

By Representative Byrd

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

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

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

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

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

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

12
13 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

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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,

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

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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) Effective January 7, 2003:

20 1. The Florida Board of Education is renamed the State
21 Board of Education.

22 2. The Secretary of the Florida Board of Education is
23 renamed the Commissioner of Education.

24 (c) All rules of the State Board of Education, the
25 Commissioner of Education, and the Department of Education,
26 and all rules of the district school boards, the community
27 college boards of trustees, and the state university boards of
28 trustees, in effect on January 2, 2003, remain in effect until
29 specifically amended or repealed in the manner provided by
30 law.

31 (d) Effective January 7, 2003:

1 1. The administrative rules of the Department of
2 Education and the Commissioner of Education shall become the
3 rules of the State Board of Education.

4 2. The administrative rules of the State Board of
5 Education shall become the rules of the appointed State Board
6 of Education.

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

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

21 Section 4. Section 1000.02, Florida Statutes, is
22 created to read:

23 1000.02 Policy and guiding principles for the Florida
24 K-20 education system.--

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

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

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1 (b) To promote enhanced academic success and funding
2 efficiency of educational delivery systems by aligning
3 responsibility with accountability.
4 (c) To provide consistent education policy across all
5 educational delivery systems, focusing on students.
6 (d) To provide substantially improved articulation
7 across all educational delivery systems.
8 (e) To provide for the decentralization of authority
9 to the schools, community colleges, universities, and other
10 education institutions that deliver educational services to
11 the public.
12 (f) To ensure that independent education institutions
13 and home education programs maintain their independence,
14 autonomy, and nongovernmental status.
15 (2) The guiding principles for Florida's K-20
16 education system are:
17 (a) A coordinated, seamless system for kindergarten
18 through graduate school education.
19 (b) A system that is student-centered in every facet.
20 (c) A system that maximizes education access and
21 allows the opportunity for a high quality education for all
22 Floridians.
23 (d) A system that safeguards equity and supports
24 academic excellence.
25 (e) A system that provides for local operational
26 flexibility while promoting accountability for student
27 achievement and improvement.
28 Section 5. Section 1000.03, Florida Statutes, is
29 created to read:
30 1000.03 Function, mission, and goals of the Florida
31 K-20 education system.--

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

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

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

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

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

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1 efficiently use the resources available to them to assist the
2 state in allowing adequate educational opportunities.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 2. The provision of equipment and supplies.

30 3. Scheduling of games and practice times.

31 4. Travel and per diem allowances.

1 5. Opportunities to receive coaching and academic
2 tutoring.
3 6. Assignment and compensation of coaches and tutors.
4 7. Provision of locker room, practice, and competitive
5 facilities.
6 8. Provision of medical and training facilities and
7 services.
8 9. Provision of housing and dining facilities and
9 services.
10 10. Publicity.
11
12 Unequal aggregate expenditures for members of each gender or
13 unequal expenditures for male and female teams if a public
14 K-20 educational institution operates or sponsors separate
15 teams do not constitute nonimplementation of this subsection,
16 but the Commissioner of Education shall consider the failure
17 to provide necessary funds for teams for one gender in
18 assessing equality of opportunity for members of each gender.
19 (e) A public K-20 educational institution may provide
20 separate toilet, locker room, and shower facilities on the
21 basis of gender, but such facilities shall be comparable to
22 such facilities provided for students of the other gender.
23 (4) Educational institutions within the state public
24 K-20 education system shall develop and implement methods and
25 strategies to increase the participation of students of a
26 particular race, ethnicity, national origin, gender,
27 disability, or marital status in programs and courses in which
28 students of that particular race, ethnicity, national origin,
29 gender, disability, or marital status have been traditionally
30 underrepresented, including, but not limited to, mathematics,
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1 science, computer technology, electronics, communications
2 technology, engineering, and career and technical education.
3 (5) The State Board of Education shall adopt rules to
4 implement this section.
5 (6) The functions of the Office of Equal Educational
6 Opportunity of the Department of Education shall include, but
7 are not limited to:
8 (a) Requiring all district school boards, community
9 college boards of trustees, and state university boards of
10 trustees to develop and submit plans for the implementation of
11 this section to the Department of Education.
12 (b) Conducting periodic reviews of public K-20
13 educational agencies to determine compliance with this section
14 and, after a finding that an educational agency is not in
15 compliance with this section, notifying the agency of the
16 steps that it must take to attain compliance and performing
17 followup monitoring.
18 (c) Providing technical assistance, including
19 assisting public K-20 educational agencies in identifying
20 unlawful discrimination and instructing them in remedies for
21 correction and prevention of such discrimination and
22 performing followup monitoring.
23 (d) Conducting studies of the effectiveness of methods
24 and strategies designed to increase the participation of
25 students in programs and courses in which students of a
26 particular race, ethnicity, national origin, gender,
27 disability, or marital status have been traditionally
28 underrepresented and monitoring the success of students in
29 such programs or courses, including performing followup
30 monitoring.
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1 (e) Requiring all district school boards, community
2 college boards of trustees, and state university boards of
3 trustees to submit data and information necessary to determine
4 compliance with this section. The Commissioner of Education
5 shall prescribe the format and the date for submission of such
6 data and any other educational equity data. If any board does
7 not submit the required compliance data or other required
8 educational equity data by the prescribed date, the
9 commissioner shall notify the board of this fact and, if the
10 board does not take appropriate action to immediately submit
11 the required report, the State Board of Education shall impose
12 monetary sanctions.

