilities work program shall be based on information produced
3 by the demographic, revenue, and education estimating
4 conferences pursuant to s. 216.136.

5 (c) Provision shall be made for public comment
6 concerning the tentative district facilities work program.

7 (3) ADOPTED DISTRICT FACILITIES WORK
8 PROGRAM.--Annually, the district school board shall consider
9 and adopt the tentative district facilities work program
10 completed pursuant to subsection (2). Upon giving proper
11 public notice and opportunity for public comment, the district
12 school board may amend the program to revise the priority of
13 projects, to add or delete projects, to reflect the impact of
14 change orders, or to reflect the approval of new revenue
15 sources which may become available. The adopted district
16 facilities work program shall:

17 (a) Be a complete, balanced capital outlay financial
18 plan for the district.

19 (b) Set forth the proposed commitments and planned
20 expenditures of the district to address the educational
21 facilities needs of its students and to adequately provide for
22 the maintenance of the educational plant and ancillary
23 facilities.

24 (4) EXECUTION OF ADOPTED DISTRICT FACILITIES WORK
25 PROGRAM.--The first year of the adopted district facilities
26 work program shall constitute the capital outlay budget
27 required in s. 1013.61. The adopted district facilities work
28 program shall include the information required in
29 subparagraphs (2)(a)1., 2., and 3., based upon projects
30 actually funded in the program.

31

1 (5) 10-YEAR AND 20-YEAR WORK PROGRAMS.--In addition to
2 the adopted district facilities work program covering the
3 5-year work program, the district school board shall adopt
4 annually a 10-year and a 20-year work program which include
5 the information set forth in subsection (2), but based upon
6 enrollment projections and facility needs for the 10-year and
7 20-year periods. It is recognized that the projections in the
8 10-year and 20-year timeframes are tentative and should be
9 used only for general planning purposes.

10 Section 831. Section 1013.36, Florida Statutes, is
11 created to read:

12 1013.36 Site planning and selection.--

13 (1) Before acquiring property for sites, each district
14 school board and community college board of trustees shall
15 determine the location of proposed educational centers or
16 campuses. In making this determination, the board shall
17 consider existing and anticipated site needs and the most
18 economical and practicable locations of sites. The board shall
19 coordinate with the long-range or comprehensive plans of
20 local, regional, and state governmental agencies to assure the
21 compatibility of such plans with site planning. Boards are
22 encouraged to locate educational facilities proximate to urban
23 residential areas to the extent possible, and shall seek to
24 collocate educational facilities with other public facilities,
25 such as parks, libraries, and community centers, to the extent
26 possible.

27 (2) Each new site selected must be adequate in size to
28 meet the educational needs of the students to be served on
29 that site by the original educational facility or future
30 expansions of the facility through renovation or the addition
31 of relocatables. The State Board of Education shall prescribe

1 by rule recommended sizes for new sites according to
2 categories of students to be housed and other appropriate
3 factors determined by the state board. Less-than-recommended
4 site sizes are allowed if the board recommends such a site and
5 finds that it can provide an appropriate and equitable
6 educational program on the site.

7 (3) Sites recommended for purchase or purchased must
8 meet standards prescribed in law and such supplementary
9 standards as the State Board of Education prescribes to
10 promote the educational interests of the students. Each site
11 must be well drained and suitable for outdoor educational
12 purposes as appropriate for the educational program. As
13 provided in s. 333.03, the site must not be located within any
14 path of flight approach of any airport. Insofar as is
15 practicable, the site must not adjoin a right-of-way of any
16 railroad or through highway and must not be adjacent to any
17 factory or other property from which noise, odors, or other
18 disturbances, or at which conditions, would be likely to
19 interfere with the educational program.

20 (4) It shall be the responsibility of the board to
21 provide adequate notice to appropriate municipal, county,
22 regional, and state governmental agencies for requested
23 traffic control and safety devices so they can be installed
24 and operating prior to the first day of classes or to satisfy
25 itself that every reasonable effort has been made in
26 sufficient time to secure the installation and operation of
27 such necessary devices prior to the first day of classes. It
28 shall also be the responsibility of the board to review
29 annually traffic control and safety device needs and to
30 request all necessary changes indicated by such review.

31

1 (5) Each board may request county and municipal
2 governments to construct and maintain sidewalks and bicycle
3 trails within a 2-mile radius of each educational facility
4 within the jurisdiction of the local government. When a board
5 discovers or is aware of an existing hazard on or near a
6 public sidewalk, street, or highway within a 2-mile radius of
7 a school site and the hazard endangers the life or threatens
8 the health or safety of students who walk, ride bicycles, or
9 are transported regularly between their homes and the school
10 in which they are enrolled, the board shall, within 24 hours
11 after discovering or becoming aware of the hazard, excluding
12 Saturdays, Sundays, and legal holidays, report such hazard to
13 the governmental entity within the jurisdiction of which the
14 hazard is located. Within 5 days after receiving notification
15 by the board, excluding Saturdays, Sundays, and legal
16 holidays, the governmental entity shall investigate the
17 hazardous condition and either correct it or provide such
18 precautions as are practicable to safeguard students until the
19 hazard can be permanently corrected. However, if the
20 governmental entity that has jurisdiction determines upon
21 investigation that it is impracticable to correct the hazard,
22 or if the entity determines that the reported condition does
23 not endanger the life or threaten the health or safety of
24 students, the entity shall, within 5 days after notification
25 by the board, excluding Saturdays, Sundays, and legal
26 holidays, inform the board in writing of its reasons for not
27 correcting the condition. The governmental entity, to the
28 extent allowed by law, shall indemnify the board from any
29 liability with respect to accidents or injuries, if any,
30 arising out of the hazardous condition.

31

1 Section 832. Section 1013.365, Florida Statutes, is
2 created to read:
3 1013.365 Schools on contaminated site prohibited.--
4 (1) DEFINITIONS.--For purposes of this section, the
5 following terms shall have the same meaning as provided in the
6 definitions in s. 376.301: "contaminant," "contaminated
7 site," "discharge," "engineering controls," "hazardous
8 substances," "institutional controls," "pollutants," and "site
9 rehabilitation."
10 (2) LEGISLATIVE INTENT.--The Legislature finds:
11 (a) Steps should be taken to eliminate or reduce the
12 risk to student health posed by attendance at K-12 schools
13 located on or adjacent to a contaminated site.
14 (b) District school boards have a duty and a
15 responsibility to ensure the safety of school children while
16 attending K-12 schools and engaging in extracurricular
17 activities on school properties.
18 (c) Ensuring student safety includes preventing,
19 eliminating, or reducing exposure to contaminants that may
20 exist at or adjacent to K-12 school properties.
21 (3) K-12 SCHOOL SITING LIMITATIONS; PROHIBITIONS.--No
22 K-12 school shall be built on or adjacent to a known
23 contaminated site unless steps have been taken to ensure that
24 children attending the school or playing on school property
25 will not be exposed to contaminants in the air, water, or soil
26 at levels that present a threat to human health or the
27 environment.
28 (4) DUTIES OF DISTRICT SCHOOL BOARD.--Before taking
29 title to real property upon which a K-12 school may be built
30 or initiating action to locate a K-12 school on real property
31 already owned by the school district, the district school

1 board shall conduct appropriate due diligence including all
2 appropriate inquiry into the previous ownership and use of the
3 property consistent with good commercial or customary practice
4 in an effort to determine the existence of any potential air,
5 water, or soil contamination that may exist on or adjacent to
6 the proposed K-12 school site. The district school board is
7 encouraged to contact the Department of Environmental
8 Protection to obtain any information about contaminated sites
9 on or adjacent to a proposed K-12 school site. Any evidence
10 of a discharge of pollutants or hazardous substances on or
11 adjacent to a proposed K-12 school site shall prompt the
12 district school board to conduct further investigation using
13 at least a Phase II Environmental Audit, in accordance with
14 standards established by the American Society for Testing and
15 Materials (ASTM), that includes air, water, and soil sampling.
16 If the results of the environmental audit confirm the presence
17 of contaminants or pollution on or adjacent to the proposed
18 K-12 school site at concentrations that pose a threat to human
19 health or the environment, then the district school board
20 shall conduct appropriate site rehabilitation in accordance
21 with the provisions of subsection (5) before initiating K-12
22 school construction at the site.

23 (5) CORRECTIVE ACTION.--The Department of
24 Environmental Protection may use risk-based corrective action
25 cleanup criteria as described in ss. 376.3071, 376.3078, and
26 376.81, and in Chapter 62-777, F.A.C., in reviewing and
27 approving site rehabilitation conducted by district school
28 boards pursuant to this section.

29 Section 833. Part III.b. of chapter 1013, Florida
30 Statutes, shall be entitled "Building Codes and Construction
31

1 for Educational Facilities" and shall consist of ss.
2 1013.37-1013.45.

3 Section 834. Section 1013.37, Florida Statutes, is
4 created to read:

5 1013.37 State uniform building code for public
6 educational facilities construction.--

7 (1) UNIFORM BUILDING CODE.--A uniform statewide
8 building code for the planning and construction of public
9 educational and ancillary plants by district school boards and
10 community college district boards of trustees shall be adopted
11 by the Florida Building Commission within the Florida Building
12 Code, pursuant to s. 553.73. Included in this code must be
13 flood plain management criteria in compliance with the rules
14 and regulations in 44 C.F.R. parts 59 and 60, and subsequent
15 revisions thereto which are adopted by the Federal Emergency
16 Management Agency. It is also the responsibility of the
17 department to develop, as a part of the uniform building code,
18 standards relating to:

19 (a) Prefabricated facilities or factory-built
20 facilities that are designed to be portable, relocatable,
21 demountable, or reconstructible; are used primarily as
22 classrooms; and do not fall under the provisions of ss.
23 320.822-320.862. Such standards must permit boards to contract
24 with the Department of Community Affairs for factory
25 inspections by certified building code inspectors to certify
26 conformance with applicable law and rules. The standards must
27 comply with the requirements of s. 1013.20 for relocatable
28 facilities intended for long-term use as classroom space, and
29 the relocatable facilities shall be designed subject to
30 missile impact criteria of s. 423(24)(d)(1) of the Florida
31 Building Code when located in the windborne debris region.

1 (b) The sanitation of educational and ancillary plants
2 and the health of occupants of educational and ancillary
3 plants.

4 (c) The safety of occupants of educational and
5 ancillary plants as provided in s. 1013.12, except that the
6 firesafety criteria shall be established by the State Fire
7 Marshal in cooperation with the Florida Building Commission
8 and the department and such firesafety requirements must be
9 incorporated into the Florida Fire Prevention Code.

10 (d) Accessibility for children, notwithstanding the
11 provisions of s. 553.512.

12 (e) The performance of life-cycle cost analyses on
13 alternative architectural and engineering designs to evaluate
14 their energy efficiencies.

15 1. The life-cycle cost analysis must consist of the
16 sum of:

17 a. The reasonably expected fuel costs over the life of
18 the building which are required to maintain illumination,
19 water heating, temperature, humidity, ventilation, and all
20 other energy-consuming equipment in a facility; and

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

23 2. For computation of the life-cycle costs, the
24 department shall develop standards that must include, but need
25 not be limited to:

26 a. The orientation and integration of the facility
27 with respect to its physical site.

28 b. The amount and type of glass employed in the
29 facility and the directions of exposure.

30
31

1 c. The effect of insulation incorporated into the
2 facility design and the effect on solar utilization of the
3 properties of external surfaces.

4 d. The variable occupancy and operating conditions of
5 the facility and subportions of the facility.

6 e. An energy-consumption analysis of the major
7 equipment of the facility's heating, ventilating, and cooling
8 system; lighting system; and hot water system and all other
9 major energy-consuming equipment and systems as appropriate.

10 3. Life-cycle cost criteria published by the
11 Department of Education for use in evaluating projects.

12 4. Standards for construction materials and systems
13 based on life-cycle costs that consider initial costs,
14 maintenance costs, custodial costs, operating costs, and life
15 expectancy. The standards may include multiple acceptable
16 materials. It is the intent of the Legislature to require
17 district school boards to comply with these standards when
18 expending funds from the Public Education Capital Outlay and
19 Debt Service Trust Fund or the School District and Community
20 College District Capital Outlay and Debt Service Trust Fund
21 and to prohibit district school boards from expending local
22 capital outlay revenues for any project that includes
23 materials or systems that do not comply with these standards,
24 unless the district school board submits evidence that
25 alternative materials or systems meet or exceed standards
26 developed by the department.

27
28 It is not a purpose of the Florida Building Code to inhibit
29 the use of new materials or innovative techniques; nor may it
30 specify or prohibit materials by brand names. The code must be
31 flexible enough to cover all phases of construction so as to

1 afford reasonable protection for the public safety, health,
2 and general welfare. The department may secure the service of
3 other state agencies or such other assistance as it finds
4 desirable in recommending to the Florida Building Commission
5 revisions to the code.

6 (2) APPROVAL.--

7 (a) Before a contract has been let for the
8 construction, the department, the district school board, the
9 community college board, or its authorized review agent must
10 approve the phase III construction documents. A district
11 school board or a community college board may reuse prototype
12 plans on another site, provided the facilities list and phase
13 III construction documents have been updated for the new site
14 and for compliance with the Florida Building Code and the
15 Florida Fire Prevention Code and any laws relating to
16 firesafety, health and sanitation, casualty safety, and
17 requirements for the physically handicapped which are in
18 effect at the time a construction contract is to be awarded.

19 (b) In reviewing plans for approval, the department,
20 the district school board, the community college board, or its
21 review agent as authorized in s. 1013.38, shall take into
22 consideration:

- 23 1. The need for the new facility.
- 24 2. The educational and ancillary plant planning.
- 25 3. The architectural and engineering planning.
- 26 4. The location on the site.
- 27 5. Plans for future expansion.
- 28 6. The type of construction.
- 29 7. Sanitary provisions.
- 30 8. Conformity to Florida Building Code standards.

31

- 1 9. The structural design and strength of materials
2 proposed to be used.
- 3 10. The mechanical design of any heating,
4 air-conditioning, plumbing, or ventilating system. Typical
5 heating, ventilating, and air-conditioning systems preapproved
6 by the department for specific applications may be used in the
7 design of educational facilities.
- 8 11. The electrical design of educational plants.
- 9 12. The energy efficiency and conservation of the
10 design.
- 11 13. Life-cycle cost considerations.
- 12 14. The design to accommodate physically handicapped
13 persons.
- 14 15. The ratio of net to gross square footage.
- 15 16. The proposed construction cost per gross square
16 foot.
- 17 17. Conformity with the Florida Fire Prevention Code.
- 18 (c) The district school board or the community college
19 board may not occupy a facility until the project has been
20 inspected to verify compliance with statutes, rules, and codes
21 affecting the health and safety of the occupants. Verification
22 of compliance with rules, statutes, and codes for nonoccupancy
23 projects such as roofing, paving, site improvements, or
24 replacement of equipment may be certified by the architect or
25 engineer of record and verification of compliance for other
26 projects may be made by an inspector certified by the
27 department or certified pursuant to chapter 468 who is not the
28 architect or engineer of record. The board shall maintain a
29 record of the project's completion and permanent archive of
30 phase III construction documents, including any addenda and
31 change orders to the project. The boards shall provide project

1 data to the department, as requested, for purposes and reports
2 needed by the Legislature.

3 (3) REVIEW PROCEDURE.--The Commissioner of Education
4 shall cooperate with the Florida Building Commission in
5 addressing all questions, disputes, or interpretations
6 involving the provisions of the Florida Building Code which
7 govern the construction of public educational and ancillary
8 facilities, and any objections to decisions made by the
9 inspectors or the department must be submitted in writing.

10 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
11 department shall biennially review and recommend to the
12 Florida Building Commission updates and revisions to the
13 provisions of the Florida Building Code which govern the
14 construction of public educational and ancillary facilities.
15 The department shall publish and make available to each board
16 at no cost copies of the state requirements for educational
17 facilities and each amendment and revision thereto. The
18 department shall make additional copies available to all
19 interested persons at a price sufficient to recover costs.

20 (5) LOCAL LEGISLATION PROHIBITED.--After June 30,
21 1985, pursuant to s. 11(a)(21), Art. III of the State
22 Constitution, there shall not be enacted any special act or
23 general law of local application which proposes to amend,
24 alter, or contravene any provisions of the State Building Code
25 adopted under the authority of this section.

26 Section 835. Section 1013.371, Florida Statutes, is
27 created to read:

28 1013.371 Conformity to codes.--

29 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA
30 FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

31

1 (a) Except as otherwise provided in paragraph (b), all
2 public educational and ancillary plants constructed by a board
3 must conform to the Florida Building Code and the Florida Fire
4 Prevention Code, and the plants are exempt from all other
5 state building codes; county, municipal, or other local
6 amendments to the Florida Building Code and local amendments
7 to the Florida Fire Prevention Code; building permits, and
8 assessments of fees for building permits, except as provided
9 in s. 553.80; ordinances; road closures; and impact fees or
10 service availability fees. Any inspection by local or state
11 government must be based on the Florida Building Code and the
12 Florida Fire Prevention Code. Each board shall provide for
13 periodic inspection of the proposed educational plant during
14 each phase of construction to determine compliance with the
15 state requirements for educational facilities.

16 (b) A board may comply with the Florida Building Code
17 and the Florida Fire Prevention Code and the administration of
18 the codes when constructing ancillary plants that are not
19 attached to educational facilities, if those plants conform to
20 the space size requirements established in the codes.

21 (c) A board may not approve any plans for the
22 construction, renovation, remodeling, or demolition of any
23 educational or ancillary plants unless these plans conform to
24 the requirements of the Florida Building Code and the Florida
25 Fire Prevention Code. Each board may adopt policies for
26 delegating to the district school superintendent, community
27 college president, or university president authority for
28 submitting documents to the department and for awarding
29 contracts subsequent to and consistent with board approval of
30 the scope, timeframes, funding source, and budget of a
31 survey-recommended project.

1 (2) ENFORCEMENT BY BOARD.--It is the responsibility of
2 each board to ensure that all plans and educational and
3 ancillary plants meet the standards of the Florida Building
4 Code and the Florida Fire Prevention Code and to provide for
5 the enforcement of these codes in the areas of its
6 jurisdiction. Each board shall provide for the proper
7 supervision and inspection of the work. Each board may employ
8 a chief building official or inspector and such other
9 inspectors, who have been certified pursuant to chapter 468,
10 and such personnel as are necessary to administer and enforce
11 the provisions of this code. Boards may also use local
12 building department inspectors who are certified by the
13 department to enforce this code. Plans or facilities that fail
14 to meet the standards of the Florida Building Code or the
15 Florida Fire Prevention Code may not be approved. When
16 planning for and constructing an educational, auxiliary, or
17 ancillary facility, a board must use construction materials
18 and systems that meet standards adopted pursuant to s.
19 1013.37(1)(e)3. and 4. If the planned or actual construction
20 of a facility deviates from the adopted standards, the board
21 must, at a public hearing, quantify and compare the costs of
22 constructing the facility with the proposed deviations and in
23 compliance with the adopted standards and the Florida Building
24 Code. The board must explain the reason for the proposed
25 deviations and compare how the total construction costs and
26 projected life-cycle costs of the facility or component system
27 of the facility would be affected by implementing the proposed
28 deviations rather than using materials and systems that meet
29 the adopted standards.

30 (3) ENFORCEMENT BY DEPARTMENT.--As a further means of
31 ensuring that all educational and ancillary facilities

1 constructed or materially altered or added to conform to the
2 Florida Building Code standards or Florida Fire Prevention
3 Code standards, each board that undertakes the construction,
4 renovation, remodeling, purchasing, or lease-purchase of any
5 educational plant or ancillary facility, the cost of which
6 exceeds \$200,000, may submit plans to the department for
7 approval.

8 Section 836. Section 1013.372, Florida Statutes, is
9 created to read:

10 1013.372 Education facilities as emergency shelters.--

11 (1) The Department of Education shall, in consultation
12 with boards and county and state emergency management offices,
13 include within the standards to be developed under this
14 subsection public shelter design criteria to be incorporated
15 into the Florida Building Code. The new criteria must be
16 designed to ensure that appropriate new educational facilities
17 can serve as public shelters for emergency-management
18 purposes. A facility, or an appropriate area within a
19 facility, for which a design contract is entered into after
20 the effective date of the inclusion of the public shelter
21 criteria in the code must be built in compliance with the
22 amended code unless the facility or a part of it is exempted
23 from using the new shelter criteria due to its location, size,
24 or other characteristics by the applicable board with the
25 concurrence of the applicable local emergency management
26 agency or the Department of Community Affairs. Any educational
27 facility located or proposed to be located in an identified
28 category 1, 2, or 3 evacuation zone is not subject to the
29 requirements of this subsection. If the regional planning
30 council region in which the county is located does not have a
31 hurricane evacuation shelter deficit, as determined by the

1 Department of Community Affairs, educational facilities within
2 the planning council region are not required to incorporate
3 the public shelter criteria.

4 (2) By January 31 of each even-numbered year, the
5 Department of Community Affairs shall prepare and submit a
6 statewide emergency shelter plan to the Governor and the
7 Cabinet for approval. The plan must identify the general
8 location and square footage of existing shelters, by regional
9 planning council region, and the general location and square
10 footage of needed shelters, by regional planning council
11 region, during the next 5 years. The plan must identify the
12 types of public facilities that should be constructed to
13 comply with emergency-shelter criteria and must recommend an
14 appropriate and available source of funding for the additional
15 cost of constructing emergency shelters within these public
16 facilities. After the approval of the plan, a board may not be
17 required to build more emergency-shelter space than identified
18 as needed in the plan, and decisions pertaining to exemptions
19 pursuant to subsection (1) must be guided by the plan.

20 (3) The provisions of s. 1013.74 apply to university
21 facilities as emergency shelters.

22 Section 837. Section 1013.38, Florida Statutes, is
23 created to read:

24 1013.38 Boards to ensure that facilities comply with
25 building codes and life safety codes.--

26 (1) Boards shall ensure that all new construction,
27 renovation, remodeling, day labor, and maintenance projects
28 conform to the appropriate sections of the Florida Building
29 Code, Florida Fire Prevention Code, or, where applicable as
30 authorized in other sections of law, other building codes, and
31 life safety codes.

1 (2) Boards may provide compliance as follows:
2 (a) Boards or consortia may individually or
3 cooperatively provide review services under the insurance risk
4 management oversight through the use of board employees or
5 consortia employees, registered pursuant to chapter 471,
6 chapter 481, or part XII of chapter 468.
7 (b) Boards may elect to review construction documents
8 using their own employees registered pursuant to chapter 471,
9 chapter 481, or part XII of chapter 468.
10 (c) Boards may submit phase III construction documents
11 for review to the department.
12 (d) Boards or consortia may contract for plan review
13 services directly with engineers and architects registered
14 pursuant to chapter 471 or chapter 481.
15 (3) The Department of Management Services may, upon
16 request, provide facilities services for the Florida School
17 for the Deaf and the Blind, the Division of Blind Services,
18 and Public Broadcasting. As used in this section, the term
19 "facilities services" means project management, code and
20 design plan review, and code compliance inspection for
21 projects as defined in s. 287.017(1)(e).
22 Section 838. Section 1013.39, Florida Statutes, is
23 created to read:
24 1013.39 Building construction standards;
25 exemptions.--Universities are exempt from local amendments to
26 the Florida Building Code and the Florida Fire Prevention
27 Code.
28 Section 839. Section 1013.40, Florida Statutes, is
29 created to read:
30 1013.40 Planning and construction of community college
31 facilities; property acquisition.--

1 (1) The need for community college facilities shall be
2 established by a survey conducted pursuant to this chapter.
3 The facilities recommended by such survey must be approved by
4 the State Board of Education and the projects must be
5 constructed according to the provisions of this chapter and
6 State Board of Education rules.

7 (2) No community college may expend public funds for
8 the acquisition of additional property without the specific
9 approval of the Legislature.

10 (3) No facility may be acquired or constructed by a
11 community college or its direct-support organization if such
12 facility requires general revenue funds for operation or
13 maintenance upon project completion or in subsequent years of
14 operation, unless prior approval is received from the
15 Legislature.

16 Section 840. Section 1013.41, Florida Statutes, is
17 created to read:

18 1013.41 SMART schools; Classrooms First; legislative
19 purpose.--

20 (1) SMART SCHOOLS.--"SMART schools" are schools that
21 are soundly made, accountable, reasonable, and thrifty. It is
22 the purpose of the Legislature to provide a balanced and
23 principle-based plan for a functional, safe, adequate, and
24 thrifty learning environment for Florida's K-12 students
25 through SMART schools. The plan must be balanced in serving
26 all school districts and must also be balanced between the
27 operating and capital sides of the budget. The principles upon
28 which the plan is based are less government, lower taxes,
29 increased responsibility of school districts, increased
30 freedom through local control, and family and community
31 empowerment.

1 (2) CLASSROOMS FIRST.--It is the purpose of the
2 Legislature to substantially increase the state's investment
3 in school construction in an equitable, fair, and reasonable
4 way.

5 (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is
6 the purpose of the Legislature to create s. 1013.35, requiring
7 each school district annually to adopt a district facilities
8 5-year work program. The purpose of the district facilities
9 work program is to keep the district school board and the
10 public fully informed as to whether the district is using
11 sound policies and practices that meet the essential needs of
12 students and that warrant public confidence in district
13 operations. The district facilities work program will be
14 monitored by the Office of Educational Facilities and SMART
15 Schools Clearinghouse, which will also apply performance
16 standards pursuant to s. 1013.04.

17 (4) OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS
18 CLEARINGHOUSE.--It is the purpose of the Legislature to create
19 s. 1013.05, establishing the Office of Educational Facilities
20 and SMART Schools Clearinghouse to assist the school districts
21 in building SMART schools utilizing functional and frugal
22 practices. The Office of Educational Facilities and SMART
23 Schools Clearinghouse must review district facilities work
24 programs and projects and identify districts qualified for
25 incentive funding available through School Infrastructure
26 Thrift Program awards; identify opportunities to maximize
27 design and construction savings; develop school district
28 facilities work program performance standards; and provide for
29 review and recommendations to the Governor, the Legislature,
30 and the State Board of Education.

31

1 (5) EFFORT INDEX GRANTS.--It is the purpose of the
2 Legislature to create s. 1013.73, in order to provide grants
3 from state funds to assist school districts that have provided
4 a specified level of local effort funding.

5 (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM
6 AWARDS.--It is the purpose of the Legislature to convert the
7 SIT Program established in ss. 1013.42 and 1013.72 to an
8 incentive award program to encourage functional, frugal
9 facilities and practices.

10 Section 841. Section 1013.42, Florida Statutes, is
11 created to read:

12 1013.42 School Infrastructure Thrift (SIT) Program
13 Act.--

14 (1) This section and s. 1013.72 may be cited as the
15 "School Infrastructure Thrift Program Act."

16 (2) The School Infrastructure Thrift (SIT) Program is
17 established within the Department of Education, and the State
18 Board of Education may adopt rules as necessary to operate the
19 program. To facilitate the program's purposes, the department
20 shall aggressively seek the elimination or revision of
21 obsolete, excessively restrictive, or unnecessary laws, rules,
22 and regulations for the purpose of reducing the cost of
23 constructing educational facilities and related costs without
24 sacrificing safety or quality of construction. Such efforts
25 must include, but are not limited to, the elimination of
26 duplicate or overlapping inspections; the relaxation of
27 requirements relating to the life cycle of buildings,
28 landscaping, operable glazing, operable windows, radon
29 testing, and firesafety when lawful, safe, and
30 cost-beneficial; and other cost savings identified as lawful,
31 safe, and cost-beneficial.

1 (3) The SIT Program is designed as:
2 (a) An incentive program to reward districts for
3 savings realized through functional, frugal construction.
4 (b) A recognition program to provide an annual SMART
5 school of the year recognition award to the district that
6 builds the highest quality functional, frugal school.
7 (4) Funds shall be appropriated to the SIT Program on
8 an annual basis as determined by the Legislature.
9 Notwithstanding the provisions of s. 216.301 and pursuant to
10 s. 216.351, undisbursed balances of appropriations to the SIT
11 Program shall not revert. It is the intent of the Legislature
12 to continue funding the SIT Program with funds available
13 through frugal government operation and agency savings.
14 (5) Participating school districts may seek SIT
15 Program awards beginning July 1, 1997, for projects commenced
16 after or for projects underway at that time, if the projects
17 comply with s. 1013.72.
18 (6)(a) Each school district may submit to the Office
19 of Educational Facilities and SMART Schools Clearinghouse,
20 with supporting data, its request, based on eligibility
21 pursuant to s. 1013.72 for an award of SIT Program dollars.
22 (b) The Office of Educational Facilities and SMART
23 Schools Clearinghouse shall examine the supporting data from
24 each school district and shall report to the commissioner each
25 district's eligibility pursuant to s. 1013.72. Based on the
26 office's report and pursuant to ss. 1013.04 and 1013.05, the
27 office shall make recommendations, ranked in order of
28 priority, for SIT Program awards.
29 (c) The criteria for SIT Program evaluation and
30 recommendation for awards must be based on the school
31

1 district's eligibility pursuant to s. 1013.72 and the balance
2 of dollars in the SIT Program.

3 (7) Awards from the SIT Program shall be made by the
4 commissioner from funds appropriated by the Legislature. An
5 award funded by an appropriation from the General Revenue Fund
6 may be used for any lawful capital outlay expenditure. An
7 award funded by an appropriation of the proceeds of bonds
8 issued pursuant to s. 1013.70 may be used only for bondable
9 capital outlay projects.

10 Section 842. Section 1013.43, Florida Statutes, is
11 created to read:

12 1013.43 Small school requirement.--

13 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

14 (a) Florida's schools are among the largest in the
15 nation.

16 (b) Smaller schools provide benefits of reduced
17 discipline problems and crime, reduced truancy and gang
18 participation, reduced dropout rates, improved teacher and
19 student attitudes, improved student self-perception, student
20 academic achievement equal to or superior to that of students
21 at larger schools, and increased parental involvement.

22 (c) Smaller schools can provide these benefits while
23 not increasing administrative and construction costs.

24 (2) DEFINITION.--As used in this section, "small
25 school" means:

26 (a) An elementary school with a student population of
27 not more than 500 students.

28 (b) A middle school with a student population of not
29 more than 700 students.

30 (c) A high school with a student population of not
31 more than 900 students.

1 (d) A school serving kindergarten through grade 8 with
2 a student population of not more than 700 students.

3 (e) A school serving kindergarten through grade 12
4 with a student population of not more than 900 students.

5
6 A school on a single campus which operates as a
7 school-within-a-school, as defined by s. 1003.02(4), shall be
8 considered a small school if each smaller unit located on the
9 single campus meets the requirements of this subsection.

10 (3) REQUIREMENTS.--

11 (a) Beginning July 1, 2003, all plans for new
12 educational facilities to be constructed within a school
13 district and reflected in the 5-year school district
14 facilities work plan shall be plans for small schools in order
15 to promote increased learning and more effective use of school
16 facilities.

17 (b) Small schools shall comply with all laws, rules,
18 and court orders relating to racial balance.

19 (4) EXCEPTIONS.--This section does not apply to plans
20 for new educational facilities already under architectural
21 contract on July 1, 2003.

22 Section 843. Section 1013.44, Florida Statutes, is
23 created to read:

24 1013.44 Low-energy use design; solar energy systems;
25 swimming pool heaters.--

26 (1)(a) Passive design elements and low-energy usage
27 features shall be included in the design and construction of
28 new educational facilities. Operable glazing consisting of at
29 least 5 percent of the floor area shall be placed in each
30 classroom located on the perimeter of the building. For a
31 relocatable classroom, the area of operable glazing and the

1 area of exterior doors, together, shall consist of at least 5
2 percent of the floor area. Operable glazing is not required in
3 community colleges, auxiliary facilities, music rooms, gyms,
4 locker and shower rooms, special laboratories requiring
5 special climate control, and large group instruction areas
6 having a capacity of more than 100 persons.

7 (b) In the remodeling and renovation of educational
8 facilities which have existing natural ventilation, adequate
9 sources of natural ventilation shall be retained, or a
10 combination of natural and low-energy usage mechanical
11 equipment shall be provided that will permit the use of the
12 facility without air-conditioning or heat when ambient
13 conditions are moderate. However, the Commissioner of
14 Education is authorized to waive this requirement when
15 environmental conditions, particularly noise and pollution
16 factors, preclude the effective use of natural ventilation.

17 (2) Each new educational facility for which the
18 projected demand for hot water exceeds 1,000 gallons a day
19 shall be constructed, whenever economically and physically
20 feasible, with a solar energy system as the primary energy
21 source for the domestic hot water system of the facility. The
22 solar energy system shall be sized so as to provide at least
23 65 percent of the estimated needs of the facility. Sizing
24 shall be determined by generally recognized simulation models,
25 such as F-chart and SOLCOST, or by sizing tables generated by
26 the Florida Solar Energy Center.

27 (3) If swimming and wading pools constructed as an
28 integral part of an educational facility or plant are heated,
29 such pools shall, whenever feasible, be heated by either a
30 waste heat recovery system or a solar energy system.

31

1 Section 844. Section 1013.45, Florida Statutes, is
2 created to read:

3 1013.45 Educational facilities contracting and
4 construction techniques.--

5 (1) Boards may employ procedures to contract for
6 construction of new facilities, or major additions to existing
7 facilities, that will include, but not be limited to:

8 (a) Competitive bids.

9 (b) Design-build pursuant to s. 287.055.

10 (c) Selecting a construction management entity,
11 pursuant to the process provided by s. 287.055, that would be
12 responsible for all scheduling and coordination in both design
13 and construction phases and is generally responsible for the
14 successful, timely, and economical completion of the
15 construction project. The construction management entity must
16 consist of or contract with licensed or registered
17 professionals for the specific fields or areas of construction
18 to be performed, as required by law. At the option of the
19 board, the construction management entity, after having been
20 selected, may be required to offer a guaranteed maximum price
21 or a guaranteed completion date; in which case, the
22 construction management entity must secure an appropriate
23 surety bond pursuant to s. 255.05 and must hold construction
24 subcontracts. The criteria for selecting a construction
25 management entity shall not unfairly penalize an entity that
26 has relevant experience in the delivery of construction
27 projects of similar size and complexity by methods of delivery
28 other than construction management.

29 (d) Selecting a program management entity, pursuant to
30 the process provided by s. 287.055, that would act as the
31 agent of the board and would be responsible for schedule

1 control, cost control, and coordination in providing or
2 procuring planning, design, and construction services. The
3 program management entity must consist of or contract with
4 licensed or registered professionals for the specific areas of
5 design or construction to be performed as required by law. The
6 program management entity may retain necessary design
7 professionals selected under the process provided in s.
8 287.055. At the option of the board, the program management
9 entity, after having been selected, may be required to offer a
10 guaranteed maximum price or a guaranteed completion date, in
11 which case, the program management entity must secure an
12 appropriate surety bond pursuant to s. 255.05 and must hold
13 design and construction subcontracts. The criteria for
14 selecting a program management entity shall not unfairly
15 penalize an entity that has relevant experience in the
16 delivery of construction programs of similar size and
17 complexity by methods of delivery other than program
18 management.

19 (e) Day-labor contracts not exceeding \$200,000 for
20 construction, renovation, remodeling, or maintenance of
21 existing facilities.

22 (2) For the purposes of this section, "day-labor
23 contract" means a project constructed using persons employed
24 directly by a board or by contracted labor.

25 (3) Contractors, design-build firms, contract
26 management entities, program management entities, or any other
27 person under contract to construct facilities or major
28 additions to facilities may use any construction techniques
29 allowed by contract and not prohibited by law, including, but
30 not limited to, those techniques known as fast-track

31

1 construction scheduling, use of components, and systems
2 building process.
3 (4) Except as otherwise provided in this section and
4 s. 481.229, the services of a registered architect must be
5 used for the development of plans for the erection,
6 enlargement, or alteration of any educational facility. The
7 services of a registered architect are not required for a
8 minor renovation project for which the construction cost is
9 less than \$50,000 or for the placement or hookup of
10 relocatable educational facilities that conform with standards
11 adopted under s. 1013.37. However, boards must provide
12 compliance with building code requirements and ensure that
13 these structures are adequately anchored for wind resistance
14 as required by law. Boards are encouraged to consider the
15 reuse of existing construction documents or design criteria
16 packages where such reuse is feasible and practical.
17 Notwithstanding s. 287.055, a board may purchase the
18 architectural services for the design of educational or
19 ancillary facilities under an existing contract agreement for
20 professional services held by a district school board in the
21 State of Florida, provided that the purchase is to the
22 economic advantage of the purchasing board, the services
23 conform to the standards prescribed by rules of the State
24 Board of Education, and such reuse is not without notice to,
25 and permission from, the architect of record whose plans or
26 design criteria are being reused. Plans shall be reviewed for
27 compliance with the state requirements for educational
28 facilities. Rules adopted under this section must establish
29 uniform prequalification, selection, bidding, and negotiation
30 procedures applicable to construction management contracts and
31 the design-build process. This section does not supersede any

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

8 Section 845. Part III.c. of chapter 1013, Florida
9 Statutes, shall be entitled "Contracting for Educational
10 Facilities" and shall consist of ss. 1013.46-1013.51.

11 Section 846. Section 1013.46, Florida Statutes, is
12 created to read:

13 1013.46 Advertising and awarding contracts;
14 prequalification of contractor.--

15 (1)(a) As soon as practicable after any bond issue has
16 been voted upon and authorized or funds have been made
17 available for the construction, remodeling, renovation,
18 demolition, or otherwise for the improvement, of any
19 educational or ancillary plant, and after plans for the work
20 have been approved, the board, if competitively bidding the
21 project pursuant to s. 1013.45, after advertising the same in
22 the manner prescribed by law or rule, shall award the contract
23 for the building or improvements to the lowest responsible
24 bidder. However, if after taking all deductive alternates, the
25 bid of the lowest responsible bidder exceeds the construction
26 budget for the project established at the phase III submittal,
27 the board may declare an emergency. After stating the reasons
28 why an emergency exists, the board may negotiate the
29 construction contract or modify the contract, including the
30 specifications, with the lowest responsible bidder and, if the
31 contract is modified, shall resubmit the documents to the

1 authorized review authority for review to confirm that the
2 project remains in compliance with building and fire codes.
3 The board may reject all bids received and may readvertise,
4 calling for new bids.
5 (b) Each board may declare an emergency pursuant to
6 this subsection. A situation created by fire, storm, or other
7 providential cause resulting in:
8 1. Imminent danger to life or safety; or
9 2. Overcrowding of students
10
11 constitutes an emergency.
12 (c) As an option, any county, municipality, or board
13 may set aside up to 10 percent of the total amount of funds
14 allocated for the purpose of entering into construction
15 capital project contracts with minority business enterprises,
16 as defined in s. 287.094. Such contracts shall be
17 competitively bid only among minority business enterprises.
18 The set-aside shall be used to redress present effects of past
19 discriminatory practices and shall be subject to periodic
20 reassessment to account for changing needs and circumstances.
21 (2) Boards shall prequalify bidders for construction
22 contracts according to rules prescribed by the State Board of
23 Education which require the prequalification of bidders of
24 educational facilities construction. Boards shall require that
25 all construction or capital improvement bids be accompanied by
26 evidence that the bidder holds an appropriate certificate or
27 license or that the prime contractor has a current valid
28 license.
29 Section 847. Section 1013.47, Florida Statutes, is
30 created to read:
31

1 1013.47 Substance of contract; contractors to give
2 bond; penalties.--Each board shall develop contracts
3 consistent with this chapter and statutes governing public
4 facilities. Such a contract must contain the drawings and
5 specifications of the work to be done and the material to be
6 furnished, the time limit in which the construction is to be
7 completed, the time and method by which payments are to be
8 made upon the contract, and the penalty to be paid by the
9 contractor for any failure to comply with the terms of the
10 contract. The board may require the contractor to pay a
11 penalty for any failure to comply with the terms of the
12 contract and may provide an incentive for early completion.
13 Upon accepting a satisfactory bid, the board shall enter into
14 a contract with the party or parties whose bid has been
15 accepted. The contractor shall furnish the board with a
16 performance and payment bond as set forth in s. 255.05. A
17 board or other public entity may not require a contractor to
18 secure a surety bond under s. 255.05 from a specific agent or
19 bonding company. Notwithstanding any other provision of this
20 section, if 25 percent or more of the costs of any
21 construction project is paid out of a trust fund established
22 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics
23 employed by contractors or subcontractors on such construction
24 will be paid wages not less than those prevailing on similar
25 construction projects in the locality, as determined by the
26 Secretary of Labor in accordance with the Davis-Bacon Act, as
27 amended. A person, firm, or corporation that constructs any
28 part of any educational plant, or addition thereto, on the
29 basis of any unapproved plans or in violation of any plans
30 approved in accordance with the provisions of this chapter and
31 rules of the State Board of Education relating to building

1 standards or specifications is subject to forfeiture of bond
2 and unpaid compensation in an amount sufficient to reimburse
3 the board for any costs that will need to be incurred in
4 making any changes necessary to assure that all requirements
5 are met and is also guilty of a misdemeanor of the second
6 degree, punishable as provided in s. 775.082 or s. 775.083,
7 for each separate violation.

8 Section 848. Section 1013.48, Florida Statutes, is
9 created to read:

10 1013.48 Changes in construction requirements after
11 award of contract.--The board may, at its option and by
12 written policy duly adopted and entered in its official
13 minutes, authorize the superintendent or president or other
14 designated individual to approve change orders in the name of
15 the board for preestablished amounts. Approvals shall be for
16 the purpose of expediting the work in progress and shall be
17 reported to the board and entered in its official minutes. For
18 accountability, the school district shall monitor and report
19 the impact of change orders on its district facilities work
20 program pursuant to s. 1013.35.

21 Section 849. Section 1013.49, Florida Statutes, is
22 created to read:

23 1013.49 Toxic substances in construction, repair, or
24 maintenance of educational facilities.--

25 (1) All toxic substances enumerated in the Florida
26 Substance List established pursuant to s. 442.103 that are to
27 be used in the construction, repair, or maintenance of
28 educational facilities have restricted usage provisions.

29 (2) Before any such substance may be used, the
30 contractor shall notify the district school superintendent or
31 public postsecondary institution president in writing at least

1 three working days prior to using the substance. The
2 notification shall contain:
3 (a) The name of the substance to be used;
4 (b) Where the substance is to be used; and
5 (c) When the substance is to be used.
6
7 A copy of a material safety data sheet as defined in s.
8 442.102 shall be attached to the notification for each such
9 substance.
10 Section 850. Section 1013.50, Florida Statutes, is
11 created to read:
12 1013.50 Final payment to contractor.--
13 (1) The final payment to the contractor shall not be
14 made until the construction project has been inspected by the
15 architect or other person designated by the board for that
16 purpose and until he or she has issued a written certificate
17 that the project has been constructed in accordance with the
18 approved plans and specifications and approved change orders
19 and until the board, acting on these recommendations, has
20 accepted the project. After acceptance by the board, a
21 duplicate copy of this written certificate, duly certified as
22 having been accepted by the board, as well as other related
23 data on contract costs and total costs per student station,
24 space inventory update, and other related building information
25 must be filed with the department for budget and cost
26 reporting purposes.
27 (2) Boards shall have full authority and
28 responsibility for all decisions regarding educational and
29 ancillary plant construction contracts, change orders, and
30 payments.
31

1 Section 851. Section 1013.51, Florida Statutes, is
2 created to read:

3 1013.51 Expenditures authorized for certain
4 infrastructure.--

5 (1)(a) Subject to exemption from the assessment of
6 fees pursuant to s. 1013.37(1), education boards, boards of
7 county commissioners, municipal boards, and other agencies and
8 boards of the state may expend funds, separately or
9 collectively, by contract or agreement, for the placement,
10 paving, or maintaining of any road, byway, or sidewalk if the
11 road, byway, or sidewalk is contiguous to or runs through the
12 property of any educational plant or for the maintenance or
13 improvement of the property of any educational plant or of any
14 facility on such property. Expenditures may also be made for
15 sanitary sewer, water, stormwater, and utility improvements
16 upon, or contiguous to, and for the installation, operation,
17 and maintenance of traffic control and safety devices upon, or
18 contiguous to, any existing or proposed educational plant.

19 (b) A board may pay its proportionate share of the
20 cost of onsite and offsite system improvements necessitated by
21 the educational facility development, but a board is not
22 required to pay for or install any improvements that exceed
23 those required to meet the onsite and offsite needs of a new
24 public educational facility or an expanded site. Development
25 exactions assessed against school boards or community college
26 districts may not exceed the proportionate share of the cost
27 of system improvements necessitated by the educational
28 facility development and may not address existing facility or
29 service backlogs or deficits.

30 (c) The boards of county commissioners, municipal
31 boards, and other agencies and boards of the state may plant

1 or maintain trees, flowers, shrubbery, and beautifying plants
2 upon the grounds of any educational plant, upon approval of
3 the superintendent or president or the designee of either of
4 them. Payment by a board for any improvement set forth in this
5 section shall be authorized in any amounts agreed to by the
6 board. Any payments so authorized to be made are not mandatory
7 unless the specific improvement and costs have been agreed to
8 prior to the improvement's being made.

9 (2) The provisions of any law, municipal ordinance, or
10 county ordinance to the contrary notwithstanding, the
11 provisions of this section regulate the levying of assessments
12 for special benefits on school or community college districts
13 and the directing of the payment thereof. Any municipal
14 ordinance or county ordinance making provision to the contrary
15 is void.

16 (3) Notwithstanding any other law, if a board agrees
17 to construct or upgrade water or sewer facilities, or
18 otherwise provide, construct, upgrade, or maintain offsite
19 infrastructure beyond its proportionate share of
20 responsibility, the local government that issues development
21 approvals shall assure that the board is reimbursed for the
22 additional costs incurred, to the extent that other
23 development occurs which demands use of such infrastructure.

24 (4) Expenditure for infrastructure for universities
25 shall be as authorized in s. 1013.30.

26 Section 852. Part III.d. of chapter 1013, Florida
27 Statutes, shall be entitled "Cooperative Development of
28 Educational Facilities" and shall consist of ss.
29 1013.52-1013.54.

30 Section 853. Section 1013.52, Florida Statutes, is
31 created to read:

1 1013.52 Cooperative development and joint use of
2 facilities by two or more boards.--

3 (1) Two or more boards, including district school
4 boards, community college boards of trustees, the Board of
5 Trustees for the Florida School for the Deaf and the Blind,
6 and university boards of trustees, desiring to cooperatively
7 establish a common educational facility to accommodate
8 students shall:

9 (a) Jointly request a formal assessment by the
10 Commissioner of Education of the academic program need and the
11 need to build new joint-use facilities to house approved
12 programs. Completion of the assessment and approval of the
13 project by the State Board of Education or the Commissioner of
14 Education, as appropriate, should be done prior to conducting
15 an educational facilities survey.

16 (b) Demonstrate the need for construction of new
17 joint-use facilities involving postsecondary institutions by
18 those institutions presenting evidence of the presence of
19 sufficient actual full-time equivalent enrollments in the
20 locale in leased, rented, or borrowed spaces to justify the
21 requested facility for the programs identified in the formal
22 assessment rather than using projected or anticipated future
23 full-time equivalent enrollments as justification. If the
24 decision is made to construct new facilities to meet this
25 demonstrated need, then building plans should consider
26 full-time equivalent enrollment growth facilitated by this new
27 construction and subsequent new program offerings made
28 possible by the existence of the new facilities.

29 (c) Adopt and submit to the commissioner a joint
30 resolution of the participating boards indicating their
31 commitment to the utilization of the requested facility and

1 designating the locale of the proposed facility. The joint
2 resolution shall contain a statement of determination by the
3 participating boards that alternate options, including the use
4 of leased, rented, or borrowed space, were considered and
5 found less appropriate than construction of the proposed
6 facility. The joint resolution shall contain assurance that
7 the development of the proposed facility has been examined in
8 conjunction with the programs offered by neighboring public
9 educational facilities offering instruction at the same level.
10 The joint resolution also shall contain assurance that each
11 participating board shall provide for continuity of
12 educational progression. All joint resolutions shall be
13 submitted to the commissioner by August 1 for consideration of
14 funding by the subsequent Legislature.

15 (d) Submit requests for funding of joint-use
16 facilities projects involving state universities and community
17 colleges for approval by the Commissioner of Education. The
18 Commissioner of Education shall determine the priority for
19 funding these projects in relation to the priority of all
20 other capital outlay projects under their consideration. To be
21 eligible for funding from the Public Education Capital Outlay
22 and Debt Service Trust Fund under the provisions of this
23 section, projects involving both state universities and
24 community colleges shall appear on the 3-year capital outlay
25 priority lists of community colleges and of universities
26 required by s. 1013.64. Projects involving a state university,
27 community college, and a public school, and in which the
28 larger share of the proposed facility is for the use of the
29 state university or the community college, shall appear on the
30 3-year capital outlay priority lists of the community colleges
31 or of the universities, as applicable.

1 (e) Include in their joint resolution for the
2 joint-use facilities, comprehensive plans for the operation
3 and management of the facility upon completion. Institutional
4 responsibilities for specific functions shall be identified,
5 including designation of one participating board as sole owner
6 of the facility. Operational funding arrangements shall be
7 clearly defined.

8 (2) An educational plant survey must be conducted
9 within 90 days after submission of the joint resolution and
10 substantiating data describing the benefits to be obtained,
11 the programs to be offered, and the estimated cost of the
12 proposed project. Upon completion of the educational plant
13 survey, the participating boards may include the recommended
14 projects in their plan as provided in s. 1013.31. Upon
15 approval of the project by the commissioner, 25 percent of the
16 total cost of the project, or the pro rata share based on
17 space utilization of 25 percent of the cost, must be included
18 in the department's legislative capital outlay budget request
19 as provided in s. 1013.60 for educational plants. The
20 participating boards must include in their joint resolution a
21 commitment to finance the remaining funds necessary to
22 complete the planning, construction, and equipping of the
23 facility. Funds from the Public Education Capital Outlay and
24 Debt Service Trust Fund may not be expended on any project
25 unless specifically authorized by the Legislature.

26 (3) Included in all proposals for joint-use facilities
27 must be documentation that the proposed new campus or new
28 joint-use facility has been reviewed by the State Board of
29 Education and has been formally requested for authorization by
30 the Legislature.

31

1 (4) No district school board, community college, or
2 state university shall receive funding for more than one
3 approved joint-use facility per campus in any 3-year period.

4 Section 854. Section 1013.53, Florida Statutes, is
5 created to read:

6 1013.53 Cooperative development of educational
7 facilities in juvenile justice programs.--

8 (1) The Department of Juvenile Justice shall provide
9 early notice to school districts regarding the siting of new
10 juvenile justice facilities. School districts shall include
11 the projected number of students in the districts' annual
12 estimates. School districts must be consulted regarding the
13 types of students expected to be assigned to commitment
14 facilities for education planning and budgeting purposes.

15 (2) The Department of Juvenile Justice shall notify,
16 in writing, the Department of Education when a request for
17 proposals is issued for the construction or operation of a
18 commitment or detention facility anywhere in the state. The
19 Department of Juvenile Justice shall notify, in writing, the
20 appropriate school district when a request for proposals is
21 issued for the construction or operation of a commitment or
22 detention facility when a county or site is specifically
23 identified.

24 (3) The Department of Juvenile Justice shall also
25 notify the district school superintendent within 30 days
26 after:

27 (a) The award of a contract for the construction or
28 operation of a commitment or detention facility within that
29 school district.

30 (b) Obtaining a permit to begin construction of a new
31 detention or commitment facility within that school district.

1 Section 855. Section 1013.54, Florida Statutes, is
2 created to read:

3 1013.54 Cooperative development and use of satellite
4 facilities by private industry and district school boards.--

5 (1) Each district school board may submit, prior to
6 August 1 of each year, a request to the commissioner for funds
7 from the Public Education Capital Outlay and Debt Service
8 Trust Fund to construct, remodel, or renovate an educational
9 facility within the industrial environment. No district school
10 board may apply for more than one facility per year. Such
11 request shall contain the following provisions:

12 (a) A detailed description of the satellite site, the
13 site development necessary for new construction, remodeling,
14 or renovation for the accomplishment of the project, and the
15 facility to be constructed. The facility shall be located on a
16 site owned by the business and leased to the district school
17 board at no cost. However, the minimum agreement shall be for
18 a period of at least 5 years. The amounts provided by the
19 state and the district school board shall be considered full
20 consideration for the lease. If the lease agreement is
21 terminated early, the business shall reimburse the district
22 school board an amount determined by multiplying the amounts
23 contributed by the district school board and the state by a
24 fraction the numerator of which is the number of months
25 remaining in the original agreement and the denominator of
26 which is the total number of months of the agreement.

27 (b) A detailed description and analysis of the
28 educational programs to be offered and the benefits that will
29 accrue to the students through the instructional programs upon
30 completion of the facility.

31

1 (c) The estimated number of full-time students whose
2 regularly scheduled daily instructional program will utilize
3 the facility.

4 (d) The estimated cost of the facility and site
5 development not to exceed the department's average cost of new
6 construction adjusted to the respective county cost index. If
7 a site must be acquired, the estimated cost of the site shall
8 be provided.

9 (e) A resolution or other appropriate indication of
10 intent to participate in the funding and utilization of the
11 educational facility from private industry. Such indication
12 shall include a commitment by private industry to provide at
13 least one-half of the cost of the facility. The district
14 school board shall provide one-fourth of the cost of the
15 facility and, if approved, the state shall provide one-fourth
16 of the cost of the facility. Funds from the Public Education
17 Capital Outlay and Debt Service Trust Fund may not be expended
18 on any project unless specifically authorized by the
19 Legislature.

20 (f) The designation as to which agency is to assume
21 responsibility for the operation, maintenance, and control of
22 the proposed facility.

23 (g) Documentation by the district school board that a
24 long-term lease for the use of the educational facility for a
25 period of not less than 40 years or the life expectancy of the
26 permanent facility constructed thereon, whichever is longer,
27 has been obtained from private industry.

28 (2) The commissioner shall appoint a review committee
29 to make recommendations and prioritize requests. If the
30 project is approved by the commissioner, the commissioner
31 shall include up to one-fourth of the cost of the project in

1 the legislative capital outlay budget request, as provided in
2 s. 1013.60, for the funding of capital outlay projects
3 involving both educational and private industry. The
4 commissioner shall prioritize any such projects for each
5 fiscal year and, notwithstanding the provisions of s.
6 1013.64(3)(c), limit the recommended state funding amount not
7 to exceed 5 percent off the top of the total funds recommended
8 pursuant to s. 1013.64(2) and (3).

9 (3) Facilities funded pursuant to this section and all
10 existing satellite facilities shall be exempt from ad valorem
11 taxes as long as the facility is used exclusively for public
12 educational purposes.

13 Section 856. Part IV of chapter 1013, Florida
14 Statutes, shall be entitled "Funding for Educational
15 Facilities" and shall consist of ss. 1013.60-1013.82.

16 Section 857. Section 1013.60, Florida Statutes, is
17 created to read:

18 1013.60 Legislative capital outlay budget request.--

19 (1) The Commissioner of Education shall develop a
20 procedure deemed appropriate in arriving at the amounts
21 required to fund projects as reflected in the integrated,
22 comprehensive budget request required by this section. The
23 official estimates for funds accruing to the Public Education
24 Capital Outlay and Debt Service Trust Fund made by the revenue
25 estimating conference shall be used in determining the budget
26 request pursuant to this section. The commissioner, in
27 consultation with the appropriations committees of the
28 Legislature, shall provide annually an estimate of funds that
29 shall be utilized by community colleges and universities in
30 developing their required 3-year priority lists pursuant to s.
31 1013.64.

1 (2) The commissioner shall submit to the Governor and
2 to the Legislature an integrated, comprehensive budget request
3 for educational facilities construction and fixed capital
4 outlay needs for school districts, community colleges, and
5 universities, pursuant to the provisions of s. 1013.64 and
6 applicable provisions of chapter 216. Each community college
7 board of trustees and each university board of trustees shall
8 submit to the commissioner a 3-year plan and data required in
9 the development of the annual capital outlay budget. No
10 further disbursements shall be made from the Public Education
11 Capital Outlay and Debt Service Trust Fund to a board of
12 trustees that fails to timely submit the required data until
13 such board of trustees submits the data.

14 (3) The commissioner shall submit an integrated,
15 comprehensive budget request to the Executive Office of the
16 Governor and to the Legislature each fiscal year by the
17 submission date specified in s. 216.023(1). Notwithstanding
18 the provisions of s. 216.043, the integrated, comprehensive
19 budget request shall include:

20 (a) Recommendations for the priority of expenditure of
21 funds in the state system of public education, with reasons
22 for the recommended priorities, and other recommendations
23 which relate to the effectiveness of the educational
24 facilities construction program.

25 (b) All items in s. 1013.64.

26 Section 858. Section 1013.61, Florida Statutes, is
27 created to read:

28 1013.61 Annual capital outlay budget.--Each board
29 shall, each year, adopt a capital outlay budget for the
30 ensuing year in order that the capital outlay needs of the
31 board for the entire year may be well understood by the

1 public. This capital outlay budget shall be a part of the
2 annual budget and shall be based upon and in harmony with the
3 board's capital outlay plan. This budget shall designate the
4 proposed capital outlay expenditures by project for the year
5 from all fund sources. The board may not expend any funds on
6 any project not included in the budget, as amended. Each
7 district school board must prepare its tentative district
8 facilities work program as required by s. 1013.35 before
9 adopting the capital outlay budget.

10 Section 859. Section 1013.62, Florida Statutes, is
11 created to read:

12 1013.62 Charter schools capital outlay funding.--

13 (1) In each year in which funds are appropriated for
14 charter school capital outlay purposes, the Commissioner of
15 Education shall allocate the funds among eligible charter
16 schools. To be eligible for a funding allocation, a charter
17 school must meet the provisions of subsection (6), must have
18 received final approval from its sponsor pursuant to s.
19 1002.33 for operation during that fiscal year, and must serve
20 students in facilities that are not provided by the charter
21 school's sponsor. Prior to the release of capital outlay funds
22 to a school district on behalf of the charter school, the
23 Department of Education shall ensure that the district school
24 board and the charter school governing board enter into a
25 written agreement that includes provisions for the reversion
26 of any unencumbered funds and all equipment and property
27 purchased with public education funds to the ownership of the
28 district school board, as provided for in subsection (3), in
29 the event that the school terminates operations. Any funds
30 recovered by the state shall be deposited in the General
31 Revenue Fund. A charter school is not eligible for a funding

1 allocation if it was created by the conversion of a public
2 school and operates in facilities provided by the charter
3 school's sponsor for a nominal fee or at no charge or if it is
4 directly or indirectly operated by the school district. Unless
5 otherwise provided in the General Appropriations Act, the
6 funding allocation for each eligible charter school shall be
7 determined by multiplying the school's projected student
8 enrollment by one-fifteenth of the cost-per-student station
9 specified in s. 1013.64(6)(b) for an elementary, middle, or
10 high school, as appropriate. If the funds appropriated are not
11 sufficient, the commissioner shall prorate the available funds
12 among eligible charter schools. Funds shall be distributed on
13 the basis of the capital outlay full-time equivalent
14 membership by grade level, which shall be calculated by
15 averaging the results of the second and third enrollment
16 surveys. The Department of Education shall distribute capital
17 outlay funds monthly, beginning in the first quarter of the
18 fiscal year, based on one-twelfth of the amount the department
19 reasonably expects the charter school to receive during that
20 fiscal year. The commissioner shall adjust subsequent
21 distributions as necessary to reflect each charter school's
22 actual student enrollment as reflected in the second and third
23 enrollment surveys. The commissioner shall establish the
24 intervals and procedures for determining the projected and
25 actual student enrollment of eligible charter schools.

26 (2) A charter school's governing body may use charter
27 school capital outlay funds for any capital outlay purpose
28 that is directly related to the functioning of the charter
29 school, including the:

30 (a) Purchase of real property.

31

1 (b) Construction, renovation, repair, and maintenance
2 of school facilities.
3 (c) Purchase, lease-purchase, or lease of permanent or
4 relocatable school facilities.
5 (d) Purchase of vehicles to transport students to and
6 from the charter school.
7 (3) When a charter school is nonrenewed or terminated,
8 any unencumbered funds and all equipment and property
9 purchased with district public funds shall revert to the
10 ownership of the district school board, as provided for in s.
11 1002.33(8)(e) and (f). In the case of a charter lab school,
12 any unencumbered funds and all equipment and property
13 purchased with university public funds shall revert to the
14 ownership of the state university that issued the charter. The
15 reversion of such equipment, property, and furnishings shall
16 focus on recoverable assets, but not on intangible or
17 irrecoverable costs such as rental or leasing fees, normal
18 maintenance, and limited renovations. The reversion of all
19 property secured with public funds is subject to the complete
20 satisfaction of all lawful liens or encumbrances. If there are
21 additional local issues such as the shared use of facilities
22 or partial ownership of facilities or property, these issues
23 shall be agreed to in the charter contract prior to the
24 expenditure of funds.
25 (4) The Commissioner of Education shall specify
26 procedures for submitting and approving requests for funding
27 under this section and procedures for documenting
28 expenditures.
29 (5) The annual legislative budget request of the
30 Department of Education shall include a request for capital
31 outlay funding for charter schools. The request shall be based

1 on the projected number of students to be served in charter
2 schools who meet the eligibility requirements of this section.

3 (6) Unless authorized otherwise by the Legislature,
4 allocation and proration of charter school capital outlay
5 funds shall be made to eligible charter schools by the
6 Commissioner of Education in an amount and in a manner
7 authorized by subsection (1).

8 Section 860. Section 1013.63, Florida Statutes, is
9 created to read:

10 1013.63 University Concurrency Trust

11 Fund.--Notwithstanding any other provision of law, the general
12 revenue service charge deducted pursuant to s. 215.20 on
13 revenues raised by any local option motor fuel tax levied
14 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
15 Laws of Florida, shall be deposited in the University
16 Concurrency Trust Fund, which is administered by the State
17 Board of Education. Moneys in such trust fund shall be for the
18 purpose of funding university offsite improvements required to
19 meet concurrency standards adopted under part II of chapter
20 163. In addition, in any year in which campus master plans are
21 updated pursuant to s. 1013.30, but no more frequently than
22 once every 5 years, up to 25 percent of the balance in the
23 trust fund for that year may be used to defray the costs
24 incurred in updating those campus master plans.

25 Section 861. Section 1013.64, Florida Statutes, is
26 created to read:

27 1013.64 Funds for comprehensive educational plant
28 needs; construction cost maximums for school district capital
29 projects.--Allocations from the Public Education Capital
30 Outlay and Debt Service Trust Fund to the various boards for
31 capital outlay projects shall be determined as follows:

1 (1)(a) Funds for remodeling, renovation, maintenance,
2 repairs, and site improvement for existing satisfactory
3 facilities shall be given priority consideration by the
4 Legislature for appropriations allocated to the boards from
5 the total amount of the Public Education Capital Outlay and
6 Debt Service Trust Fund appropriated. These funds shall be
7 calculated pursuant to the following basic formula: the
8 building value times the building age over the sum of the
9 years' digits assuming a 50-year building life. For
10 relocatable facilities, a 20-year life shall be used.
11 "Building value" is calculated by multiplying each building's
12 total assignable square feet times the appropriate
13 net-to-gross conversion rate found in state board rules and
14 that product times the current average new construction cost.
15 "Building age" is calculated by multiplying the prior year's
16 building age times 1 minus the prior year's sum received from
17 this subsection divided by the prior year's building value. To
18 the net result shall be added the number 1. Each board shall
19 receive the percentage generated by the preceding formula of
20 the total amount appropriated for the purposes of this
21 section.
22 (b) Each board is prohibited from using the funds
23 received pursuant to this section to supplant funds in the
24 current fiscal year approved operating budget, and all
25 budgeted funds shall be expended at a rate not less than would
26 have been expended had the funds under this section not been
27 received.
28 (c) Each remodeling, renovation, maintenance, repair,
29 or site improvement project will expand or upgrade current
30 educational plants to prolong the useful life of the plant.
31

1 (d) Each board shall maintain fund accounting in a
2 manner which will permit a detailed audit of the funds
3 expended in this program.

4 (e) Remodeling projects shall be based on the
5 recommendations of a survey pursuant to s. 1013.31.

6 (f) At least one-tenth of a board's annual allocation
7 provided under this section shall be spent to correct unsafe,
8 unhealthy, or unsanitary conditions in its educational
9 facilities, as required by s. 1013.12, or a lesser amount
10 sufficient to correct all deficiencies cited in its annual
11 comprehensive safety inspection reports. This paragraph shall
12 not be construed to limit the amount a board may expend to
13 correct such deficiencies.

14 (g) When an existing educational plant is determined
15 to be unsatisfactory pursuant to the survey conducted under s.
16 1013.31, the board may, by resolution, designate the plant as
17 a historic educational facility and may use funds generated
18 for renovation and remodeling pursuant to this section to
19 restore the facility for use by the board. The board shall
20 agree to pay renovation and remodeling costs in excess of
21 funds which such facility would have generated through the
22 depreciation formula in paragraph (a) had the facility been
23 determined to be satisfactory. The board shall further agree
24 that the plant shall continue to house students. The board may
25 designate a plant as a historic educational facility only if
26 the Division of Historical Resources of the Department of
27 State or the appropriate historic preservation board under
28 chapter 266 certifies that:

29 1. The plant is listed or determined eligible for
30 listing in the National Register of Historic Places pursuant
31

1 to the National Historic Preservation Act of 1966, as amended,
2 16 U.S.C. s. 470;

3 2. The plant is designated historic within a certified
4 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
5 Revenue Code; or

6 3. The division or historic preservation board
7 otherwise finds that the plant is historically significant.

8 (h) University boards of trustees may utilize funds
9 appropriated pursuant to this section for replacement of minor
10 facilities provided that such projects do not exceed \$1
11 million in cost or 10,000 gross square feet in size. Minor
12 facilities may not be replaced from funds provided pursuant to
13 this section unless the board determines that the cost of
14 repair or renovation is greater than or equal to the cost of
15 replacement.

16 (2)(a) The department shall establish, as a part of
17 the Public Education Capital Outlay and Debt Service Trust
18 Fund, a separate account, in an amount determined by the
19 Legislature, to be known as the "Special Facility Construction
20 Account." The Special Facility Construction Account shall be
21 used to provide necessary construction funds to school
22 districts which have urgent construction needs but which lack
23 sufficient resources at present, and cannot reasonably
24 anticipate sufficient resources within the period of the next
25 3 years, for these purposes from currently authorized sources
26 of capital outlay revenue. A school district requesting
27 funding from the Special Facility Construction Account shall
28 submit one specific construction project, not to exceed one
29 complete educational plant, to the Special Facility
30 Construction Committee. No district shall receive funding for
31 more than one approved project in any 3-year period. The first

1 year of the 3-year period shall be the first year a district
2 receives an appropriation. The department shall encourage a
3 construction program that reduces the average size of schools
4 in the district. The request must meet the following criteria
5 to be considered by the committee:

6 1. The project must be deemed a critical need and must
7 be recommended for funding by the Special Facility
8 Construction Committee. Prior to developing plans for the
9 proposed facility, the district school board must request a
10 preapplication review by the Special Facility Construction
11 Committee or a project review subcommittee convened by the
12 committee to include two representatives of the department and
13 two staff from school districts not eligible to participate in
14 the program. Within 60 days after receiving the preapplication
15 review request, the committee or subcommittee must meet in the
16 school district to review the project proposal and existing
17 facilities. To determine whether the proposed project is a
18 critical need, the committee or subcommittee shall consider,
19 at a minimum, the capacity of all existing facilities within
20 the district as determined by the Florida Inventory of School
21 Houses; the district's pattern of student growth; the
22 district's existing and projected capital outlay full-time
23 equivalent student enrollment as determined by the department;
24 the district's existing satisfactory student stations; the use
25 of all existing district property and facilities; grade level
26 configurations; and any other information that may affect the
27 need for the proposed project.

28 2. The construction project must be recommended in the
29 most recent survey or surveys by the district under the rules
30 of the State Board of Education.

31

- 1 3. The construction project must appear on the
2 district's approved project priority list under the rules of
3 the State Board of Education.
- 4 4. The district must have selected and had approved a
5 site for the construction project in compliance with s.
6 1013.36 and the rules of the State Board of Education.
- 7 5. The district shall have developed a district school
8 board adopted list of facilities that do not exceed the norm
9 for net square feet occupancy requirements under the State
10 Requirements for Educational Facilities, using all possible
11 programmatic combinations for multiple use of space to obtain
12 maximum daily use of all spaces within the facility under
13 consideration.
- 14 6. Upon construction, the total cost per student
15 station, including change orders, must not exceed the cost per
16 student station as provided in subsection (6).
- 17 7. There shall be an agreement signed by the district
18 school board stating that it will advertise for bids within 30
19 days of receipt of its encumbrance authorization from the
20 department.
- 21 8. The district shall, at the time of the request and
22 for a continuing period of 3 years, levy the maximum millage
23 against their nonexempt assessed property value as allowed in
24 s. 1011.71(2) or shall raise an equivalent amount of revenue
25 from the school capital outlay surtax authorized under s.
26 212.055(6). Any district with a new or active project, funded
27 under the provisions of this subsection, shall be required to
28 budget no more than the value of 1.5 mills per year to the
29 project to satisfy the annual participation requirement in the
30 Special Facility Construction Account.
- 31

1 9. If a contract has not been signed 90 days after the
2 advertising of bids, the funding for the specific project
3 shall revert to the Special Facility New Construction Account
4 to be reallocated to other projects on the list. However, an
5 additional 90 days may be granted by the commissioner.

6 10. The department shall certify the inability of the
7 district to fund the survey-recommended project over a
8 continuous 3-year period using projected capital outlay
9 revenue derived from s. 9(d), Art. XII of the State
10 Constitution, as amended, paragraph (3)(a) of this section,
11 and s. 1011.71(2).

12 11. The district shall have on file with the
13 department an adopted resolution acknowledging its 3-year
14 commitment of all unencumbered and future revenue acquired
15 from s. 9(d), Art. XII of the State Constitution, as amended,
16 paragraph (3)(a) of this section, and s. 1011.71(2).

17 12. Final phase III plans must be certified by the
18 board as complete and in compliance with the building and life
19 safety codes prior to August 1.

20 (b) The Special Facility Construction Committee shall
21 be composed of the following: two representatives of the
22 Department of Education, a representative from the Governor's
23 office, a representative selected annually by the district
24 school boards, and a representative selected annually by the
25 superintendents.

26 (c) The committee shall review the requests submitted
27 from the districts, evaluate the ability of the project to
28 relieve critical needs, and rank the requests in priority
29 order. This statewide priority list for special facilities
30 construction shall be submitted to the Legislature in the

31

1 commissioner's annual capital outlay legislative budget
2 request at least 45 days prior to the legislative session.

3 (3)(a) Each district school board shall receive an
4 amount from the Public Education Capital Outlay and Debt
5 Service Trust Fund to be calculated by computing the capital
6 outlay full-time equivalent membership as determined by the
7 department. Such membership must include, but is not limited
8 to:

9 1. K-12 students, except hospital and homebound
10 part-time students; and

11 2. Students who are career and technical education
12 students, and adult disabled students and who are enrolled in
13 school district technical centers. The capital outlay
14 full-time equivalent membership shall be determined for
15 kindergarten through the 12th grade and for technical centers
16 by averaging the unweighted full-time equivalent student
17 membership for the second and third surveys and comparing the
18 results on a school-by-school basis with the Florida Inventory
19 for School Houses. The capital outlay full-time equivalent
20 membership by grade level organization shall be used in making
21 the following calculations: The capital outlay full-time
22 equivalent membership by grade level organization for the 4th
23 prior year must be used to compute the base-year allocation.
24 The capital outlay full-time equivalent membership by
25 grade-level organization for the prior year must be used to
26 compute the growth over the highest of the 3 years preceding
27 the prior year. From the total amount appropriated by the
28 Legislature pursuant to this subsection, 40 percent shall be
29 allocated among the base capital outlay full-time equivalent
30 membership and 60 percent among the growth capital outlay
31 full-time equivalent membership. The allocation within each of

1 these groups shall be prorated to the districts based upon
2 each district's percentage of base and growth capital outlay
3 full-time membership. The most recent 4-year capital outlay
4 full-time equivalent membership data shall be used in each
5 subsequent year's calculation for the allocation of funds
6 pursuant to this subsection. If a change, correction, or
7 recomputation of data during any year results in a reduction
8 or increase of the calculated amount previously allocated to a
9 district, the allocation to that district shall be adjusted
10 correspondingly. If such recomputation results in an increase
11 or decrease of the calculated amount, such additional or
12 reduced amounts shall be added to or reduced from the
13 district's future appropriations. However, no change,
14 correction, or recomputation of data shall be made subsequent
15 to 2 years following the initial annual allocation.

16 (b) Funds accruing to a district school board from the
17 provisions of this section shall be expended on needed
18 projects as shown by survey or surveys under the rules of the
19 State Board of Education.

20 (c) A district school board may lease relocatable
21 educational facilities for up to 3 years using nonbonded PECO
22 funds and for any time period using local capital outlay
23 millage.

24 (d) Funds distributed to the district school boards
25 shall be allocated solely based on the provisions of
26 paragraphs (1)(a) and (2)(a) and paragraph (a) of this
27 subsection. No individual school district projects shall be
28 funded off the top of funds allocated to district school
29 boards.

30 (4)(a) Community college boards of trustees and
31 university boards of trustees shall receive funds for projects

1 based on a 3-year priority list, to be updated annually, which
2 is submitted to the Legislature in the legislative budget
3 request at least 90 days prior to the legislative session. The
4 State Board of Education shall submit a 3-year priority list
5 for community colleges and a 3-year priority list for
6 universities. The lists shall reflect decisions by the State
7 Board of Education concerning program priorities that
8 implement the statewide plan for program growth and quality
9 improvement in education. No remodeling or renovation project
10 shall be included on the 3-year priority list unless the
11 project has been recommended pursuant to s. 1013.31 or is for
12 the purpose of correcting health and safety deficiencies. No
13 new construction project shall be included on the first year
14 of the 3-year priority list unless the educational
15 specifications have been approved by the commissioner for a
16 community college or university project, as applicable. The
17 funds requested for a new construction project in the first
18 year of the 3-year priority list shall be in conformance with
19 the scope of the project as defined in the educational
20 specifications. Any new construction project requested in the
21 first year of the 3-year priority list which is not funded by
22 the Legislature shall be carried forward to be listed first in
23 developing the updated 3-year priority list for the subsequent
24 year's capital outlay budget. Should the order of the priority
25 of the projects change from year to year, a justification for
26 such change shall be included with the updated priority list.

27 (b) Community college boards of trustees and
28 university boards of trustees may lease relocatable
29 educational facilities for up to 3 years using nonbonded PECO
30 funds.

31

1 (c) Community college boards of trustees and
2 university boards of trustees shall receive funds for
3 remodeling, renovation, maintenance and repairs, and site
4 improvement for existing satisfactory facilities pursuant to
5 subsection (1).

6 (5) District school boards shall identify each fund
7 source and the use of each proportionate to the project cost,
8 as identified in the bid document, to assure compliance with
9 this section. The data shall be submitted to the department,
10 which shall track this information as submitted by the boards.
11 PECO funds shall not be expended as indicated in the
12 following:

13 (a) District school boards shall provide landscaping
14 by local funding sources or initiatives. District school
15 boards are exempt from local landscape ordinances but may
16 comply with the local requirements if such compliance is less
17 costly than compliance with the landscape requirements of the
18 Florida Building Code for public educational facilities.

19 (b) PECO funds shall not be used for the construction
20 of football fields, bleachers, site lighting for athletic
21 facilities, tennis courts, stadiums, racquetball courts, or
22 any other competition-type facilities not required for
23 physical education curriculum. Regional or intradistrict
24 football stadiums may be constructed with these funds provided
25 a minimum of two high schools and two middle schools are
26 assigned to the facility and the stadiums are survey
27 recommended. Sophisticated auditoria shall be limited to
28 magnet performing arts schools, with all other schools using
29 basic lighting and sound systems as determined by rule. Local
30 funds shall be used for enhancement of athletic and performing
31 arts facilities.

1 (6)(a) Each district school board must meet all
2 educational plant space needs of its elementary, middle, and
3 high schools before spending funds from the Public Education
4 Capital Outlay and Debt Service Trust Fund or the School
5 District and Community College District Capital Outlay and
6 Debt Service Trust Fund for any ancillary plant or any other
7 new construction, renovation, or remodeling of ancillary
8 space. Expenditures to meet such space needs may include
9 expenditures for site acquisition; new construction of
10 educational plants; renovation, remodeling, and maintenance
11 and repair of existing educational plants, including auxiliary
12 facilities; and the directly related costs of such services of
13 school district personnel. It is not the intent of the
14 Legislature to preclude the use of capital outlay funding for
15 the labor costs necessary to accomplish the authorized uses
16 for the capital outlay funding. Day-labor contracts or any
17 other educational facilities contracting and construction
18 techniques pursuant to s. 1013.45 are authorized.
19 Additionally, if a school district has salaried maintenance
20 staff whose duties consist solely of performing the labor
21 necessary to accomplish the authorized uses for the capital
22 outlay funding, such funding may be used for those salaries;
23 however, if a school district has salaried staff whose duties
24 consist partially of performing the labor necessary to
25 accomplish the authorized uses for the capital outlay funding,
26 the district shall prorate the portion of salary of each such
27 employee that is based on labor for authorized capital outlay
28 funding, and such funding may be used to pay that portion.

29 (b)1. A district school board must not use funds from
30 the Public Education Capital Outlay and Debt Service Trust
31 Fund or the School District and Community College District

1 Capital Outlay and Debt Service Trust Fund for any new
2 construction of educational plant space with a total cost per
3 student station, including change orders, that equals more
4 than:
5 a. \$11,600 for an elementary school,
6 b. \$13,300 for a middle school, or
7 c. \$17,600 for a high school,
8
9 (1997) as adjusted annually by the Consumer Price Index.
10 2. A district school board must not use funds from the
11 Public Education Capital Outlay and Debt Service Trust Fund or
12 the School District and Community College District Capital
13 Outlay and Debt Service Trust Fund for any new construction of
14 an ancillary plant that exceeds 70 percent of the average cost
15 per square foot of new construction for all schools.
16 (c) Except as otherwise provided, new construction
17 initiated by a district school board after June 30, 1997, must
18 not exceed the cost per student station as provided in
19 paragraph (b).
20 (d) The department shall compute for each calendar
21 year the statewide average construction costs for facilities
22 servicing each instructional level, for relocatable educational
23 facilities, for administrative facilities, and for other
24 ancillary and auxiliary facilities. The department shall
25 compute the statewide average costs per student station for
26 each instructional level. Cost per student station includes
27 contract costs, legal and administrative costs, fees of
28 architects and engineers, furniture and equipment, and site
29 improvement costs. Cost per student station does not include
30 the cost of purchasing or leasing the site for the
31 construction or the cost of related offsite improvements.

1 (e) The restrictions of this subsection on the cost
2 per student station of new construction do not apply to a
3 project funded entirely from proceeds received by districts
4 through provisions of ss. 212.055 and 1011.73 and s. 9, Art.
5 VII of the State Constitution, if the school board approves
6 the project by majority vote.

7 Section 862. Section 1013.65, Florida Statutes, is
8 created to read:

9 1013.65 Educational and ancillary plant construction
10 funds; Public Education Capital Outlay and Debt Service Trust
11 Fund; allocation of funds.--

12 (1) The commissioner, through the department, shall
13 administer the Public Education Capital Outlay and Debt
14 Service Trust Fund. The commissioner shall allocate or
15 reallocate funds as authorized by the Legislature. Copies of
16 each allocation or reallocation shall be provided to members
17 of the State Board of Education and to the chairs of the House
18 of Representatives and Senate appropriations committees. The
19 commissioner shall provide for timely encumbrances of funds
20 for duly authorized projects. Encumbrances may include
21 proceeds to be received under a resolution approved by the
22 State Board of Education authorizing the issuance of public
23 education capital outlay bonds pursuant to s. 9(a)(2), Art.
24 XII of the State Constitution, s. 215.61, and other applicable
25 law. The commissioner shall provide for the timely
26 disbursement of moneys necessary to meet the encumbrance
27 authorizations of the boards. Records shall be maintained by
28 the department to identify legislative appropriations,
29 allocations, encumbrance authorizations, disbursements,
30 transfers, investments, sinking funds, and revenue receipts by
31 source. The Department of Education shall pay the

1 administrative costs of the Public Education Capital Outlay
2 and Debt Service Trust Fund from the funds which comprise the
3 trust fund.

4 (2)(a) The Public Education Capital Outlay and Debt
5 Service Trust Fund shall be comprised of the following
6 sources, which are hereby appropriated to the trust fund:

7 1. Proceeds, premiums, and accrued interest from the
8 sale of public education bonds and that portion of the
9 revenues accruing from the gross receipts tax as provided by
10 s. 9(a)(2), Art. XII of the State Constitution, as amended,
11 interest on investments, and federal interest subsidies.

12 2. General revenue funds appropriated to the fund for
13 educational capital outlay purposes.

14 3. All capital outlay funds previously appropriated
15 and certified forward pursuant to s. 216.301.

16 (b) Any funds required by law to be segregated or
17 maintained in separate accounts shall be segregated or
18 maintained in such manner that the relationship between
19 program and revenue source is retained. Nothing in this
20 subsection shall be construed so as to limit the use by the
21 Public Education Capital Outlay and Debt Service Trust Fund of
22 the resources of funds so segregated or maintained.

23 (3) Upon the request of each board, the department
24 shall distribute to the board an amount sufficient to cover
25 capital outlay disbursements anticipated from encumbrance
26 authorizations for the following month. For projects costing
27 in excess of \$50,000, contracts shall be approved and signed
28 before any disbursements are authorized.

29 (4) The department may authorize each board to enter
30 into contracts for a period exceeding 1 year, within amounts
31 appropriated and budgeted for fixed capital outlay needs; but

1 any contract so made shall be executory only for the value of
2 the services to be rendered, or agreed to be paid for, in
3 succeeding fiscal years. This subsection shall be incorporated
4 verbatim in all executory contracts of a board.

5 (5) No board shall, during any fiscal year, expend any
6 money, incur any liability, or enter into any contract which,
7 by its terms, involves expenditure of money in excess of the
8 amounts appropriated and budgeted or in excess of the cash
9 that will be available to meet the disbursement requirements.
10 Prior to entering into an executory, or any other, contract, a
11 board shall obtain certification from the department that
12 moneys will be available to meet the disbursement
13 requirements. Any contract, verbal or written, made in
14 violation of this subsection shall be null and void, and no
15 payment shall be made thereon.

16 (6) The State Board of Administration is authorized to
17 invest the trust funds of any state-supported retirement
18 system, and any other state funds available for loans, to the
19 trust fund at a rate of interest that is no less favorable
20 than would have been received had such moneys been invested in
21 accordance with authorized practices.

22 (7) Boards and entities authorized to participate in
23 the trust fund are district school boards, the community
24 college boards of trustees, the Trustees of the Florida School
25 for the Deaf and the Blind, and university boards of trustees
26 and other units of the state system of public education, and
27 other educational entities for which funds are authorized by
28 the Legislature.

29 (8) The department shall make a monthly report, by
30 project, of requests for encumbrance authorization from each
31 agency. Each project shall be tracked in the following manner:

1 (a) The date the request is received;
2 (b) The anticipated encumbrance date requested by the
3 agency;
4 (c) The date the project is eligible for encumbrance
5 authorization; and
6 (d) The date the encumbrance authorization is issued.
7 (9) The department shall make a monthly report:
8 (a) Showing the amount of cash disbursed to the agency
9 from each appropriated allocation and the amount of cash
10 disbursed by the agency to vendors or contractors from each
11 appropriated allocation, by month.
12 (b) Showing updated adjustments to the budget fiscal
13 year forecast for appropriations, encumbrances, disbursements,
14 and cash available for encumbrance status.
15 Section 863. Section 1013.66, Florida Statutes, is
16 created to read:
17 1013.66 Financing of approved capital projects.--
18 (1) Capital projects are to be financed in accordance
19 with s. 9(a)(2), Art. XII of the State Constitution, as
20 amended, or from other legally available state funds or
21 grants, donations, or matching funds, or by a combination of
22 such funds.
23 (2) The sum designated annually by the Legislature is
24 the maximum sum to be expended from funds accruing under s.
25 9(a)(2), Art. XII of the State Constitution, as amended, and
26 from funds accruing under s. 1013.65(2). However, funds
27 appropriated from this source and remaining unexpended from
28 previously authorized capital projects, along with grants,
29 donations, and matching funds from other sources, may be added
30 to such maximum sums for any item or category.
31

1 (3) No transfers between appropriations shall be made
2 without prior approval under the provisions of chapter 216.

3 (4) To the extent that appropriations authority for
4 entitlements from previous years was used for advanced
5 funding, that authority is hereby restored to the projects for
6 which appropriations were made by the Legislature in those
7 previous years.

8 Section 864. Section 1013.67, Florida Statutes, is
9 created to read:

10 1013.67 Commissioner to provide for encumbrances of
11 funds.--The Commissioner of Education shall provide for timely
12 encumbrances of funds for duly authorized projects.
13 Encumbrances may include proceeds to be received under a
14 resolution approved by the State Board of Education
15 authorizing the issuance of 1997 school capital outlay bonds
16 pursuant to s. 11(d), Art. VII of the State Constitution, s.
17 1013.70, and other applicable law.

18 Section 865. Section 1013.68, Florida Statutes, is
19 created to read:

20 1013.68 Classrooms First Program; uses.--

21 (1) The Commissioner of Education shall allocate funds
22 appropriated for the Classrooms First Program among the
23 district school boards. It is the intent of the Legislature
24 that this program be administered as nearly as practicable in
25 the same manner as the capital outlay program authorized under
26 s. 9(d), Art. XII of the State Constitution. Each district
27 school board's share of the annual appropriation for the
28 Classrooms First Program must be calculated according to the
29 following formula, but the share of each district shall, at a
30 minimum, be at least equal to the amount required for all

31

1 payments of the district relating to bonds issued by the state
2 on its behalf:

3 (a) Twenty-five percent of the appropriation shall be
4 prorated to the districts based on each district's percentage
5 of base capital outlay full-time equivalent membership; and 65
6 percent shall be based on each district's percentage of growth
7 capital outlay full-time equivalent membership as specified
8 for the allocation of funds from the Public Education Capital
9 Outlay and Debt Service Trust Fund by s. 1013.64(3).