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

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

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

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

8
9 The educational agency shall remain ineligible and the funds
10 shall not be paid until the agency comes into compliance or
11 the State Board of Education approves a plan for compliance.

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

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

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

30
31

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

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

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

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

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

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

- 20 (a) Brevard Community College.
- 21 (b) Broward Community College.
- 22 (c) Central Florida Community College.
- 23 (d) Chipola Junior College.
- 24 (e) Daytona Beach Community College.
- 25 (f) Edison Community College.
- 26 (g) Florida Community College at Jacksonville.
- 27 (h) Florida Keys Community College.
- 28 (i) Gulf Coast Community College.
- 29 (j) Hillsborough Community College.
- 30 (k) Indian River Community College.
- 31 (l) Lake City Community College.

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

1 (f) The University of West Florida.
2 (g) The University of Central Florida.
3 (h) The University of North Florida.
4 (i) The Florida International University.
5 (j) The Florida Gulf Coast University.
6 (k) New College of Florida.
7 (7) "Sunshine State Standards" are standards that
8 identify what public school students should know and be able
9 to do. These standards delineate the academic achievement of
10 students for which the state will hold its public 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, foreign languages,
14 reading, writing, history, government, geography, economics,
15 and computer literacy.
16 Section 11. Part III of chapter 1000, Florida
17 Statutes, shall be entitled "Educational Compacts" and shall
18 consist of ss. 1000.31-1000.34.
19 Section 12. Section 1000.31, Florida Statutes, is
20 created to read:
21 1000.31 Regional education; state policy.--It is
22 hereby declared to be the policy of the state to promote the
23 development and maintenance of regional education services and
24 facilities in the Southern States in the professional,
25 technological, scientific, literary and other fields so as to
26 provide greater educational advantages for the citizens of the
27 state and the citizens in the several states in said region;
28 and it is found and determined by the Legislature of the state
29 that greater educational advantages and facilities for the
30 citizens of the state in certain phases of the professional,
31 technological, scientific, literary and other fields in

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

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

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

17
18 THE REGIONAL COMPACT

19 (as amended)
20

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

29 WHEREAS, Meharry Medical College of Nashville,
30 Tennessee, has proposed that its lands, buildings, equipment,
31 and the net income from its endowment be turned over to the

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

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

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

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

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

1 paragraph as amended in 1957 shall be effective when eight or
2 more of the states party to the compact have given legislative
3 approval to the amendment.

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

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

1 general power and authority as may be vested in the board from
2 time to time by legislative enactment of the said states.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23
24 COMPACT FOR EDUCATION

25
26 ARTICLE I

27
28 PURPOSE AND POLICY.--

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

30 1. Establish and maintain close cooperation and
31 understanding among executive, legislative, professional

1 educational and lay leadership on a nationwide basis at the
2 state and local levels.

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

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

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

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

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

1 welfare and economic advancement of each state are supplied in
2 significant part by persons educated in other states.

3
4 ARTICLE II

5
6 STATE DEFINED.--

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

10
11 ARTICLE III

12
13 THE COMMISSION.--

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

1 the commission representing the party states, there may be not
2 to exceed ten nonvoting commissioners selected by the steering
3 committee for terms of one year. Such commissioners shall
4 represent leading national organizations of professional
5 educators or persons concerned with educational
6 administration.