10 (b) Ten percent of the appropriation must be allocated
11 among district school boards according to the allocation
12 formula in s. 1013.64(1)(a).

13 (2) A district school board shall expend the funds
14 received pursuant to this section only to:

15 (a) Construct, renovate, remodel, repair, or maintain
16 educational facilities; or

17 (b) Pay debt service on bonds issued pursuant to this
18 section, the proceeds of which must be expended for new
19 construction, remodeling, renovation, and major repairs. Bond
20 proceeds shall be expended first for providing permanent
21 classroom facilities. Bond proceeds shall not be expended for
22 any other facilities until all unmet needs for permanent
23 classrooms and auxiliary facilities as defined in s. 1013.01
24 have been satisfied.

25
26 However, if more than 9 percent of a district's total square
27 feet is more than 50 years old, the district must spend at
28 least 25 percent of its allocation on the renovation, major
29 repair, or remodeling of existing schools, except that
30 districts with fewer than 10,000 full-time equivalent students
31 are exempt from this requirement.

1 (3) Each district school board that pledges moneys
2 under paragraph (2)(b) shall notify the Department of
3 Education of its election at a time set by the department. The
4 Department of Education shall review the proposal of each
5 district school board for compliance with this section and
6 shall forward all approved proposals to the Division of Bond
7 Finance with a request to issue bonds on behalf of the
8 approved school districts. The Division of Bond Finance shall
9 pool the pledges from all school districts making the election
10 in that year and shall issue the bonds on behalf of the
11 districts for a period not to exceed the distributions to be
12 received under s. 24.121(2). The bonds must be issued in
13 accordance with s. 11(d), Art. VII of the State Constitution,
14 and each project to be constructed with the proceeds of bonds
15 is hereby approved as provided in s. 11(f), Art. VII of the
16 State Constitution. The bonds shall be issued pursuant to the
17 State Bond Act to the extent not inconsistent with this
18 section.

19 (4) Bonds issued under this section must be validated
20 as prescribed by chapter 75. The complaint for the validation
21 must be filed in the circuit court of the county where the
22 seat of state government is situated; the notice required to
23 be published by s. 75.06 must be published only in the county
24 where the complaint is filed; and the complaint and order of
25 the circuit court must be served only on the state attorney of
26 the circuit in which the action is pending. The state
27 covenants with holders of bonds issued under this section that
28 it will not take any action that will materially and adversely
29 affect the rights of such holders so long as such bonds are
30 outstanding. The state does hereby additionally authorize the
31 establishment of a covenant in connection with the bonds which

1 provides that any additional funds received by the state from
2 new or enhanced lottery programs, video gaming, or other
3 similar activities will first be available for payments
4 relating to bonds pledging revenues available pursuant to s.
5 24.121(2), prior to use for any other purpose.

6 (5) A school district may only receive a distribution
7 for use pursuant to paragraph (2)(a) if the district school
8 board certifies to the Commissioner of Education that the
9 district has no unmet need for permanent classroom facilities
10 in its 5-year capital outlay work plan. If the work plan
11 contains such unmet needs, the district must use its
12 distribution for the payment of bonds pursuant to paragraph
13 (2)(b). If the district does not require its full bonded
14 distribution to eliminate such unmet need, it may bond only
15 that portion of its allocation necessary to meet the needs.

16 Section 866. Section 1013.69, Florida Statutes, is
17 created to read:

18 1013.69 Full bonding required to participate in
19 programs.--Any district with unused bonding capacity in its
20 Capital Outlay and Debt Service Trust Fund allocation that
21 certifies in its district facilities work program that it will
22 not be able to meet all of its need for new student stations
23 within existing revenues must fully bond its Capital Outlay
24 and Debt Service Trust Fund allocation before it may
25 participate in Classrooms First, the School Infrastructure
26 Thrift (SIT) Program, or the Effort Index Grants Program.

27 Section 867. Section 1013.70, Florida Statutes, is
28 created to read:

29 1013.70 The 1997 School Capital Outlay Bond
30 Program.--There is hereby established the 1997 School Capital
31 Outlay Bond Program.

1 (1) The issuance of revenue bonds payable from the
2 first lottery revenues transferred to the Educational
3 Enhancement Trust Fund each fiscal year, as provided by s.
4 24.121(2), is authorized to finance or refinance the
5 construction, acquisition, reconstruction, or renovation of
6 educational facilities. Such bonds shall be issued pursuant to
7 and in compliance with the provisions of s. 11(d), Art. VII of
8 the State Constitution, the provisions of the State Bond Act,
9 ss. 215.57-215.83, as amended, and the provisions of this
10 section. The state does hereby covenant with the holders of
11 such revenue bonds that it will not take any action which will
12 materially and adversely affect the rights of such holders so
13 long as bonds authorized by this section are outstanding. The
14 state does hereby additionally authorize the establishment of
15 a covenant in connection with the bonds which provides that
16 any additional funds received by the state from new or
17 enhanced lottery programs, video gaming, or other similar
18 activities will first be available for payments relating to
19 bonds pledging revenues available pursuant to s. 24.121(2),
20 prior to use for any other purpose.

21 (2) The bonds shall be issued by the Division of Bond
22 Finance of the State Board of Administration on behalf of the
23 Department of Education in such amount as shall be requested
24 by resolution of the State Board of Education. However, debt
25 service and other amounts payable with respect to the bonds
26 issued pursuant to this section shall not exceed \$35 million
27 in any state fiscal year.

28 (3) Proceeds available from bond sales shall be
29 deposited in the Educational Enhancement Trust Fund within the
30 Department of Education.

31

1 (4) The facilities to be financed with the proceeds of
2 such bonds are designated as state fixed capital outlay
3 projects for purposes of s. 11(d), Art. VII of the State
4 Constitution and the specific facilities to be financed shall
5 be determined by the Department of Education in accordance
6 with state law and appropriations from the Educational
7 Enhancement Trust Fund. Each educational facility to be
8 financed with the proceeds of the bonds issued pursuant to
9 this section is hereby approved as required by s. 11(f), Art.
10 VII of the State Constitution.

11 (5) Bonds issued pursuant to this section shall be
12 validated in the manner provided by chapter 75. The complaint
13 for such validation shall be filed in the circuit court of the
14 county where the seat of state government is situated, the
15 notice required to be published by s. 75.06 shall be published
16 only in the county where the complaint is filed, and the
17 complaint and order of the circuit court shall be served only
18 on the state attorney of the circuit in which the action is
19 pending.

20 Section 868. Section 1013.71, Florida Statutes, is
21 created to read:

22 1013.71 Lottery Capital Outlay and Debt Service Trust
23 Fund.--

24 (1)(a) The Lottery Capital Outlay and Debt Service
25 Trust Fund is hereby created, to be administered by the
26 Department of Education. Funds shall be credited to the trust
27 fund from legislative appropriations and interest earnings.
28 The purpose of the trust fund is to maintain and account for
29 lottery funds appropriated for fixed capital outlay and debt
30 service separately from lottery funds appropriated for current
31 operations.

1 (b) Notwithstanding the provisions of s. 216.301 and
2 pursuant to s. 216.351, any balance in the trust fund at the
3 end of any fiscal year shall remain in the trust fund and
4 shall be available for carrying out the purposes of the trust
5 fund.

6 (2) Lottery funds appropriated for fixed capital
7 outlay and debt service, along with any interest earned
8 thereon, shall be transferred from the Educational Enhancement
9 Trust Fund to the Lottery Capital Outlay and Debt Service
10 Trust Fund.

11 (3) Pursuant to the provisions of s. 19(f)(3), Art.
12 III of the State Constitution, the trust fund is not subject
13 to termination under s. 19(f)(2), Art. III of the State
14 Constitution.

15 Section 869. Section 1013.72, Florida Statutes, is
16 created to read:

17 1013.72 SIT Program award eligibility; maximum cost
18 per student station of educational facilities; frugality
19 incentives; recognition awards.--

20 (1) It is the intent of the Legislature that district
21 school boards that seek awards of SIT Program funds use due
22 diligence and sound business practices in the design,
23 construction, and use of educational facilities.

24 (2) A school district may seek an award from the SIT
25 Program, pursuant to this section and s. 1013.42, based on the
26 district's new construction of educational facilities if the
27 cost per student station is less than:

- 28 (a) \$11,600 for an elementary school,
- 29 (b) \$13,300 for a middle school, or
- 30 (c) \$17,600 for a high school,

1 (1997) as adjusted annually by the Consumer Price Index. The
2 award shall be up to 50 percent of such savings, as
3 recommended by the Office of Educational Facilities and SMART
4 Schools Clearinghouse.

5 (3) A school district may seek a SMART school of the
6 year recognition award for building the highest quality
7 functional, frugal school. The commissioner may present a
8 trophy or plaque and a cash award to the school recommended by
9 the Office of Educational Facilities and SMART Schools
10 Clearinghouse for a SMART school of the year recognition
11 award.

12 Section 870. Section 1013.73, Florida Statutes, is
13 created to read:

14 1013.73 Effort index grants for school district
15 facilities.--

16 (1) The Legislature hereby allocates for effort index
17 grants the sum of \$300 million from the funds appropriated
18 from the Educational Enhancement Trust Fund by s. 46, chapter
19 97-384, Laws of Florida, contingent upon the sale of school
20 capital outlay bonds. From these funds, the Commissioner of
21 Education shall allocate to the four school districts deemed
22 eligible for an effort index grant by the SMART Schools
23 Clearinghouse the sums of \$7,442,890 to the Clay County School
24 District, \$62,755,920 to the Dade County School District,
25 \$1,628,590 to the Hendry County School District, and \$414,950
26 to the Madison County School District. The remaining funds
27 shall be allocated among the remaining district school boards
28 that qualify for an effort index grant by meeting the local
29 capital outlay effort criteria in paragraph (a) or paragraph
30 (b).

31

1 (a) Between July 1, 1995, and June 30, 1999, the
2 school district received direct proceeds from the
3 one-half-cent sales surtax for public school capital outlay
4 authorized by s. 212.055(6) or from the local government
5 infrastructure sales surtax authorized by s. 212.055(2).

6 (b) The school district met two of the following
7 criteria:

8 1. Levied the full 2 mills of nonvoted discretionary
9 capital outlay authorized by s. 1011.71(2) during 1995-1996,
10 1996-1997, 1997-1998, and 1998-1999.

11 2. Levied a cumulative voted millage for capital
12 outlay and debt service equal to 2.5 mills for fiscal years
13 1995 through 1999.

14 3. Received proceeds of school impact fees greater
15 than \$500 per dwelling unit which were in effect on July 1,
16 1998.

17 4. Received direct proceeds from either the
18 one-half-cent sales surtax for public school capital outlay
19 authorized by s. 212.055(6) or from the local government
20 infrastructure sales surtax authorized by s. 212.055(2).

21 (2) It is the intent of the Legislature that this
22 program be administered as nearly as is practicable in the
23 same manner as the capital outlay program authorized under s.
24 9(d), Art. XII of the State Constitution. Each district school
25 board's share of the appropriation for the effort index grants
26 must be calculated according to the following formula using
27 the same basis as the Classrooms First allocation formula, but
28 the share of each district shall, at a minimum, be at least
29 equal to the amount required for all payments of the district
30 relating to bonds issued by the state on its behalf:

31

1 (a) Twenty-five percent of the appropriation shall be
2 prorated to the districts based on each district's percentage
3 of base capital outlay full-time-equivalent membership; and 65
4 percent shall be based on each district's percentage of growth
5 capital outlay full-time-equivalent membership as specified
6 for the allocation of funds from the Public Education Capital
7 Outlay and Debt Service Trust Fund by s. 1013.64(3).

8 (b) Ten percent of the appropriation must be allocated
9 among district school boards according to the allocation
10 formula in s. 1013.64(1)(a).

11 (3) A district school board shall expend the funds
12 received under this section only to:

13 (a) Construct, renovate, remodel, repair, or maintain
14 educational facilities; or

15 (b) Pay debt service on bonds issued under this
16 section, the proceeds of which must be expended for new
17 construction, remodeling, renovation, and major repairs. Bond
18 proceeds shall be expended first for providing permanent
19 classroom facilities and related auxiliary facilities. Bond
20 proceeds may not be expended for any other facilities until
21 all unmet needs for permanent classrooms and auxiliary
22 facilities as defined in s. 1013.01 have been satisfied.

23
24 However, if more than 9 percent of a district's total square
25 feet is more than 50 years old, the district must spend at
26 least 25 percent of its allocation on the renovation, major
27 repair, or remodeling of existing schools, except that
28 districts having fewer than 10,000 full-time equivalent
29 students are exempt from this requirement.

30 (4) Each district school board that pledges moneys
31 under paragraph (3)(b) shall notify the Department of

1 Education of its election at a time set by the department. The
2 Department of Education shall review the proposal of each
3 district school board for compliance with this section and
4 shall forward all approved proposals to the Division of Bond
5 Finance with a request to issue bonds on behalf of the
6 approved school districts.

7 (5) A district school board that chooses to pledge
8 allocations from the Classrooms First Program for the issuance
9 of bonds must encumber those bond proceeds before pledging
10 funds for the payment of debt service on bonds issued pursuant
11 to this section.

12 (6) A school district may receive a distribution for
13 use pursuant to paragraph (3)(a) only if the district school
14 board certifies to the Commissioner of Education that the
15 district has no unmet need for permanent classroom facilities
16 in its 5-year capital outlay work plan. If the work plan
17 contains such unmet needs, the district must use its
18 distribution for the payment of bonds under paragraph (2)(b).
19 If the district does not require its full bonded distribution
20 to eliminate such unmet needs, it may bond only that portion
21 of its allocation necessary to meet the needs.

22 Section 871. Section 1013.74, Florida Statutes, is
23 created to read:

24 1013.74 University authorization for fixed capital
25 outlay projects.--

26 (1) Notwithstanding the provisions of chapter 216,
27 including s. 216.351, a university may accomplish fixed
28 capital outlay projects consistent with the provisions of this
29 section. Projects authorized by this section shall not require
30 educational plant survey approval as prescribed in chapter
31 235.

1 (2) The following types of projects may be
2 accomplished pursuant to this section:

3 (a) Construction of any new buildings, or remodeling
4 of existing buildings, when funded from nonstate sources such
5 as federal grant funds, private gifts, grants, or lease
6 arrangements if such grants or gifts are given for the
7 specific purpose of construction;

8 (b) The replacement of any buildings destroyed by fire
9 or other calamity;

10 (c) Construction of projects financed as provided in
11 ss. 1010.60-1010.619 or 1013.71;

12 (d) Construction of new facilities or remodeling of
13 existing facilities to meet needs for research, provided that
14 such projects are financed pursuant to s. 1004.22; or

15 (e) Construction of facilities or remodeling of
16 existing facilities to meet needs as determined by the
17 university, provided that the amount of funds for any such
18 project does not exceed \$1 million, and the trust funds, other
19 than the funds used to accomplish projects contemplated in
20 this subsection, are authorized and available for such
21 purposes.

22 (3) Other than those projects currently authorized, no
23 project proposed by a university which is to be funded from
24 Capital Improvement Trust Fund fees or building fees shall be
25 submitted to the State Board of Education for approval without
26 prior consultation with the student government association of
27 that university. The State Board of Education shall promulgate
28 rules which are consistent with this requirement.

29 (4) The university board of trustees shall, in
30 consultation with local and state emergency management
31 agencies, assess existing facilities to identify the extent to

1 which each campus has public hurricane evacuation shelter
2 space. The board shall submit to the Governor and the
3 Legislature by August 1 of each year a 5-year capital
4 improvements program that identifies new or retrofitted
5 facilities that will incorporate enhanced hurricane resistance
6 standards and that can be used as public hurricane evacuation
7 shelters. Enhanced hurricane resistance standards include
8 fixed passive protection for window and door applications to
9 provide mitigation protection, security protection with
10 egress, and energy efficiencies that meet standards required
11 in the 130-mile-per-hour wind zone areas. The board must also
12 submit proposed facility retrofit projects to the Department
13 of Community Affairs for assessment and inclusion in the
14 annual report prepared in accordance with s. 252.385(3). Until
15 a regional planning council region in which a campus is
16 located has sufficient public hurricane evacuation shelter
17 space, any campus building for which a design contract is
18 entered into subsequent to July 1, 2001, and which has been
19 identified by the board, with the concurrence of the local
20 emergency management agency or the Department of Community
21 Affairs, to be appropriate for use as a public hurricane
22 evacuation shelter, must be constructed in accordance with
23 public shelter standards.

24 Section 872. Section 1013.75, Florida Statutes, is
25 created to read:

26 1013.75 Cooperative funding of career and technical
27 educational facilities.--

28 (1) Each district school board operating a designated
29 technical center may submit, prior to August 1 of each year, a
30 request to the commissioner for funds from the Public
31 Education Capital Outlay and Debt Service Trust Fund to plan,

1 construct, and equip a career and technical educational
2 facility identified as being critical to the economic
3 development and the workforce needs of the school district.
4 Prior to submitting a request, each school district shall:
5 (a) Adopt and submit to the commissioner a resolution
6 indicating its commitment to fund the planning, construction,
7 and equipping of the proposed facility at 40 percent of the
8 requested project amount. The resolution shall also designate
9 the locale of the proposed facility. If funds from a private
10 or noneducational public entity are to be committed to the
11 project, then a joint resolution shall be required.
12 (b) Except as provided in paragraph (5)(b), levy the
13 maximum millage against the nonexempt assessed property value
14 as provided in s. 1011.71(2).
15 (c) Certify to the Office of Workforce and Economic
16 Development that the project has been survey recommended.
17 (d) Certify to the Office of Workforce and Economic
18 Development that final phase III construction documents comply
19 with applicable building codes and life safety codes.
20 (e) Sign an agreement that the district school board
21 shall advertise for bids within 90 days of receiving an
22 encumbrance authorization from the department.
23 (f) If a construction contract has not been signed 90
24 days after the advertising of bids, certify to the Office of
25 Workforce and Economic Development and the department the
26 cause for delay. Upon request, an additional 90 days may be
27 granted by the commissioner.
28 (2) The Office of Workforce and Economic Development
29 shall establish the need for additional career and technical
30 education programs and the continuation of existing programs
31 before facility construction or renovation related to career

1 and technical education can be included in the educational
2 plant survey. Information used by the Office of Workforce and
3 Economic Development to establish facility needs shall
4 include, but not be limited to, labor market needs analysis
5 and information submitted by the school districts.

6 (3) The total cost of the proposed facility shall be
7 determined by the district school board using established
8 state board averages for determining new construction cost.

9 (4)(a) A career and technical education construction
10 committee shall be composed of the following: three
11 representatives from the Department of Education and one
12 representative from the Executive Office of the Governor.

13 (b) The committee shall review and evaluate the
14 requests submitted from the school districts and rank the
15 requests in priority order in accordance with statewide
16 critical needs. This statewide priority list shall be
17 submitted to the commissioner.

18 (c) The commissioner's legislative capital outlay
19 budget request may include up to 2 percent of the new
20 construction allocation to public schools for career and
21 technical capital outlay projects recommended by the career
22 and technical education construction committee.

23 (5)(a) Upon approval of a project, the commissioner
24 shall include up to 60 percent of the total cost of the
25 project in the legislative capital outlay budget request as
26 provided in s. 1013.60 for educational plants. The
27 participating district school board shall provide 40 percent
28 of the total cost of the project. When practical, the district
29 school board shall solicit and encourage a private or
30 noneducational public entity to commit to finance a portion of
31 the funds to complete the planning, construction, and

1 equipping of the facility. If a site does not exist, the
2 purchase price or, if donated, the assessed value of a site
3 may be included in meeting the funding requirements of the
4 district school board, a private or noneducational public
5 entity, or the educational agency. The value of existing
6 sites, intended to satisfy any portion of the funding
7 requirement of a private or noneducational public entity,
8 shall be determined by an independent appraiser under contract
9 with the board. The size of the site to adequately provide for
10 the implementation of the proposed educational programs shall
11 be determined by the board. Funds from the Public Education
12 Capital Outlay and Debt Service Trust Fund may not be expended
13 on any project unless specifically authorized by the
14 Legislature.

15 (b) In the event that a school district is not levying
16 the maximum millage against the nonexempt assessed property
17 value pursuant to paragraph (1)(b), state and school district
18 funding pursuant to paragraph (a) shall be reduced by the same
19 proportion as the millage actually being levied bears to the
20 maximum allowable millage.

21 Section 873. Section 1013.76, Florida Statutes, is
22 created to read:

23 1013.76 Multiyear capital improvement contracts.--Any
24 provision of chapters 1010 and 1011 to the contrary
25 notwithstanding, school districts are authorized to award
26 capital improvement contracts involving expenditures to be
27 incurred for a period of more than 1 year on the basis of
28 voter-authorized and unissued general obligation bonding
29 authority, provided that sufficient funds are available to,
30 and budgeted by, the school district to pay actual
31 disbursements during any fiscal year.

1 Section 874. Section 1013.78, Florida Statutes, is
2 created to read:

3 1013.78 Approval required for certain
4 university-related facility acquisitions.--

5 (1) No university or university direct-support
6 organization shall construct, accept, or purchase facilities
7 for which the state will be asked for operating funds unless
8 there has been prior approval for construction or acquisition
9 granted by the Legislature.

10 (2) Legislative approval shall not be required for
11 renovations, remodeling, replacement of existing facilities or
12 construction of minor projects as defined in s. 1013.64.

13 Section 875. Section 1013.79, Florida Statutes, is
14 created to read:

15 1013.79 University Facility Enhancement Challenge
16 Grant Program.--

17 (1) The Legislature recognizes that the universities
18 do not have sufficient physical facilities to meet the current
19 demands of their instructional and research programs. It
20 further recognizes that, to strengthen and enhance
21 universities, it is necessary to provide facilities in
22 addition to those currently available from existing revenue
23 sources. It further recognizes that there are sources of
24 private support that, if matched with state support, can
25 assist in constructing much-needed facilities and strengthen
26 the commitment of citizens and organizations in promoting
27 excellence throughout the state universities. Therefore, it is
28 the intent of the Legislature to establish a trust fund to
29 provide the opportunity for each university to receive and
30 match challenge grants for instructional and research-related
31 capital facilities within the university.

1 (2) There is hereby established the Alec P. Courtelis
2 University Facility Enhancement Challenge Grant Program for
3 the purpose of assisting universities build high priority
4 instructional and research-related capital facilities,
5 including common areas connecting such facilities. The
6 associated foundations that serve the universities shall
7 solicit gifts from private sources to provide matching funds
8 for capital facilities. For the purposes of this act, private
9 sources of funds shall not include any federal, state, or
10 local government funds that a university may receive.

11 (3) There is established the Alec P. Courtelis Capital
12 Facilities Matching Trust Fund for the purpose of providing
13 matching funds from private contributions for the development
14 of high priority instructional and research-related capital
15 facilities, including common areas connecting such facilities,
16 within a university. The Legislature shall appropriate funds
17 to be transferred to the trust fund. The Public Education
18 Capital Outlay and Debt Service Trust Fund, Capital
19 Improvement Trust Fund, Division of Sponsored Research Trust
20 Fund, and Contracts and Grants Trust Fund shall not be used as
21 the source of the state match for private contributions. All
22 appropriated funds deposited into the trust fund shall be
23 invested pursuant to the provisions of s. 18.125. Interest
24 income accruing to that portion of the trust fund shall
25 increase the total funds available for the challenge grant
26 program. Interest income accruing from the private donations
27 shall be returned to the participating foundation upon
28 completion of the project. The State Board of Education shall
29 administer the trust fund and all related construction
30 activities.

31

1 (4) No project shall be initiated unless all private
2 funds for planning, construction, and equipping the facility
3 have been received and deposited in the trust fund and the
4 state's share for the minimum amount of funds needed to begin
5 the project has been appropriated by the Legislature. The
6 Legislature may appropriate the state's matching funds in one
7 or more fiscal years for the planning, construction, and
8 equipping of an eligible facility. However, these requirements
9 shall not preclude the university from expending available
10 funds from private sources to develop a prospectus, including
11 preliminary architectural schematics and/or models, for use in
12 its efforts to raise private funds for a facility.
13 Additionally, any private sources of funds expended for this
14 purpose are eligible for state matching funds should the
15 project materialize as provided for in this section.

16 (5) To be eligible to participate in the Alec P.
17 Courtelis Capital Facilities Matching Trust Fund, a university
18 shall raise a contribution equal to one-half of the total cost
19 of a facilities construction project from private
20 nongovernmental sources which shall be matched by a state
21 appropriation equal to the amount raised for a facilities
22 construction project subject to the General Appropriations
23 Act.

24 (6) If the state's share of the required match is
25 insufficient to meet the requirements of subsection (5), the
26 university shall renegotiate the terms of the contribution
27 with the donors. If the project is terminated, each private
28 donation, plus accrued interest, reverts to the foundation for
29 remittance to the donor.

30 (7) By September 1 of each year, the State Board of
31 Education shall transmit to the Legislature a list of projects

1 which meet all eligibility requirements to participate in the
2 Alec P. Courtelis Capital Facilities Matching Trust Fund and a
3 budget request which includes the recommended schedule
4 necessary to complete each project.

5 (8) In order for a project to be eligible under this
6 program, it must be included in the university 5-year Capital
7 Improvement Plan and must receive prior approval from the
8 State Board of Education and the Legislature.

9 (9) No university's project shall be removed from the
10 approved 3-year PECO priority list because of its successful
11 participation in this program until approved by the
12 Legislature and provided for in the General Appropriations
13 Act. When such a project is completed and removed from the
14 list, all other projects shall move up on the 3-year PECO
15 priority list. A university shall not use PECO funds,
16 including the Capital Improvement Trust Fund fee and the
17 building fee, to complete a project under this section.

18 (10) Any project funds that are unexpended after a
19 project is completed shall revert to the Capital Facilities
20 Matching Trust Fund. Fifty percent of such unexpended funds
21 shall be reserved for the university which originally received
22 the private contribution for the purpose of providing private
23 matching funds for future facility construction projects as
24 provided in this section. The balance of such unexpended funds
25 shall be available to any state university for future facility
26 construction projects conducted pursuant to this section.

27 (11) The surveys, architectural plans, facility, and
28 equipment shall be the property of the State of Florida. A
29 facility constructed pursuant to this section may be named in
30 honor of a donor at the option of the university and the State
31

1 Board of Education. No facility shall be named after a living
2 person without prior approval by the Legislature.

3 Section 876. Section 1013.81, Florida Statutes, is
4 created to read:

5 1013.81 Community college indebtedness; bonds and tax
6 anticipation certificates; payment.--

7 (1) The indebtedness incurred for the benefit of
8 community colleges and represented by bonds or motor vehicle
9 tax anticipation certificates issued from time to time by the
10 State Board of Education, hereinafter called "state board,"
11 pursuant to s. 18, Art. XII of the State Constitution of 1885
12 on behalf of the several former county boards of public
13 instruction shall not be considered by the state board in
14 determining the amount of bonds or motor vehicle tax
15 anticipation certificates which the state board may issue from
16 time to time on behalf of the several school districts under
17 the provisions of s. 9(d), Art. XII of the State Constitution,
18 as amended at the general election held on November 7, 1972,
19 hereinafter called "school capital outlay amendment." Such
20 indebtedness incurred on behalf of community colleges, as
21 described above, shall be considered by the state board in
22 determining the amount of bonds or motor vehicle tax
23 anticipation certificates which the state board may issue from
24 time to time on behalf of the several community college
25 districts under the provisions of the school capital outlay
26 amendment.

27 (2) The debt service requirements on the indebtedness
28 incurred for the benefit of community colleges and represented
29 by bonds or motor vehicle tax anticipation certificates issued
30 from time to time by the state board on behalf of the several
31 former county boards of public instruction, as described in

1 subsection (1), shall be paid from funds distributable
2 pursuant to the school capital outlay amendment to the credit
3 of the several community college districts, and not from funds
4 distributable pursuant to the school capital outlay amendment
5 to the credit of the several school districts.

6 (3) Nothing herein shall be construed to authorize the
7 state board to affect adversely or impair the contractual
8 rights created and vested by reason of the prior issuance of
9 bonds or motor vehicle tax anticipation certificates by the
10 state board.

11 Section 877. Section 1013.82, Florida Statutes, is
12 created to read:

13 1013.82 Contracts of institutions for supplies,
14 utility services, and building construction exempt from
15 operation of county or municipal ordinance or charter.--

16 (1) University boards of trustees are authorized to
17 contract for supplies, utility services, and building
18 construction without regulation or restriction by municipal or
19 county charter or ordinance. Contractual arrangements shall be
20 in the best interests of the state and shall give
21 consideration to rates, adequacy of service, and the
22 dependability of the contractor.

23 (2) Any municipal or county charter, ordinance, or
24 regulation that serves to restrict or prohibit the intent of
25 subsection (1) shall be inoperative.

26 Section 878. Section 11.061, Florida Statutes, is
27 amended to read:

28 11.061 State, state university, and community college
29 employee lobbyists; registration; recording attendance;
30 penalty; exemptions.--

31

1 (1) Any person employed by any executive, judicial, or
2 quasi-judicial department of the state or community college or
3 state university ~~of the state~~ who seeks to encourage the
4 passage, defeat, or modification of any legislation by
5 personal appearance or attendance before the House of
6 Representatives or the Senate, or any committee thereof,
7 shall, prior thereto, register as a lobbyist with the joint
8 legislative office on a form to be provided by the joint
9 legislative office in the same manner as any other lobbyist is
10 required to register, whether by rule of either house or
11 otherwise. This shall not preclude any person from contacting
12 her or his legislator regarding any matter during hours other
13 than the established business hours of the person's respective
14 agency, state university, or community college.

15 (2)(a) Each state, state university, or community
16 college employee ~~or employee of a community college~~ registered
17 pursuant to the provisions of this section shall:

18 1. Record with the chair of the committee any
19 attendance before any committee during established business
20 hours of the agency, state university, or community college
21 employing the person.

22 2. Record with the joint legislative office any
23 attendance in the legislative chambers, committee rooms,
24 legislative offices, legislative hallways, and other areas in
25 the immediate vicinity during the established business hours
26 of the agency, state university, or community college
27 employing the person.

28 (b) Any person who appears before a committee or
29 subcommittee of the House of Representatives or the Senate at
30 the request of the committee or subcommittee chair as a
31

1 witness or for informational purposes shall be exempt from the
2 provisions of this subsection.

3 (3) Any state, state university, or community college
4 ~~employee or employee of a community college~~ who violates any
5 provision of this section by not registering with the joint
6 legislative office as a lobbyist or by failing to record hours
7 spent as a lobbyist in areas and activities as set forth in
8 this section during the established business hours of the
9 agency, state university, or community college employing the
10 person shall have deducted from her or his salary an amount
11 equivalent to her or his hourly wage times the number of hours
12 that she or he was in violation of this section.

13 (4) Any person employed by any executive, judicial, or
14 quasi-judicial department of the state or by any community
15 college or state university ~~of the state~~ whose position is
16 designated in that department's budget as being used during
17 all, or a portion of, the fiscal year for lobbying shall
18 comply with the provisions of subsection (1), but shall be
19 exempt from the provisions of subsections (2) and (3).

20 Section 879. Paragraph (c) of subsection (5) of
21 section 11.40, Florida Statutes, is amended to read:

22 11.40 Legislative Auditing Committee.--

23 (5) Following notification by the Auditor General, the
24 Department of Banking and Finance, or the Division of Bond
25 Finance of the State Board of Administration of the failure of
26 a local governmental entity, district school board, charter
27 school, or charter technical career center to comply with the
28 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
29 s. 218.38, the Legislative Auditing Committee may schedule a
30 hearing. If a hearing is scheduled, the committee shall
31 determine if the entity should be subject to further state

1 action. If the committee determines that the entity should be
2 subject to further state action, the committee shall:

3 (c) In the case of a charter school or charter
4 technical career center, notify the appropriate sponsoring
5 entity, which may terminate the charter pursuant to ss.
6 1002.33 ~~228.056~~ and 1002.34 ~~228.505~~.

7 Section 880. Paragraph (a) of subsection (3) and
8 subsection (8) of section 11.45, Florida Statutes, are amended
9 to read:

10 11.45 Definitions; duties; authorities; reports;
11 rules.--

12 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

13 (a) The Auditor General may, pursuant to his or her
14 own authority, or at the direction of the Legislative Auditing
15 Committee, conduct audits or other engagements as determined
16 appropriate by the Auditor General of:

17 1. The accounts and records of any governmental entity
18 created or established by law.

19 2. The information technology programs, activities,
20 functions, or systems of any governmental entity created or
21 established by law.

22 3. The accounts and records of any charter school
23 created or established by law.

24 4. The accounts and records of any direct-support
25 organization or citizen support organization created or
26 established by law. The Auditor General is authorized to
27 require and receive any records from the direct-support
28 organization or citizen support organization, or from its
29 independent auditor.

30 5. The public records associated with any
31 appropriation made by the General Appropriations Act to a

1 nongovernmental agency, corporation, or person. All records of
2 a nongovernmental agency, corporation, or person with respect
3 to the receipt and expenditure of such an appropriation shall
4 be public records and shall be treated in the same manner as
5 other public records are under general law.

6 6. State financial assistance provided to any nonstate
7 entity.

8 7. The Tobacco Settlement Financing Corporation
9 created pursuant to s. 215.56005.

10 8. The Florida On-Line High School created pursuant to
11 s. 1002.37 ~~228.082~~.

12 9. Any purchases of federal surplus lands for use as
13 sites for correctional facilities as described in s. 253.037.

14 10. Enterprise Florida, Inc., including any of its
15 boards, advisory committees, or similar groups created by
16 Enterprise Florida, Inc., and programs. The audit report may
17 not reveal the identity of any person who has anonymously made
18 a donation to Enterprise Florida, Inc., pursuant to this
19 subparagraph. The identity of a donor or prospective donor to
20 Enterprise Florida, Inc., who desires to remain anonymous and
21 all information identifying such donor or prospective donor
22 are confidential and exempt from the provisions of s.
23 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
24 anonymity shall be maintained in the auditor's report.

25 11. The Florida Development Finance Corporation or the
26 capital development board or the programs or entities created
27 by the board. The audit or report may not reveal the identity
28 of any person who has anonymously made a donation to the board
29 pursuant to this subparagraph. The identity of a donor or
30 prospective donor to the board who desires to remain anonymous
31 and all information identifying such donor or prospective

1 donor are confidential and exempt from the provisions of s.
2 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
3 anonymity shall be maintained in the auditor's report.

4 12. The records pertaining to the use of funds from
5 voluntary contributions on a motor vehicle registration
6 application or on a driver's license application authorized
7 pursuant to ss. 320.023 and 322.081.

8 13. The records pertaining to the use of funds from
9 the sale of specialty license plates described in chapter 320.

10 14. The transportation corporations under contract
11 with the Department of Transportation that are acting on
12 behalf of the state to secure and obtain rights-of-way for
13 urgently needed transportation systems and to assist in the
14 planning and design of such systems pursuant to ss.
15 339.401-339.421.

16 15. The acquisitions and divestitures related to the
17 Florida Communities Trust Program created pursuant to chapter
18 380.

19 16. The Florida Water Pollution Control Financing
20 Corporation created pursuant to s. 403.1837.

21 17. The Florida Partnership for School Readiness
22 created pursuant to s. 411.01.

23 18. The Occupational Access and Opportunity Commission
24 created pursuant to s. 413.83.

25 19. The Florida Special Disability Trust Fund
26 Financing Corporation created pursuant to s. 440.49.

27 20. Workforce Florida, Inc., or the programs or
28 entities created by Workforce Florida, Inc., created pursuant
29 to s. 445.004.

30 21. The corporation defined in s. 455.32 that is under
31 contract with the Department of Business and Professional

1 Regulation to provide administrative, investigative,
2 examination, licensing, and prosecutorial support services in
3 accordance with the provisions of s. 455.32 and the practice
4 act of the relevant profession.

5 22. The Florida Engineers Management Corporation
6 created pursuant to chapter 471.

7 23. The Investment Fraud Restoration Financing
8 Corporation created pursuant to chapter 517.

9 24. The books and records of any permitholder that
10 conducts race meetings or jai alai exhibitions under chapter
11 550.

12 25. The corporation defined in part II of chapter 946,
13 known as the Prison Rehabilitative Industries and Diversified
14 Enterprises, Inc., or PRIDE Enterprises.

15 (8) RULES OF THE AUDITOR GENERAL.--The Auditor
16 General, in consultation with the Board of Accountancy, shall
17 adopt rules for the form and conduct of all financial audits
18 performed by independent certified public accountants pursuant
19 to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77~~237.40,~~
20 ~~240.299, and 240.331~~. The rules for audits of local
21 governmental entities and district school boards must include,
22 but are not limited to, requirements for the reporting of
23 information necessary to carry out the purposes of the Local
24 Government Financial Emergencies Act as stated in s. 218.501.

25 Section 881. Notwithstanding subsection (7) of section
26 3 of chapter 2000-321, Laws of Florida, section 20.15, Florida
27 Statutes, shall not stand repealed on January 7, 2003, as
28 scheduled by that act, but is reenacted and amended to read:

29 20.15 Department of Education.--There is created a
30 Department of Education.

31

1 (1) STATE BOARD OF EDUCATION.--In accordance with s.
2 2, Art. IX of the State Constitution, the State Board of
3 Education is a body corporate and must supervise the system of
4 free public education as is provided by law. The State Board
5 of Education is the head of the Department of Education the
6 chief policymaking body of public education in the state as
7 specified in chapter 229. The Governor is chair of the board,
8 and the Commissioner of Education is the secretary and
9 executive officer and in the absence of the Governor shall
10 serve as chair.

11 (2) COMMISSIONER OF EDUCATION.--The Commissioner of
12 Education is appointed by the State Board of Education and
13 serves as the Executive Director of the Department of
14 Education head of the Department of Education is the
15 Commissioner of Education who shall be elected by vote of the
16 qualified electors of the state pursuant to s. 5, Art. IV of
17 the State Constitution.

18 ~~(a) The Commissioner of Education shall appoint a~~
19 ~~Deputy Commissioner for Educational Programs who has such~~
20 ~~powers, duties, responsibilities, and functions as are~~
21 ~~necessary to ensure the greatest possible coordination,~~
22 ~~efficiency, and effectiveness of kindergarten through~~
23 ~~12th grade education and vocational and continuing education~~
24 ~~programs, including workforce development.~~

25 ~~(b) The Commissioner of Education shall appoint a~~
26 ~~Deputy Commissioner for Planning, Budgeting, and Management~~
27 ~~who has such powers, duties, responsibilities, and functions~~
28 ~~as are necessary to ensure the greatest possible coordination~~
29 ~~of policies, programs, and procedures for the statewide system~~
30 ~~of education and the department.~~

31

1 ~~(c) The Commissioner of Education shall appoint a~~
2 ~~Deputy Commissioner for Technology and Administration who has~~
3 ~~such powers, duties, responsibilities, and functions as are~~
4 ~~necessary to ensure the greatest possible coordination and~~
5 ~~development of technological supports for the education system~~
6 ~~and efficient administration of the department.~~

7 (3) DIVISIONS.--The following divisions of the
8 Department of Education are established:

9 (a) Division of Community Colleges.

10 (b) Division of Public Schools ~~and Community~~
11 ~~Education.~~

12 (c) Division of Colleges and Universities.

13 (d) Division of Vocational Rehabilitation Workforce
14 ~~Development.~~

15 ~~(e) Division of Professional Educators.~~

16 ~~(f) Division of Administration.~~

17 ~~(g) Division of Financial Services.~~

18 ~~(h) Division of Support Services.~~

19 ~~(i) Division of Technology.~~

20 ~~(e)(j)~~ (j) Division of Blind Services.

21 (4) DIRECTORS.--~~The Board of Regents is the director~~
22 ~~of the Division of Universities, and the State Board of~~
23 ~~Community Colleges is the director of the Division of~~
24 ~~Community Colleges, pursuant to chapter 240. The directors of~~
25 ~~all other~~ divisions shall be appointed by the commissioner
26 subject to approval by the state board.

27 (5) POWERS AND DUTIES.--The State Board of Education
28 and the Commissioner of Education+

29 ~~(a)~~ shall assign to the divisions ~~Division of Public~~
30 ~~Schools and Community Education~~ such powers, duties,
31 responsibilities, and functions as are necessary to ensure the

1 greatest possible coordination, efficiency, and effectiveness
2 of education for students in K-20 education ~~prekindergarten~~
3 ~~through 12th grade, for secondary school vocational education,~~
4 ~~and for community education.~~

5 ~~(b) Shall assign to the Division of Workforce~~
6 ~~Development such powers, duties, responsibilities, and~~
7 ~~functions as are necessary to ensure the greatest possible~~
8 ~~coordination, efficiency, and effectiveness of workforce~~
9 ~~development education.~~

10 ~~(c) Shall assign to the State Board of Community~~
11 ~~Colleges such powers, duties, responsibilities, and functions~~
12 ~~as are necessary to ensure the coordination, efficiency, and~~
13 ~~effectiveness of community colleges, except those duties~~
14 ~~specifically assigned to the Commissioner of Education in ss.~~
15 ~~229.512 and 229.551, the duties concerning physical facilities~~
16 ~~in chapter 235, and the duties assigned to the Division of~~
17 ~~Workforce Development in chapter 239.~~

18 (6) COUNCILS AND COMMITTEES.--Notwithstanding anything
19 contained in law to the contrary, the commissioner of
20 ~~Education~~ shall appoint all members of all councils and
21 committees of the Department of Education, except the
22 Commission for Independent Education and Board of Regents, the
23 ~~State Board of Community Colleges, the community college~~
24 ~~district boards of trustees, the Postsecondary Education~~
25 ~~Planning Commission, the Education Practices Commission, the~~
26 ~~Education Standards Commission, the State Board of Independent~~
27 ~~Colleges and Universities, and the State Board of Nonpublic~~
28 ~~Career Education.~~

29 (7) BOARDS.--Notwithstanding anything contained in law
30 to the contrary, all members of the university Board of
31 ~~Regents, the State Board of Community Colleges, and the~~

1 community college ~~district~~ boards of trustees must be
2 appointed according to chapter 1001 240.

3 Section 882. Paragraphs (a) and (b) of subsection (1),
4 paragraph (d) of subsection (3), and paragraph (a) of
5 subsection (5) of section 23.1225, Florida Statutes, are
6 amended to read:

7 23.1225 Mutual aid agreements.--

8 (1) The term "mutual aid agreement," as used in this
9 part, refers to one of the following types of agreement:

10 (a) A voluntary cooperation written agreement between
11 two or more law enforcement agencies, or between one or more
12 law enforcement agencies and either a school board that
13 employs school safety officers or a state university that
14 employs or appoints university police officers in accordance
15 with s. 1012.97 240-268, which agreement permits voluntary
16 cooperation and assistance of a routine law enforcement nature
17 across jurisdictional lines. The agreement must specify the
18 nature of the law enforcement assistance to be rendered, the
19 agency or entity that shall bear any liability arising from
20 acts undertaken under the agreement, the procedures for
21 requesting and for authorizing assistance, the agency or
22 entity that has command and supervisory responsibility, a time
23 limit for the agreement, the amount of any compensation or
24 reimbursement to the assisting agency or entity, and any other
25 terms and conditions necessary to give it effect. Examples of
26 law enforcement activities that may be addressed in a
27 voluntary cooperation written agreement include, but are not
28 limited to, establishing a joint city-county task force on
29 narcotics smuggling, authorizing school safety officers to
30 enforce laws in an area within 1,000 feet of a school or

31

1 school board property, or establishing a joint city-county
2 traffic enforcement task force.