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

21 C. The commission shall have a seal.

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

30 E. Irrespective of the civil service, personnel or
31 other merit system laws of any of the party states, the

1 executive director, subject to the approval of the steering
2 committee, shall appoint, remove or discharge such personnel
3 as may be necessary for the performance of the functions of
4 the commission, and shall fix the duties and compensation of
5 such personnel. The commission in its bylaws shall provide
6 for the personnel policies and programs of the commission.
7 F. The commission may borrow, accept or contract for
8 the services of personnel from any party jurisdiction, the
9 United States, or any subdivision or agency of the
10 mentioned governments, or from any agency of two or more
11 of the party jurisdictions or their subdivisions.
12 G. The commission may accept for any of its purposes
13 and functions under this compact any and all donations and
14 grants of money, equipment, supplies, materials and services,
15 conditional or otherwise, from any state, the United States,
16 or any other governmental agency, or from any person, firm,
17 association, foundation, or corporation, and may receive,
18 utilize and dispose of the same. Any donation or grant
19 accepted by the commission pursuant to this paragraph or
20 services borrowed pursuant to paragraph F of this Article
21 shall be reported in the annual report of the commission.
22 Such report shall include the nature, amount and conditions,
23 if any, of the donation, grant, or services borrowed, and the
24 identity of the donor or lender.
25 H. The commission may establish and maintain such
26 facilities as may be necessary for the transacting of its
27 business. The commission may acquire, hold, and convey real
28 and personal property and any interest therein.
29 I. The commission shall adopt bylaws for the conduct
30 of its business and shall have the power to amend and rescind
31 these bylaws. The commission shall publish its bylaws in

1 convenient form and shall file a copy thereof and a copy of
2 any amendment thereto, with the appropriate agency or officer
3 in each of the party states.

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

9
10 ARTICLE IV

11
12 POWERS.--

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

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

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

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

26 4. Conduct or participate in research of the types
27 referred to in this article in any instance where the
28 commission finds that such research is necessary for the
29 advancement of the purposes and policies of this compact,
30 utilizing fully the resources of national associations,

31

1 regional compact organizations for higher education, and other
2 agencies and institutions, both public and private.

3 5. Formulate suggested policies and plans for the
4 improvement of public education as a whole, or for any segment
5 thereof, and make recommendations with respect thereto
6 available to the appropriate governmental units, agencies and
7 public officials.

8 6. Do such other things as may be necessary or
9 incidental to the administration of any of its authority or
10 functions pursuant to this compact.

11
12 ARTICLE V

13
14 COOPERATION WITH FEDERAL GOVERNMENT.--

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

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

31

1 and private persons to advise it with respect to any one or
2 more of its functions. Any advisory or technical committee
3 may, on request of the states concerned, be established to
4 consider any matter of special concern to two or more of the
5 party states.

6 C. The commission may establish such additional
7 committees as its bylaws may provide.

8
9 ARTICLE VII

10
11 FINANCE.--

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

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

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

1 commission shall not incur any obligation prior to the
2 allotment of funds by the party states adequate to meet the
3 same.

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

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

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

20
21 ARTICLE VIII
22

23 ELIGIBLE PARTIES; ENTRY INTO AND WITHDRAWAL.--

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

30 B. Any state or other eligible jurisdiction may enter
31 into this compact and it shall become binding thereon when it

1 has adopted the same; provided that in order to enter into
2 initial effect, adoption by at least ten eligible party
3 jurisdictions shall be required.

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

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

24
25 ARTICLE IX

26
27 CONSTRUCTION AND SEVERABILITY.--

28 This compact shall be liberally construed so as to
29 effectuate the purposes thereof. The provisions of this
30 compact shall be severable, and if any phrase, clause,
31 sentence or provision of this compact is declared to be

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

10 Section 16. Chapter 1001, Florida Statutes, shall be
11 entitled "K-20 Governance" and shall consist of ss.
12 1001.01-1001.75.

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

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

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

21 1001.01 State Board of Education generally.--

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

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

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

8 Section 20. Section 1001.02, Florida Statutes, is
9 created to read:

10 1001.02 General powers of State Board of Education.--

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

21 (2) The State Board of Education has the following
22 duties:

23 (a) To adopt comprehensive educational objectives for
24 public education.

25 (b) To adopt comprehensive long-range plans and
26 short-range programs for the development of the state system
27 of public education.