3 (b) A requested operational assistance written
4 agreement between two or more law enforcement agencies, or
5 between one or more law enforcement agencies and either a
6 school board that employs school safety officers or a state
7 university that employs or appoints university police officers
8 in accordance with s. 1012.97 ~~240.268~~, which agreement is for
9 the rendering of assistance in a law enforcement emergency.
10 The agreement must specify the nature of the law enforcement
11 assistance to be rendered, the agency or entity that shall
12 bear any liability arising from acts undertaken under the
13 agreement, the procedures for requesting and for authorizing
14 assistance, the agency or entity that has command and
15 supervisory responsibility, a time limit for the agreement,
16 the amount of any compensation or reimbursement to the
17 assisting agency or entity, and any other terms and conditions
18 necessary to give it effect. An example of the use of a
19 requested operational assistance written agreement is to meet
20 a request for assistance due to a civil disturbance or other
21 emergency as defined in s. 252.34.

22 (3) A mutual aid agreement may be entered into by:

23 (d) A state university that employs or appoints
24 university police officers in accordance with s. 1012.97
25 ~~240.268~~.

26 (5) In the event of a disaster or emergency such that
27 a state of emergency is declared by the Governor pursuant to
28 chapter 252, the requirement that a requested operational
29 assistance agreement be a written agreement for rendering of
30 assistance in a law enforcement emergency may be waived by the
31

1 participating agencies for a period of up to 90 days from the
2 declaration of the disaster.

3 (a) When a law enforcement agency, a school board
4 employing school safety officers, or a state university
5 employing or appointing university police officers in
6 accordance with s. 1012.97 ~~240.268~~ lends assistance pursuant
7 to this subsection, all powers, privileges, and immunities
8 listed in s. 23.127, except with regard to interstate mutual
9 aid agreements, apply to the agency or entity, provided that
10 the law enforcement, school board, or university employees
11 rendering services are being requested and coordinated by the
12 affected local law enforcement executive in charge of law
13 enforcement operations.

14 Section 883. Subsection (2) and paragraphs (c) and (d)
15 of subsection (5) of section 24.121, Florida Statutes, are
16 amended to read:

17 24.121 Allocation of revenues and expenditure of funds
18 for public education.--

19 (2) Each fiscal year, at least 38 percent of the gross
20 revenue from the sale of lottery tickets and other earned
21 revenue, excluding application processing fees, shall be
22 deposited in the Educational Enhancement Trust Fund, which is
23 hereby created in the State Treasury to be administered by the
24 Department of Education. The Department of the Lottery shall
25 transfer moneys to the Educational Enhancement Trust Fund at
26 least once each quarter. Funds in the Educational Enhancement
27 Trust Fund shall be used to the benefit of public education in
28 accordance with the provisions of this act. Notwithstanding
29 any other provision of law, a maximum of \$180 million of
30 lottery revenues transferred to the Educational Enhancement
31 Trust Fund in fiscal year 1997-1998 and for 30 years

1 thereafter shall be reserved as needed and used to meet the
2 requirements of the documents authorizing the bonds issued by
3 the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70
4 ~~235.2195~~ or distributed to school districts for the Classrooms
5 First Program as provided in s. 1013.68 ~~235.187~~. Such lottery
6 revenues are hereby pledged to the payment of debt service on
7 bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s.
8 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the
9 state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~
10 shall be payable from the first lottery revenues transferred
11 to the Educational Enhancement Trust Fund in each fiscal year.
12 Amounts distributable to school districts that request the
13 issuance of bonds pursuant to s. 1013.68(3) ~~235.187(3)~~ are
14 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
15 the State Constitution. The amounts distributed through the
16 Classrooms First Program shall equal \$145 million in each
17 fiscal year. These funds are intended to provide up to \$2.5
18 billion for public school facilities.

19 (5)

20 (c) A portion of such net revenues, as determined
21 annually by the Legislature, shall be distributed to each
22 school district and shall be made available to each public
23 school in the district for enhancing school performance
24 through development and implementation of a school improvement
25 plan pursuant to s. 1001.42(16) ~~230.23(16)~~. A portion of these
26 moneys, as determined annually in the General Appropriations
27 Act, must be allocated to each school in an equal amount for
28 each student enrolled. These moneys may be expended only on
29 programs or projects selected by the school advisory council
30 or by a parent advisory committee created pursuant to this
31 paragraph. If a school does not have a school advisory

1 council, the district advisory council must appoint a parent
2 advisory committee composed of parents of students enrolled in
3 that school, which committee is representative of the ethnic,
4 racial, and economic community served by the school, to advise
5 the school's principal on the programs or projects to be
6 funded. A principal may not override the recommendations of
7 the school advisory council or the parent advisory committee.
8 These moneys may not be used for capital improvements, nor may
9 they be used for any project or program that has a duration of
10 more than 1 year; however, a school advisory council or parent
11 advisory committee may independently determine that a program
12 or project formerly funded under this paragraph should receive
13 funds in a subsequent year.

14 (d) No funds shall be released for any purpose from
15 the Educational Enhancement Trust Fund to any school district
16 in which one or more schools do not have an approved school
17 improvement plan pursuant to s. 1001.42(16) ~~230.23(16)~~ or do
18 not comply with school advisory council membership composition
19 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
20 the Commissioner of Education shall withhold disbursements
21 from the trust fund to any school district that fails to adopt
22 the performance-based salary schedule required by s.
23 1012.22(1) ~~230.23(5)~~.

24 Section 884. Paragraph (a) of subsection (5) of
25 section 39.0015, Florida Statutes, is amended to read:

26 39.0015 Child abuse prevention training in the
27 district school system.--

28 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION
29 PROCESS; MONITORING AND EVALUATION.--

30 (a) Each training center shall perform the following
31 functions:

- 1 1. Act as a clearinghouse to provide information on
2 prevention curricula which meet the requirements of this
3 section and the requirements of s. ss. 39.001 ~~and 231.17~~.
4 2. Assist the local school district in selecting a
5 prevention program model which meets the needs of the local
6 community.
7 3. At the request of the local school district, design
8 and administer training sessions to develop or expand local
9 primary prevention and training programs.
10 4. Provide assistance to local school districts,
11 including, but not limited to, all of the following:
12 administration, management, program development, multicultural
13 staffing, and community education, in order to better meet the
14 requirements of this section and of s. ss. 39.001 ~~and 231.17~~.
15 5. At the request of the department or the local
16 school district, provide ongoing program development and
17 training to achieve all of the following:
18 a. Meet the special needs of children, including, but
19 not limited to, the needs of disabled and high-risk children.
20 b. Conduct an outreach program to inform the
21 surrounding communities of the existence of primary prevention
22 and training programs and of funds to conduct such programs.
23 6. Serve as a resource to the Department of Children
24 and Family Services and its districts.
25 Section 885. Paragraph (c) of subsection (3) of
26 section 39.407, Florida Statutes, is amended to read:
27 39.407 Medical, psychiatric, and psychological
28 examination and treatment of child; physical or mental
29 examination of parent or person requesting custody of child.--
30 (3)
31

1 (c) The judge may also order such child to be
2 evaluated by a district school board educational needs
3 assessment team. The educational needs assessment provided by
4 the district school board educational needs assessment team
5 shall include, but not be limited to, reports of intelligence
6 and achievement tests, screening for learning disabilities and
7 other handicaps, and screening for the need for alternative
8 education as defined in s. 1001.42 ~~230.23~~.

9 Section 886. Subsection (1) of section 61.13015,
10 Florida Statutes, is amended to read:

11 61.13015 Petition for suspension or denial of
12 professional licenses and certificates.--

13 (1) An obligee may petition the court which entered
14 the support order or the court which is enforcing the support
15 order for an order to suspend or deny the license or
16 certificate issued pursuant to chapters ~~231~~, 409, 455, 456,
17 ~~and~~ 559, and 1012 of any obligor with a delinquent support
18 obligation. However, no petition may be filed until the
19 obligee has exhausted all other available remedies. The
20 purpose of this section is to promote the public policy of s.
21 409.2551.

22 Section 887. Subsection (2) of section 105.061,
23 Florida Statutes, is amended to read:

24 105.061 Electors qualified to vote.--

25 (2) The election of members of a school board shall be
26 by vote of the qualified electors as prescribed in chapter
27 1001 ~~230~~.

28 Section 888. Paragraph (a) of subsection (1) of
29 section 110.1228, Florida Statutes, is amended to read:

30
31

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

1635

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 (1) The Department of Management Services shall
2 approve, administer, and coordinate child care services for
3 state officers' and employees' children or dependents. Duties
4 shall include, but not be limited to, reviewing and approving
5 requests from state agencies for child care services;
6 providing technical assistance on child care program startup
7 and operation; and assisting other agencies in conducting
8 needs assessments, designing centers, and selecting service
9 providers. Primary emphasis for child care services shall be
10 given to children who are not subject to compulsory school
11 attendance pursuant to part II of chapter 1003 ~~chapter 232~~,
12 and, to the extent possible, emphasis shall be placed on child
13 care for children aged 2 and under.

14 Section 891. Subsection (5) of section 110.181,
15 Florida Statutes, is amended to read:

16 110.181 Florida State Employees' Charitable
17 Campaign.--

18 (5) PARTICIPATION OF STATE UNIVERSITIES.--Each
19 university may elect to participate in the Florida State
20 Employees' Charitable Campaign, upon timely notice to the
21 department. Each university may also conduct annual
22 charitable fundraising drives for employees under the
23 authority granted in s. 1001.74(19) ~~240.209(3)(f)~~.

24 Section 892. Paragraph (d) of subsection (2) of
25 section 110.205, Florida Statutes, is amended to read:

26 110.205 Career service; exemptions.--

27 (2) EXEMPT POSITIONS.--The exempt positions that are
28 not covered by this part include the following:

29 (d) All officers and employees of the state
30 universities ~~University System~~ and the Correctional Education
31 Program within the Department of Corrections, and the academic

1 personnel and academic administrative personnel of the Florida
2 School for the Deaf and the Blind. In accordance with the
3 provisions of s. 1002.36 ~~chapter 242~~, the salaries for
4 academic personnel and academic administrative personnel of
5 the Florida School for the Deaf and the Blind shall be set by
6 the board of trustees for the school, subject only to the
7 approval of the State Board of Education. The salaries for all
8 instructional personnel and all administrative and
9 noninstructional personnel of the Correctional Education
10 Program shall be set by the Department of Corrections, subject
11 to the approval of the Department of Management Services.

12 Section 893. Paragraphs (b) and (c) of subsection (1)
13 of section 112.1915, Florida Statutes, are amended to read:

14 112.1915 Teachers and school administrators; death
15 benefits.--Any other provision of law to the contrary
16 notwithstanding:

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

18 (b) "Teacher" means any instructional staff personnel
19 as described in s. 1012.01(2) ~~228.041(9)~~.

20 (c) "School administrator" means any school
21 administrator as described in s. 1012.01(3) ~~228.041(10)(c)~~.

22 Section 894. Paragraph (h) of subsection (12) of
23 section 112.313, Florida Statutes, is amended to read:

24 112.313 Standards of conduct for public officers,
25 employees of agencies, and local government attorneys.--

26 (12) EXEMPTION.--The requirements of subsections (3)
27 and (7) as they pertain to persons serving on advisory boards
28 may be waived in a particular instance by the body which
29 appointed the person to the advisory board, upon a full
30 disclosure of the transaction or relationship to the
31 appointing body prior to the waiver and an affirmative vote in

1 favor of waiver by two-thirds vote of that body. In instances
2 in which appointment to the advisory board is made by an
3 individual, waiver may be effected, after public hearing, by a
4 determination by the appointing person and full disclosure of
5 the transaction or relationship by the appointee to the
6 appointing person. In addition, no person shall be held in
7 violation of subsection (3) or subsection (7) if:

8 (h) The transaction is made pursuant to s. 1004.22
9 ~~240.229~~ or s. 1004.23 ~~240.241~~ and is specifically approved by
10 the president and the chair of the university board of
11 trustees ~~Chancellor~~. The chair of the university board of
12 trustees ~~Chancellor~~ shall submit to the Governor and the
13 Legislature by March 1 of each year a report of the
14 transactions approved pursuant to this paragraph during the
15 preceding year.

16 Section 895. Subsection (6) of section 120.52, Florida
17 Statutes, is amended to read:

18 120.52 Definitions.--As used in this act:

19 (6) "Educational unit" means a local school district,
20 a community college district, the Florida School for the Deaf
21 and the Blind, or a state university unit of the State
22 ~~University System other than the Board of Regents~~.

23 Section 896. Paragraph (a) of subsection (1) of
24 section 120.55, Florida Statutes, is amended to read:

25 120.55 Publication.--

26 (1) The Department of State shall:

27 (a)1. Publish in a permanent compilation entitled
28 "Florida Administrative Code" all rules adopted by each
29 agency, citing the specific rulemaking authority pursuant to
30 which each rule was adopted, all history notes as authorized
31 in s. 120.545(9), and complete indexes to all rules contained

1 in the code. Supplementation shall be made as often as
2 practicable, but at least monthly. The department may
3 contract with a publishing firm for the publication, in a
4 timely and useful form, of the Florida Administrative Code;
5 however, the department shall retain responsibility for the
6 code as provided in this section. This publication shall be
7 the official compilation of the administrative rules of this
8 state. The Department of State shall retain the copyright
9 over the Florida Administrative Code.

10 2. Rules general in form but applicable to only one
11 school district, community college district, or county, or a
12 part thereof, or state university rules relating to internal
13 personnel or business and finance shall not be published in
14 the Florida Administrative Code. Exclusion from publication in
15 the Florida Administrative Code shall not affect the validity
16 or effectiveness of such rules.

17 3. At the beginning of the section of the code dealing
18 with an agency that files copies of its rules with the
19 department, the department shall publish the address and
20 telephone number of the executive offices of each agency, the
21 manner by which the agency indexes its rules, a listing of all
22 rules of that agency excluded from publication in the code,
23 and a statement as to where those rules may be inspected.

24 4. Forms shall not be published in the Florida
25 Administrative Code; but any form which an agency uses in its
26 dealings with the public, along with any accompanying
27 instructions, shall be filed with the committee before it is
28 used. Any form or instruction which meets the definition of
29 "rule" provided in s. 120.52 shall be incorporated by
30 reference into the appropriate rule. The reference shall
31 specifically state that the form is being incorporated by

1 reference and shall include the number, title, and effective
2 date of the form and an explanation of how the form may be
3 obtained.

4 Section 897. Paragraphs (a), (c), (e), (g), (i), and
5 (j) of subsection (1) of section 120.81, Florida Statutes, are
6 amended to read:

7 120.81 Exceptions and special requirements; general
8 areas.--

9 (1) EDUCATIONAL UNITS.--

10 (a) Notwithstanding s. 120.536(1) and the flush left
11 provisions of s. 120.52(8), district school boards may adopt
12 rules to implement their general powers under s. 1001.41
13 ~~230.22~~.

14 (c) Notwithstanding s. 120.52(15), any tests, test
15 scoring criteria, or testing procedures relating to student
16 assessment which are developed or administered by the
17 Department of Education pursuant to s. 1003.43 ~~229.57~~, s.
18 1003.438, s. 1008.22 ~~232.245~~, or s. 1008.25 ~~232.246~~, or s.
19 ~~232.247~~, or any other statewide educational tests required by
20 law, are not rules.

21 (e) Educational units, other than the state
22 universities ~~units of the State University System~~ and the
23 Florida School for the Deaf and the Blind, shall not be
24 required to make filings with the committee of the documents
25 required to be filed by s. 120.54 or s. 120.55(1)(a)4.

26 (g) Sections 120.569 and 120.57 do not apply to any
27 proceeding in which the substantial interests of a student are
28 determined by a state university ~~the State University System~~
29 or a community college ~~district~~. ~~The Board of Regents shall~~
30 ~~establish a committee, at least half of whom shall be~~
31 ~~appointed by the Council of Student Body Presidents, which~~

1 ~~shall establish rules and guidelines ensuring fairness and due~~
2 ~~process in judicial proceedings involving students in the~~
3 ~~State University System.~~

4 (i) For purposes of s. 120.68, a district school board
5 whose decision is reviewed under the provisions of s. 1012.33
6 ~~231.36~~ and whose final action is modified by a superior
7 administrative decision shall be a party entitled to judicial
8 review of the final action.

9 (j) Notwithstanding s. 120.525(2), the agenda for a
10 special meeting of a district school board under authority of
11 s. 1001.372(1) ~~230.16~~ shall be prepared upon the calling of
12 the meeting, but not less than 48 hours prior to the meeting.

13 Section 898. Paragraph (c) of subsection (2) of
14 section 121.051, Florida Statutes, is amended to read:

15 121.051 Participation in the system.--

16 (2) OPTIONAL PARTICIPATION.--

17 (c) Employees of ~~members of the Florida~~ community
18 colleges ~~College System~~ or charter technical career centers
19 sponsored by members of the ~~Florida~~ community colleges ~~College~~
20 ~~System~~, as designated in s. 1000.21(3) ~~240.3031~~, who are
21 members of the Regular Class of the Florida Retirement System
22 and who comply with the criteria set forth in this paragraph
23 and in s. 1012.875 ~~240.3195~~ may elect, in lieu of
24 participating in the Florida Retirement System, to withdraw
25 from the Florida Retirement System altogether and participate
26 in a lifetime monthly annuity program, to be known as the
27 State Community College System Optional Retirement Program,
28 which may be provided by the employing agency under s.
29 1012.875 ~~240.3195~~. Pursuant thereto:

30 1. Through June 30, 2001, the cost to the employer for
31 such annuity shall equal the normal cost portion of the

1 employer retirement contribution which would be required if
2 the employee were a member of the Regular Class defined
3 benefit program, plus the portion of the contribution rate
4 required by s. 112.363(8) that would otherwise be assigned to
5 the Retiree Health Insurance Subsidy Trust Fund. Effective
6 July 1, 2001, each employer shall contribute on behalf of each
7 participant in the optional program an amount equal to 10.43
8 percent of the participant's gross monthly compensation. The
9 employer shall deduct an amount to provide for the
10 administration of the optional retirement program. The
11 employer providing such annuity shall contribute an additional
12 amount to the Florida Retirement System Trust Fund equal to
13 the unfunded actuarial accrued liability portion of the
14 Regular Class contribution rate.

15 2. The decision to participate in such an optional
16 retirement program shall be irrevocable for as long as the
17 employee holds a position eligible for participation. Any
18 service creditable under the Florida Retirement System shall
19 be retained after the member withdraws from the Florida
20 Retirement System; however, additional service credit in the
21 Florida Retirement System shall not be earned while a member
22 of the optional retirement program.

23 3. Participation in an optional annuity program shall
24 be limited to those employees who satisfy the following
25 eligibility criteria:

26 a. The employee must be otherwise eligible for
27 membership in the Regular Class of the Florida Retirement
28 System, as provided in s. 121.021(11) and (12).

29 b. The employee must be employed in a full-time
30 position classified in the Accounting Manual for Florida's
31 Public Community Colleges as:

1 (I) Instructional; or

2 (II) Executive Management, Instructional Management,
3 or Institutional Management, if a community college determines
4 that recruiting to fill a vacancy in the position is to be
5 conducted in the national or regional market, and:

6 (A) The duties and responsibilities of the position
7 include either the formulation, interpretation, or
8 implementation of policies; or

9 (B) The duties and responsibilities of the position
10 include the performance of functions that are unique or
11 specialized within higher education and that frequently
12 involve the support of the mission of the community college.

13 c. The employee must be employed in a position not
14 included in the Senior Management Service Class of the Florida
15 Retirement System, as described in s. 121.055.

16 4. Participants in the program are subject to the same
17 reemployment limitations, renewed membership provisions, and
18 forfeiture provisions as are applicable to regular members of
19 the Florida Retirement System under ss. 121.091(9), 121.122,
20 and 121.091(5), respectively.

21 5. Eligible community college employees shall be
22 compulsory members of the Florida Retirement System until,
23 pursuant to the procedures set forth in s. 1012.875 ~~240.3195~~,
24 the first day of the next full calendar month following the
25 filing of both a written election to withdraw and a completed
26 application for an individual contract or certificate with the
27 program administrator and receipt of such election by the
28 division.

29 Section 899. Paragraph (a) of subsection (13) of
30 section 121.091, Florida Statutes, is amended to read:

31

1 121.091 Benefits payable under the system.--Benefits
2 may not be paid under this section unless the member has
3 terminated employment as provided in s. 121.021(39)(a) or
4 begun participation in the Deferred Retirement Option Program
5 as provided in subsection (13), and a proper application has
6 been filed in the manner prescribed by the department. The
7 department may cancel an application for retirement benefits
8 when the member or beneficiary fails to timely provide the
9 information and documents required by this chapter and the
10 department's rules. The department shall adopt rules
11 establishing procedures for application for retirement
12 benefits and for the cancellation of such application when the
13 required information or documents are not received.

14 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
15 and subject to the provisions of this section, the Deferred
16 Retirement Option Program, hereinafter referred to as the
17 DROP, is a program under which an eligible member of the
18 Florida Retirement System may elect to participate, deferring
19 receipt of retirement benefits while continuing employment
20 with his or her Florida Retirement System employer. The
21 deferred monthly benefits shall accrue in the System Trust
22 Fund on behalf of the participant, plus interest compounded
23 monthly, for the specified period of the DROP participation,
24 as provided in paragraph (c). Upon termination of employment,
25 the participant shall receive the total DROP benefits and
26 begin to receive the previously determined normal retirement
27 benefits. Participation in the DROP does not guarantee
28 employment for the specified period of DROP.

29 (a) Eligibility of member to participate in the
30 DROP.--All active Florida Retirement System members in a
31 regularly established position, and all active members of

1 either the Teachers' Retirement System established in chapter
2 238 or the State and County Officers' and Employees'
3 Retirement System established in chapter 122 which systems are
4 consolidated within the Florida Retirement System under s.
5 121.011, are eligible to elect participation in the DROP
6 provided that:

7 1. The member is not a renewed member of the Florida
8 Retirement System under s. 121.122, or a member of the State
9 Community College System Optional Retirement Program under s.
10 121.051, the Senior Management Service Optional Annuity
11 Program under s. 121.055, or the optional retirement program
12 for the State University System under s. 121.35.

13 2. Except as provided in subparagraph 6., election to
14 participate is made within 12 months immediately following the
15 date on which the member first reaches normal retirement date,
16 or, for a member who reaches normal retirement date based on
17 service before he or she reaches age 62, or age 55 for Special
18 Risk Class members, election to participate may be deferred to
19 the 12 months immediately following the date the member
20 attains 57, or age 52 for Special Risk Class members. For a
21 member who first reached normal retirement date or the
22 deferred eligibility date described above prior to the
23 effective date of this section, election to participate shall
24 be made within 12 months after the effective date of this
25 section. A member who fails to make an election within such
26 12-month limitation period shall forfeit all rights to
27 participate in the DROP. The member shall advise his or her
28 employer and the division in writing of the date on which the
29 DROP shall begin. Such beginning date may be subsequent to the
30 12-month election period, but must be within the 60-month
31 limitation period as provided in subparagraph (b)1. When

1 establishing eligibility of the member to participate in the
2 DROP for the 60-month maximum participation period, the member
3 may elect to include or exclude any optional service credit
4 purchased by the member from the total service used to
5 establish the normal retirement date. A member with dual
6 normal retirement dates shall be eligible to elect to
7 participate in DROP within 12 months after attaining normal
8 retirement date in either class.

9 3. The employer of a member electing to participate in
10 the DROP, or employers if dually employed, shall acknowledge
11 in writing to the division the date the member's participation
12 in the DROP begins and the date the member's employment and
13 DROP participation will terminate.

14 4. Simultaneous employment of a participant by
15 additional Florida Retirement System employers subsequent to
16 the commencement of participation in the DROP shall be
17 permissible provided such employers acknowledge in writing a
18 DROP termination date no later than the participant's existing
19 termination date or the 60-month limitation period as provided
20 in subparagraph (b)1.

21 5. A DROP participant may change employers while
22 participating in the DROP, subject to the following:

23 a. A change of employment must take place without a
24 break in service so that the member receives salary for each
25 month of continuous DROP participation. If a member receives
26 no salary during a month, DROP participation shall cease
27 unless the employer verifies a continuation of the employment
28 relationship for such participant pursuant to s.
29 121.021(39)(b).

30
31

1 b. Such participant and new employer shall notify the
2 division on forms required by the division as to the identity
3 of the new employer.

4 c. The new employer shall acknowledge, in writing, the
5 participant's DROP termination date, which may be extended but
6 not beyond the original 60-month period provided in
7 subparagraph (b)1., shall acknowledge liability for any
8 additional retirement contributions and interest required if
9 the participant fails to timely terminate employment, and
10 shall be subject to the adjustment required in
11 sub-subparagraph (c)5.d.

12 6. Effective July 1, 2001, for instructional personnel
13 as defined in s. 1012.01(2) ~~228.041(9)(a)-(d)~~, election to
14 participate in the DROP shall be made at any time following
15 the date on which the member first reaches normal retirement
16 date. The member shall advise his or her employer and the
17 division in writing of the date on which the Deferred
18 Retirement Option Program shall begin. When establishing
19 eligibility of the member to participate in the DROP for the
20 60-month maximum participation period, as provided in
21 subparagraph (b)1., the member may elect to include or exclude
22 any optional service credit purchased by the member from the
23 total service used to establish the normal retirement date. A
24 member with dual normal retirement dates shall be eligible to
25 elect to participate in either class.

26 Section 900. Subsection (2) of section 145.131,
27 Florida Statutes, is amended to read:

28 145.131 Repeal of other laws relating to compensation;
29 exceptions.--

30 (2) The compensation of any official whose salary is
31 fixed by this chapter shall be the subject of general law

1 only, except that the compensation of certain school
2 superintendents may be set by school boards in accordance with
3 the provisions of s. 1001.47 ~~230.303~~.

4 Section 901. Subsection (2) of section 145.19, Florida
5 Statutes, is amended to read:

6 145.19 Annual percentage increases based on increase
7 for state career service employees; limitation.--

8 (2) Each fiscal year, the salaries of all officials
9 listed in this chapter and ss. 1001.395 ~~230.202~~ and 1001.47
10 ~~230.303~~ shall be adjusted by the annual factor. The Department
11 of Management Services shall certify the annual factor and the
12 cumulative annual factors. The adjusted salary rate shall be
13 the product, rounded to the nearest dollar, of the salary rate
14 granted by the appropriate section of this chapter multiplied
15 first by the initial factor, then by the cumulative annual
16 factor, and finally by the annual factor. Any special
17 qualification salary received under this chapter shall be
18 added to such adjusted salary rate, which special
19 qualification salary shall be \$2,000, but shall not exceed
20 \$2,000.

21 Section 902. Section 153.77, Florida Statutes, is
22 amended to read:

23 153.77 District bonds as securities for public
24 bodies.--All revenue bonds, general obligation bonds, or
25 assessment bonds issued pursuant to this law shall be and
26 constitute legal investments for state, county, municipal, and
27 all other public funds and for banks, savings banks, insurance
28 companies, executors, administrators, trustees, and all other
29 fiduciaries and shall also be and constitute securities
30 eligible as collateral security for all state, county,
31 municipal, or other public funds, subject to the restrictions

1 and limitations of chapters 18, 136, ~~237~~, 518, 655, 657, 658,
2 ~~and~~ 660-665, and 1011.

3 Section 903. Subsection (22) of section 159.27,
4 Florida Statutes, is amended to read:

5 159.27 Definitions.--The following words and terms,
6 unless the context clearly indicates a different meaning,
7 shall have the following meanings:

8 (22) "Educational facility" means:

9 (a) Property, limited to a structure suitable for use
10 as a dormitory or other housing facility or a dining facility,
11 that is operated in the public sector and used for or useful
12 in connection with the operation of an institution for higher
13 education, as defined in s. 243.20(8), which offers the
14 baccalaureate or a higher degree and that is constructed in
15 compliance with applicable codes as determined by appropriate
16 state agencies.

17 (b) Property that comprises the buildings and
18 equipment, structures, and special education use areas that
19 are built, installed, or established to serve primarily the
20 educational purposes of operating any nonprofit private
21 preschool, kindergarten, elementary school, middle school, or
22 high school that is established under chapter 617 or chapter
23 623, or that is owned or operated by an organization described
24 in s. 501(c)(3) of the United States Internal Revenue Code, or
25 operating any preschool, kindergarten, elementary school,
26 middle school, or high school that is owned or operated as
27 part of the state's system of public education, including, but
28 not limited to, a charter school or a developmental research
29 school operated under chapter 1002 ~~228~~. The requirements of
30 this part for the financing of projects through local agencies
31 shall also apply to such schools. Bonds issued under the

1650

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 provisions of this part for such schools shall not be deemed
2 to constitute a debt, liability, or obligation of the state or
3 any political subdivision thereof, or a pledge of the faith
4 and credit of the state or of any such political subdivision,
5 but shall be payable solely from the revenues provided
6 therefor.

7 Section 904. Paragraph (h) of subsection (6) and
8 paragraph (a) of subsection (12) of section 163.3177, Florida
9 Statutes, are amended to read:

10 163.3177 Required and optional elements of
11 comprehensive plan; studies and surveys.--

12 (6) In addition to the requirements of subsections
13 (1)-(5), the comprehensive plan shall include the following
14 elements:

15 (h)1. An intergovernmental coordination element
16 showing relationships and stating principles and guidelines to
17 be used in the accomplishment of coordination of the adopted
18 comprehensive plan with the plans of school boards and other
19 units of local government providing services but not having
20 regulatory authority over the use of land, with the
21 comprehensive plans of adjacent municipalities, the county,
22 adjacent counties, or the region, and with the state
23 comprehensive plan, as the case may require and as such
24 adopted plans or plans in preparation may exist. This element
25 of the local comprehensive plan shall demonstrate
26 consideration of the particular effects of the local plan,
27 when adopted, upon the development of adjacent municipalities,
28 the county, adjacent counties, or the region, or upon the
29 state comprehensive plan, as the case may require.

30 a. The intergovernmental coordination element shall
31 provide for procedures to identify and implement joint

1 planning areas, especially for the purpose of annexation,
2 municipal incorporation, and joint infrastructure service
3 areas.

4 b. The intergovernmental coordination element shall
5 provide for recognition of campus master plans prepared
6 pursuant to s. 1013.30 ~~240.155~~.

7 c. The intergovernmental coordination element may
8 provide for a voluntary dispute resolution process as
9 established pursuant to s. 186.509 for bringing to closure in
10 a timely manner intergovernmental disputes. A local
11 government may develop and use an alternative local dispute
12 resolution process for this purpose.

13 2. The intergovernmental coordination element shall
14 further state principles and guidelines to be used in the
15 accomplishment of coordination of the adopted comprehensive
16 plan with the plans of school boards and other units of local
17 government providing facilities and services but not having
18 regulatory authority over the use of land. In addition, the
19 intergovernmental coordination element shall describe joint
20 processes for collaborative planning and decisionmaking on
21 population projections and public school siting, the location
22 and extension of public facilities subject to concurrency, and
23 siting facilities with countywide significance, including
24 locally unwanted land uses whose nature and identity are
25 established in an agreement. Within 1 year of adopting their
26 intergovernmental coordination elements, each county, all the
27 municipalities within that county, the district school board,
28 and any unit of local government service providers in that
29 county shall establish by interlocal or other formal agreement
30 executed by all affected entities, the joint processes

31

1 described in this subparagraph consistent with their adopted
2 intergovernmental coordination elements.

3 3. To foster coordination between special districts
4 and local general-purpose governments as local general-purpose
5 governments implement local comprehensive plans, each
6 independent special district must submit a public facilities
7 report to the appropriate local government as required by s.
8 189.415.

9 4. The state land planning agency shall establish a
10 schedule for phased completion and transmittal of plan
11 amendments to implement subparagraphs 1., 2., and 3. from all
12 jurisdictions so as to accomplish their adoption by December
13 31, 1999. A local government may complete and transmit its
14 plan amendments to carry out these provisions prior to the
15 scheduled date established by the state land planning agency.
16 The plan amendments are exempt from the provisions of s.
17 163.3187(1).

18 (12) A public school facilities element adopted to
19 implement a school concurrency program shall meet the
20 requirements of this subsection.

21 (a) A public school facilities element shall be based
22 upon data and analyses that address, among other items, how
23 level-of-service standards will be achieved and maintained.
24 Such data and analyses must include, at a minimum, such items
25 as: the 5-year school district facilities work program adopted
26 pursuant to s. 1013.35 ~~235.185~~; the educational plant survey
27 and an existing educational and ancillary plant map or map
28 series; information on existing development and development
29 anticipated for the next 5 years and the long-term planning
30 period; an analysis of problems and opportunities for existing
31 schools and schools anticipated in the future; an analysis of

1 opportunities to collocate future schools with other public
2 facilities such as parks, libraries, and community centers; an
3 analysis of the need for supporting public facilities for
4 existing and future schools; an analysis of opportunities to
5 locate schools to serve as community focal points; projected
6 future population and associated demographics, including
7 development patterns year by year for the upcoming 5-year and
8 long-term planning periods; and anticipated educational and
9 ancillary plants with land area requirements.

10 Section 905. Paragraph (k) of subsection (2) of
11 section 163.3191, Florida Statutes, is amended to read:

12 163.3191 Evaluation and appraisal of comprehensive
13 plan.--

14 (2) The report shall present an evaluation and
15 assessment of the comprehensive plan and shall contain
16 appropriate statements to update the comprehensive plan,
17 including, but not limited to, words, maps, illustrations, or
18 other media, related to:

19 (k) The coordination of the comprehensive plan with
20 existing public schools and those identified in the applicable
21 5-year school district facilities work program adopted
22 pursuant to s. 1013.35 ~~235.185~~. The assessment shall address,
23 where relevant, the success or failure of the coordination of
24 the future land use map and associated planned residential
25 development with public schools and their capacities, as well
26 as the joint decisionmaking processes engaged in by the local
27 government and the school board in regard to establishing
28 appropriate population projections and the planning and siting
29 of public school facilities. If the issues are not relevant,
30 the local government shall demonstrate that they are not
31 relevant.

1 Section 906. Paragraph (b) of subsection (3) of
2 section 195.096, Florida Statutes, is amended to read:

3 195.096 Review of assessment rolls.--

4 (3)

5 (b) When necessary for compliance with s. 1011.62
6 ~~236.081~~, and for those counties not being studied in the
7 current year, the department shall project value-weighted mean
8 levels of assessment for each county. The department shall
9 make its projection based upon the best information available,
10 utilizing professionally accepted methodology, and shall
11 separately allocate changes in total assessed value to:

12 1. New construction, additions, and deletions.

13 2. Changes in the value of the dollar.

14 3. Changes in the market value of property other than
15 those attributable to changes in the value of the dollar.

16 4. Changes in the level of assessment.

17
18 In lieu of the statistical and analytical measures published
19 pursuant to paragraph (a), the department shall publish
20 details concerning the computation of estimated assessment
21 levels and the allocation of changes in assessed value for
22 those counties not subject to an in-depth review.

23 Section 907. Subsection (5) of section 196.012,
24 Florida Statutes, is amended to read:

25 196.012 Definitions.--For the purpose of this chapter,
26 the following terms are defined as follows, except where the
27 context clearly indicates otherwise:

28 (5) "Educational institution" means a federal, state,
29 parochial, church, or private school, college, or university
30 conducting regular classes and courses of study required for
31 eligibility to certification by, accreditation to, or

1 membership in the State Department of Education of Florida,
2 Southern Association of Colleges and Schools, or the Florida
3 Council of Independent Schools; a nonprofit private school the
4 principal activity of which is conducting regular classes and
5 courses of study accepted for continuing postgraduate dental
6 education credit by a board of the Division of Medical Quality
7 Assurance; educational direct-support organizations created
8 pursuant to ss. 1001.24, 1004.28, and 1004.70 ~~229.8021,~~
9 ~~240.299, and 240.331~~; facilities located on the property of
10 eligible entities which will become owned by those entities on
11 a date certain; and institutions of higher education, as
12 defined under and participating in the Higher Educational
13 Facilities Financing Act.

14 Section 908. Subsection (4) of section 196.031,
15 Florida Statutes, is amended to read:

16 196.031 Exemption of homesteads.--

17 (4) The property appraisers of the various counties
18 shall each year compile a list of taxable property and its
19 value removed from the assessment rolls of each school
20 district as a result of the excess of exempt value above that
21 amount allowed for nonschool levies as provided in subsections
22 (1) and (3), as well as a statement of the loss of tax revenue
23 to each school district from levies other than the minimum
24 financial effort required pursuant to s. 1011.60(6) ~~236.02(6)~~,
25 and shall deliver a copy thereof to the Department of Revenue
26 upon certification of the assessment roll to the tax
27 collector.

28 Section 909. Section 196.1983, Florida Statutes, is
29 amended to read:

30 196.1983 Charter school exemption from ad valorem
31 taxes.--Any facility, or portion thereof, used to house a

1 charter school whose charter has been approved by the sponsor
2 and the governing board pursuant to s. 1002.33(9) ~~228.056(9)~~
3 shall be exempt from ad valorem taxes. For leasehold
4 properties, the landlord must certify by affidavit to the
5 charter school that the lease payments shall be reduced to the
6 extent of the exemption received. The owner of the property
7 shall disclose to a charter school the full amount of the
8 benefit derived from the exemption and the method for ensuring
9 that the charter school receives such benefit. The charter
10 school shall receive the full benefit derived from the
11 exemption through either an annual or monthly credit to the
12 charter school's lease payments.

13 Section 910. Paragraphs (a), (b), and (d) of
14 subsection (3) of section 200.001, Florida Statutes, are
15 amended to read:

16 200.001 Millages; definitions and general
17 provisions.--

18 (3) School millages shall be composed of five
19 categories of millage rates, as follows:

20 (a) Nonvoted required school operating millage, which
21 shall be that nonvoted millage rate set by the county school
22 board for current operating purposes and imposed pursuant to
23 s. 1011.60(6) ~~236.02(6)~~.

24 (b) Nonvoted discretionary school operating millage,
25 which shall be that nonvoted millage rate set by the county
26 school board for operating purposes other than the rate
27 imposed pursuant to s. 1011.60(6) ~~236.02(6)~~ and other than the
28 rate authorized in s. 1011.71(2) ~~236.25(2)~~.

29 (d) Nonvoted district school capital improvement
30 millage, which shall be that millage rate set by the district
31

1 school board for capital improvements as authorized in s.
2 1011.71(2) ~~236.25(2)~~.

3 Section 911. Paragraph (a) of subsection (2),
4 paragraphs (c) and (d) of subsection (3), paragraph (a) of
5 subsection (9), subsection (10), and paragraph (b) of
6 subsection (12) of section 200.065, Florida Statutes, are
7 amended to read:

8 200.065 Method of fixing millage.--

9 (2) No millage shall be levied until a resolution or
10 ordinance has been approved by the governing board of the
11 taxing authority which resolution or ordinance must be
12 approved by the taxing authority according to the following
13 procedure:

14 (a)1. Upon preparation of a tentative budget, but
15 prior to adoption thereof, each taxing authority shall compute
16 a proposed millage rate necessary to fund the tentative budget
17 other than the portion of the budget to be funded from sources
18 other than ad valorem taxes. In computing proposed or final
19 millage rates, each taxing authority shall utilize not less
20 than 95 percent of the taxable value certified pursuant to
21 subsection (1).

22 2. The tentative budget of the county commission shall
23 be prepared and submitted in accordance with s. 129.03.

24 3. The tentative budget of the school district shall
25 be prepared and submitted in accordance with chapter 1011 ~~237~~,
26 provided that the date of submission shall not be later than
27 24 days after certification of value pursuant to subsection
28 (1).

29 4. Taxing authorities other than the county and school
30 district shall prepare and consider tentative and final
31 budgets in accordance with this section and applicable

1 provisions of law, including budget procedures applicable to
2 the taxing authority, provided such procedures do not conflict
3 with general law.

4 (3) The advertisement shall be no less than
5 one-quarter page in size of a standard size or a tabloid size
6 newspaper, and the headline in the advertisement shall be in a
7 type no smaller than 18 point. The advertisement shall not be
8 placed in that portion of the newspaper where legal notices
9 and classified advertisements appear. The advertisement shall
10 be published in a newspaper of general paid circulation in the
11 county or in a geographically limited insert of such
12 newspaper. The geographic boundaries in which such insert is
13 circulated shall include the geographic boundaries of the
14 taxing authority. It is the legislative intent that, whenever
15 possible, the advertisement appear in a newspaper that is
16 published at least 5 days a week unless the only newspaper in
17 the county is published less than 5 days a week, or that the
18 advertisement appear in a geographically limited insert of
19 such newspaper which insert is published throughout the taxing
20 authority's jurisdiction at least twice each week. It is
21 further the legislative intent that the newspaper selected be
22 one of general interest and readership in the community and
23 not one of limited subject matter, pursuant to chapter 50.

24 (c) For school districts which have proposed a millage
25 rate in excess of 100 percent of the rolled-back rate computed
26 pursuant to subsection (1) and which propose to levy nonvoted
27 millage in excess of the minimum amount required pursuant to
28 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be in the
29 following form:

30
31 NOTICE OF PROPOSED TAX INCREASE

1659

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1
2 The ...(name of school district)... will soon consider
3 a measure to increase its property tax levy.
4 Last year's property tax levy:
5 A. Initially proposed tax levy.....\$XX,XXX,XXX
6 B. Less tax reductions due to Value Adjustment Board
7 and other assessment changes.....(\$XX,XXX,XXX)
8 C. Actual property tax levy.....\$XX,XXX,XXX
9 This year's proposed tax levy.....\$XX,XXX,XXX
10 A portion of the tax levy is required under state law
11 in order for the school board to receive \$...(amount A)... in
12 state education grants. The required portion has ...(increased
13 or decreased)... by ...(amount B)... percent and represents
14 approximately ...(amount C)... of the total proposed taxes.
15 The remainder of the taxes is proposed solely at the
16 discretion of the school board.
17 All concerned citizens are invited to a public hearing
18 on the tax increase to be held on ...(date and time)... at
19 ...(meeting place)....
20 A DECISION on the proposed tax increase and the budget
21 will be made at this hearing.
22
23 1. AMOUNT A shall be an estimate, provided by the
24 Department of Education, of the amount to be received in the
25 current fiscal year by the district from state appropriations
26 for the Florida Education Finance Program.
27 2. AMOUNT B shall be the percent increase over the
28 rolled-back rate necessary to levy only the required local
29 effort in the current fiscal year, computed as though in the
30 preceding fiscal year only the required local effort was
31 levied.