28 (c) To exercise general supervision over the divisions
29 of the Department of Education as necessary to ensure
30 coordination of educational plans and programs and resolve
31 controversies and to minimize problems of articulation and

1 student transfers, to ensure that students moving from one
2 level of education to the next have acquired competencies
3 necessary for satisfactory performance at that level, and to
4 ensure maximum utilization of facilities.

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

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

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

29 (g) To approve plans for cooperating with the Federal
30 Government.

31

1 (h) To approve plans for cooperating with other public
2 agencies in the development of rules and in the enforcement of
3 laws for which the state board and such agencies are jointly
4 responsible.

5 (i) To review plans for cooperating with appropriate
6 nonpublic agencies for the improvement of conditions relating
7 to the welfare of schools.

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

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

13 (l) To assist in the economic development of the state
14 by developing a state-level planning process to identify
15 future training needs for industry, especially high-technology
16 industry.

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

20 (n) To adopt cohesive rules pursuant to ss. 120.536(1)
21 and 120.54, within statutory authority, for education
22 systemwide issues.

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

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

- 1 (q) To recommend that a district school board take
2 action consistent with the state board's decision relating to
3 an appeal of a charter school application.
- 4 (r) To enforce systemwide education goals and
5 policies.
- 6 (s) To establish a detailed procedure for the
7 implementation and operation of a systemwide K-20 technology
8 plan that is based on a common set of data definitions.
- 9 (t) To establish accountability standards for existing
10 legislative performance goals, standards, and measures, and
11 order the development of mechanisms to implement new
12 legislative goals, standards, and measures.
- 13 (u) To adopt criteria and implementation plans for
14 future growth issues, such as new colleges and universities
15 and campus mergers, and to provide for cooperative agreements
16 between and within public and private education sectors.
- 17 (v) To develop, and periodically review for
18 adjustment, a coordinated 5-year plan for postsecondary
19 enrollment and annually submit the plan to the Legislature.
- 20 (w) To approve a new program at the professional level
21 or doctoral level, if:
- 22 1. The university has taken into account the need and
23 demand for the program, the university's mission, and similar
24 program offerings by public and nonpublic counterparts.
- 25 2. The addition of the program will not alter the
26 university's emphasis on undergraduate education.
- 27 (x) To review, and approve or disapprove, degree
28 programs identified as unique pursuant to s. 1007.25.
- 29 (y) To recommend to the Legislature a plan for
30 implementing block tuition programs and providing other
31 incentives to encourage students to graduate within 4 years.

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

13 (a) The number of applicants.

14 (b) The number of applicants granted admission.

15 (c) The number of applicants who are granted admission
16 and enroll.

17 (d) The number of applicants denied admission.

18 (e) The number of applicants neither granted admission
19 nor denied admission.

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

30 (4) The State Board of Education shall review, and
31 approve or disapprove, baccalaureate-degree programs that

1 exceed 120 semester hours, after considering accreditation
2 requirements, employment and earnings of graduates,
3 comparative program lengths nationally, and comparisons with
4 similar programs offered by independent institutions. By
5 December 31 of each year, the State Board of Education must
6 report to the Legislature any degrees in the state
7 universities that require more than 120 hours, along with
8 appropriate evidence of need. At least every 5 years, the
9 State Board of Education must determine whether the programs
10 still require more than the standard length of 120 hours.

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

1 to the President of the Senate and the Speaker of the House of
2 Representatives upon modification of the system plan.

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

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

29 (7) The State Board of Education shall:
30
31

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

4 (b) Specify, by rule, procedures to be used by the
5 boards of trustees in the annual evaluations of presidents and
6 review the evaluations of presidents by the boards of
7 trustees.

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

14 (d) Establish criteria for making recommendations for
15 modifying district boundary lines for community colleges.

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

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

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

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

27 (8) The State Board of Education is responsible for
28 reviewing and administering the state program of support for
29 the community colleges and, subject to existing law, shall
30 establish the tuition and out-of-state fees for
31 college-preparatory instruction and for credit instruction

1 that may be counted toward an associate in arts degree, an
2 associate in applied science degree, or an associate in
3 science degree.

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

11 (a) Personnel.

12 (b) Contracting.

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

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

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

26 2. Require all of the credits accepted for the
27 associate in arts degree to be in the statewide course
28 numbering system as credits towards a baccalaureate degree
29 offered by a state university.