1 3. AMOUNT C shall be the quotient of required
2 local-effort millage divided by the total proposed nonvoted
3 millage, rounded to the nearest tenth and stated in words;
4 however, the stated amount shall not exceed nine-tenths.
5

6 (d) For school districts which have proposed a millage
7 rate in excess of 100 percent of the rolled-back rate computed
8 pursuant to subsection (1) and which propose to levy as
9 nonvoted millage only the minimum amount required pursuant to
10 s. 1011.60(6) ~~236.02(6)~~, the advertisement shall be the same
11 as provided in paragraph (c), except that the second and third
12 paragraphs shall be replaced with the following paragraph:
13

14 This increase is required under state law in order for
15 the school board to receive \$...(amount A)... in state
16 education grants.
17

18 (9)(a) In addition to the notice required in
19 subsection (3), a district school board shall publish a second
20 notice of intent to levy additional taxes under s. 1011.71(2)
21 ~~236.25(2)~~. Such notice shall specify the projects or number
22 of school buses anticipated to be funded by such additional
23 taxes and shall be published in the size, within the time
24 periods, adjacent to, and in substantial conformity with the
25 advertisement required under subsection (3). The projects
26 shall be listed in priority within each category as follows:
27 construction and remodeling; maintenance, renovation, and
28 repair; motor vehicle purchases; new and replacement
29 equipment; payments for educational facilities and sites due
30 under a lease-purchase agreement; payments for renting and
31 leasing educational facilities and sites; payments of loans

1 approved pursuant to ss. 1011.14 ~~237.161~~ and 1011.15 ~~237.162~~;
2 payment of costs of compliance with environmental statutes and
3 regulations; and payment of costs of leasing relocatable
4 educational facilities. The additional notice shall be in the
5 following form, except that if the district school board is
6 proposing to levy the same millage under s. 1011.71(2)
7 ~~236.25(2)~~ which it levied in the prior year, the words
8 "continue to" shall be inserted before the word "impose" in
9 the first sentence, and except that the second sentence of the
10 second paragraph shall be deleted if the district is
11 advertising pursuant to paragraph (3)(e):

12
13 NOTICE OF TAX FOR SCHOOL
14 CAPITAL OUTLAY
15

16 The ...(name of school district)... will soon consider
17 a measure to impose a ...(number)... mill property tax for the
18 capital outlay projects listed herein.

19 This tax is in addition to the school board's proposed
20 tax of ...(number)... mills for operating expenses and is
21 proposed solely at the discretion of the school board. THE
22 PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING
23 EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

24 The capital outlay tax will generate approximately
25 \$...(amount)..., to be used for the following projects:

26
27 ...(list of capital outlay projects)...
28

29 All concerned citizens are invited to a public hearing
30 to be held on ...(date and time)... at ...(meeting place)....
31

1 A DECISION on the proposed CAPITAL OUTLAY TAXES will be
2 made at this hearing.

3
4 (10) Notwithstanding the provisions of paragraph
5 (2)(b) and s. 200.069(4)(c) to the contrary, the proposed
6 millage rates provided to the property appraiser by the taxing
7 authority, except for millage rates adopted by referendum, for
8 rates authorized by s. 1011.71 ~~236.25~~, and for rates required
9 by law to be in a specified millage amount, shall be adjusted
10 in the event that a review notice is issued pursuant to s.
11 193.1142(4) and the taxable value on the approved roll is at
12 variance with the taxable value certified pursuant to
13 subsection (1). The adjustment shall be made by the property
14 appraiser, who shall notify the taxing authorities affected by
15 the adjustment within 5 days of the date the roll is approved
16 pursuant to s. 193.1142(4). The adjustment shall be such as
17 to provide for no change in the dollar amount of taxes levied
18 from that initially proposed by the taxing authority.

19 (12)

20 (b) Within 30 days of the deadline for certification
21 of compliance required by s. 200.068, the department shall
22 notify any taxing authority in violation of this section that
23 it is subject to paragraph (c). Except for revenues from voted
24 levies or levies imposed pursuant to s. 1011.60(6) ~~236.02(6)~~,
25 the revenues of any taxing authority in violation of this
26 section collected in excess of the rolled-back rate shall be
27 held in escrow until the process required by paragraph (c) is
28 completed and approved by the department. The department shall
29 direct the tax collector to so hold such funds.

30
31

1 Section 912. Subsection (3) and paragraph (a) of
2 subsection (4) of section 200.069, Florida Statutes, are
3 amended to read:

4 200.069 Notice of proposed property taxes and non-ad
5 valorem assessments.--Pursuant to s. 200.065(2)(b), the
6 property appraiser, in the name of the taxing authorities and
7 local governing boards levying non-ad valorem assessments
8 within his or her jurisdiction and at the expense of the
9 county, shall prepare and deliver by first-class mail to each
10 taxpayer to be listed on the current year's assessment roll a
11 notice of proposed property taxes, which notice shall be in
12 substantially the following form. Notwithstanding the
13 provisions of s. 195.022, no county officer shall use a form
14 other than that provided by the department for this purpose,
15 except as provided in s. 200.065(13).

16 (3) There shall be under each column heading an entry
17 for the county; the school district levy required pursuant to
18 s. 1011.60(6) ~~236.02(6)~~; other operating school levies; the
19 municipality or municipal service taxing unit or units in
20 which the parcel lies, if any; the water management district
21 levying pursuant to s. 373.503; the independent special
22 districts in which the parcel lies, if any; and for all voted
23 levies for debt service applicable to the parcel, if any.

24 (4) For each entry listed in subsection (3), there
25 shall appear on the notice the following:

26 (a) In the first column, a brief, commonly used name
27 for the taxing authority or its governing body. The entry in
28 the first column for the levy required pursuant to s.
29 1011.60(6) ~~236.02(6)~~ shall be "By State Law." The entry for
30 other operating school district levies shall be "By Local
31 Board." Both school levy entries shall be indented and

1 preceded by the notation "Public Schools:". For each voted
2 levy for debt service, the entry shall be "Voter Approved Debt
3 Payments."

4 Section 913. Subsection (2) of section 201.24, Florida
5 Statutes, is amended to read:

6 201.24 Obligations of municipalities, political
7 subdivisions, and agencies of the state.--There shall be
8 exempt from all taxes imposed by this chapter:

9 (2) Any assignment, transfer, or other disposition, or
10 any document, which arises out of a rental, lease, or
11 lease-purchase for real property agreement entered pursuant to
12 s. 1013.15(2) or (4) ~~235.056(2) or (3)~~.

13 Section 914. Paragraph (b) of subsection (2) of
14 section 210.20, Florida Statutes, is amended to read:

15 210.20 Employees and assistants; distribution of
16 funds.--

17 (2) As collections are received by the division from
18 such cigarette taxes, it shall pay the same into a trust fund
19 in the State Treasury designated "Cigarette Tax Collection
20 Trust Fund" which shall be paid and distributed as follows:

21 (b) Beginning January 1, 1999, and continuing for 10
22 years thereafter, the division shall from month to month
23 certify to the Comptroller the amount derived from the
24 cigarette tax imposed by s. 210.02, less the service charges
25 provided for in s. 215.20 and less 0.9 percent of the amount
26 derived from the cigarette tax imposed by s. 210.02 which
27 shall be deposited into the Alcoholic Beverage and Tobacco
28 Trust Fund, specifying an amount equal to 2.59 percent of the
29 net collections, and that amount shall be paid to the Board of
30 Directors of the H. Lee Moffitt Cancer Center and Research
31 Institute, established under s. 1004.43 ~~240.512~~, by warrant

1 drawn by the Comptroller upon the State Treasury. These funds
2 are hereby appropriated monthly out of the Cigarette Tax
3 Collection Trust Fund, to be used for the purpose of
4 constructing, furnishing, and equipping a cancer research
5 facility at the University of South Florida adjacent to the H.
6 Lee Moffitt Cancer Center and Research Institute. In fiscal
7 years 1999-2000 and thereafter with the exception of fiscal
8 year 2008-2009, the appropriation to the H. Lee Moffitt Cancer
9 Center and Research Institute authorized by this paragraph
10 shall not be less than the amount which would have been paid
11 to the H. Lee Moffitt Cancer Center and Research Institute for
12 fiscal year 1998-1999 had payments been made for the entire
13 fiscal year rather than for a 6-month period thereof.

14 Section 915. Paragraph (a) of subsection (2) of
15 section 212.04, Florida Statutes, is amended to read:

16 212.04 Admissions tax; rate, procedure, enforcement.--

17 (2)(a)1. No tax shall be levied on admissions to
18 athletic or other events sponsored by elementary schools,
19 junior high schools, middle schools, high schools, community
20 colleges, public or private colleges and universities, deaf
21 and blind schools, facilities of the youth services programs
22 of the Department of Children and Family Services, and state
23 correctional institutions when only student, faculty, or
24 inmate talent is used. However, this exemption shall not apply
25 to admission to athletic events sponsored by a ~~an institution~~
26 ~~within the state university System~~, and the proceeds of the
27 tax collected on such admissions shall be retained and used by
28 each institution to support women's athletics as provided in
29 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

30 2.a. No tax shall be levied on dues, membership fees,
31 and admission charges imposed by not-for-profit sponsoring

1 organizations. To receive this exemption, the sponsoring
2 organization must qualify as a not-for-profit entity under the
3 provisions of s. 501(c)(3) of the Internal Revenue Code of
4 1954, as amended.

5 b. No tax shall be levied on admission charges to an
6 event sponsored by a governmental entity, sports authority, or
7 sports commission when held in a convention hall, exhibition
8 hall, auditorium, stadium, theater, arena, civic center,
9 performing arts center, or publicly owned recreational
10 facility and when 100 percent of the risk of success or
11 failure lies with the sponsor of the event and 100 percent of
12 the funds at risk for the event belong to the sponsor, and
13 student or faculty talent is not exclusively used. As used in
14 this sub-subparagraph, the terms "sports authority" and
15 "sports commission" mean a nonprofit organization that is
16 exempt from federal income tax under s. 501(c)(3) of the
17 Internal Revenue Code and that contracts with a county or
18 municipal government for the purpose of promoting and
19 attracting sports-tourism events to the community with which
20 it contracts.

21 3. No tax shall be levied on an admission paid by a
22 student, or on the student's behalf, to any required place of
23 sport or recreation if the student's participation in the
24 sport or recreational activity is required as a part of a
25 program or activity sponsored by, and under the jurisdiction
26 of, the student's educational institution, provided his or her
27 attendance is as a participant and not as a spectator.

28 4. No tax shall be levied on admissions to the
29 National Football League championship game, on admissions to
30 any semifinal game or championship game of a national
31

1 collegiate tournament, or on admissions to a Major League
2 Baseball all-star game.

3 5. A participation fee or sponsorship fee imposed by a
4 governmental entity as described in s. 212.08(6) for an
5 athletic or recreational program is exempt when the
6 governmental entity by itself, or in conjunction with an
7 organization exempt under s. 501(c)(3) of the Internal Revenue
8 Code of 1954, as amended, sponsors, administers, plans,
9 supervises, directs, and controls the athletic or recreational
10 program.

11 6. Also exempt from the tax imposed by this section to
12 the extent provided in this subparagraph are admissions to
13 live theater, live opera, or live ballet productions in this
14 state which are sponsored by an organization that has received
15 a determination from the Internal Revenue Service that the
16 organization is exempt from federal income tax under s.
17 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
18 the organization actively participates in planning and
19 conducting the event, is responsible for the safety and
20 success of the event, is organized for the purpose of
21 sponsoring live theater, live opera, or live ballet
22 productions in this state, has more than 10,000 subscribing
23 members and has among the stated purposes in its charter the
24 promotion of arts education in the communities which it
25 serves, and will receive at least 20 percent of the net
26 profits, if any, of the events which the organization sponsors
27 and will bear the risk of at least 20 percent of the losses,
28 if any, from the events which it sponsors if the organization
29 employs other persons as agents to provide services in
30 connection with a sponsored event. Prior to March 1 of each
31 year, such organization may apply to the department for a

1 certificate of exemption for admissions to such events
2 sponsored in this state by the organization during the
3 immediately following state fiscal year. The application shall
4 state the total dollar amount of admissions receipts collected
5 by the organization or its agents from such events in this
6 state sponsored by the organization or its agents in the year
7 immediately preceding the year in which the organization
8 applies for the exemption. Such organization shall receive the
9 exemption only to the extent of \$1.5 million multiplied by the
10 ratio that such receipts bear to the total of such receipts of
11 all organizations applying for the exemption in such year;
12 however, in no event shall such exemption granted to any
13 organization exceed 6 percent of such admissions receipts
14 collected by the organization or its agents in the year
15 immediately preceding the year in which the organization
16 applies for the exemption. Each organization receiving the
17 exemption shall report each month to the department the total
18 admissions receipts collected from such events sponsored by
19 the organization during the preceding month and shall remit to
20 the department an amount equal to 6 percent of such receipts
21 reduced by any amount remaining under the exemption. Tickets
22 for such events sold by such organizations shall not reflect
23 the tax otherwise imposed under this section.

24 7. Also exempt from the tax imposed by this section
25 are entry fees for participation in freshwater fishing
26 tournaments.

27 8. Also exempt from the tax imposed by this section
28 are participation or entry fees charged to participants in a
29 game, race, or other sport or recreational event if spectators
30 are charged a taxable admission to such event.

31

1 9. No tax shall be levied on admissions to any
2 postseason collegiate football game sanctioned by the National
3 Collegiate Athletic Association.

4 Section 916. Effective July 1, 2003, paragraph (a) of
5 subsection (2) of section 212.04, Florida Statutes, as amended
6 by section 4 of chapter 2000-345, Laws of Florida, is amended
7 to read:

8 212.04 Admissions tax; rate, procedure, enforcement.--

9 (2)(a)1. No tax shall be levied on admissions to
10 athletic or other events sponsored by elementary schools,
11 junior high schools, middle schools, high schools, community
12 colleges, public or private colleges and universities, deaf
13 and blind schools, facilities of the youth services programs
14 of the Department of Children and Family Services, and state
15 correctional institutions when only student, faculty, or
16 inmate talent is used. However, this exemption shall not apply
17 to admission to athletic events sponsored by a ~~an institution~~
18 ~~within the~~ state university ~~System~~, and the proceeds of the
19 tax collected on such admissions shall be retained and used by
20 each institution to support women's athletics as provided in
21 s. 1006.71(2)(c) ~~240.533(3)(c)~~.

22 2. No tax shall be levied on dues, membership fees,
23 and admission charges imposed by not-for-profit sponsoring
24 organizations. To receive this exemption, the sponsoring
25 organization must qualify as a not-for-profit entity under the
26 provisions of s. 501(c)(3) of the Internal Revenue Code of
27 1954, as amended.

28 3. No tax shall be levied on an admission paid by a
29 student, or on the student's behalf, to any required place of
30 sport or recreation if the student's participation in the
31 sport or recreational activity is required as a part of a

1 program or activity sponsored by, and under the jurisdiction
2 of, the student's educational institution, provided his or her
3 attendance is as a participant and not as a spectator.

4 4. No tax shall be levied on admissions to the
5 National Football League championship game, on admissions to
6 any semifinal game or championship game of a national
7 collegiate tournament, or on admissions to a Major League
8 Baseball all-star game.

9 5. A participation fee or sponsorship fee imposed by a
10 governmental entity as described in s. 212.08(6) for an
11 athletic or recreational program is exempt when the
12 governmental entity by itself, or in conjunction with an
13 organization exempt under s. 501(c)(3) of the Internal Revenue
14 Code of 1954, as amended, sponsors, administers, plans,
15 supervises, directs, and controls the athletic or recreational
16 program.

17 6. Also exempt from the tax imposed by this section to
18 the extent provided in this subparagraph are admissions to
19 live theater, live opera, or live ballet productions in this
20 state which are sponsored by an organization that has received
21 a determination from the Internal Revenue Service that the
22 organization is exempt from federal income tax under s.
23 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
24 the organization actively participates in planning and
25 conducting the event, is responsible for the safety and
26 success of the event, is organized for the purpose of
27 sponsoring live theater, live opera, or live ballet
28 productions in this state, has more than 10,000 subscribing
29 members and has among the stated purposes in its charter the
30 promotion of arts education in the communities which it
31 serves, and will receive at least 20 percent of the net

1 profits, if any, of the events which the organization sponsors
2 and will bear the risk of at least 20 percent of the losses,
3 if any, from the events which it sponsors if the organization
4 employs other persons as agents to provide services in
5 connection with a sponsored event. Prior to March 1 of each
6 year, such organization may apply to the department for a
7 certificate of exemption for admissions to such events
8 sponsored in this state by the organization during the
9 immediately following state fiscal year. The application shall
10 state the total dollar amount of admissions receipts collected
11 by the organization or its agents from such events in this
12 state sponsored by the organization or its agents in the year
13 immediately preceding the year in which the organization
14 applies for the exemption. Such organization shall receive the
15 exemption only to the extent of \$1.5 million multiplied by the
16 ratio that such receipts bear to the total of such receipts of
17 all organizations applying for the exemption in such year;
18 however, in no event shall such exemption granted to any
19 organization exceed 6 percent of such admissions receipts
20 collected by the organization or its agents in the year
21 immediately preceding the year in which the organization
22 applies for the exemption. Each organization receiving the
23 exemption shall report each month to the department the total
24 admissions receipts collected from such events sponsored by
25 the organization during the preceding month and shall remit to
26 the department an amount equal to 6 percent of such receipts
27 reduced by any amount remaining under the exemption. Tickets
28 for such events sold by such organizations shall not reflect
29 the tax otherwise imposed under this section.

30
31

1 7. Also exempt from the tax imposed by this section
2 are entry fees for participation in freshwater fishing
3 tournaments.

4 8. Also exempt from the tax imposed by this section
5 are participation or entry fees charged to participants in a
6 game, race, or other sport or recreational event if spectators
7 are charged a taxable admission to such event.

8 9. No tax shall be levied on admissions to any
9 postseason collegiate football game sanctioned by the National
10 Collegiate Athletic Association.

11 Section 917. Section 212.0602, Florida Statutes, is
12 amended to read:

13 212.0602 Education; limited exemption.--To facilitate
14 investment in education and job training, there is also exempt
15 from the taxes levied under this chapter, subject to the
16 provisions of this section, the purchase or lease of
17 materials, equipment, and other items or the license in or
18 lease of real property by any entity, institution, or
19 organization that is primarily engaged in teaching students to
20 perform any of the activities or services described in s.
21 212.031(1)(a)9., that conducts classes at a fixed location
22 located in this state, that is licensed under chapter 1005
23 ~~246~~, and that has at least 500 enrolled students. Any entity,
24 institution, or organization meeting the requirements of this
25 section shall be deemed to qualify for the exemptions in ss.
26 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for
27 an exemption for its purchase or lease of materials,
28 equipment, and other items used for education or demonstration
29 of the school's curriculum, including supporting operations.
30 Nothing in this section shall preclude an entity described in
31

1 this section from qualifying for any other exemption provided
2 for in this chapter.

3 Section 918. Paragraph (q) of subsection (5) of
4 section 212.08, Florida Statutes, is amended to read:

5 212.08 Sales, rental, use, consumption, distribution,
6 and storage tax; specified exemptions.--The sale at retail,
7 the rental, the use, the consumption, the distribution, and
8 the storage to be used or consumed in this state of the
9 following are hereby specifically exempt from the tax imposed
10 by this chapter.

11 (5) EXEMPTIONS; ACCOUNT OF USE.--

12 (q) Community contribution tax credit for donations.--

13 1. Authorization.--Beginning July 1, 2001, persons who
14 are registered with the department under s. 212.18 to collect
15 or remit sales or use tax and who make donations to eligible
16 sponsors are eligible for tax credits against their state
17 sales and use tax liabilities as provided in this paragraph:

18 a. The credit shall be computed as 50 percent of the
19 person's approved annual community contribution;

20 b. The credit shall be granted as a refund against
21 state sales and use taxes reported on returns and remitted in
22 the 12 months preceding the date of application to the
23 department for the credit as required in sub-subparagraph 3.c.
24 If the annual credit is not fully used through such refund
25 because of insufficient tax payments during the applicable
26 12-month period, the unused amount may be included in an
27 application for a refund made pursuant to sub-subparagraph
28 3.c. in subsequent years against the total tax payments made
29 for such year. Carryover credits may be applied for a 3-year
30 period without regard to any time limitation that would
31 otherwise apply under s. 215.26;

1 c. No person shall receive more than \$200,000 in
2 annual tax credits for all approved community contributions
3 made in any one year;

4 d. All proposals for the granting of the tax credit
5 shall require the prior approval of the Office of Tourism,
6 Trade, and Economic Development;

7 e. The total amount of tax credits which may be
8 granted for all programs approved under this paragraph, s.
9 220.183, and s. 624.5105 is \$10 million annually; and

10 f. A person who is eligible to receive the credit
11 provided for in this paragraph, s. 220.183, or s. 624.5105 may
12 receive the credit only under the one section of the person's
13 choice.

14 2. Eligibility requirements.--

15 a. A community contribution by a person must be in the
16 following form:

17 (I) Cash or other liquid assets;

18 (II) Real property;

19 (III) Goods or inventory; or

20 (IV) Other physical resources as identified by the
21 Office of Tourism, Trade, and Economic Development.

22 b. All community contributions must be reserved
23 exclusively for use in a project. As used in this
24 sub-subparagraph, the term "project" means any activity
25 undertaken by an eligible sponsor which is designed to
26 construct, improve, or substantially rehabilitate housing that
27 is affordable to low-income or very-low-income households as
28 defined in s. 420.9071(19) and (28); designed to provide
29 commercial, industrial, or public resources and facilities; or
30 designed to improve entrepreneurial and job-development
31 opportunities for low-income persons. A project may be the

1 investment necessary to increase access to high-speed
2 broadband capability in rural communities with enterprise
3 zones, including projects that result in improvements to
4 communications assets that are owned by a business. A project
5 may include the provision of museum educational programs and
6 materials that are directly related to any project approved
7 between January 1, 1996, and December 31, 1999, and located in
8 an enterprise zone as referenced in s. 290.00675. This
9 paragraph does not preclude projects that propose to construct
10 or rehabilitate housing for low-income or very-low-income
11 households on scattered sites. The Office of Tourism, Trade,
12 and Economic Development may reserve up to 50 percent of the
13 available annual tax credits for housing for very-low-income
14 households pursuant to s. 420.9071(28) for the first 6 months
15 of the fiscal year. With respect to housing, contributions may
16 be used to pay the following eligible low-income and
17 very-low-income housing-related activities:

18 (I) Project development impact and management fees for
19 low-income or very-low-income housing projects;

20 (II) Down payment and closing costs for eligible
21 persons, as defined in s. 420.9071(19) and (28);

22 (III) Administrative costs, including housing
23 counseling and marketing fees, not to exceed 10 percent of the
24 community contribution, directly related to low-income or
25 very-low-income projects; and

26 (IV) Removal of liens recorded against residential
27 property by municipal, county, or special district local
28 governments when satisfaction of the lien is a necessary
29 precedent to the transfer of the property to an eligible
30 person, as defined in s. 420.9071(19) and (28), for the
31

1 purpose of promoting home ownership. Contributions for lien
2 removal must be received from a nonrelated third party.
3 c. The project must be undertaken by an "eligible
4 sponsor," which includes:
5 (I) A community action program;
6 (II) A nonprofit community-based development
7 organization whose mission is the provision of housing for
8 low-income or very-low-income households or increasing
9 entrepreneurial and job-development opportunities for
10 low-income persons;
11 (III) A neighborhood housing services corporation;
12 (IV) A local housing authority created under chapter
13 421;
14 (V) A community redevelopment agency created under s.
15 163.356;
16 (VI) The Florida Industrial Development Corporation;
17 (VII) A historic preservation district agency or
18 organization;
19 (VIII) A regional workforce board;
20 (IX) A direct-support organization as provided in s.
21 1009.983 ~~240.551~~;
22 (X) An enterprise zone development agency created
23 under s. 290.0056;
24 (XI) A community-based organization incorporated under
25 chapter 617 which is recognized as educational, charitable, or
26 scientific pursuant to s. 501(c)(3) of the Internal Revenue
27 Code and whose bylaws and articles of incorporation include
28 affordable housing, economic development, or community
29 development as the primary mission of the corporation;
30 (XII) Units of local government;
31 (XIII) Units of state government; or

1 (XIV) Any other agency that the Office of Tourism,
2 Trade, and Economic Development designates by rule.

3
4 In no event may a contributing person have a financial
5 interest in the eligible sponsor.

6 d. The project must be located in an area designated
7 an enterprise zone or a Front Porch Florida Community pursuant
8 to s. 14.2015(9)(b), unless the project increases access to
9 high-speed broadband capability for rural communities with
10 enterprise zones but is physically located outside the
11 designated rural zone boundaries. Any project designed to
12 construct or rehabilitate housing for low-income or
13 very-low-income households as defined in s. 420.0971(19) and
14 (28) is exempt from the area requirement of this
15 sub-subparagraph.

16 3. Application requirements.--

17 a. Any eligible sponsor seeking to participate in this
18 program must submit a proposal to the Office of Tourism,
19 Trade, and Economic Development which sets forth the name of
20 the sponsor, a description of the project, and the area in
21 which the project is located, together with such supporting
22 information as is prescribed by rule. The proposal must also
23 contain a resolution from the local governmental unit in which
24 the project is located certifying that the project is
25 consistent with local plans and regulations.

26 b. Any person seeking to participate in this program
27 must submit an application for tax credit to the Office of
28 Tourism, Trade, and Economic Development which sets forth the
29 name of the sponsor, a description of the project, and the
30 type, value, and purpose of the contribution. The sponsor
31 shall verify the terms of the application and indicate its

1 receipt of the contribution, which verification must be in
2 writing and accompany the application for tax credit. The
3 person must submit a separate tax credit application to the
4 office for each individual contribution that it makes to each
5 individual project.

6 c. Any person who has received notification from the
7 Office of Tourism, Trade, and Economic Development that a tax
8 credit has been approved must apply to the department to
9 receive the refund. Application must be made on the form
10 prescribed for claiming refunds of sales and use taxes and be
11 accompanied by a copy of the notification. A person may submit
12 only one application for refund to the department within any
13 12-month period.

14 4. Administration.--

15 a. The Office of Tourism, Trade, and Economic
16 Development may adopt rules pursuant to ss. 120.536(1) and
17 120.54 necessary to administer this paragraph, including rules
18 for the approval or disapproval of proposals by a person.

19 b. The decision of the Office of Tourism, Trade, and
20 Economic Development must be in writing, and, if approved, the
21 notification shall state the maximum credit allowable to the
22 person. Upon approval, the office shall transmit a copy of the
23 decision to the Department of Revenue.

24 c. The Office of Tourism, Trade, and Economic
25 Development shall periodically monitor all projects in a
26 manner consistent with available resources to ensure that
27 resources are used in accordance with this paragraph; however,
28 each project must be reviewed at least once every 2 years.

29 d. The Office of Tourism, Trade, and Economic
30 Development shall, in consultation with the Department of
31 Community Affairs, the Florida Housing Finance Corporation,

1 and the statewide and regional housing and financial
2 intermediaries, market the availability of the community
3 contribution tax credit program to community-based
4 organizations.

5 5. Expiration.--This paragraph expires June 30, 2005;
6 however, any accrued credit carryover that is unused on that
7 date may be used until the expiration of the 3-year carryover
8 period for such credit.

9 Section 919. Subsection (6) of section 213.053,
10 Florida Statutes, is amended to read:

11 213.053 Confidentiality and information sharing.--

12 (6) Any information received by the Department of
13 Revenue in connection with the administration of taxes,
14 including, but not limited to, information contained in
15 returns, reports, accounts, or declarations filed by persons
16 subject to tax, shall be made available by the department to
17 the Auditor General or his or her authorized agent, the
18 director of the Office of Program Policy Analysis and
19 Government Accountability or his or her authorized agent, the
20 Comptroller or his or her authorized agent, the Insurance
21 Commissioner or his or her authorized agent, the Treasurer or
22 his or her authorized agent, or a property appraiser or tax
23 collector or their authorized agents pursuant to s.
24 195.084(1), in the performance of their official duties, or to
25 designated employees of the Department of Education solely for
26 determination of each school district's price level index
27 pursuant to s. 1011.62(2) ~~236.081(2)~~; however, no information
28 shall be disclosed to the Auditor General or his or her
29 authorized agent, the director of the Office of Program Policy
30 Analysis and Government Accountability or his or her
31 authorized agent, the Comptroller or his or her authorized

1 agent, the Insurance Commissioner or his or her authorized
2 agent, the Treasurer or his or her authorized agent, or to a
3 property appraiser or tax collector or their authorized
4 agents, or to designated employees of the Department of
5 Education if such disclosure is prohibited by federal law. The
6 Auditor General or his or her authorized agent, the director
7 of the Office of Program Policy Analysis and Government
8 Accountability or his or her authorized agent, the Comptroller
9 or his or her authorized agent, the Treasurer or his or her
10 authorized agent, and the property appraiser or tax collector
11 and their authorized agents, or designated employees of the
12 Department of Education shall be subject to the same
13 requirements of confidentiality and the same penalties for
14 violation of the requirements as the department. For the
15 purpose of this subsection, "designated employees of the
16 Department of Education" means only those employees directly
17 responsible for calculation of price level indices pursuant to
18 s. 1011.62(2) ~~236.081(2)~~. It does not include the supervisors
19 of such employees or any other employees or elected officials
20 within the Department of Education.

21 Section 920. Paragraph (j) of subsection (4) of
22 section 215.20, Florida Statutes, is amended to read:

23 215.20 Certain income and certain trust funds to
24 contribute to the General Revenue Fund.--

25 (4) The income of a revenue nature deposited in the
26 following described trust funds, by whatever name designated,
27 is that from which the deductions authorized by subsection (3)
28 shall be made:

29 (j) The Educational Certification and Service Trust
30 Fund created by s. 1012.59 ~~231.30~~.

31

1 The enumeration of the foregoing moneys or trust funds shall
2 not prohibit the applicability thereto of s. 215.24 should the
3 Governor determine that for the reasons mentioned in s. 215.24
4 the money or trust funds should be exempt herefrom, as it is
5 the purpose of this law to exempt income from its force and
6 effect when, by the operation of this law, federal matching
7 funds or contributions or private grants to any trust fund
8 would be lost to the state.

9 Section 921. Subsection (2) of section 215.82, Florida
10 Statutes, is amended to read:

11 215.82 Validation; when required.--

12 (2) Any bonds issued pursuant to this act which are
13 validated shall be validated in the manner provided by chapter
14 75. In actions to validate bonds to be issued in the name of
15 the State Board of Education under s. 9(a) and (d), Art. XII
16 of the State Constitution and bonds to be issued pursuant to
17 chapter 259, the Land Conservation Act of 1972, the complaint
18 shall be filed in the circuit court of the county where the
19 seat of state government is situated, the notice required to
20 be published by s. 75.06 shall be published only in the county
21 where the complaint is filed, and the complaint and order of
22 the circuit court shall be served only on the state attorney
23 of the circuit in which the action is pending. In any action
24 to validate bonds issued pursuant to ss. 1010.61-1010.619 ~~part~~
25 ~~of chapter 243~~ or issued pursuant to s. 9(a)(1), Art. XII of
26 the State Constitution or issued pursuant to s. 215.605 or s.
27 338.227, the complaint shall be filed in the circuit court of
28 the county where the seat of state government is situated, the
29 notice required to be published by s. 75.06 shall be published
30 in a newspaper of general circulation in the county where the
31 complaint is filed and in two other newspapers of general

1 circulation in the state, and the complaint and order of the
2 circuit court shall be served only on the state attorney of
3 the circuit in which the action is pending; provided, however,
4 that if publication of notice pursuant to this section would
5 require publication in more newspapers than would publication
6 pursuant to s. 75.06, such publication shall be made pursuant
7 to s. 75.06.

8 Section 922. Subsection (7) of section 216.181,
9 Florida Statutes, is amended to read:

10 216.181 Approved budgets for operations and fixed
11 capital outlay.--

12 (7) The Executive Office of the Governor may, for the
13 purpose of improved contract administration, authorize the
14 consolidation of two or more fixed capital outlay
15 appropriations for an agency, and the Chief Justice of the
16 Supreme Court for the judicial branch, except for projects
17 authorized under chapter 1013 235, provided the original scope
18 and purpose of each project are not changed.

19 Section 923. Subsection (3) of section 216.301,
20 Florida Statutes, is amended to read:

21 216.301 Appropriations; undisbursed balances.--

22 (3) Notwithstanding the provisions of subsection (2),
23 the unexpended balance of any appropriation for fixed capital
24 outlay subject to but not under the terms of a binding
25 contract or a general construction contract prior to February
26 1 of the second fiscal year, or the third fiscal year if it is
27 for an educational facility as defined in chapter 1013 235 or
28 a construction project of the Board of Regents, of the
29 appropriation shall revert on February 1 of such year to the
30 fund from which appropriated and shall be available for
31 reappropriation. The Executive Office of the Governor shall,

1 not later than February 20 of each year, furnish the
2 Comptroller, the legislative appropriations committees, and
3 the Auditor General a report listing in detail the items and
4 amounts reverting under the authority of this subsection,
5 including the fund to which reverted and the agency affected.

6 Section 924. Paragraphs (e) and (f) of subsection (1)
7 of section 218.39, Florida Statutes, are amended to read:

8 218.39 Annual financial audit reports.--

9 (1) If, by the first day in any fiscal year, a local
10 governmental entity, district school board, charter school, or
11 charter technical career center has not been notified that a
12 financial audit for that fiscal year will be performed by the
13 Auditor General, each of the following entities shall have an
14 annual financial audit of its accounts and records completed
15 within 12 months after the end of its fiscal year by an
16 independent certified public accountant retained by it and
17 paid from its public funds:

18 (e) Each charter school established under s. 1002.33
19 ~~228.056~~.

20 (f) Each charter technical center established under s.
21 1002.34 ~~228.505~~.

22 Section 925. Paragraph (c) of subsection (2) of
23 section 220.183, Florida Statutes, is amended to read:

24 220.183 Community contribution tax credit.--

25 (2) ELIGIBILITY REQUIREMENTS.--

26 (c) The project must be undertaken by an "eligible
27 sponsor," defined here as:

- 28 1. A community action program;
- 29 2. A nonprofit community-based development
30 organization whose mission is the provision of housing for
31 low-income or very-low-income households or increasing

1 entrepreneurial and job-development opportunities for
2 low-income persons;
3 3. A neighborhood housing services corporation;
4 4. A local housing authority, created pursuant to
5 chapter 421;
6 5. A community redevelopment agency, created pursuant
7 to s. 163.356;
8 6. The Florida Industrial Development Corporation;
9 7. An historic preservation district agency or
10 organization;
11 8. A regional workforce board;
12 9. A direct-support organization as provided in s.
13 1009.983 ~~240.551~~;
14 10. An enterprise zone development agency created
15 pursuant to s. 290.0056;
16 11. A community-based organization incorporated under
17 chapter 617 which is recognized as educational, charitable, or
18 scientific pursuant to s. 501(c)(3) of the Internal Revenue
19 Code and whose bylaws and articles of incorporation include
20 affordable housing, economic development, or community
21 development as the primary mission of the corporation;
22 12. Units of local government;
23 13. Units of state government; or
24 14. Such other agency as the Office of Tourism, Trade,
25 and Economic Development may, from time to time, designate by
26 rule.
27
28 In no event shall a contributing business firm have a
29 financial interest in the eligible sponsor.
30 Section 926. Subsection (1) of section 222.22, Florida
31 Statutes, is amended to read:

1685

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 222.22 Exemption of moneys in the Prepaid College
2 Trust Fund or in a Medical Savings Account from legal
3 process.--

4 (1)(a) Moneys paid into or out of the Florida Prepaid
5 College Trust Fund by or on behalf of a purchaser or qualified
6 beneficiary pursuant to an advance payment contract made under
7 part IV of chapter 1009 s. 240.551, which contract has not
8 been terminated, are not liable to attachment, garnishment, or
9 legal process in the state in favor of any creditor of the
10 purchaser or beneficiary of such advance payment contract.

11 (b) Moneys paid into or out of the Prepaid College
12 Trust Fund by or on behalf of a benefactor or designated
13 beneficiary pursuant to a participation agreement made under
14 s. 1009.981 240.553, which agreement has not been terminated,
15 are not liable to attachment, garnishment, or legal process in
16 the state in favor of any creditor of the purchaser or
17 beneficiary of such participation agreement.

18 Section 927. Subsection (4) of section 250.115,
19 Florida Statutes, is amended to read:

20 250.115 Department of Military Affairs direct-support
21 organization.--

22 (4) ACTIVITIES; RESTRICTIONS.--Any transaction or
23 agreement between the direct-support organization organized
24 pursuant to this section and another direct-support
25 organization or center of technology innovation designated
26 under s. 1004.77 240.3335 must be approved by the Adjutant
27 General.

28 Section 928. Section 255.0515, Florida Statutes, is
29 amended to read:

30 255.0515 Bids for state contracts; substitution of
31 subcontractors.--With respect to state contracts let pursuant

1 to competitive bidding, whether under chapter 1013 235,
2 relating to educational facilities, or this chapter, relating
3 to public buildings, the contractor shall not remove or
4 replace subcontractors listed in the bid subsequent to the
5 lists being made public at the bid opening, except upon good
6 cause shown.

7 Section 929. Section 255.0516, Florida Statutes, is
8 amended to read:

9 255.0516 Bid protests by educational boards.--With
10 respect to state contracts and bids pursuant to competitive
11 bidding, whether under chapter 1013 235, relating to
12 educational facilities, or under this chapter, relating to
13 public buildings, if a school board, a community college board
14 of trustees, or a state university board of trustees ~~the Board~~
15 ~~of Regents~~ uses procedures pursuant to chapter 120 for bid
16 protests, the board may require the protestor to post a bond
17 amounting to:

18 (1) Twenty-five thousand dollars or 2 percent of the
19 lowest accepted bid, whichever is greater, for projects valued
20 over \$500,000; and

21 (2) Five percent of the lowest accepted bid for all
22 other projects,

23

24 conditioned upon payment of all costs and fees which may be
25 adjudged against the protestor in the administrative hearing.
26 If at the hearing the agency prevails, it shall recover all
27 costs and attorney's fees from the protestor; if the protestor
28 prevails, the protestor shall recover from the agency all
29 costs and attorney's fees.

30 Section 930. Paragraph (e) of subsection (1) of
31 section 265.2861, Florida Statutes, is amended to read:

1 265.2861 Cultural Institutions Program; trust fund.--

2 (1) CULTURAL INSTITUTIONS TRUST FUND.--There is
3 created a Cultural Institutions Trust Fund to be administered
4 by the Department of State for the purposes set forth in this
5 section and to support the following programs as follows:

6 (e)1. For the officially designated Art Museum of the
7 State of Florida described in s. 1004.45 ~~240.711~~, \$2.2
8 million, and for state-owned cultural facilities assigned to
9 the Department of State, which receive a portion of any
10 operating funds from the Department of State and one of the
11 primary purposes of which is the presentation of fine arts or
12 performing arts, \$500,000.

13 2. For fiscal year 2001-2002 only, the provisions of
14 subparagraph 1. relating to state-owned cultural facilities
15 shall not be applicable. This subparagraph expires July 1,
16 2002.

17
18 The trust fund shall consist of moneys appropriated by the
19 Legislature, moneys deposited pursuant to s. 607.1901(2), and
20 moneys contributed to the fund from any other source.

21 Section 931. Paragraph (d) of subsection (5) of
22 section 265.603, Florida Statutes, is amended to read:

23 265.603 Definitions relating to Cultural Endowment
24 Program.--The following terms and phrases when used in ss.
25 265.601-265.607 shall have the meaning ascribed to them in
26 this section, except where the context clearly indicates a
27 different meaning:

28 (5) "Sponsoring organization" means a cultural
29 organization which:

30 (d) Is primarily and directly responsible for
31 conducting, creating, producing, presenting, staging, or

1 sponsoring a cultural exhibit, performance, or event. This
2 provision includes museums owned and operated by political
3 subdivisions of the state, except those constituted pursuant
4 to s. 1004.67 ~~240.317~~.

5 Section 932. Subsection (8) of section 267.173,
6 Florida Statutes, is amended to read:

7 267.173 Historic preservation in West Florida; goals;
8 contracts for historic preservation; powers and duties.--

9 (8) Notwithstanding any other provision of law, the
10 University of West Florida and its direct-support organization
11 are eligible to match state funds in the Trust Fund for Major
12 Gifts established pursuant to s. 1011.94 ~~240.2605~~.

13 Section 933. Subsections (4), (5), (7), and (9) of
14 section 267.1732, Florida Statutes, are amended to read:

15 267.1732 Direct-support organization.--

16 (4) The university may authorize a direct-support
17 organization to use its property (except money), facilities,
18 and personal services, subject to the provisions of this
19 section and s. 1004.28 ~~240.299~~. A direct-support organization
20 that does not provide equal employment opportunities to all
21 persons regardless of race, color, religion, sex, age, or
22 national origin may not use the property, facilities, or
23 personal services of the university. For the purposes of this
24 subsection, the term "personal services" includes full-time
25 personnel and part-time personnel as well as payroll
26 processing.

27 (5) The university shall establish policies and may
28 adopt rules pursuant to s. 1004.28 ~~240.299~~ prescribing the
29 procedures by which the direct-support organization is
30 governed and any conditions with which a direct-support
31

1 organization must comply to use property, facilities, or
2 personal services of the university.

3 (7) The direct-support organization shall provide for
4 an annual financial ~~and compliance~~ audit in accordance with s.
5 1004.28 ~~of its financial accounts and records by an~~
6 ~~independent certified public accountant in accordance with s.~~
7 ~~251.981 and generally accepted accounting standards. The~~
8 ~~annual audit report must be submitted to the university for~~
9 ~~review and approval. The university, the Auditor General, and~~
10 ~~others authorized in s. 240.299 shall have the authority to~~
11 ~~require and receive from the direct support organization, or~~
12 ~~from its independent auditor, any detail or supplemental data~~
13 ~~relative to the operation of the organization. Upon approval,~~
14 ~~the university shall certify the audit report to the Auditor~~
15 ~~General for review.~~

16 (9) Provisions governing direct-support organizations
17 in s. 1004.28 ~~240.99~~ and not provided in this section shall
18 apply to the direct-support organization.

19 Section 934. Subsection (9) of section 282.005,
20 Florida Statutes, is amended to read:

21 282.005 Legislative findings and intent.--The
22 Legislature finds that:

23 (9) To ensure the best management of the state's
24 information technology and notwithstanding other provisions of
25 law to the contrary, the functions of information technology
26 are ~~hereby~~ assigned to the university boards of trustees ~~Board~~
27 ~~of Regents as the agency responsible~~ for the development and
28 implementation of ~~policy~~, planning, management, rulemaking,
29 standards, and guidelines for the state universities ~~State~~
30 ~~University System~~; to the community college boards of trustees
31 ~~State Board of Community Colleges as the agency responsible~~

1 for establishing and developing rules ~~and policies~~ for the
2 community colleges ~~Florida Community College System~~; to the
3 Supreme Court, for the judicial branch; to each state attorney
4 and public defender; and to the State Technology Office for
5 the executive branch of state government.

6 Section 935. Subsections (1) and (3) of section
7 282.103, Florida Statutes, are amended to read:

8 282.103 SUNCOM Network; exemptions from the required
9 use.--

10 (1) There is created within the State Technology
11 Office the SUNCOM Network which shall be developed to serve as
12 the state communications system for providing local and
13 long-distance communications services to state agencies,
14 political subdivisions of the state, municipalities, state
15 universities, and nonprofit corporations pursuant to ss.
16 282.101-282.111. The SUNCOM Network shall be developed to
17 transmit all types of communications signals, including, but
18 not limited to, voice, data, video, image, and radio. State
19 agencies shall cooperate and assist in the development and
20 joint use of communications systems and services.

21 (3) All state agencies and state universities are
22 required to use the SUNCOM Network for agency and state
23 university communications services as the services become
24 available; however, no agency or university is relieved of
25 responsibility for maintaining communications services
26 necessary for effective management of its programs and
27 functions. If a SUNCOM Network service does not meet the
28 communications requirements of an agency or university, the
29 agency or university shall notify the State Technology Office
30 in writing and detail the requirements for that communications
31 service. If the office is unable to meet an agency's or

1 university's requirements by enhancing SUNCOM Network service,
2 the office may grant the agency or university an exemption
3 from the required use of specified SUNCOM Network services.

4 Section 936. Subsection (4) of section 282.105,
5 Florida Statutes, is amended to read:

6 282.105 Use of state SUNCOM Network by nonprofit
7 corporations.--

8 (4) Institutions qualified to participate in the
9 William L. Boyd, IV, Florida Resident Access Grant Program
10 pursuant to s. 1009.89 ~~240.605~~ shall be eligible to use the
11 state SUNCOM Network, subject to the terms and conditions of
12 the office. Such entities shall not be required to satisfy the
13 other criteria of this section.

14 Section 937. Section 282.106, Florida Statutes, is
15 amended to read:

16 282.106 Use of SUNCOM Network by libraries.--The State
17 Technology Office may provide SUNCOM Network services to any
18 library in the state, including libraries in public schools,
19 community colleges, state universities ~~the State University~~
20 ~~System~~, and nonprofit private postsecondary educational
21 institutions, and libraries owned and operated by
22 municipalities and political subdivisions.

23 Section 938. Section 282.3031, Florida Statutes, is
24 amended to read:

25 282.3031 Assignment of information resources
26 management responsibilities.--For purposes of ss.
27 282.303-282.322, to ensure the best management of state
28 information technology resources, and notwithstanding other
29 provisions of law to the contrary, the functions of
30 information resources management are ~~hereby~~ assigned to the
31 university boards of trustees ~~Board of Regents as the agency~~

1 ~~responsible~~ for the development and implementation of ~~policy,~~
2 planning, management, rulemaking, standards, and guidelines
3 for the state universities ~~State University System~~; to the
4 community college boards of trustees ~~State Board of Community~~
5 ~~Colleges as the agency responsible~~ for establishing and
6 developing rules ~~and policies~~ for the community colleges
7 ~~Florida Community College System~~; to the Supreme Court for the
8 judicial branch; to each state attorney and public defender;
9 and to the State Technology Office for the agencies within the
10 executive branch of state government.

11 Section 939. Subsection (1) of section 282.3063,
12 Florida Statutes, is amended to read:

13 282.3063 Agency Annual Enterprise Resource Planning
14 and Management Report.--

15 (1) By September 1 of each year, ~~and for the State~~
16 ~~University System within 90 days after completion of the~~
17 ~~expenditure analysis developed pursuant to s. 240.271(4)~~, each
18 Agency Chief Information Officer shall prepare and submit to
19 the State Technology Office an Agency Annual Enterprise
20 Resource Planning and Management Report. Following
21 consultation with the State Technology Office and the Agency
22 Chief Information Officers Council, the Executive Office of
23 the Governor and the fiscal committees of the Legislature
24 shall jointly develop and issue instructions for the format
25 and contents of the report.

26 Section 940. Subsection (2) of section 282.310,
27 Florida Statutes, is amended to read:

28 282.310 State Annual Report on Enterprise Resource
29 Planning and Management.--

30
31

- 1 (2) The State Annual Report on Enterprise Resource
2 Planning and Management shall contain, at a minimum, the
3 following:
4 (a) The state vision for enterprise resource planning
5 and management.
6 (b) A forecast of the state enterprise resource
7 planning and management priorities and initiatives for the
8 ensuing 2 years.
9 (c) A summary of major statewide policies recommended
10 by the State Technology Office for enterprise resource
11 planning and management.
12 (d) A summary of memoranda issued by the Executive
13 Office of the Governor.
14 (e) An assessment of the overall progress toward an
15 integrated electronic system for deploying government
16 products, services, and information to individuals and
17 businesses and state enterprise resource planning and
18 management initiatives and priorities for the past fiscal
19 year.
20 (f) A summary of major statewide issues related to
21 improving enterprise resource planning and management by the
22 state.
23 (g) An inventory list, by major categories, of state
24 information technology resources.
25 (h) A summary of the total agency expenditures or
26 descriptions of agreements, contracts, or partnerships for
27 enterprise resource planning and management and of
28 enterprise-wide procurements done by the office on behalf of
29 the state.
30 (i) A summary of the opportunities for government
31 agencies or entities to share enterprise resource planning and

1 management projects or initiatives with other governmental or
2 private sector entities.

3
4 The state annual report shall also include enterprise resource
5 planning and management information from the annual reports
6 prepared by the state universities and the community colleges
7 ~~Board of Regents for the State University System, from the~~
8 ~~State Board of Community Colleges for the Florida Community~~
9 ~~College System~~, from the Supreme Court for the judicial
10 branch, and from the Justice Administrative Commission on
11 behalf of the state attorneys and public defenders.

12 Expenditure information shall be taken from each agency's
13 annual report as well as the annual reports of the state
14 universities and the community colleges ~~Board of Regents, the~~
15 ~~State Board of Community Colleges~~, the Supreme Court, and the
16 Justice Administrative Commission.

17 Section 941. Section 284.34, Florida Statutes, is
18 amended to read:

19 284.34 Professional medical liability of the
20 university boards of trustees ~~Board of Regents~~ and nuclear
21 energy liability excluded.--Unless specifically authorized by
22 the Department of Insurance, no coverages shall be provided by
23 this fund for professional medical liability insurance for the
24 university boards of trustees ~~Board of Regents~~ or the
25 physicians, officers, employees, or agents of any ~~the~~ board or
26 for liability related to nuclear energy which is ordinarily
27 subject to the standard nuclear energy liability exclusion of
28 conventional liability insurance policies. This section does
29 ~~shall not affect be construed as affecting~~ the self-insurance
30 programs of the university boards of trustees ~~Board of Regents~~
31 established pursuant to s. 1004.24 ~~240.213~~.

1695

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 942. Paragraph (b) of subsection (2) of
2 section 285.18, Florida Statutes, is amended to read:

3 285.18 Tribal council as governing body; powers and
4 duties.--

5 (2) The governing bodies of the special improvement
6 districts shall have the duty and power:

7 (b) To contract with the district school board of any
8 district adjoining the local school district, when deemed
9 necessary by the tribal council, to provide public education
10 and educational programs for their members, notwithstanding
11 the provisions of s. 1001.42 ~~230.23~~ that authorize school
12 boards to establish attendance areas for their districts or
13 approve plans for attendance in other districts.

14 Section 943. Paragraph (a) of subsection (2) of
15 section 287.042, Florida Statutes, is amended to read:

16 287.042 Powers, duties, and functions.--The department
17 shall have the following powers, duties, and functions:

18 (2)(a) To plan and coordinate purchases in volume and
19 to negotiate and execute purchasing agreements and contracts
20 for commodities and contractual services under which state
21 agencies shall make purchases pursuant to s. 287.056, and
22 under which a federal, county, municipality, institutions
23 qualified to participate in the William L. Boyd, IV, Florida
24 Resident Access Grant Program pursuant to s. 1009.89 ~~240.605~~,
25 private nonprofit community transportation coordinator
26 designated pursuant to chapter 427, while conducting business
27 related solely to the Commission for the Transportation
28 Disadvantaged, or other local public agency may make
29 purchases. The department may restrict purchases from some
30 term contracts to state agencies only for those term contracts
31 where the inclusion of other governmental entities will have

1 an adverse effect on competition or to those federal
2 facilities located in this state. In such planning or
3 purchasing the Office of Supplier Diversity may monitor to
4 ensure that opportunities are afforded for contracting with
5 minority business enterprises. The department, for state term
6 contracts, and all agencies, for multiyear contractual
7 services or term contracts, shall explore reasonable and
8 economical means to utilize certified minority business
9 enterprises. Purchases by any county, municipality, private
10 nonprofit community transportation coordinator designated
11 pursuant to chapter 427, while conducting business related
12 solely to the Commission for the Transportation Disadvantaged,
13 or other local public agency under the provisions in the state
14 purchasing contracts, and purchases, from the corporation
15 operating the correctional work programs, of products or
16 services that are subject to paragraph (1)(f), are exempt from
17 the competitive sealed bid requirements otherwise applying to
18 their purchases.

19 Section 944. Paragraph (c) of subsection (9) and
20 subsections (10) and (11) of section 287.055, Florida
21 Statutes, are amended to read:

22 287.055 Acquisition of professional architectural,
23 engineering, landscape architectural, or surveying and mapping
24 services; definitions; procedures; contingent fees prohibited;
25 penalties.--

26 (9) APPLICABILITY TO DESIGN-BUILD CONTRACTS.--

27 (c) Except as otherwise provided in ~~s. 240.209(3)~~ or
28 s. 337.11(7), the Department of Management Services shall
29 adopt rules for the award of design-build contracts to be
30 followed by state agencies. Each other agency must adopt
31 rules or ordinances for the award of design-build contracts.

1 Municipalities, political subdivisions, school districts, and
2 school boards shall award design-build contracts by the use of
3 a competitive proposal selection process as described in this
4 subsection, or by the use of a qualifications-based selection
5 process pursuant to subsections (3), (4), and (5) for entering
6 into a contract whereby the selected firm will subsequently
7 establish a guaranteed maximum price and guaranteed completion
8 date. If the procuring agency elects the option of
9 qualifications-based selection, during the selection of the
10 design-build firm the procuring agency shall employ or retain
11 a licensed design professional appropriate to the project to
12 serve as the agency's representative. Procedures for the use
13 of a competitive proposal selection process must include as a
14 minimum the following:

15 1. The preparation of a design criteria package for
16 the design and construction of the public construction
17 project.

18 2. The qualification and selection of no fewer than
19 three design-build firms as the most qualified, based on the
20 qualifications, availability, and past work of the firms,
21 including the partners or members thereof.

22 3. The criteria, procedures, and standards for the
23 evaluation of design-build contract proposals or bids, based
24 on price, technical, and design aspects of the public
25 construction project, weighted for the project.

26 4. The solicitation of competitive proposals, pursuant
27 to a design criteria package, from those qualified
28 design-build firms and the evaluation of the responses or bids
29 submitted by those firms based on the evaluation criteria and
30 procedures established prior to the solicitation of
31 competitive proposals.

1 5. For consultation with the employed or retained
2 design criteria professional concerning the evaluation of the
3 responses or bids submitted by the design-build firms, the
4 supervision or approval by the agency of the detailed working
5 drawings of the project; and for evaluation of the compliance
6 of the project construction with the design criteria package
7 by the design criteria professional.

8 6. In the case of public emergencies, for the agency
9 head to declare an emergency and authorize negotiations with
10 the best qualified design-build firm available at that time.

11 (10) REUSE OF EXISTING PLANS.--Notwithstanding any
12 other provision of this section, there shall be no public
13 notice requirement or utilization of the selection process as
14 provided in this section for projects in which the agency is
15 able to reuse existing plans from a prior project of the
16 agency, or, in the case of a board as defined in s. 1013.01
17 ~~chapter 235~~, a prior project of that or any other board.
18 Except for plans of a board as defined in s. 1013.01 ~~chapter~~
19 ~~235~~, public notice for any plans that are intended to be
20 reused at some future time must contain a statement that
21 provides that the plans are subject to reuse in accordance
22 with the provisions of this subsection.

23 (11) CONSTRUCTION OF LAW.--Nothing in the amendment of
24 this section by chapter 75-281, Laws of Florida, is intended
25 to supersede the provisions of ss. 1013.45 and 1013.46 ~~235.211~~
26 ~~and 235.31~~.

27 Section 945. Subsection (1) of section 287.064,
28 Florida Statutes, is amended to read:

29 287.064 Consolidated financing of deferred-payment
30 purchases.--

31

1 (1) The Division of Bond Finance of the State Board of
2 Administration and the Comptroller shall plan and coordinate
3 deferred-payment purchases made by or on behalf of the state
4 or its agencies or by or on behalf of state community colleges
5 participating under this section pursuant to s. 1001.64(26)
6 ~~240.319(4)(p)~~. The Division of Bond Finance shall negotiate
7 and the Comptroller shall execute agreements and contracts to
8 establish master equipment financing agreements for
9 consolidated financing of deferred-payment, installment sale,
10 or lease purchases with a financial institution or a
11 consortium of financial institutions. As used in this act, the
12 term "deferred-payment" includes installment sale and
13 lease-purchase.

14 (a) The period during which equipment may be acquired
15 under any one master equipment financing agreement shall be
16 limited to not more than 3 years.

17 (b) Repayment of the whole or a part of the funds
18 drawn pursuant to the master equipment financing agreement may
19 continue beyond the period established pursuant to paragraph
20 (a).

21 (c) The interest rate component of any master
22 equipment financing agreement shall be deemed to comply with
23 the interest rate limitation imposed in s. 287.063 so long as
24 the interest rate component of every interagency or community
25 college agreement entered into under such master equipment
26 financing agreement complies with the interest rate limitation
27 imposed in s. 287.063. Such interest rate limitation does not
28 apply when the payment obligation under the master equipment
29 financing agreement is rated by a nationally recognized rating
30 service in any one of the three highest classifications, which
31

1 rating services and classifications are determined pursuant to
2 rules adopted by the Comptroller.

3 Section 946. Paragraph (f) of subsection (1) of
4 section 288.039, Florida Statutes, is amended to read:

5 288.039 Employing and Training our Youths (ENTRY).--

6 (1) DEFINITIONS.--As used in this section:

7 (f) "Public school" shall have the same meaning as in
8 s. 1000.04(1) ~~228.041(1)(a)~~.

9 Section 947. Subsection (6) of section 288.8175,
10 Florida Statutes, is amended to read:

11 288.8175 Linkage institutes between postsecondary
12 institutions in this state and foreign countries.--

13 (6) Each institute is allowed to exempt from s.
14 1009.21 ~~240.1201~~ up to 25 full-time equivalent students per
15 year from the respective host countries to study in any of the
16 state universities or community colleges in this state as
17 resident students for tuition purposes. The institute
18 directors shall develop criteria, to be approved by the
19 Department of Education, for the selection of these students.
20 Students must return home within 3 years after their tenure of
21 graduate or undergraduate study for a length of time equal to
22 their exemption period.

23 Section 948. Subsection (2) of section 295.01, Florida
24 Statutes, is amended to read:

25 295.01 Children of deceased or disabled veterans;
26 education.--

27 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
28 295.05, and 1009.40 shall apply.

29 Section 949. Subsection (2) of section 295.015,
30 Florida Statutes, is amended to read:

31

1 295.015 Children of prisoners of war and persons
2 missing in action; education.--

3 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
4 295.05, and 1009.40 shall apply.

5 Section 950. Subsection (2) of section 295.016,
6 Florida Statutes, is amended to read:

7 295.016 Children of service members who died or became
8 disabled in Operation Eagle Claw.--

9 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
10 295.05, and 1009.40 shall apply.

11 Section 951. Subsection (2) of section 295.017,
12 Florida Statutes, is amended to read:

13 295.017 Children of service members who died or became
14 disabled in the Lebanon and Grenada military arenas;
15 educational opportunity.--

16 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
17 295.05, and 1009.40 shall apply.

18 Section 952. Subsection (2) of section 295.018,
19 Florida Statutes, is amended to read:

20 295.018 Children of service members who died in
21 Newfoundland air tragedy; educational opportunity.--

22 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
23 295.05, and 1009.40 shall apply.

24 Section 953. Subsection (2) of section 295.019,
25 Florida Statutes, is amended to read:

26 295.019 Children of service members who died in U.S.S.
27 Stark attack.--

28 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, ~~and~~
29 295.05, and 1009.40 shall apply.

30 Section 954. Subsection (2) of section 295.0195,
31 Florida Statutes, is amended to read:

1 295.0195 Children of deceased or disabled military
2 personnel who died or became disabled in the Mideast Persian
3 Gulf military arena during hostilities with Iraq or in the
4 military action in Panama known as Operation Just Cause.--

5 (2) The provisions of ss. ~~240.404~~, 295.03, 295.04, and
6 295.05, and 1009.40 shall apply.

7 Section 955. Subsection (45) of section 316.003,
8 Florida Statutes, is amended to read:

9 316.003 Definitions.--The following words and phrases,
10 when used in this chapter, shall have the meanings
11 respectively ascribed to them in this section, except where
12 the context otherwise requires:

13 (45) SCHOOL BUS.--Any motor vehicle that complies with
14 the color and identification requirements of chapter 1006 ~~234~~
15 and is used to transport children to or from public or private
16 school or in connection with school activities, but not
17 including buses operated by common carriers in urban
18 transportation of school children. The term "school" includes
19 all preelementary, elementary, secondary, and postsecondary
20 schools.

21 Section 956. Subsection (4) of section 316.027,
22 Florida Statutes, is amended to read:

23 316.027 Crash involving death or personal injuries.--

24 (4) A person whose commission of a noncriminal traffic
25 infraction or any violation of this chapter or s. 1006.66
26 ~~240.265~~ causes or results in the death of another person may,
27 in addition to any other civil, criminal, or administrative
28 penalty imposed, be required by the court to serve 120
29 community service hours in a trauma center or hospital that
30 regularly receives victims of vehicle accidents, under the
31 supervision of a registered nurse, an emergency room

1 physician, or an emergency medical technician pursuant to a
2 voluntary community service program operated by the trauma
3 center or hospital.

4 Section 957. Paragraph (b) of subsection (9) of
5 section 316.515, Florida Statutes, is amended to read:

6 316.515 Maximum width, height, length.--

7 (9) BUSES AND PRIVATE MOTOR COACHES.--

8 (b) School buses which are subject to the provisions
9 of ~~chapter 234~~ or s. 316.615 or chapter 1006 are exempt from
10 the provisions of this subsection.

11 Section 958. Subsection (5) of section 316.6145,
12 Florida Statutes, is amended to read:

13 316.6145 School buses; safety belts or other restraint
14 systems required.--

15 (5) The provisions of this section shall not apply to
16 vehicles as defined in s. 1006.25(1)(b) ~~234.051(1)(b)~~.

17 Section 959. Paragraphs (a) and (c) of subsection (1)
18 of section 316.615, Florida Statutes, are amended to read:

19 316.615 School buses; physical requirements of
20 drivers.--

21 (1)(a) All motor vehicles, with a seating capacity of
22 24 or more pupils, which are regularly used for the
23 transportation of pupils to or from school, or to or from
24 school activities, shall comply with the requirements for
25 school buses of chapter 1006 ~~234~~.

26 (c) A bus operated by an organization that holds a tax
27 exemption pursuant to 26 U.S.C. s. 501(c)(3) is exempt from
28 the color, pupil-warning-lamp-system, stop-arm, and
29 crossing-arm requirements for school buses in chapter 1006 ~~234~~
30 if:

31

1 1. The bus does not pick up pupils from home or
2 deliver pupils to home;

3 2. The bus makes no intermittent stops to unload or
4 load pupils; and

5 3. The bus is not operated by or under the purview of
6 the state or political subdivision.

7 Section 960. Subsection (3) of section 316.70, Florida
8 Statutes, is amended to read:

9 316.70 Nonpublic sector buses; safety rules.--

10 (3) School buses subject to the provisions of chapter
11 1006 234 or s. 316.615 are exempt from the provisions of this
12 section.

13 Section 961. Subsection (2) of section 316.72, Florida
14 Statutes, is amended to read:

15 316.72 Buses simulating school buses in color and
16 insignia; conditions of use.--

17 (2) Any educational, recreational, religious, or
18 charitable organization may own, operate, rent, or lease any
19 bus which has been painted the orange or yellow color known as
20 "school bus chrome" and which has been equipped with the
21 signs, lights, insignia, and other features which normally
22 characterize a school bus, as defined in s. 1006.25 234.051,
23 consistent with the provisions of this section.

24 Section 962. Section 318.12, Florida Statutes, is
25 amended to read:

26 318.12 Purpose.--It is the legislative intent in the
27 adoption of this chapter to decriminalize certain violations
28 of chapter 316, the Florida Uniform Traffic Control Law;
29 chapter 320, Motor Vehicle Licenses; chapter 322, Drivers'
30 Licenses; ~~chapter 240, Postsecondary Education; and~~ chapter
31 338, Florida Intrastate Highway System and Toll Facilities;

1 and chapter 1006, Support of Learning, thereby facilitating
2 the implementation of a more uniform and expeditious system
3 for the disposition of traffic infractions.

4 Section 963. Subsection (1) of section 318.14, Florida
5 Statutes, is amended to read:

6 318.14 Noncriminal traffic infractions; exception;
7 procedures.--

8 (1) Except as provided in ss. 318.17 and 320.07(3)(c),
9 any person cited for a violation of s. 1006.66(3) ~~240.265~~,
10 chapter 316, s. 320.0605, s. 320.07(3)(a) or (b), s. 322.065,
11 s. 322.15(1), s. 322.16(2) or (3), s. 322.161(5), ~~or~~ s.
12 322.19, or s. 1006.66 is charged with a noncriminal infraction
13 and must be cited for such an infraction and cited to appear
14 before an official. If another person dies as a result of the
15 noncriminal infraction, the person cited may be required to
16 perform 120 community service hours under s. 316.027(4), in
17 addition to any other penalties.

18 Section 964. Paragraph (c) of subsection (2) of
19 section 320.08058, Florida Statutes, is amended to read:

20 320.08058 Specialty license plates.--

21 (2) CHALLENGER LICENSE PLATES.--

22 (c) Fifty percent must be distributed to the
23 Technological Research and Development Authority created by s.
24 2, chapter 87-455, Laws of Florida, for the purpose of funding
25 space-related research grants, the Teacher/Quest Scholarship
26 Program under s. 1009.61 ~~240.4082~~ as approved by the Florida
27 Department of Education, and space-related economic
28 development programs. The Technological Research and
29 Development Authority shall coordinate and distribute
30 available resources among state universities and independent
31 colleges and universities based on the research strengths of

1 such institutions in space science technology, community
2 colleges, public school districts, and not-for-profit
3 educational organizations.

4 Section 965. Subsection (1) of section 320.20, Florida
5 Statutes, is amended to read:

6 320.20 Disposition of license tax moneys.--The revenue
7 derived from the registration of motor vehicles, including any
8 delinquent fees and excluding those revenues collected and
9 distributed under the provisions of s. 320.081, must be
10 distributed monthly, as collected, as follows:

11 (1) The first proceeds, to the extent necessary to
12 comply with the provisions of s. 18, Art. XII of the State
13 Constitution of 1885, as adopted by s. 9(d), Art. XII, 1968
14 revised constitution, and the additional provisions of s. 9(d)
15 and s. 1010.57 ~~236.602~~, must be deposited in the district
16 Capital Outlay and Debt Service School Trust Fund.

17 Section 966. Section 320.38, Florida Statutes, is
18 amended to read:

19 320.38 When nonresident exemption not allowed.--The
20 provisions of s. 320.37 authorizing the operation of motor
21 vehicles over the roads of this state by nonresidents of this
22 state when such vehicles are duly registered or licensed under
23 the laws of some other state or foreign country do not apply
24 to any nonresident who accepts employment or engages in any
25 trade, profession, or occupation in this state, except a
26 nonresident migrant farm worker as defined in s. 316.003(61).
27 In every case in which a nonresident, except a nonresident
28 migrant farm worker as defined in s. 316.003(61), accepts
29 employment or engages in any trade, profession, or occupation
30 in this state or enters his or her children to be educated in
31 the public schools of this state, such nonresident shall,

1 within 10 days after the commencement of such employment or
2 education, register his or her motor vehicles in this state if
3 such motor vehicles are proposed to be operated on the roads
4 of this state. Any person who is enrolled as a student in a
5 college or university and who is a nonresident but who is in
6 this state for a period of up to 6 months engaged in a
7 work-study program for which academic credits are earned from
8 a college whose credits or degrees are accepted for credit by
9 at least three accredited institutions of higher learning, as
10 defined in s. 1005.02 ~~246.021~~, is not required to have a
11 Florida registration for the duration of the work-study
12 program if the person's vehicle is properly registered in
13 another jurisdiction. Any nonresident who is enrolled as a
14 full-time student in such institution of higher learning is
15 also exempt for the duration of such enrollment.

16 Section 967. Subsection (3) of section 322.031,
17 Florida Statutes, is amended to read:

18 322.031 Nonresident; when license required.--

19 (3) A nonresident who is domiciled in another state
20 and who commutes into this state in order to work shall not be
21 required to obtain a Florida driver's license under this
22 section solely because he or she has accepted employment or
23 engages in any trade, profession, or occupation in this state
24 if he or she has a valid driver's license issued by another
25 state. Further, any person who is enrolled as a student in a
26 college or university and who is a nonresident but is in this
27 state for a period of up to 6 months engaged in a work-study
28 program for which academic credits are earned from a college
29 whose credits or degrees are accepted for credit by at least
30 three accredited institutions of higher learning, as defined
31 in s. 1005.02 ~~246.021~~, shall not be required to obtain a

1 Florida driver's license for the duration of the work-study
2 program if such person has a valid driver's license issued by
3 another state. Any nonresident who is enrolled as a full-time
4 student in any such institution of higher learning is also
5 exempt from the requirement of obtaining a Florida driver's
6 license for the duration of such enrollment.

7 Section 968. Paragraph (e) of subsection (1) and
8 paragraph (a) of subsection (2) of section 322.091, Florida
9 Statutes, are amended to read:

10 322.091 Attendance requirements.--

11 (1) ELIGIBILITY REQUIREMENTS FOR DRIVING
12 PRIVILEGES.--A minor is not eligible for driving privileges
13 unless that minor:

14 (e) Has been issued a certificate of exemption
15 according to s. 1003.21(3) ~~232.06~~; or

16
17 The department may not issue a driver's license or learner's
18 driver's license to, or shall suspend the driver's license or
19 learner's driver's license of, any minor concerning whom the
20 department receives notification of noncompliance with the
21 requirements of this section.

22 (2) NOTIFICATION OF INTENT TO SUSPEND; SUSPENSION;
23 RECORD OF NONCOMPLIANCE.--

24 (a) The department shall notify each minor for whom
25 the department has received notification of noncompliance with
26 the requirements of this section as provided in s. 1003.27
27 ~~232.19~~, and the minor's parent or guardian, of the
28 department's intent to suspend the minor's driving privileges.

29 Section 969. Subsection (5) of section 322.095,
30 Florida Statutes, is amended to read:

31

1 322.095 Traffic law and substance abuse education
2 program for driver's license applicants.--

3 (5) The provisions of this section do not apply to any
4 person who has been licensed in any other jurisdiction or who
5 has satisfactorily completed a Department of Education
6 driver's education course offered pursuant to s. 1003.48
7 ~~233.063~~.

8 Section 970. Paragraphs (a), (b), (c), and (d) of
9 subsection (1) of section 322.21, Florida Statutes, are
10 amended to read:

11 322.21 License fees; procedure for handling and
12 collecting fees.--

13 (1) Except as otherwise provided herein, the fee for:

14 (a) An original or renewal commercial driver's license
15 is \$50, which shall include the fee for driver education
16 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
17 completed training and is applying for employment or is
18 currently employed in a public or nonpublic school system that
19 requires the commercial license, the fee shall be the same as
20 for a Class E driver's license. A delinquent fee of \$1 shall
21 be added for a renewal made not more than 12 months after the
22 license expiration date.

23 (b) An original Class D or Class E driver's license is
24 \$20, which shall include the fee for driver's education
25 provided by s. 1003.48 ~~233.063~~; however, if an applicant has
26 completed training and is applying for employment or is
27 currently employed in a public or nonpublic school system that
28 requires a commercial driver license, the fee shall be the
29 same as for a Class E license.

30 (c) The renewal or extension of a Class D or Class E
31 driver's license or of a license restricted to motorcycle use

1 only is \$15, except that a delinquent fee of \$1 shall be added
2 for a renewal or extension made not more than 12 months after
3 the license expiration date. The fee provided in this
4 paragraph shall include the fee for driver's education
5 provided by s. 1003.48 ~~233.063~~.

6 (d) An original driver's license restricted to
7 motorcycle use only is \$20, which shall include the fee for
8 driver's education provided by s. 1003.48 ~~233.063~~.

9 Section 971. Paragraphs (c) and (d) of subsection (2)
10 and subsection (6) of section 333.03, Florida Statutes, are
11 amended to read:

12 333.03 Power to adopt airport zoning regulations.--

13 (2) In the manner provided in subsection (1), interim
14 airport land use compatibility zoning regulations shall be
15 adopted. When political subdivisions have adopted land
16 development regulations in accordance with the provisions of
17 chapter 163 which address the use of land in the manner
18 consistent with the provisions herein, adoption of airport
19 land use compatibility regulations pursuant to this subsection
20 shall not be required. Interim airport land use compatibility
21 zoning regulations shall consider the following:

22 (c) Where an airport authority or other governing body
23 operating a publicly owned, public-use airport has conducted a
24 noise study in accordance with the provisions of 14 C.F.R.
25 part 150, neither residential construction nor any educational
26 facility as defined in chapter 1013 ~~235~~, with the exception of
27 aviation school facilities, shall be permitted within the area
28 contiguous to the airport defined by an outer noise contour
29 that is considered incompatible with that type of construction
30 by 14 C.F.R. part 150, Appendix A or an equivalent noise level
31 as established by other types of noise studies.

1 (d) Where an airport authority or other governing body
2 operating a publicly owned, public-use airport has not
3 conducted a noise study, neither residential construction nor
4 any educational facility as defined in chapter 1013 ~~235~~, with
5 the exception of aviation school facilities, shall be
6 permitted within an area contiguous to the airport measuring
7 one-half the length of the longest runway on either side of
8 and at the end of each runway centerline.

9 (6) Nothing in subsection (2) or subsection (3) shall
10 be construed to require the removal, alteration, sound
11 conditioning, or other change, or to interfere with the
12 continued use or adjacent expansion of any educational
13 structure or site in existence on July 1, 1993, or be
14 construed to prohibit the construction of any new structure
15 for which a site has been determined as provided in former s.
16 235.19, as of July 1, 1993.

17 Section 972. Subsection (7) of section 364.508,
18 Florida Statutes, is amended to read:

19 364.508 Definitions.--As used in this part:

20 (7) "Eligible facilities" means all approved campuses
21 and instructional centers of all public universities, public
22 community colleges, area technical centers, public elementary
23 schools, middle schools, and high schools, including school
24 administrative offices, public libraries, teaching hospitals,
25 the research institute described in s. 1004.43 ~~240-512~~, and
26 rural public hospitals as defined in s. 395.602. If no rural
27 public hospital exists in a community, the public health
28 clinic which is responsible for individuals before they can be
29 transferred to a regional hospital shall be considered
30 eligible.

31

1 Section 973. Paragraph (k) of subsection (3) of
2 section 380.0651, Florida Statutes, is amended to read:

3 380.0651 Statewide guidelines and standards.--

4 (3) The following statewide guidelines and standards
5 shall be applied in the manner described in s. 380.06(2) to
6 determine whether the following developments shall be required
7 to undergo development-of-regional-impact review:

8 (k) Schools.--

9 1. The proposed construction of any public, private,
10 or proprietary postsecondary educational campus which provides
11 for a design population of more than 5,000 full-time
12 equivalent students, or the proposed physical expansion of any
13 public, private, or proprietary postsecondary educational
14 campus having such a design population that would increase the
15 population by at least 20 percent of the design population.

16 2. As used in this paragraph, "full-time equivalent
17 student" means enrollment for 15 or more quarter hours during
18 a single academic semester. In technical ~~area~~ ~~vocational~~
19 schools or other institutions which do not employ semester
20 hours or quarter hours in accounting for student
21 participation, enrollment for 18 contact hours shall be
22 considered equivalent to one quarter hour, and enrollment for
23 27 contact hours shall be considered equivalent to one
24 semester hour.

25 3. This paragraph does not apply to institutions which
26 are the subject of a campus master plan adopted by the
27 university board of trustees ~~Board of Regents~~ pursuant to s.
28 1013.30 ~~240.155~~.

29 Section 974. Paragraph (e) of subsection (1) of
30 section 381.003, Florida Statutes, is amended to read:

31

1 381.003 Communicable disease and AIDS prevention and
2 control.--

3 (1) The department shall conduct a communicable
4 disease prevention and control program as part of fulfilling
5 its public health mission. A communicable disease is any
6 disease caused by transmission of a specific infectious agent,
7 or its toxic products, from an infected person, an infected
8 animal, or the environment to a susceptible host, either
9 directly or indirectly. The communicable disease program must
10 include, but need not be limited to:

11 (e) Programs for the prevention and control of
12 vaccine-preventable diseases, including programs to immunize
13 school children as required by s. 1003.22(3)-(11) ~~232.032~~ and
14 the development of an automated, electronic, and centralized
15 database or registry of immunizations. The department shall
16 ensure that all children in this state are immunized against
17 vaccine-preventable diseases. The immunization registry shall
18 allow the department to enhance current immunization
19 activities for the purpose of improving the immunization of
20 all children in this state.

21 1. Except as provided in subparagraph 2., the
22 department shall include all children born in this state in
23 the immunization registry by using the birth records from the
24 Office of Vital Statistics. The department shall add other
25 children to the registry as immunization services are
26 provided.

27 2. The parent or guardian of a child may refuse to
28 have the child included in the immunization registry by
29 signing a form obtained from the department, or from the
30 health care practitioner or entity that provides the
31 immunization, which indicates that the parent or guardian does

1 not wish to have the child included in the immunization
2 registry. The decision to not participate in the immunization
3 registry must be noted in the registry.

4 3. The immunization registry shall allow for
5 immunization records to be electronically transferred to
6 entities that are required by law to have such records,
7 including schools, licensed child care facilities, and any
8 other entity that is required by law to obtain proof of a
9 child's immunizations.

10 4. Any health care practitioner licensed under chapter
11 458, chapter 459, or chapter 464 in this state who complies
12 with rules adopted by the department to access the
13 immunization registry may, through the immunization registry,
14 directly access immunization records and update a child's
15 immunization history or exchange immunization information with
16 another authorized practitioner, entity, or agency involved in
17 a child's care. The information included in the immunization
18 registry must include the child's name, date of birth,
19 address, and any other unique identifier necessary to
20 correctly identify the child; the immunization record,
21 including the date, type of administered vaccine, and vaccine
22 lot number; and the presence or absence of any adverse
23 reaction or contraindication related to the immunization.
24 Information received by the department for the immunization
25 registry retains its status as confidential medical
26 information and the department must maintain the
27 confidentiality of that information as otherwise required by
28 law. A health care practitioner or other agency that obtains
29 information from the immunization registry must maintain the
30 confidentiality of any medical records in accordance with s.
31 456.057 or as otherwise required by law.

1715

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 975. Paragraph (d) of subsection (1) of
2 section 381.005, Florida Statutes, is amended to read:

3 381.005 Primary and preventive health services.--

4 (1) The department shall conduct a primary and
5 preventive health care program as part of fulfilling its
6 public health mission. This program shall include, but is not
7 limited to:

8 (d) School health services in accordance with chapters
9 1003 and 1006 ~~chapter 232~~.

10 Section 976. Paragraph (p) of subsection (5) of
11 section 381.0056, Florida Statutes, is amended to read:

12 381.0056 School health services program.--

13 (5) Each county health department shall develop,
14 jointly with the district school board and the local school
15 health advisory committee, a school health services plan; and
16 the plan shall include, at a minimum, provisions for:

17 (p) Maintenance of records on incidents of health
18 problems, corrective measures taken, and such other
19 information as may be needed to plan and evaluate health
20 programs; except, however, that provisions in the plan for
21 maintenance of health records of individual students must be
22 in accordance with s. 1002.22 ~~228.093~~;

23 Section 977. Subsection (9) of section 381.0302,
24 Florida Statutes, is amended to read:

25 381.0302 Florida Health Services Corps.--

26 (9) Persons who receive loan repayment assistance
27 under s. 1009.65 ~~240.4067~~ shall be members of the Florida
28 Health Services Corps.

29 Section 978. Subsection (3) of section 391.055,
30 Florida Statutes, is amended to read:

31 391.055 Service delivery systems.--

1 (3) The Children's Medical Services network may
2 contract with school districts participating in the certified
3 school match program pursuant to ss. ~~236.0812~~ and 409.908(21)
4 and 1011.70 for the provision of school-based services, as
5 provided for in s. 409.9071, for Medicaid-eligible children
6 who are enrolled in the Children's Medical Services network.

7 Section 979. Section 393.0657, Florida Statutes, is
8 amended to read:

9 393.0657 Persons not required to be refingerprinted or
10 rescreened.--Any provision of law to the contrary
11 notwithstanding, human resource personnel who have been
12 fingerprinted or screened pursuant to chapters 393, 394, 397,
13 402, and 409, and teachers who have been fingerprinted
14 pursuant to chapter 1012 ~~231~~, who have not been unemployed for
15 more than 90 days thereafter, and who under the penalty of
16 perjury attest to the completion of such fingerprinting or
17 screening and to compliance with the provisions of this
18 section and the standards for good moral character as
19 contained in such provisions as ss. 110.1127(3), 393.0655(1),
20 394.457(6), 397.451, 402.305(2), and 409.175(4), shall not be
21 required to be refingerprinted or rescreened in order to
22 comply with any direct service provider screening or
23 fingerprinting requirements.

24 Section 980. Subsection (3) of section 394.4572,
25 Florida Statutes, is amended to read:

26 394.4572 Screening of mental health personnel.--

27 (3) Prospective mental health personnel who have
28 previously been fingerprinted or screened pursuant to this
29 chapter, chapter 393, chapter 397, chapter 402, or chapter
30 409, or teachers who have been fingerprinted pursuant to
31 chapter 1012 ~~231~~, who have not been unemployed for more than

1 90 days thereafter, and who under the penalty of perjury
2 attest to the completion of such fingerprinting or screening
3 and to compliance with the provisions of this section and the
4 standards for level 1 screening contained in chapter 435,
5 shall not be required to be refingerprinted or rescreened in
6 order to comply with any screening requirements of this part.

7 Section 981. Subsection (5) of section 394.495,
8 Florida Statutes, is amended to read:

9 394.495 Child and adolescent mental health system of
10 care; programs and services.--

11 (5) In order to enhance collaboration between agencies
12 and to facilitate the provision of services by the child and
13 adolescent mental health treatment and support system and the
14 school district, the local child and adolescent mental health
15 system of care shall include the local educational multiagency
16 network for severely emotionally disturbed students specified
17 in s. 1006.04 ~~230.2317~~.

18 Section 982. Paragraph (c) of subsection (4) of
19 section 394.498, Florida Statutes, is amended to read:

20 394.498 Child and Adolescent Interagency System of
21 Care Demonstration Models.--

22 (4) ESSENTIAL ELEMENTS.--

23 (c) In order for children, adolescents, and families
24 of children and adolescents to receive timely and effective
25 services, the basic provider network identified in each
26 demonstration model must be well designed and managed. The
27 provider network should be able to meet the needs of a
28 significant proportion of the target population. The applicant
29 must demonstrate the capability to manage the network of
30 providers for the purchasers that participate in the

31

1 demonstration model. The applicant must demonstrate its
2 ability to perform the following network management functions:
3 1. Identify providers within the designated area of
4 the demonstration model which are currently funded by the
5 state agencies included in the model, and identify additional
6 providers that are needed to provide additional services for
7 the target population. The network of providers may include:
8 a. Licensed mental health professionals as defined in
9 s. 394.455(2), (4), (21), (23), or (24);
10 b. Professionals licensed under chapter 491;
11 c. Teachers certified under s. 1012.56 ~~231.17~~;
12 d. Facilities licensed under chapter 395, as a
13 hospital; s. 394.875, as a crisis stabilization unit or
14 short-term residential facility; or s. 409.175, as a
15 residential child-caring agency; and
16 e. Other community agencies.
17 2. Define access points and service linkages of
18 providers in the network.
19 3. Define the ways in which providers and
20 participating state agencies are expected to collaborate in
21 providing services.
22 4. Define methods to measure the collective
23 performance outcomes of services provided by providers and
24 state agencies, measure the performance of individual
25 agencies, and implement a quality improvement process across
26 the provider network.
27 5. Develop brochures for family members which are
28 written in understandable terminology, to help families
29 identify appropriate service providers, choose the provider,
30 and access care directly whenever possible.
31

1 6. Ensure that families are given a substantial role
2 in planning and monitoring the provider network.

3 7. Train all providers with respect to the principles
4 of care outlined in this section, including effective
5 techniques of cooperation, the wraparound process and
6 strengths-based assessment, the development of service plans,
7 and techniques of case management.

8 Section 983. Subsection (3) of section 395.602,
9 Florida Statutes, is amended to read:

10 395.602 Rural hospitals.--

11 (3) USE OF FUNDS.--It is the intent of the Legislature
12 that funds as appropriated shall be utilized by the department
13 for the purpose of increasing the number of primary care
14 physicians, physician assistants, certified nurse midwives,
15 nurse practitioners, and nurses in rural areas, either through
16 the Medical Education Reimbursement and Loan Repayment Program
17 as defined by s. 1009.65 ~~240.4067~~ or through a federal loan
18 repayment program which requires state matching funds. The
19 department may use funds appropriated for the Medical
20 Education Reimbursement and Loan Repayment Program as matching
21 funds for federal loan repayment programs for health care
22 personnel, such as that authorized in Pub. L. No. 100-177, s.
23 203. If the department receives federal matching funds, the
24 department shall only implement the federal program.
25 Reimbursement through either program shall be limited to:

26 (a) Primary care physicians, physician assistants,
27 certified nurse midwives, nurse practitioners, and nurses
28 employed by or affiliated with rural hospitals, as defined in
29 this act; and

30 (b) Primary care physicians, physician assistants,
31 certified nurse midwives, nurse practitioners, and nurses

1 employed by or affiliated with rural area health education
2 centers, as defined in this section. These personnel shall
3 practice:

4 1. In a county with a population density of no greater
5 than 100 persons per square mile; or

6 2. Within the boundaries of a hospital tax district
7 which encompasses a population of no greater than 100 persons
8 per square mile.

9
10 If the department administers a federal loan repayment
11 program, priority shall be given to obligating state and
12 federal matching funds pursuant to paragraphs (a) and (b).
13 The department may use federal matching funds in other health
14 workforce shortage areas and medically underserved areas in
15 the state for loan repayment programs for primary care
16 physicians, physician assistants, certified nurse midwives,
17 nurse practitioners, and nurses who are employed by publicly
18 financed health care programs that serve medically indigent
19 persons.

20 Section 984. Subsection (3) of section 395.605,
21 Florida Statutes, is amended to read:

22 395.605 Emergency care hospitals.--

23 (3) For the purpose of participation in the Medical
24 Education Reimbursement and Loan Repayment Program as defined
25 in s. 1009.65 ~~240.4067~~ or other loan repayment or incentive
26 programs designed to relieve medical workforce shortages, the
27 department shall treat emergency care hospitals in the same
28 manner as rural hospitals.

29 Section 985. Subsection (3) of section 397.405,
30 Florida Statutes, is amended to read:

31

1 397.405 Exemptions from licensure.--The following are
2 exempt from the licensing provisions of this chapter:

3 (3) A substance abuse education program established
4 pursuant to s. 1003.42 ~~233.061~~.

5
6 The exemptions from licensure in this section do not apply to
7 any facility or entity which receives an appropriation, grant,
8 or contract from the state to operate as a service provider as
9 defined in this chapter or to any substance abuse program
10 regulated pursuant to s. 397.406. No provision of this
11 chapter shall be construed to limit the practice of a
12 physician licensed under chapter 458 or chapter 459, a
13 psychologist licensed under chapter 490, or a psychotherapist
14 licensed under chapter 491, providing outpatient or inpatient
15 substance abuse treatment to a voluntary patient, so long as
16 the physician, psychologist, or psychotherapist does not
17 represent to the public that he or she is a licensed service
18 provider under this act. Failure to comply with any
19 requirement necessary to maintain an exempt status under this
20 section is a misdemeanor of the first degree, punishable as
21 provided in s. 775.082 or s. 775.083.

22 Section 986. Subsection (4) of section 397.451,
23 Florida Statutes, is amended to read:

24 397.451 Background checks of service provider
25 personnel who have direct contact with unmarried minor clients
26 or clients who are developmentally disabled.--

27 (4) PERSONNEL EXEMPT FROM BEING REFINGERPRINTED OR
28 RECHECKED.--Service provider personnel who have been
29 fingerprinted or had their backgrounds checked pursuant to
30 chapter 393, chapter 394, chapter 402, or chapter 409, or this
31 section, and teachers who have been fingerprinted pursuant to

1 chapter 1012 ~~231~~, who have not been unemployed for more than
2 90 days thereafter and who, under the penalty of perjury,
3 attest to the completion of such fingerprinting or background
4 checks and to compliance with the provisions of this section
5 and the standards contained in chapter 435 and this section,
6 are not required to be refingerprinted or rechecked in order
7 to comply with service provider personnel fingerprinting or
8 background check requirements.

9 Section 987. Paragraph (h) of subsection (2) of
10 section 397.951, Florida Statutes, is amended to read:

11 397.951 Treatment and sanctions.--The Legislature
12 recognizes that the integration of treatment and sanctions
13 greatly increases the effectiveness of substance abuse
14 treatment. It is the responsibility of the department and the
15 substance abuse treatment provider to employ the full measure
16 of sanctions available to require participation and completion
17 of treatment to ensure successful outcomes for children in
18 substance abuse treatment.

19 (2) The department shall ensure that substance abuse
20 treatment providers employ any and all appropriate available
21 sanctions necessary to engage, motivate, and maintain a child
22 in treatment, including, but not limited to, provisions in law
23 that:

24 (h) Provide that the use, possession, or sale of
25 controlled substances, as defined in chapter 893, or
26 possession of electronic telephone pagers, by any student
27 while such student is upon school property or in attendance at
28 a school function is grounds for disciplinary action by the
29 school and may also result in criminal penalties being imposed
30 pursuant to s. 1006.09(1)-(4) ~~232-26~~.

31

1 Section 988. Subsection (2), (4), and (7) of section
2 402.22, Florida Statutes, are amended to read:

3 402.22 Education program for students who reside in
4 residential care facilities operated by the Department of
5 Children and Family Services.--

6 (2) District school boards shall establish educational
7 programs for all students ages 5 through 18 under the
8 residential care of the Department of Children and Family
9 Services and may provide for students below age 3 as provided
10 for in s. 1003.21(1)(e) ~~232.01(1)(e)~~. Funding of such programs
11 shall be pursuant to s. 1011.62 ~~236.081~~.

12 (4) Students age 18 and under who are under the
13 residential care of the Department of Children and Family
14 Services and who receive an education program shall be
15 calculated as full-time equivalent student membership in the
16 appropriate cost factor as provided for in s. 1011.62(1)(c)
17 ~~236.081(1)(e)~~. Residential care facilities of the Department
18 of Children and Family Services shall include, but not be
19 limited to, developmental services institutions and state
20 mental health facilities. All students shall receive their
21 education program from the district school system, and funding
22 shall be allocated through the Florida Education Finance
23 Program for the district school system.

24 (7) Notwithstanding the provisions of s. 1001.42(4)(n)
25 ~~230.23(4)(n)~~, the educational program at the Marianna Sunland
26 Center in Jackson County shall be operated by the Department
27 of Education, either directly or through grants or contractual
28 agreements with other public educational agencies. The annual
29 state allocation to any such agency shall be computed pursuant
30 to s. 1011.62(1), (2), and (5) ~~236.081(1), (2), and (5)~~ and
31 allocated in the amount that would have been provided the

1 local school district in which the residential facility is
2 located.

3 Section 989. Subsection (3) of section 402.302,
4 Florida Statutes, is amended to read:

5 402.302 Definitions.--

6 (3) "Child care personnel" means all owners,
7 operators, employees, and volunteers working in a child care
8 facility. The term does not include persons who work in a
9 child care facility after hours when children are not present
10 or parents of children in Head Start. For purposes of
11 screening, the term includes any member, over the age of 12
12 years, of a child care facility operator's family, or person,
13 over the age of 12 years, residing with a child care facility
14 operator if the child care facility is located in or adjacent
15 to the home of the operator or if the family member of, or
16 person residing with, the child care facility operator has any
17 direct contact with the children in the facility during its
18 hours of operation. Members of the operator's family or
19 persons residing with the operator who are between the ages of
20 12 years and 18 years shall not be required to be
21 fingerprinted but shall be screened for delinquency records.
22 For purposes of screening, the term shall also include persons
23 who work in child care programs which provide care for
24 children 15 hours or more each week in public or nonpublic
25 schools, summer day camps, family day care homes, or those
26 programs otherwise exempted under s. 402.316. The term does
27 not include public or nonpublic school personnel who are
28 providing care during regular school hours, or after hours for
29 activities related to a school's program for grades
30 kindergarten through 12 ~~as required under chapter 232~~. A
31 volunteer who assists on an intermittent basis for less than

1725

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 40 hours per month is not included in the term "personnel" for
2 the purposes of screening and training, provided that the
3 volunteer is under direct and constant supervision by persons
4 who meet the personnel requirements of s. 402.305(2).
5 Students who observe and participate in a child care facility
6 as a part of their required coursework shall not be considered
7 child care personnel, provided such observation and
8 participation are on an intermittent basis and the students
9 are under direct and constant supervision of child care
10 personnel.

11 Section 990. Section 402.3057, Florida Statutes, is
12 amended to read:

13 402.3057 Persons not required to be refingerprinted or
14 rescreened.--Any provision of law to the contrary
15 notwithstanding, human resource personnel who have been
16 fingerprinted or screened pursuant to chapters 393, 394, 397,
17 402, and 409, and teachers and noninstructional personnel who
18 have been fingerprinted pursuant to chapter 1012 ~~231~~, who have
19 not been unemployed for more than 90 days thereafter, and who
20 under the penalty of perjury attest to the completion of such
21 fingerprinting or screening and to compliance with the
22 provisions of this section and the standards for good moral
23 character as contained in such provisions as ss. 110.1127(3),
24 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
25 shall not be required to be refingerprinted or rescreened in
26 order to comply with any caretaker screening or fingerprinting
27 requirements.

28 Section 991. Paragraphs (a) and (b) of subsection (3)
29 of section 409.145, Florida Statutes, are amended to read:

30 409.145 Care of children.--
31

1 (3)(a) The department is authorized to continue to
2 provide the services of the children's foster care program to
3 individuals 18 to 21 years of age who are enrolled in high
4 school, in a program leading to a high school equivalency
5 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time
6 career education program, and to continue to provide services
7 of the children's foster care program to individuals 18 to 23
8 years of age who are enrolled full-time in a postsecondary
9 educational institution granting a degree, a certificate, or
10 an applied technology diploma, if the following requirements
11 are met:

12 1. The individual was committed to the legal custody
13 of the department for placement in foster care as a dependent
14 child;

15 2. All other resources have been thoroughly explored,
16 and it can be clearly established that there are no
17 alternative resources for placement; and

18 3. A written service agreement which specifies
19 responsibilities and expectations for all parties involved has
20 been signed by a representative of the department, the
21 individual, and the foster parent or licensed child-caring
22 agency providing the placement resources.

23 (b) The services of the foster care program shall
24 continue for those individuals 18 to 21 years of age only for
25 the period of time the individual is continuously enrolled in
26 high school, in a program leading to a high school equivalency
27 diploma as defined in s. 1003.435 ~~229.814~~, or in a full-time
28 career education program; and shall continue for those
29 individuals 18 to 23 years of age only for the period of time
30 the individual is continuously enrolled full-time in a
31 postsecondary educational institution granting a degree, a

1 certificate, or an applied technology diploma. Services shall
2 be terminated upon completion of or withdrawal or permanent
3 expulsion from high school, the program leading to a high
4 school equivalency diploma, the full-time career and technical
5 education program, or the postsecondary educational
6 institution granting a degree, a certificate, or an applied
7 technology diploma. In addition, the department may, based
8 upon the availability of funds, provide assistance to those
9 individuals who leave foster care when they attain 18 years of
10 age and subsequently request assistance prior to their 21st
11 birthday. The following are examples of assistance that may be
12 provided: referrals for employment, services for educational
13 or career ~~vocational~~ development, and housing assistance.

14 Section 992. Section 409.1757, Florida Statutes, is
15 amended to read:

16 409.1757 Persons not required to be refingerprinted or
17 rescreened.--Any provision of law to the contrary
18 notwithstanding, human resource personnel who have been
19 fingerprinted or screened pursuant to chapters 393, 394, 397,
20 402, and this chapter, and teachers who have been
21 fingerprinted pursuant to chapter 1012 ~~231~~, who have not been
22 unemployed for more than 90 days thereafter, and who under the
23 penalty of perjury attest to the completion of such
24 fingerprinting or screening and to compliance with the
25 provisions of this section and the standards for good moral
26 character as contained in such provisions as ss. 110.1127(3),
27 393.0655(1), 394.457(6), 397.451, 402.305(2), and 409.175(4),
28 shall not be required to be refingerprinted or rescreened in
29 order to comply with any caretaker screening or fingerprinting
30 requirements.

31

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

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

1 exceptional student education program, or who have an
2 individualized educational plan.

3 (6) Retroactive reimbursements for services as
4 specified in former s. 236.0812 as of July 1, 1996, including
5 reimbursement for the 1995-1996 and 1996-1997 school years,
6 subject to federal approval.

7 Section 995. Subsection (1) of section 409.9071,
8 Florida Statutes, as amended by sections 13 and 18 of chapter
9 97-263, Laws of Florida, is amended to read:

10 409.9071 Medicaid provider agreements for school
11 districts certifying state match.--

12 (1) Subject to any limitations provided for in the
13 General Appropriations Act, the agency, in compliance with
14 appropriate federal authorization, shall develop policies and
15 procedures to allow for certification of state and local
16 education funds which have been provided for services as
17 authorized in s. 1011.70 ~~236.0812~~. Any state or local funds
18 certified pursuant to this section shall be for children with
19 specified disabilities who are eligible for Medicaid and who
20 have an individualized educational plan that demonstrates that
21 such services are medically necessary and a physician
22 authorization order if required by federal Medicaid laws.

23 Section 996. Subsection (21) of section 409.908,
24 Florida Statutes, is amended to read:

25 409.908 Reimbursement of Medicaid providers.--Subject
26 to specific appropriations, the agency shall reimburse
27 Medicaid providers, in accordance with state and federal law,
28 according to methodologies set forth in the rules of the
29 agency and in policy manuals and handbooks incorporated by
30 reference therein. These methodologies may include fee
31 schedules, reimbursement methods based on cost reporting,

1 negotiated fees, competitive bidding pursuant to s. 287.057,
2 and other mechanisms the agency considers efficient and
3 effective for purchasing services or goods on behalf of
4 recipients. Payment for Medicaid compensable services made on
5 behalf of Medicaid eligible persons is subject to the
6 availability of moneys and any limitations or directions
7 provided for in the General Appropriations Act or chapter 216.
8 Further, nothing in this section shall be construed to prevent
9 or limit the agency from adjusting fees, reimbursement rates,
10 lengths of stay, number of visits, or number of services, or
11 making any other adjustments necessary to comply with the
12 availability of moneys and any limitations or directions
13 provided for in the General Appropriations Act, provided the
14 adjustment is consistent with legislative intent.

15 (21) The agency shall reimburse school districts which
16 certify the state match pursuant to ss. 1011.70 ~~236.0812~~ and
17 409.9071 for the federal portion of the school district's
18 allowable costs to deliver the services, based on the
19 reimbursement schedule. The school district shall determine
20 the costs for delivering services as authorized in ss. 1011.70
21 ~~236.0812~~ and 409.9071 for which the state match will be
22 certified. Reimbursement of school-based providers is
23 contingent on such providers being enrolled as Medicaid
24 providers and meeting the qualifications contained in 42
25 C.F.R. s. 440.110, unless otherwise waived by the federal
26 Health Care Financing Administration. Speech therapy providers
27 who are certified through the Department of Education pursuant
28 to rule 6A-4.0176, Florida Administrative Code, are eligible
29 for reimbursement for services that are provided on school
30 premises. Any employee of the school district who has been
31 fingerprinted and has received a criminal background check in

1 accordance with Department of Education rules and guidelines
2 shall be exempt from any agency requirements relating to
3 criminal background checks.

4 Section 997. Paragraph (a) of subsection (2) of
5 section 409.9122, Florida Statutes, is amended to read:

6 409.9122 Mandatory Medicaid managed care enrollment;
7 programs and procedures.--

8 (2)(a) The agency shall enroll in a managed care plan
9 or MediPass all Medicaid recipients, except those Medicaid
10 recipients who are: in an institution; enrolled in the
11 Medicaid medically needy program; or eligible for both
12 Medicaid and Medicare. However, to the extent permitted by
13 federal law, the agency may enroll in a managed care plan or
14 MediPass a Medicaid recipient who is exempt from mandatory
15 managed care enrollment, provided that:

16 1. The recipient's decision to enroll in a managed
17 care plan or MediPass is voluntary;

18 2. If the recipient chooses to enroll in a managed
19 care plan, the agency has determined that the managed care
20 plan provides specific programs and services which address the
21 special health needs of the recipient; and

22 3. The agency receives any necessary waivers from the
23 federal Health Care Financing Administration.

24
25 The agency shall develop rules to establish policies by which
26 exceptions to the mandatory managed care enrollment
27 requirement may be made on a case-by-case basis. The rules
28 shall include the specific criteria to be applied when making
29 a determination as to whether to exempt a recipient from
30 mandatory enrollment in a managed care plan or MediPass.

31 School districts participating in the certified school match

1 program pursuant to ss. 1011.70 ~~236.0812~~ and 409.908(21) shall
2 be reimbursed by Medicaid, subject to the limitations of s.
3 1011.70(1) ~~236.0812(1) and (2)~~, for a Medicaid-eligible child
4 participating in the services as authorized in s. 1011.70
5 ~~236.0812~~, as provided for in s. 409.9071, regardless of
6 whether the child is enrolled in MediPass or a managed care
7 plan. Managed care plans shall make a good faith effort to
8 execute agreements with school districts regarding the
9 coordinated provision of services authorized under s. 1011.70
10 ~~236.0812~~. County health departments delivering school-based
11 services pursuant to ss. 381.0056 and 381.0057 shall be
12 reimbursed by Medicaid for the federal share for a
13 Medicaid-eligible child who receives Medicaid-covered services
14 in a school setting, regardless of whether the child is
15 enrolled in MediPass or a managed care plan. Managed care
16 plans shall make a good faith effort to execute agreements
17 with county health departments regarding the coordinated
18 provision of services to a Medicaid-eligible child. To ensure
19 continuity of care for Medicaid patients, the agency, the
20 Department of Health, and the Department of Education shall
21 develop procedures for ensuring that a student's managed care
22 plan or MediPass provider receives information relating to
23 services provided in accordance with ss. ~~236.0812~~, 381.0056,
24 381.0057, ~~and~~ 409.9071, and 1011.70.

25 Section 998. Paragraph (d) of subsection (5) and
26 subsection (10) of section 411.01, Florida Statutes, are
27 amended to read:

28 411.01 Florida Partnership for School Readiness;
29 school readiness coalitions.--

30 (5) CREATION OF SCHOOL READINESS COALITIONS.--

31 (d) Implementation.--

1 1. The school readiness program is to be phased in.
2 Until the coalition implements its plan, the county shall
3 continue to receive the services identified in subsection (3)
4 through the various agencies that would be responsible for
5 delivering those services under current law. Plan
6 implementation is subject to approval of the coalition and the
7 plan by the Florida Partnership for School Readiness.

8 2. Each school readiness coalition shall develop a
9 plan for implementing the school readiness program to meet the
10 requirements of this section and the performance standards and
11 outcome measures established by the partnership. The plan must
12 include a written description of the role of the program in
13 the coalition's effort to meet the first state education goal,
14 readiness to start school, including a description of the plan
15 to involve the prekindergarten early intervention programs,
16 Head Start Programs, programs offered by public or private
17 providers of child care, preschool programs for children with
18 disabilities, programs for migrant children, Title I programs,
19 subsidized child care programs, and teen parent programs. The
20 plan must also demonstrate how the program will ensure that
21 each 3-year-old and 4-year-old child in a publicly funded
22 school readiness program receives scheduled activities and
23 instruction designed to prepare children to enter kindergarten
24 ready to learn. Prior to implementation of the program, the
25 school readiness coalition must submit the plan to the
26 partnership for approval. The partnership may approve the
27 plan, reject the plan, or approve the plan with conditions.
28 The Florida Partnership for School Readiness shall review
29 coalition plans at least annually.

30 3. The plan for the school readiness program must
31 include the following minimum standards and provisions:

1 a. A sliding fee scale establishing a copayment for
2 parents based upon their ability to pay, which is the same for
3 all program providers, to be implemented and reflected in each
4 program's budget.

5 b. A choice of settings and locations in licensed,
6 registered, religious-exempt, or school-based programs to be
7 provided to parents.

8 c. Instructional staff who have completed the training
9 course as required in s. 402.305(2)(d)1., as well as staff who
10 have additional training or credentials as required by the
11 partnership. The plan must provide a method for assuring the
12 qualifications of all personnel in all program settings.

13 d. Specific eligibility priorities for children within
14 the coalition's county pursuant to subsection (6).

15 e. Performance standards and outcome measures
16 established by the partnership or alternatively, standards and
17 outcome measures to be used until such time as the partnership
18 adopts such standards and outcome measures.

19 f. Reimbursement rates that have been developed by the
20 coalition. Reimbursement rates shall not have the effect of
21 limiting parental choice or creating standards or levels of
22 services that have not been authorized by the Legislature.

23 g. Systems support services, including a central
24 agency, child care resource and referral, eligibility
25 determinations, training of providers, and parent support and
26 involvement.

27 h. Direct enhancement services to families and
28 children. System support and direct enhancement services shall
29 be in addition to payments for the placement of children in
30 school readiness programs.

31

1 i. A business plan, which must include the contract
2 with a school readiness agent if the coalition is not a
3 legally established corporate entity. Coalitions may contract
4 with other coalitions to achieve efficiency in multiple-county
5 services, and such contracts may be part of the coalition's
6 business plan.

7 j. Strategies to meet the needs of unique populations,
8 such as migrant workers.

9
10 As part of the plan, the coalition may request the Governor to
11 apply for a waiver to allow the coalition to administer the
12 Head Start Program to accomplish the purposes of the school
13 readiness program. If any school readiness plan can
14 demonstrate that specific statutory goals can be achieved more
15 effectively by using procedures that require modification of
16 existing rules, policies, or procedures, a request for a
17 waiver to the partnership may be made as part of the plan.
18 Upon review, the partnership may grant the proposed
19 modification.

20 4. Persons with an early childhood teaching
21 certificate may provide support and supervision to other staff
22 in the school readiness program.

23 5. The coalition may not implement its plan until it
24 submits the plan to and receives approval from the
25 partnership. Once the plan has been approved, the plan and the
26 services provided under the plan shall be controlled by the
27 coalition rather than by the state agencies or departments.
28 The plan shall be reviewed and revised as necessary, but at
29 least biennially.

30 6. The following statutes will not apply to local
31 coalitions with approved plans: ss. 125.901(2)(a)3., 411.221,

1 and 411.232. To facilitate innovative practices and to allow
2 local establishment of school readiness programs, a school
3 readiness coalition may apply to the Governor and Cabinet for
4 a waiver of, and the Governor and Cabinet may waive, any of
5 the provisions of ss. ~~230.23166~~, 411.223, ~~and~~ 411.232, and
6 1003.54 if the waiver is necessary for implementation of the
7 coalition's school readiness plan.

8 7. Two or more counties may join for the purpose of
9 planning and implementing a school readiness program.

10 8. A coalition may, subject to approval of the
11 partnership as part of the coalition's plan, receive
12 subsidized child care funds for all children eligible for any
13 federal subsidized child care program and be the provider of
14 the program services.

15 9. Coalitions are authorized to enter into multiparty
16 contracts with multicounty service providers in order to meet
17 the needs of unique populations such as migrant workers.

18 (10) SCHOOL READINESS UNIFORM SCREENING.--The
19 Department of Education shall implement a school readiness
20 uniform screening, including a pilot program during the
21 2001-2002 school year, to validate the system recommended by
22 the Florida Partnership for School Readiness as part of a
23 comprehensive evaluation design. Beginning with the 2002-2003
24 school year, the department shall require that all school
25 districts administer the school readiness uniform screening to
26 each kindergarten student in the district school system upon
27 the student's entry into kindergarten. Children who enter
28 public school for the first time in first grade must undergo a
29 uniform screening adopted for use in first grade. The
30 department shall incorporate school readiness data into the
31 K-20 data warehouse for longitudinal tracking. Notwithstanding

1 s. 1002.22 ~~228.093~~, the department shall provide the
2 partnership and the Agency for Workforce Innovation with
3 complete and full access to kindergarten uniform screening
4 data at the student, school, district, and state levels in a
5 format that will enable the partnership and the agency to
6 prepare reports needed by state policymakers and local school
7 readiness coalitions to access progress toward school
8 readiness goals and provide input for continuous improvement
9 of local school readiness services and programs.

10 Section 999. Paragraph (f) of subsection (8) of
11 section 411.203, Florida Statutes, is amended to read:

12 411.203 Continuum of comprehensive services.--The
13 Department of Education and the Department of Health and
14 Rehabilitative Services shall utilize the continuum of
15 prevention and early assistance services for high-risk
16 pregnant women and for high-risk and handicapped children and
17 their families, as outlined in this section, as a basis for
18 the intraagency and interagency program coordination,
19 monitoring, and analysis required in this chapter. The
20 continuum shall be the guide for the comprehensive statewide
21 approach for services for high-risk pregnant women and for
22 high-risk and handicapped children and their families, and may
23 be expanded or reduced as necessary for the enhancement of
24 those services. Expansion or reduction of the continuum shall
25 be determined by intraagency or interagency findings and
26 agreement, whichever is applicable. Implementation of the
27 continuum shall be based upon applicable eligibility criteria,
28 availability of resources, and interagency prioritization when
29 programs impact both agencies, or upon single agency
30 prioritization when programs impact only one agency. The
31 continuum shall include, but not be limited to:

1 (8) SUPPORT SERVICES FOR ALL EXPECTANT PARENTS AND
2 PARENTS OF HIGH-RISK CHILDREN.--

3 (f) Parent support groups, such as the community
4 resource mother or father program as established in s. 402.45,
5 ~~the Florida First Start Program as established in s. 230.2303,~~
6 or parents as first teachers, to strengthen families and to
7 enable families of high-risk children to better meet their
8 needs.

9 Section 1000. Subsection (2) of section 411.223,
10 Florida Statutes, is amended to read:

11 411.223 Uniform standards.--

12 (2) Duplicative diagnostic and planning practices
13 shall be eliminated to the extent possible. Diagnostic and
14 other information necessary to provide quality services to
15 high-risk or handicapped children shall be shared among the
16 program offices of the Department of Children and Family
17 Services, pursuant to the provisions of s. 1002.22 ~~228.093~~.

18 Section 1001. Subsection (1) of section 414.1251,
19 Florida Statutes, is amended to read:

20 414.1251 Learnfare program.--

21 (1) The department shall reduce the temporary cash
22 assistance for a participant's eligible dependent child or for
23 an eligible teenage participant who has not been exempted from
24 education participation requirements, if the eligible
25 dependent child or eligible teenage participant has been
26 identified either as a habitual truant, pursuant to s.
27 1003.01(8) ~~228.041(28)~~, or as a dropout, pursuant to s.
28 1003.01(9) ~~228.041(29)~~. For a student who has been identified
29 as a habitual truant, the temporary cash assistance must be
30 reinstated after a subsequent grading period in which the
31 child's attendance has substantially improved. For a student

1 who has been identified as a dropout, the temporary cash
2 assistance must be reinstated after the student enrolls in a
3 public school, receives a high school diploma or its
4 equivalency, enrolls in preparation for the General
5 Educational Development Tests, or enrolls in other educational
6 activities approved by the district school board. Good cause
7 exemptions from the rule of unexcused absences include the
8 following:

9 (a) The student is expelled from school and
10 alternative schooling is not available.

11 (b) No licensed day care is available for a child of
12 teen parents subject to Learnfare.

13 (c) Prohibitive transportation problems exist (e.g.,
14 to and from day care).

15
16 Within 10 days after sanction notification, the participant
17 parent of a dependent child or the teenage participant may
18 file an internal fair hearings process review procedure
19 appeal, and no sanction shall be imposed until the appeal is
20 resolved.

21 Section 1002. Paragraph (c) of subsection (1) of
22 section 440.16, Florida Statutes, is amended to read:

23 440.16 Compensation for death.--

24 (1) If death results from the accident within 1 year
25 thereafter or follows continuous disability and results from
26 the accident within 5 years thereafter, the employer shall
27 pay:

28 (c) To the surviving spouse, payment of postsecondary
29 student fees for instruction at any area technical center
30 established under s. 1001.44 ~~230.63~~ for up to 1,800 classroom
31 hours or payment of student fees at any community college

1 established under part III of chapter 1004 ~~240~~ for up to 80
2 semester hours. The spouse of a deceased state employee shall
3 be entitled to a full waiver of such fees as provided in ss.
4 1009.22 ~~239.117~~ and 1009.23 ~~240.345~~ in lieu of the payment of
5 such fees. The benefits provided for in this paragraph shall
6 be in addition to other benefits provided for in this section
7 and shall terminate 7 years after the death of the deceased
8 employee, or when the total payment in eligible compensation
9 under paragraph (b) has been received. To qualify for the
10 educational benefit under this paragraph, the spouse shall be
11 required to meet and maintain the regular admission
12 requirements of, and be registered at, such area technical
13 center or community college, and make satisfactory academic
14 progress as defined by the educational institution in which
15 the student is enrolled.

16 Section 1003. Paragraph (e) of subsection (6) and
17 paragraph (e) of subsection (9) of section 445.004, Florida
18 Statutes, are amended to read:

19 445.004 Workforce Florida, Inc.; creation; purpose;
20 membership; duties and powers.--

21 (6) Workforce Florida, Inc., may take action that it
22 deems necessary to achieve the purposes of this section,
23 including, but not limited to:

24 (e) Providing policy direction for a system to project
25 and evaluate labor market supply and demand using the results
26 of the Workforce Estimating Conference created in s. 216.136
27 and the career education performance standards identified
28 under s. 1008.43 ~~239.233~~.

29 (9) Workforce Florida, Inc., in collaboration with the
30 regional workforce boards and appropriate state agencies and
31 local public and private service providers, and in

1 consultation with the Office of Program Policy Analysis and
2 Government Accountability, shall establish uniform measures
3 and standards to gauge the performance of the workforce
4 development strategy. These measures and standards must be
5 organized into three outcome tiers.

6 (e) Job placement must be reported pursuant to s.
7 1008.39 ~~229.8075~~. Positive outcomes for providers of education
8 and training must be consistent with ss. 1008.42 ~~239.233~~ and
9 1008.43 ~~239.245~~.

10 Section 1004. Paragraph (a) of subsection (1) of
11 section 445.0121, Florida Statutes, is amended to read:

12 445.0121 Student eligibility requirements for initial
13 awards.--

14 (1) To be eligible for an initial award for
15 lower-division college credit courses that lead to a
16 baccalaureate degree, as defined in s. 445.0122(5), a student
17 must:

18 (a)1. Have been a resident of this state for no less
19 than 3 years for purposes other than to obtain an education;
20 or

21 2. Have received a standard Florida high school
22 diploma, as provided in s. 1003.43 ~~232.246~~, or its equivalent,
23 as described in s. 229.814, unless:

24 a. The student is enrolled full-time in the
25 early-admission program of an eligible postsecondary education
26 institution or completes a home education program in
27 accordance with s. 1002.41 ~~232.0201~~; or

28 b. The student earns a high school diploma from a
29 non-Florida school while living with a parent or guardian who
30 is on military or public service assignment outside this
31 state.

1 Section 1005. Paragraph (i) of subsection (1) of
2 section 445.024, Florida Statutes, is amended to read:

3 445.024 Work requirements.--

4 (1) WORK ACTIVITIES.--The following activities may be
5 used individually or in combination to satisfy the work
6 requirements for a participant in the temporary cash
7 assistance program:

8 (i) Education services related to employment for
9 participants 19 years of age or younger.--Education services
10 provided under this paragraph are designed to prepare a
11 participant for employment in an occupation. The agency shall
12 coordinate education services with the school-to-work
13 activities provided under s. 1006.02 ~~229-595~~. Activities
14 provided under this paragraph are restricted to participants
15 19 years of age or younger who have not completed high school
16 or obtained a high school equivalency diploma.

17 Section 1006. Subsection (2), paragraph (i) of
18 subsection (3), paragraph (a) of subsection (4), subsection
19 (10), and subsection (18) of section 447.203, Florida
20 Statutes, are amended to read:

21 447.203 Definitions.--As used in this part:

22 (2) "Public employer" or "employer" means the state or
23 any county, municipality, or special district or any
24 subdivision or agency thereof which the commission determines
25 has sufficient legal distinctiveness properly to carry out the
26 functions of a public employer. With respect to all public
27 employees determined by the commission as properly belonging
28 to a statewide bargaining unit composed of State Career
29 Service System employees or Selected Professional Service
30 employees, the Governor shall be deemed to be the public
31 employer; and the university board of trustees ~~Board of~~

1 ~~Regents~~ shall be deemed to be the public employer with respect
2 to all public employees of the respective state university
3 ~~within the State University System as provided in s.~~
4 ~~240.209(3)(f), except that such employees shall have the~~
5 ~~right, in elections to be conducted at each university by the~~
6 ~~commission pursuant to its rules, to elect not to participate~~
7 ~~in collective bargaining. In the event that a majority of such~~
8 ~~voting employees at any university elect not to participate in~~
9 ~~collective bargaining, they shall be removed from the~~
10 ~~applicable Board of Regents bargaining unit. If, thereafter,~~
11 ~~by election conducted by the commission pursuant to its rules,~~
12 ~~a majority of such voting employees elect to participate in~~
13 ~~collective bargaining, they shall be included again in the~~
14 ~~applicable Board of Regents bargaining unit for such purpose.~~
15 The board of trustees of a community college shall be deemed
16 to be the public employer with respect to all employees of the
17 community college. The district school board shall be deemed
18 to be the public employer with respect to all employees of the
19 school district. The Board of Trustees of the Florida School
20 for the Deaf and the Blind shall be deemed to be the public
21 employer with respect to the academic and academic
22 administrative personnel of the Florida School for the Deaf
23 and the Blind. The Governor shall be deemed to be the public
24 employer with respect to all employees in the Correctional
25 Education Program of the Department of Corrections established
26 pursuant to s. 944.801.

27 (3) "Public employee" means any person employed by a
28 public employer except:

29 (i) Those persons enrolled as ~~graduate students in the~~
30 ~~State University System who are employed as graduate~~
31 ~~assistants, graduate teaching assistants, graduate teaching~~

1 ~~associates, graduate research assistants, or graduate research~~
2 ~~associates and those persons enrolled as~~ undergraduate
3 students in a state university ~~the State University System~~ who
4 perform part-time work for the state university ~~State~~
5 ~~University System~~.

6 (4) "Managerial employees" are those employees who:

7 (a) Perform jobs that are not of a routine, clerical,
8 or ministerial nature and require the exercise of independent
9 judgment in the performance of such jobs and to whom one or
10 more of the following applies:

11 1. They formulate or assist in formulating policies
12 which are applicable to bargaining unit employees.

13 2. They may reasonably be required on behalf of the
14 employer to assist in the preparation for the conduct of
15 collective bargaining negotiations.

16 3. They have a role in the administration of
17 agreements resulting from collective bargaining negotiations.

18 4. They have a significant role in personnel
19 administration.

20 5. They have a significant role in employee relations.

21 6. They are included in the definition of
22 administrative personnel contained in s. 1012.01(3)
23 ~~228.041(10)~~.

24 7. They have a significant role in the preparation or
25 administration of budgets for any public agency or institution
26 or subdivision thereof.

27
28 However, in determining whether an individual is a managerial
29 employee pursuant to either paragraph (a) or paragraph (b),
30 above, the commission may consider historic relationships of
31 the employee to the public employer and to coemployees.

1 (10) "Legislative body" means the State Legislature,
2 the board of county commissioners, the district school board,
3 the governing body of a municipality, or the governing body of
4 an instrumentality or unit of government having authority to
5 appropriate funds and establish policy governing the terms and
6 conditions of employment and which, as the case may be, is the
7 appropriate legislative body for the bargaining unit. For
8 purposes of s. 447.403, the state university board of trustees
9 shall be deemed to be the legislative body with respect to all
10 employees of the state university. For purposes of s. 447.403
11 the board of trustees of a community college shall be deemed
12 to be the legislative body with respect to all employees of
13 the community college.

14 (18) "Student representative" means the representative
15 selected by each community college or university student
16 government association ~~and the council of student body~~
17 ~~presidents~~. Each representative may be present at all
18 negotiating sessions that ~~which~~ take place between the
19 appropriate public employer and an exclusive bargaining agent.
20 ~~The said~~ representative must ~~shall~~ be enrolled as a student
21 with at least 8 credit hours in the respective community
22 college or university ~~or in the State University System~~ during
23 his or her term as student representative.

24 Section 1007. Subsection (5) of section 447.301,
25 Florida Statutes, is amended to read:

26 447.301 Public employees' rights; organization and
27 representation.--

28 (5) ~~In negotiations over the terms and conditions of~~
29 ~~service and other matters affecting the working environment of~~
30 ~~employees, or the learning environment of students, in~~
31 ~~institutions of higher education, one student representative~~

1 ~~selected by the council of student body presidents may, at his~~
2 ~~or her discretion, be present at all negotiating sessions~~
3 ~~which take place between the Board of Regents and the~~
4 ~~bargaining agent for an employee bargaining unit.~~ In the case
5 of community colleges and universities, the student government
6 association of each community college or university shall
7 establish procedures for the selection of, and shall select, a
8 student representative to be present, at his or her
9 discretion, at negotiations between the bargaining agent of
10 the employees and the board of trustees. Each student
11 representative shall have access to all written draft
12 agreements and all other written documents pertaining to
13 negotiations exchanged by the appropriate public employer and
14 the bargaining agent, including a copy of any prepared written
15 transcripts of any negotiating session. Each student
16 representative shall have the right at reasonable times during
17 the negotiating session to comment to the parties and to the
18 public upon the impact of proposed agreements on the
19 educational environment of students. Each student
20 representative shall have the right to be accompanied by
21 alternates or aides, not to exceed a combined total of two in
22 number. Each student representative shall be obligated to
23 participate in good faith during all negotiations and shall be
24 subject to the rules and regulations of the Public Employees
25 Relations Commission. The student representatives shall have
26 neither voting nor veto power in any negotiation, action, or
27 agreement. The state or any branch, agency, division, agent,
28 or institution of the state, including community colleges and
29 universities, may ~~shall~~ not expend any moneys from any source
30 for the payment of reimbursement for travel expenses or per
31 diem to aides, alternates, or student representatives

1 participating in, observing, or contributing to any
2 negotiating sessions between the bargaining parties; ~~however,~~
3 ~~this limitation does not apply to the use of student activity~~
4 ~~fees for the reimbursement of travel expenses and per diem to~~
5 ~~the university student representative, aides, or alternates~~
6 ~~participating in the aforementioned negotiations between the~~
7 ~~Board of Regents and the bargaining agent for an employee~~
8 ~~bargaining unit.~~

9 Section 1008. Subsection (4) of section 447.403,
10 Florida Statutes, is amended to read:

11 447.403 Resolution of impasses.--

12 (4) If ~~In the event that either~~ the public employer or
13 the employee organization does not accept, in whole or in
14 part, the recommended decision of the special master:

15 (a) The chief executive officer of the governmental
16 entity involved shall, within 10 days after rejection of a
17 recommendation of the special master, submit to the
18 legislative body of the governmental entity involved a copy of
19 the findings of fact and recommended decision of the special
20 master, together with the chief executive officer's
21 recommendations for settling the disputed impasse issues. The
22 chief executive officer shall also transmit his or her
23 recommendations to the employee organization. ~~If the dispute~~
24 ~~involves employees for whom the Board of Regents is the public~~
25 ~~employer, the Governor may also submit recommendations to the~~
26 ~~legislative body for settling The disputed impasse issues;~~

27 (b) The employee organization shall submit its
28 recommendations for settling the disputed impasse issues to
29 such legislative body and to the chief executive officer;

30 (c) The legislative body or a duly authorized
31 committee thereof shall forthwith conduct a public hearing at

1 | which the parties shall be required to explain their positions
2 | with respect to the rejected recommendations of the special
3 | master;

4 | (d) Thereafter, the legislative body shall take such
5 | action as it deems to be in the public interest, including the
6 | interest of the public employees involved, to resolve all
7 | disputed impasse issues; and

8 | (e) Following the resolution of the disputed impasse
9 | issues by the legislative body, the parties shall reduce to
10 | writing an agreement which includes those issues agreed to by
11 | the parties and those disputed impasse issues resolved by the
12 | legislative body's action taken pursuant to paragraph (d). The
13 | agreement shall be signed by the chief executive officer and
14 | the bargaining agent and shall be submitted to the public
15 | employer and to the public employees who are members of the
16 | bargaining unit for ratification. If such agreement is not
17 | ratified by all parties, pursuant to the provisions of s.
18 | 447.309, the legislative body's action taken pursuant to the
19 | provisions of paragraph (d) shall take effect as of the date
20 | of such legislative body's action for the remainder of the
21 | first fiscal year which was the subject of negotiations;
22 | however, the legislative body's action shall not take effect
23 | with respect to those disputed impasse issues which establish
24 | the language of contractual provisions which could have no
25 | effect in the absence of a ratified agreement, including, but
26 | not limited to, preambles, recognition clauses, and duration
27 | clauses.

28 | Section 1009. Paragraph (b) of subsection (5) of
29 | section 450.081, Florida Statutes, is amended to read:

30 | 450.081 Hours of work in certain occupations.--

31 |

1 (5) The provisions of subsections (1)-(4) shall not
2 apply to:

3 (b) Minors who are within the compulsory school
4 attendance age limit who hold a valid certificate of exemption
5 issued by the school superintendent or his or her designee
6 pursuant to the provisions of s. 1003.21(3) ~~232-06~~.

7 Section 1010. Subsection (2) of section 450.121,
8 Florida Statutes, is amended to read:

9 450.121 Enforcement of Child Labor Law.--

10 (2) It is the duty of the department and its agents
11 and all sheriffs or other law enforcement officers of the
12 state or of any municipality of the state to enforce the
13 provisions of this law, to make complaints against persons
14 violating its provisions, and to prosecute violations of the
15 same. The department and its agents have authority to enter
16 and inspect at any time any place or establishment covered by
17 this law and to have access to age certificates kept on file
18 by the employer and such other records as may aid in the
19 enforcement of this law. A designated school representative
20 acting in accordance with s. 1003.26 ~~232-17~~ shall report to
21 the department all violations of the Child Labor Law that may
22 come to his or her knowledge.

23 Section 1011. Subsection (4) of section 458.3145,
24 Florida Statutes, is amended to read:

25 458.3145 Medical faculty certificate.--

26 (4) In any year, the maximum number of extended
27 medical faculty certificateholders as provided in subsection
28 (2) may not exceed 15 persons at each institution named in
29 subparagraphs (1)(i)1.-4. and at the facility named in s.
30 1004.43 ~~240-512~~ and may not exceed 5 persons at the
31 institution named in subparagraph (1)(i)5.

1 Section 1012. Subsection (1) and paragraph (a) of
2 subsection (2) of section 458.324, Florida Statutes, are
3 amended to read:

4 458.324 Breast cancer; information on treatment
5 alternatives.--

6 (1) DEFINITION.--As used in this section, the term
7 "medically viable," as applied to treatment alternatives,
8 means modes of treatment generally considered by the medical
9 profession to be within the scope of current, acceptable
10 standards, including treatment alternatives described in the
11 written summary prepared by the Florida Cancer Control and
12 Research Advisory Council in accordance with s. 1004.435(4)(m)
13 ~~240.5121(4)(m)~~.

14 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--Each
15 physician treating a patient who is, or in the judgment of the
16 physician is at high risk of being, diagnosed as having breast
17 cancer shall inform such patient of the medically viable
18 treatment alternatives available to such patient; shall
19 describe such treatment alternatives; and shall explain the
20 relative advantages, disadvantages, and risks associated with
21 the treatment alternatives to the extent deemed necessary to
22 allow the patient to make a prudent decision regarding such
23 treatment options. In compliance with this subsection:

24 (a) The physician may, in his or her discretion:

25 1. Orally communicate such information directly to the
26 patient or the patient's legal representative;

27 2. Provide the patient or the patient's legal
28 representative with a copy of the written summary prepared in
29 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express a
30 willingness to discuss the summary with the patient or the
31 patient's legal representative; or

1 3. Both communicate such information directly and
2 provide a copy of the written summary to the patient or the
3 patient's legal representative for further consideration and
4 possible later discussion.

5

6 Nothing in this subsection shall reduce other provisions of
7 law regarding informed consent.

8 Section 1013. Subsection (1) and paragraph (a) of
9 subsection (2) of section 459.0125, Florida Statutes, are
10 amended to read:

11 459.0125 Breast cancer; information on treatment
12 alternatives.--

13 (1) DEFINITION.--As used in this section, the term
14 "medically viable," as applied to treatment alternatives,
15 means modes of treatment generally considered by the medical
16 profession to be within the scope of current, acceptable
17 standards, including treatment alternatives described in the
18 written summary prepared by the Florida Cancer Control and
19 Research Advisory Council in accordance with s. 1004.435(4)(m)
20 ~~240.5121(4)(m)~~.

21 (2) COMMUNICATION OF TREATMENT ALTERNATIVES.--It is
22 the obligation of every physician treating a patient who is,
23 or in the judgment of the physician is at high risk of being,
24 diagnosed as having breast cancer to inform such patient of
25 the medically viable treatment alternatives available to such
26 patient; to describe such treatment alternatives; and to
27 explain the relative advantages, disadvantages, and risks
28 associated with the treatment alternatives to the extent
29 deemed necessary to allow the patient to make a prudent
30 decision regarding such treatment options. In compliance with
31 this subsection:

1753

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

- 1 (a) The physician may, in her or his discretion:
2 1. Orally communicate such information directly to the
3 patient or the patient's legal representative;
4 2. Provide the patient or the patient's legal
5 representative with a copy of the written summary prepared in
6 accordance with s. 1004.435(4)(m) ~~240.5121(4)(m)~~ and express
7 her or his willingness to discuss the summary with the patient
8 or the patient's legal representative; or
9 3. Both communicate such information directly and
10 provide a copy of the written summary to the patient or the
11 patient's legal representative for further consideration and
12 possible later discussion.

13

14 Nothing in this subsection shall reduce other provisions of
15 law regarding informed consent.

16 Section 1014. Paragraph (c) of subsection (2) of
17 section 468.1115, Florida Statutes, is amended to read:

18 468.1115 Exemptions.--

19 (2) The provisions of this part shall not apply to:

20 (c) Persons certified in the areas of speech-language
21 impairment or hearing impairment in this state under chapter
22 1012 ~~231~~ when engaging in the profession for which they are
23 certified, or any person under the direct supervision of such
24 a certified person, or of a licensee under this chapter, when
25 the person under such supervision is performing hearing
26 screenings in a school setting for prekindergarten through
27 grade 12.

28 Section 1015. Section 468.607, Florida Statutes, is
29 amended to read:

30 468.607 Certification of building code administration
31 and inspection personnel.--The board shall issue a certificate

1 to any individual whom the board determines to be qualified,
2 within such class and level as provided in this part and with
3 such limitations as the board may place upon it. No person
4 may be employed by a state agency or local governmental
5 authority to perform the duties of a building code
6 administrator, plans examiner, or building code inspector
7 after October 1, 1993, without possessing the proper valid
8 certificate issued in accordance with the provisions of this
9 part. Any person who acts as an inspector and plans examiner
10 under s. 1013.37 ~~235.26~~ while conducting activities authorized
11 by certification under that section is certified to continue
12 to conduct inspections for a local enforcement agency until
13 the person's UBCI certification expires, after which time such
14 person must possess the proper valid certificate issued in
15 accordance with this part.

16 Section 1016. Subsection (3) of section 468.723,
17 Florida Statutes, is amended to read:

18 468.723 Exemptions.--Nothing in this part shall be
19 construed as preventing or restricting:

20 (3) A person employed as a teacher apprentice trainer
21 I, a teacher apprentice trainer II, or a teacher athletic
22 trainer under s. 1012.46 ~~232.435~~.

23 Section 1017. Section 471.0035, Florida Statutes, is
24 amended to read:

25 471.0035 Instructors in postsecondary educational
26 institutions; exemption from registration requirement.--For
27 the sole purpose of teaching the principles and methods of
28 engineering design, notwithstanding the provisions of s.
29 471.005(7), a person employed by a public postsecondary
30 educational institution, or by an independent postsecondary
31 educational institution licensed or exempt from licensure

1 pursuant to the provisions of chapter 1005 246, is not
2 required to register under the provisions of this chapter as a
3 registered engineer.

4 Section 1018. Paragraph (c) of subsection (2) of
5 section 476.114, Florida Statutes, is amended to read:

6 476.114 Examination; prerequisites.--

7 (2) An applicant shall be eligible for licensure by
8 examination to practice barbering if the applicant:

9 (c)1. Holds an active valid license to practice
10 barbering in another state, has held the license for at least
11 1 year, and does not qualify for licensure by endorsement as
12 provided for in s. 476.144(5); or

13 2. Has received a minimum of 1,200 hours of training
14 as established by the board, which shall include, but shall
15 not be limited to, the equivalent of completion of services
16 directly related to the practice of barbering at one of the
17 following:

18 a. A school of barbering licensed pursuant to chapter
19 1005 246;

20 b. A barbering program within the public school
21 system; or

22 c. A government-operated barbering program in this
23 state.

24
25 The board shall establish by rule procedures whereby the
26 school or program may certify that a person is qualified to
27 take the required examination after the completion of a
28 minimum of 1,000 actual school hours. If the person passes the
29 examination, she or he shall have satisfied this requirement;
30 but if the person fails the examination, she or he shall not

31

1 be qualified to take the examination again until the
2 completion of the full requirements provided by this section.

3 Section 1019. Paragraph (a) of subsection (6) of
4 section 476.144, Florida Statutes, is amended to read:

5 476.144 Licensure.--

6 (6) A person may apply for a restricted license to
7 practice barbering. The board shall adopt rules specifying
8 procedures for an applicant to obtain a restricted license if
9 the applicant:

10 (a)1. Has successfully completed a restricted barber
11 course, as established by rule of the board, at a school of
12 barbering licensed pursuant to chapter 1005 246, a barbering
13 program within the public school system, or a
14 government-operated barbering program in this state; or

15 2.a. Holds or has within the previous 5 years held an
16 active valid license to practice barbering in another state or
17 country or has held a Florida barbering license which has been
18 declared null and void for failure to renew the license, and
19 the applicant fulfilled the requirements of s. 476.114(2)(c)2.
20 for initial licensure; and

21 b. Has not been disciplined relating to the practice
22 of barbering in the previous 5 years; and

23
24 The restricted license shall limit the licensee's practice to
25 those specific areas in which the applicant has demonstrated
26 competence pursuant to rules adopted by the board.

27 Section 1020. Section 476.178, Florida Statutes, is
28 amended to read:

29 476.178 Schools of barbering; licensure.--No private
30 school of barbering shall be permitted to operate without a
31 license issued by the Commission for Independent State Board

1 ~~of Nonpublic Career~~ Education pursuant to chapter 1005 246.
2 However, this section shall not be construed to prevent
3 certification by the Department of Education of barber
4 training programs within the public school system or to
5 prevent government operation of any other program of barbering
6 in this state.

7 Section 1021. Paragraph (d) of subsection (1) of
8 section 477.0132, Florida Statutes, is amended to read:

9 477.0132 Hair braiding, hair wrapping, and body
10 wrapping registration.--

11 (1)

12 (d) Only the board may review, evaluate, and approve a
13 course required of an applicant for registration under this
14 subsection in the occupation or practice of hair braiding,
15 hair wrapping, or body wrapping. A provider of such a course
16 is not required to hold a license under chapter 1005 246.

17 Section 1022. Paragraph (c) of subsection (2) of
18 section 477.019, Florida Statutes, is amended to read:

19 477.019 Cosmetologists; qualifications; licensure;
20 supervised practice; license renewal; endorsement; continuing
21 education.--

22 (2) An applicant shall be eligible for licensure by
23 examination to practice cosmetology if the applicant:

24 (c)1. Is authorized to practice cosmetology in another
25 state or country, has been so authorized for at least 1 year,
26 and does not qualify for licensure by endorsement as provided
27 for in subsection (6); or

28 2. Has received a minimum of 1,200 hours of training
29 as established by the board, which shall include, but shall
30 not be limited to, the equivalent of completion of services
31

1 directly related to the practice of cosmetology at one of the
2 following:

3 a. A school of cosmetology licensed pursuant to
4 chapter 1005 ~~246~~.

5 b. A cosmetology program within the public school
6 system.

7 c. The Cosmetology Division of the Florida School for
8 the Deaf and the Blind, provided the division meets the
9 standards of this chapter.

10 d. A government-operated cosmetology program in this
11 state.

12

13 The board shall establish by rule procedures whereby the
14 school or program may certify that a person is qualified to
15 take the required examination after the completion of a
16 minimum of 1,000 actual school hours. If the person then
17 passes the examination, he or she shall have satisfied this
18 requirement; but if the person fails the examination, he or
19 she shall not be qualified to take the examination again until
20 the completion of the full requirements provided by this
21 section.

22 Section 1023. Paragraph (b) of subsection (1) of
23 section 477.0201, Florida Statutes, is amended to read:

24 477.0201 Specialty registration; qualifications;
25 registration renewal; endorsement.--

26 (1) Any person is qualified for registration as a
27 specialist in any one or more of the specialty practices
28 within the practice of cosmetology under this chapter who:

29 (b) Has received a certificate of completion in a
30 specialty pursuant to s. 477.013(6) from one of the following:

31 1. A school licensed pursuant to s. 477.023.

1 2. A school licensed pursuant to chapter 1005 246 or
2 the equivalent licensing authority of another state.

3 3. A specialty program within the public school
4 system.

5 4. A specialty division within the Cosmetology
6 Division of the Florida School for the Deaf and the Blind,
7 provided the training programs comply with minimum curriculum
8 requirements established by the board.

9 Section 1024. Section 477.023, Florida Statutes, is
10 amended to read:

11 477.023 Schools of cosmetology; licensure.--No private
12 school of cosmetology shall be permitted to operate without a
13 license issued by the Commission for Independent State Board
14 ~~of Nonpublic Career Education~~ pursuant to chapter 1005 246.
15 However, nothing herein shall be construed to prevent
16 certification by the Department of Education of cosmetology
17 training programs within the public school system or to
18 prevent government operation of any other program of
19 cosmetology in this state.

20 Section 1025. Subsection (9) of section 480.033,
21 Florida Statutes, is amended to read:

22 480.033 Definitions.--As used in this act:

23 (9) "Board-approved massage school" means a facility
24 which meets minimum standards for training and curriculum as
25 determined by rule of the board and which is licensed by the
26 Department of Education pursuant to chapter 1005 246 or the
27 equivalent licensing authority of another state or is within
28 the public school system of this state.

29 Section 1026. Paragraph (c) of subsection (1) of
30 section 481.229, Florida Statutes, is amended to read:

31 481.229 Exceptions; exemptions from licensure.--

1 (1) No person shall be required to qualify as an
2 architect in order to make plans and specifications for, or
3 supervise the erection, enlargement, or alteration of:

4 (c) Any other type of building costing less than
5 \$25,000, except a school, auditorium, or other building
6 intended for public use, provided that the services of a
7 registered architect shall not be required for minor school
8 projects pursuant to s. 1013.45 ~~235.211~~.

9 Section 1027. Section 488.01, Florida Statutes, is
10 amended to read:

11 488.01 License to engage in business of operating a
12 driver's school required.--The Department of Highway Safety
13 and Motor Vehicles shall oversee and license all commercial
14 driver's schools except truck driving schools. All commercial
15 truck driving schools shall be required to be licensed
16 pursuant to chapter 1005 ~~246~~, and additionally shall be
17 subject to the provisions of ss. 488.04 and 488.05. No
18 person, group, organization, institution, business entity, or
19 corporate entity may engage in the business of operating a
20 driver's school without first obtaining a license therefor
21 from the Department of Highway Safety and Motor Vehicles
22 pursuant to this chapter or from the State Board of Nonpublic
23 Career Education pursuant to chapter 1005 ~~246~~.

24 Section 1028. Subsections (12) and (13) of section
25 553.415, Florida Statutes, are amended to read:

26 553.415 Factory-built school buildings.--

27 (12) Such identification label shall be permanently
28 affixed by the manufacturer in the case of newly constructed
29 factory-built school buildings, or by the department or its
30 designee in the case of an existing factory-built building
31 altered to comply with provisions of s. 1013.20 ~~235.061~~.

1 (13) As of July 1, 2001, all newly constructed
2 factory-built school buildings shall bear a label pursuant to
3 subsection (12). As of July 1, 2002, existing factory-built
4 school buildings and manufactured buildings used as classrooms
5 and not bearing such label shall not be used as classrooms
6 pursuant to s. 1013.20 ~~235.061~~.

7 Section 1029. Subsection (5) of section 559.902,
8 Florida Statutes, is amended to read:

9 559.902 Scope and application.--This act shall apply
10 to all motor vehicle repair shops in Florida, except:

11 (5) Those located in public schools as defined in s.
12 1000.04 ~~228.041~~ or charter technical career centers as defined
13 in s. 1002.34 ~~228.505~~.

14
15 However, such person may voluntarily register under this act.

16 Section 1030. Section 589.09, Florida Statutes, is
17 amended to read:

18 589.09 Use of lands acquired.--All lands acquired by
19 the Division of Forestry on behalf of the state shall be in
20 the custody of and subject to the jurisdiction, management,
21 and control of the said division, and, for such purposes and
22 the utilization and development of such land, the said
23 division may use the proceeds of the sale of any products
24 therefrom, the proceeds of the sale of any such lands, save
25 the 25 percent of such proceeds which shall be paid into the
26 State School Fund as required by s. 1010.71(1) ~~228.151~~, and
27 such other funds as may be appropriated for use by the
28 division, and in the opinion of such division, available for
29 such uses and purposes.

30 Section 1031. Subsection (1) of section 627.733,
31 Florida Statutes, is amended to read:

1 627.733 Required security.--

2 (1) Every owner or registrant of a motor vehicle,
3 other than a motor vehicle used as a taxicab, school bus as
4 defined in s. 1006.25 ~~234.051~~, or limousine, required to be
5 registered and licensed in this state shall maintain security
6 as required by subsection (3) in effect continuously
7 throughout the registration or licensing period.

8 Section 1032. Subsection (2) of section 627.742,
9 Florida Statutes, is amended to read:

10 627.742 Nonpublic sector buses; additional liability
11 insurance coverage.--

12 (2) School buses subject to the provisions of chapter
13 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this
14 section.

15 Section 1033. Subsection (5) of section 627.912,
16 Florida Statutes, is amended to read:

17 627.912 Professional liability claims and actions;
18 reports by insurers.--

19 (5) Any self-insurance program established under s.
20 1004.24 ~~240.213~~ shall report in duplicate to the Department of
21 Insurance any claim or action for damages for personal
22 injuries claimed to have been caused by error, omission, or
23 negligence in the performance of professional services
24 provided by the state university board of trustees ~~Board of~~
25 ~~Regents~~ through an employee or agent of the state university
26 board of trustees ~~Board of Regents~~, including practitioners of
27 medicine licensed under chapter 458, practitioners of
28 osteopathic medicine licensed under chapter 459, podiatric
29 physicians licensed under chapter 461, and dentists licensed
30 under chapter 466, or based on a claimed performance of
31 professional services without consent if the claim resulted in

1 a final judgment in any amount, or a settlement in any amount.
2 The reports required by this subsection shall contain the
3 information required by subsection (3) and the name, address,
4 and specialty of the employee or agent of the state university
5 board of trustees ~~Board of Regents~~ whose performance or
6 professional services is alleged in the claim or action to
7 have caused personal injury.

8 Section 1034. Paragraph (b) of subsection (7) of
9 section 633.445, Florida Statutes, is amended to read:

10 633.445 State Fire Marshal Scholarship Grant
11 Program.--

12 (7) The criteria and procedures for establishing
13 standards of eligibility shall be recommended by the council
14 to the Department of Insurance. The council shall recommend
15 to the Department of Insurance a rating system upon which to
16 base the approval of scholarship grants. However, to be
17 eligible to receive a scholarship pursuant to this section, an
18 applicant must:

19 (b) Have graduated from high school, have earned an
20 equivalency diploma issued by the Department of Education
21 pursuant to s. 1003.435 ~~229.814~~, or have earned an equivalency
22 diploma issued by the United States Armed Forces Institute;

23 Section 1035. Paragraph (e) of subsection (1) of
24 section 633.50, Florida Statutes, is amended to read:

25 633.50 Division powers and duties; Florida State Fire
26 College.--

27 (1) The Division of State Fire Marshal of the
28 Department of Insurance, in performing its duties related to
29 the Florida State Fire College, specified in ss.
30 633.43-633.49, shall:

31

1 (e) Develop a staffing and funding formula for the
2 Florida State Fire College. The formula shall include
3 differential funding levels for various types of programs,
4 shall be based on the number of full-time equivalent students
5 and information obtained from scheduled attendance counts
6 taken the first day of each program, and shall provide the
7 basis for the legislative budget request. As used in this
8 section, a full-time equivalent student is equal to a minimum
9 of 900 hours in a technical certificate ~~vocational~~ program and
10 400 hours in a degree-seeking program. The funding formula
11 shall be as prescribed pursuant to s. 1011.62 ~~236.081~~, shall
12 include procedures to document daily attendance, and shall
13 require that attendance records be retained for audit
14 purposes.

15 Section 1036. Paragraph (c) of subsection (2) of
16 section 732.402, Florida Statutes, is amended to read:

17 732.402 Exempt property.--

18 (2) Exempt property shall consist of:

19 (c) Florida Prepaid College Program contracts
20 purchased ~~under s. 240.551~~ and Florida College Savings
21 agreements established under part IV of chapter 1009 ~~s.~~
22 ~~240.553~~.

23 Section 1037. Section 784.081, Florida Statutes, is
24 amended to read:

25 784.081 Assault or battery on specified officials or
26 employees; reclassification of offenses.--Whenever a person is
27 charged with committing an assault or aggravated assault or a
28 battery or aggravated battery upon any elected official or
29 employee of: a school district; a private school; the Florida
30 School for the Deaf and the Blind; a university developmental
31 research school; a state university or any other entity of the

1 state system of public education, as defined in s. 1000.04
2 ~~228.041~~; an employee or protective investigator of the
3 Department of Children and Family Services; or an employee of
4 a lead community-based provider and its direct service
5 contract providers, when the person committing the offense
6 knows or has reason to know the identity or position or
7 employment of the victim, the offense for which the person is
8 charged shall be reclassified as follows:

9 (1) In the case of aggravated battery, from a felony
10 of the second degree to a felony of the first degree.

11 (2) In the case of aggravated assault, from a felony
12 of the third degree to a felony of the second degree.

13 (3) In the case of battery, from a misdemeanor of the
14 first degree to a felony of the third degree.

15 (4) In the case of assault, from a misdemeanor of the
16 second degree to a misdemeanor of the first degree.

17 Section 1038. Section 817.566, Florida Statutes, is
18 amended to read:

19 817.566 Misrepresentation of association with, or
20 academic standing at, postsecondary educational
21 institution.--Any person who, with intent to defraud,
22 misrepresents his or her association with, or academic
23 standing or other progress at, any postsecondary educational
24 institution by falsely making, altering, simulating, or
25 forging a document, degree, certificate, diploma, award,
26 record, letter, transcript, form, or other paper; or any
27 person who causes or procures such a misrepresentation; or any
28 person who utters and publishes or otherwise represents such a
29 document, degree, certificate, diploma, award, record, letter,
30 transcript, form, or other paper as true, knowing it to be
31 false, is guilty of a misdemeanor of the first degree,

1 punishable as provided in s. 775.082 or s. 775.083.
2 Individuals who present a religious academic degree from any
3 college, university, seminary, or institution which is not
4 licensed by the State Board of Independent Colleges and
5 Universities or which is not exempt pursuant to the provisions
6 of s. 246.085 shall disclose the religious nature of the
7 degree upon presentation.

8 Section 1039. Subsection (1) of section 817.567,
9 Florida Statutes, is amended to read:

10 817.567 Making false claims of academic degree or
11 title.--

12 (1) No person in the state may claim, either orally or
13 in writing, to possess an academic degree, as defined in s.
14 1005.02 ~~246.021~~, or the title associated with said degree,
15 unless the person has, in fact, been awarded said degree from
16 an institution that is:

17 (a) Accredited by a regional or professional
18 accrediting agency recognized by the United States Department
19 of Education or the Commission on Recognition of Postsecondary
20 Accreditation;

21 (b) Provided, operated, and supported by a state
22 government or any of its political subdivisions or by the
23 Federal Government;

24 (c) A school, institute, college, or university
25 chartered outside the United States, the academic degree from
26 which has been validated by an accrediting agency approved by
27 the United States Department of Education as equivalent to the
28 baccalaureate or postbaccalaureate degree conferred by a
29 regionally accredited college or university in the United
30 States;

31

1 (d) Licensed by the State Board of Independent
2 Colleges and Universities pursuant to ss. 1005.01-1005.38
3 ~~246.011-246.151~~ or exempt from licensure pursuant to s.
4 246.085; or

5 (e) A religious seminary, institute, college, or
6 university which offers only educational programs that prepare
7 students for a religious vocation, career, occupation,
8 profession, or lifework, and the nomenclature of whose
9 certificates, diplomas, or degrees clearly identifies the
10 religious character of the educational program.

11 Section 1040. Paragraph (a) of subsection (1) of
12 section 877.18, Florida Statutes, is amended to read:

13 877.18 Identification card or document purporting to
14 contain applicant's age or date of birth; penalties for
15 failure to comply with requirements for sale or issuance.--

16 (1) It is unlawful for any person, except a
17 governmental agency or instrumentality, to sell or issue, or
18 to offer to sell or issue, in this state any identification
19 card or document purporting to contain the age or date of
20 birth of the person in whose name it was issued, unless:

21 (a) Prior to selling or issuing such card or document,
22 the person has first obtained from the applicant and retains
23 for a period of 3 years from the date of sale:

24 1. An authenticated or certified copy of proof of age
25 as provided in s. 1003.21(4) ~~232.03~~; and

26 2. A notarized affidavit from the applicant attesting
27 to the applicant's age and that the proof-of-age document
28 required by subparagraph 1. is for such applicant.

29 Section 1041. Paragraph (a) of subsection (1) of
30 section 921.187, Florida Statutes, is amended to read:

31

1 921.187 Disposition and sentencing; alternatives;
2 restitution.--

3 (1) The alternatives provided in this section for the
4 disposition of criminal cases shall be used in a manner that
5 will best serve the needs of society, punish criminal
6 offenders, and provide the opportunity for rehabilitation.

7 (a) If the offender does not receive a state prison
8 sentence, the court may:

9 1. Impose a split sentence whereby the offender is to
10 be placed on probation upon completion of any specified period
11 of such sentence, which period may include a term of years or
12 less.

13 2. Make any other disposition that is authorized by
14 law.

15 3. Place the offender on probation with or without an
16 adjudication of guilt pursuant to s. 948.01.

17 4. Impose a fine and probation pursuant to s. 948.011
18 when the offense is punishable by both a fine and imprisonment
19 and probation is authorized.

20 5. Place the offender into community control requiring
21 intensive supervision and surveillance pursuant to chapter
22 948.

23 6. Impose, as a condition of probation or community
24 control, a period of treatment which shall be restricted to a
25 county facility, a Department of Corrections probation and
26 restitution center, a probation program drug punishment
27 treatment community, or a community residential or
28 nonresidential facility, excluding a community correctional
29 center as defined in s. 944.026, which is owned and operated
30 by any qualified public or private entity providing such
31 services. Before admission to such a facility, the court shall

1 obtain an individual assessment and recommendations on the
2 appropriate treatment needs, which shall be considered by the
3 court in ordering such placements. Placement in such a
4 facility, except for a county residential probation facility,
5 may not exceed 364 days. Placement in a county residential
6 probation facility may not exceed 3 years. Early termination
7 of placement may be recommended to the court, when
8 appropriate, by the center supervisor, the supervising
9 probation officer, or the probation program manager.

10 7. Sentence the offender pursuant to s. 922.051 to
11 imprisonment in a county jail when a statute directs
12 imprisonment in a state prison, if the offender's cumulative
13 sentence, whether from the same circuit or from separate
14 circuits, is not more than 364 days.

15 8. Sentence the offender who is to be punished by
16 imprisonment in a county jail to a jail in another county if
17 there is no jail within the county suitable for such prisoner
18 pursuant to s. 950.01.

19 9. Require the offender to participate in a
20 work-release or educational or technical ~~vocational~~ training
21 program pursuant to s. 951.24 while serving a sentence in a
22 county jail, if such a program is available.

23 10. Require the offender to perform a specified public
24 service pursuant to s. 775.091.

25 11. Require the offender who violates chapter 893 or
26 violates any law while under the influence of a controlled
27 substance or alcohol to participate in a substance abuse
28 program.

29 12.a. Require the offender who violates any criminal
30 provision of chapter 893 to pay an additional assessment in an
31

1 amount up to the amount of any fine imposed, pursuant to ss.
2 938.21 and 938.23.

3 b. Require the offender who violates any provision of
4 s. 893.13 to pay an additional assessment in an amount of
5 \$100, pursuant to ss. 938.25 and 943.361.

6 13. Impose a split sentence whereby the offender is to
7 be placed in a county jail or county work camp upon the
8 completion of any specified term of community supervision.

9 14. Impose split probation whereby upon satisfactory
10 completion of half the term of probation, the Department of
11 Corrections may place the offender on administrative probation
12 pursuant to s. 948.01 for the remainder of the term of
13 supervision.

14 15. Require residence in a state probation and
15 restitution center or private drug treatment program for
16 offenders on community control or offenders who have violated
17 conditions of probation.

18 16. Impose any other sanction which is provided within
19 the community and approved as an intermediate sanction by the
20 county public safety coordinating council as described in s.
21 951.26.

22 17. Impose, as a condition of community control,
23 probation, or probation following incarceration, a requirement
24 that an offender who has not obtained a high school diploma or
25 high school equivalency diploma or who lacks basic or
26 functional literacy skills, upon acceptance by an adult
27 education program, make a good faith effort toward completion
28 of such basic or functional literacy skills or high school
29 equivalency diploma, as defined in s. 1003.435 ~~229.814~~, in
30 accordance with the assessed adult general education needs of
31 the individual offender.

1 Section 1042. Subsection (15) of section 943.10,
2 Florida Statutes, is amended to read:
3 943.10 Definitions; ss. 943.085-943.255.--The
4 following words and phrases as used in ss. 943.085-943.255 are
5 defined as follows:

6 (15) "Public criminal justice training school" means
7 ~~any school defined in s. 228.041, or~~ any academy operated by
8 an employing agency, that is certified by the commission to
9 conduct criminal justice training courses.

10 Section 1043. Paragraph (c) of subsection (1) of
11 section 943.22, Florida Statutes, is amended to read:

12 943.22 Salary incentive program for full-time
13 officers.--

14 (1) For the purpose of this section, the term:

15 (c) "Community college degree or equivalent" means
16 graduation from an accredited community college or having been
17 granted a degree pursuant to s. 1007.25(10) ~~240.239~~ or
18 successful completion of 60 semester hours or 90 quarter hours
19 and eligibility to receive an associate degree from an
20 accredited college, university, or community college.

21 Section 1044. Paragraphs (b), (c), and (i) of
22 subsection (3) of section 944.801, Florida Statutes, are
23 amended to read:

24 944.801 Education for state prisoners.--

25 (3) The responsibilities of the Correctional Education
26 Program shall be to:

27 (b) ~~In cooperation with the Department of Education,~~
28 ~~pursuant to s. 229.565,~~ Monitor and assess all inmate
29 education program services and report the results of such
30 evaluation in the annual report of activities.

31

1 (c) ~~In cooperation with the Department of Education,~~
2 ~~pursuant to s. 229.8075,~~ Develop complete and reliable
3 statistics on the educational histories, the city/intracity
4 area and school district where the inmate was domiciled prior
5 to incarceration, the participation in state educational and
6 training programs, and the occupations of inmates confined to
7 state correctional facilities. The compiled statistics shall
8 be summarized and analyzed in the annual report of
9 correctional educational activities required by paragraph (f).

10 (i) Ensure that every inmate who has 2 years or more
11 remaining to serve on his or her sentence at the time that he
12 or she is received at an institution and who lacks basic and
13 functional literacy skills as defined in s. 1004.02 ~~239.105~~
14 attends not fewer than 150 hours of sequential instruction in
15 a correctional adult basic education program. The basic and
16 functional literacy level of an inmate shall be determined by
17 the average composite test score obtained on a test approved
18 for this purpose by the State Board of Education.

19 1. Upon completion of the 150 hours of instruction,
20 the inmate shall be retested and, if a composite test score of
21 functional literacy is not attained, the department is
22 authorized to require the inmate to remain in the
23 instructional program.

24 2. Highest priority of inmate participation shall be
25 focused on youthful offenders and those inmates nearing
26 release from the correctional system.

27 3. An inmate shall be required to attend the 150 hours
28 of adult basic education instruction unless such inmate:

29 a. Is serving a life sentence or is under sentence of
30 death.

31

1 b. Is specifically exempted for security or health
2 reasons.

3 c. Is housed at a community correctional center, road
4 prison, work camp, or vocational center.

5 d. Attains a functional literacy level after
6 attendance in fewer than 150 hours of adult basic education
7 instruction.

8 e. Is unable to enter such instruction because of
9 insufficient facilities, staff, or classroom capacity.

10 4. The Department of Corrections shall provide classes
11 to accommodate those inmates assigned to correctional or
12 public work programs after normal working hours. The
13 department shall develop a plan to provide academic and
14 vocational classes on a more frequent basis and at times that
15 accommodate the increasing number of inmates with work
16 assignments, to the extent that resources permit.

17 5. If an inmate attends and actively participates in
18 the 150 hours of instruction, the Department of Corrections
19 may grant a one-time award of up to 6 additional days of
20 incentive gain-time, which must be credited and applied as
21 provided by law. Active participation means, at a minimum,
22 that the inmate is attentive, responsive, cooperative, and
23 completes assigned work.

24 Section 1045. Paragraphs (a) and (b) of subsection (9)
25 of section 948.03, Florida Statutes, are amended to read:

26 948.03 Terms and conditions of probation or community
27 control.--

28 (9)(a) As a condition of community control, probation,
29 or probation following incarceration, require an offender who
30 has not obtained a high school diploma or high school
31 equivalency diploma or who lacks basic or functional literacy

1 skills, upon acceptance by an adult education program, to make
2 a good faith effort toward completion of such basic or
3 functional literacy skills or high school equivalency diploma,
4 as defined in s. 1003.435 ~~229.814~~, in accordance with the
5 assessed adult general education needs of the individual
6 offender. The court shall not revoke community control,
7 probation, or probation following incarceration because of the
8 offender's inability to achieve such skills or diploma but may
9 revoke community control, probation, or probation following
10 incarceration if the offender fails to make a good faith
11 effort to achieve such skills or diploma. The court may grant
12 early termination of community control, probation, or
13 probation following incarceration upon the offender's
14 successful completion of the approved program. As used in
15 this subsection, "good faith effort" means the offender is
16 enrolled in a program of instruction and is attending and
17 making satisfactory progress toward completion of the
18 requirements.

19 (b) A juvenile on community control who is a public
20 school student must attend a public adult education program or
21 a dropout prevention program, pursuant to s. 1003.53 ~~230.2316~~,
22 which includes a second chance school or an alternative to
23 expulsion, if the school district where the juvenile is
24 enrolled offers such programs, unless the principal of the
25 school determines that special circumstances warrant
26 continuation in the regular educational school program.

27 Section 1046. Paragraph (b) of subsection (9) and
28 subsection (27) of section 984.03, Florida Statutes, are
29 amended to read:

30 984.03 Definitions.--When used in this chapter, the
31 term:

1 (9) "Child in need of services" means a child for whom
2 there is no pending investigation into an allegation or
3 suspicion of abuse, neglect, or abandonment; no pending
4 referral alleging the child is delinquent; or no current
5 supervision by the Department of Juvenile Justice or the
6 Department of Children and Family Services for an adjudication
7 of dependency or delinquency. The child must also, pursuant to
8 this chapter, be found by the court:

9 (b) To be habitually truant from school, while subject
10 to compulsory school attendance, despite reasonable efforts to
11 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and
12 1003.27 ~~232.19~~ and through voluntary participation by the
13 child's parents or legal custodians and by the child in family
14 mediation, services, and treatment offered by the Department
15 of Juvenile Justice or the Department of Children and Family
16 Services; or

17 (27) "Habitually truant" means that:

18 (a) The child has 15 unexcused absences within 90
19 calendar days with or without the knowledge or justifiable
20 consent of the child's parent or legal guardian, is subject to
21 compulsory school attendance under s. 1003.21(1) and (2)(a)
22 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
23 1003.24 ~~232.09~~, or any other exemptions specified by law or
24 the rules of the State Board of Education.

25 (b) Activities to determine the cause, and to attempt
26 the remediation, of the child's truant behavior under ss.
27 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

28
29 If a child who is subject to compulsory school attendance is
30 responsive to the interventions described in ss. 1003.26
31 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the

1 necessary requirements to pass the current grade as indicated
2 in the district pupil progression plan, the child shall not be
3 determined to be habitually truant and shall be passed. If a
4 child within the compulsory school attendance age has 15
5 unexcused absences within 90 calendar days or fails to enroll
6 in school, the State Attorney may, or the appropriate
7 jurisdictional agency shall, file a child-in-need-of-services
8 petition if recommended by the case staffing committee, unless
9 it is determined that another alternative action is
10 preferable. The failure or refusal of the parent or legal
11 guardian or the child to participate, or make a good faith
12 effort to participate, in the activities prescribed to remedy
13 the truant behavior, or the failure or refusal of the child to
14 return to school after participation in activities required by
15 this subsection, or the failure of the child to stop the
16 truant behavior after the school administration and the
17 Department of Juvenile Justice have worked with the child as
18 described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall
19 be handled as prescribed in s. 1003.27 ~~232.19~~.

20 Section 1047. Section 984.05, Florida Statutes, is
21 amended to read:

22 984.05 Rules relating to habitual truants; adoption by
23 Department of Education and Department of Juvenile
24 Justice.--The Department of Juvenile Justice and the
25 Department of Education shall work together on the development
26 of, and shall adopt, rules as necessary for the implementation
27 of ss. ~~232.19~~, 984.03(27), ~~and~~ 985.03(25), and 1003.27.

28 Section 1048. Subsection (1) of section 984.151,
29 Florida Statutes, is amended to read:

30 984.151 Truancy petition; prosecution; disposition.--
31

1 (1) If the school determines that a student subject to
2 compulsory school attendance has had at least five unexcused
3 absences, or absences for which the reasons are unknown,
4 within a calendar month or 10 unexcused absences, or absences
5 for which the reasons are unknown, within a 90-calendar-day
6 period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had
7 more than 15 unexcused absences in a 90-calendar-day period,
8 the superintendent of schools may file a truancy petition.

9 Section 1049. Subsection (3) of section 984.19,
10 Florida Statutes, is amended to read:

11 984.19 Medical, psychiatric, and psychological
12 examination and treatment of child; physical or mental
13 examination of parent, guardian, or person requesting custody
14 of child.--

15 (3) A judge may order that a child alleged to be or
16 adjudicated a child in need of services be examined by a
17 licensed health care professional. The judge may also order
18 such child to be evaluated by a psychiatrist or a
19 psychologist, by a district school board educational needs
20 assessment team, or, if a developmental disability is
21 suspected or alleged, by the developmental disability
22 diagnostic and evaluation team of the Department of Children
23 and Family Services. The judge may order a family assessment
24 if that assessment was not completed at an earlier time. If
25 it is necessary to place a child in a residential facility for
26 such evaluation, then the criteria and procedure established
27 in s. 394.463(2) or chapter 393 shall be used, whichever is
28 applicable. The educational needs assessment provided by the
29 district school board educational needs assessment team shall
30 include, but not be limited to, reports of intelligence and
31 achievement tests, screening for learning disabilities and

1 other handicaps, and screening for the need for alternative
2 education pursuant to s. 1003.53 ~~230.2316~~.

3 Section 1050. Paragraph (b) of subsection (8) and
4 subsection (25) of section 985.03, Florida Statutes, are
5 amended to read:

6 985.03 Definitions.--When used in this chapter, the
7 term:

8 (8) "Child in need of services" means a child for whom
9 there is no pending investigation into an allegation or
10 suspicion of abuse, neglect, or abandonment; no pending
11 referral alleging the child is delinquent; or no current
12 supervision by the Department of Juvenile Justice or the
13 Department of Children and Family Services for an adjudication
14 of dependency or delinquency. The child must also, pursuant to
15 this chapter, be found by the court:

16 (b) To be habitually truant from school, while subject
17 to compulsory school attendance, despite reasonable efforts to
18 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and
19 1003.27 ~~232.19~~ and through voluntary participation by the
20 child's parents or legal custodians and by the child in family
21 mediation, services, and treatment offered by the Department
22 of Juvenile Justice or the Department of Children and Family
23 Services; or

24 (25) "Habitually truant" means that:

25 (a) The child has 15 unexcused absences within 90
26 calendar days with or without the knowledge or justifiable
27 consent of the child's parent or legal guardian, is subject to
28 compulsory school attendance under s. 1003.21(1) and (2)(a)
29 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
30 1003.24 ~~232.09~~, or any other exemptions specified by law or
31 the rules of the State Board of Education.

1 (b) Escalating activities to determine the cause, and
2 to attempt the remediation, of the child's truant behavior
3 under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been
4 completed.

5
6 If a child who is subject to compulsory school attendance is
7 responsive to the interventions described in ss. 1003.26
8 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary
9 requirements to pass the current grade as indicated in the
10 district pupil progression plan, the child shall not be
11 determined to be habitually truant and shall be passed. If a
12 child within the compulsory school attendance age has 15
13 unexcused absences within 90 calendar days or fails to enroll
14 in school, the state attorney may file a
15 child-in-need-of-services petition. Prior to filing a
16 petition, the child must be referred to the appropriate agency
17 for evaluation. After consulting with the evaluating agency,
18 the state attorney may elect to file a
19 child-in-need-of-services petition.

20 (c) A school representative, designated according to
21 school board policy, and a juvenile probation officer of the
22 Department of Juvenile Justice have jointly investigated the
23 truancy problem or, if that was not feasible, have performed
24 separate investigations to identify conditions that could be
25 contributing to the truant behavior; and if, after a joint
26 staffing of the case to determine the necessity for services,
27 such services were determined to be needed, the persons who
28 performed the investigations met jointly with the family and
29 child to discuss any referral to appropriate community
30 agencies for economic services, family or individual

31

1 counseling, or other services required to remedy the
2 conditions that are contributing to the truant behavior.

3 (d) The failure or refusal of the parent or legal
4 guardian or the child to participate, or make a good faith
5 effort to participate, in the activities prescribed to remedy
6 the truant behavior, or the failure or refusal of the child to
7 return to school after participation in activities required by
8 this subsection, or the failure of the child to stop the
9 truant behavior after the school administration and the
10 Department of Juvenile Justice have worked with the child as
11 described in s. 1003.27(3) ~~232.19(3)~~ shall be handled as
12 prescribed in s. 1003.27 ~~232.19~~.

13 Section 1051. Paragraph (b) of subsection (7) of
14 section 985.04, Florida Statutes, is amended to read:

15 985.04 Oaths; records; confidential information.--
16 (7)

17 (b) Notwithstanding paragraph (a) or any other
18 provision of this section, when a child of any age is formally
19 charged by a state attorney with a felony or a delinquent act
20 that would be a felony if committed by an adult, the state
21 attorney shall notify the superintendent of the child's school
22 that the child has been charged with such felony or delinquent
23 act. The information obtained by the superintendent of schools
24 pursuant to this section must be released within 48 hours
25 after receipt to appropriate school personnel, including the
26 principal of the school of the child. The principal must
27 immediately notify the child's immediate classroom teachers.
28 Upon notification, the principal is authorized to begin
29 disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232.26~~.

30 Section 1052. Subsection (5) of section 985.316,
31 Florida Statutes, is amended to read:

1 985.316 Conditional release.--

2 (5) Participation in the educational program by
3 students of compulsory school attendance age pursuant to s.
4 1003.21(1) and (2)(a) ~~232.01~~ is mandatory for juvenile justice
5 youth on conditional release or postcommitment probation
6 status. A student of noncompulsory school-attendance age who
7 has not received a high school diploma or its equivalent must
8 participate in the educational program. A youth who has
9 received a high school diploma or its equivalent and is not
10 employed must participate in workforce development or other
11 career vocational or technical education or attend a community
12 college or a university while in the program, subject to
13 available funding.

14 Section 1053. Subsection (3) of section 985.412,
15 Florida Statutes, is amended to read:

16 985.412 Quality assurance and cost-effectiveness.--

17 (3) The department shall annually collect and report
18 cost data for every program operated or contracted by the
19 department. The cost data shall conform to a format approved
20 by the department and the Legislature. Uniform cost data shall
21 be reported and collected for state-operated and contracted
22 programs so that comparisons can be made among programs. The
23 department shall ensure that there is accurate cost accounting
24 for state-operated services including market-equivalent rent
25 and other shared cost. The cost of the educational program
26 provided to a residential facility shall be reported and
27 included in the cost of a program. The department shall submit
28 an annual cost report to the President of the Senate, the
29 Speaker of the House of Representatives, the Minority Leader
30 of each house of the Legislature, the appropriate substantive
31 and fiscal committees of each house of the Legislature, and

1 the Governor, no later than December 1 of each year.
2 Cost-benefit analysis for educational programs will be
3 developed and implemented in collaboration with and in
4 cooperation with the Department of Education, local providers,
5 and local school districts. Cost data for the report shall
6 include data collected by the Department of Education for the
7 purposes of preparing the annual report required by s.
8 1003.52(20) ~~230.23161(21)~~.

9 Section 1054. The purpose of the Legislature in
10 revising this education code is to rearrange, renumber,
11 reword, reorder, streamline, consolidate, and update the code
12 consistent with current law and the new K-20 education
13 governance structure. It is not the purpose of the Legislature
14 in revising the education code to affect existing judicial or
15 administrative law.

16 Section 1055. Effective upon this act becoming a law,
17 the Secretary of Education, in consultation with the
18 Commissioner of Education, may establish, abolish, or
19 consolidate bureaus, sections, and subsections and may
20 reallocate duties and functions within the Department of
21 Education in order to promote effective and efficient
22 operation of the department and to implement changes to the
23 state system of education initiated by the adoption of the
24 1998 amendment to Art. IX of the State Constitution as
25 implemented by the Legislature in chapter 2001-170, Laws of
26 Florida. Authorized positions and appropriations may be
27 transferred from one budget entity to another as required to
28 implement the reorganization. This section is repealed
29 December 31, 2002.

30 Section 1056. Subsection (1) of section 187.201,
31 Florida Statutes, is repealed.

1 Section 1057. Section 2 of chapter 2000-181, Laws of
2 Florida, is repealed.

3 Section 1058. Part I of chapter 243 and chapters 228,
4 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241,
5 242, 244, and 246, Florida Statutes (2001), are repealed.

6 Section 1059. In editing the manuscript for the 2002
7 Florida Statutes, the Division of Statutory Revision is
8 directed to incorporate any amendments, by laws passed during
9 the 2002 Regular Session of the Legislature or any 2002
10 Special Sessions of the Legislature, to provisions repealed by
11 this act into the parallel successor provisions created by
12 this act. The division is further directed to transfer any
13 provisions enacted within part I of chapter 243 or chapters
14 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240,
15 241, 242, 244, and 246, Florida Statutes, by 2002 legislation
16 to parallel locations in accordance with this act.

17 Section 1060. (1) Chapters 1000, 1001, 1002, 1003,
18 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and
19 1013, Florida Statutes, as created by this act, shall be
20 reviewed by the Legislature in the 2003 Regular Session of the
21 Legislature.

22 (2) This section is repealed July 1, 2003.

23 Section 1061. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 invalidity shall not affect other provisions or applications
26 of the act which can be given effect without the invalid
27 provision or application, and to this end the provisions of
28 this act are declared severable.

29 Section 1062. Except as otherwise provided herein,
30 this act shall take effect January 7, 2003.

31

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

HOUSE SUMMARY

Creates the "Florida K-20 Education Code," consisting of chapters 1000 through 1013, Florida Statutes. Repeals and amends current chapters and sections of law to conform to the act. Authorizes activities relating to reorganization of the Department of Education and implementation of changes to the state system of education. Provides for review of the education code during the 2003 Regular Session of the Legislature.