30 3. Require no more than 36 semester credit hours in
31 general education courses in the subject areas of

1 communication, mathematics, social sciences, humanities, and
2 natural sciences.

3
4 The rules should encourage community colleges to enter into
5 agreements with state universities that allow community
6 college students to complete upper-division-level courses at a
7 community college. An agreement may provide for concurrent
8 enrollment at the community college and the state university
9 and may authorize the community college to offer an
10 upper-division-level course or distance learning.

11 (e) Student admissions, conduct and discipline,
12 nonclassroom activities, and fees.

13 (f) Budgeting.

14 (g) Business and financial matters.

15 (h) Student services.

16 (i) Reports, surveys, and information systems,
17 including forms and dates of submission.

18 Section 21. Section 1001.03, Florida Statutes, is
19 created to read:

20 1001.03 Specific powers of State Board of Education.--

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

25 (2) DIRECT-SUPPORT ORGANIZATION OF THE DEPARTMENT OF
26 EDUCATION.--The State Board of Education shall govern issues
27 relating to use of property, facilities, and personal services
28 between the Department of Education and its direct-support
29 organization and shall certify that the organization operates
30 at all times in a manner consistent with the goals and best
31 interest of the department, pursuant to s. 1001.24.

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

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

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

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

28 (7) ARTICULATION ACCOUNTABILITY.--The State Board of
29 Education shall develop articulation accountability measures
30 that assess the status of systemwide articulation processes,
31

1 and shall establish an articulation accountability process in
2 accordance with the provisions of chapter 1008.

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

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

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

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

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

27 (13) CYCLIC REVIEW OF POSTSECONDARY ACADEMIC
28 PROGRAMS.--The State Board of Education shall provide for the
29 cyclic review of all academic programs in community colleges
30 and state universities at least every 7 years. Program reviews
31 shall document how individual academic programs are achieving

1 stated student learning and program objectives within the
2 context of the institution's mission. The results of the
3 program reviews shall inform strategic planning, program
4 development, and budgeting decisions at the institutional
5 level.

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

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

16 Section 23. Section 1001.10, Florida Statutes, is
17 created to read:

18 1001.10 Commissioner of Education; general powers and
19 duties.--The Commissioner of Education is the chief
20 educational officer of the state, and is responsible for
21 giving full assistance to the State Board of Education in
22 enforcing compliance with the mission and goals of the
23 seamless K-20 education system. To facilitate innovative
24 practices and to allow local selection of educational methods,
25 the State Board of Education may authorize the commissioner to
26 waive, upon the request of a district school board, State
27 Board of Education rules that relate to district school
28 instruction and school operations, except those rules
29 pertaining to civil rights, and student health, safety, and
30 welfare. The Commissioner of Education is not authorized to
31 grant waivers for any provisions in rule pertaining to the

1 allocation and appropriation of state and local funds for
2 public education; the election, compensation, and organization
3 of school board members and superintendents; graduation and
4 state accountability standards; financial reporting
5 requirements; reporting of out-of-field teaching assignments
6 under s. 1012.42; public meetings; public records; or due
7 process hearings governed by chapter 120. No later than
8 January 1 of each year, the commissioner shall report to the
9 Legislature and the State Board of Education all approved
10 waiver requests in the preceding year. Additionally, the
11 commissioner has the following general powers and duties:
12 (1) To appoint staff necessary to carry out his or her
13 powers and duties.
14 (2) To advise and counsel with the State Board of
15 Education on all matters pertaining to education; to recommend
16 to the State Board of Education actions and policies as, in
17 the commissioner's opinion, should be acted upon or adopted;
18 and to execute or provide for the execution of all acts and
19 policies as are approved.
20 (3) To keep such records as are necessary to set forth
21 clearly all acts and proceedings of the State Board of
22 Education.
23 (4) To have a seal for his or her office with which,
24 in connection with his or her own signature, the commissioner
25 shall authenticate true copies of decisions, acts, or
26 documents.
27 (5) To recommend to the State Board of Education
28 policies and steps designed to protect and preserve the
29 principal of the State School Fund; to provide an assured and
30 stable income from the fund; to execute such policies and
31

1 actions as are approved; and to administer the State School
2 Fund.
3 (6) To take action on the release of mineral rights
4 based upon the recommendations of the Board of Trustees of the
5 Internal Improvement Trust Fund.
6 (7) To submit to the State Board of Education, on or
7 before August 1 of each year, recommendations for a
8 coordinated K-20 education budget that estimates the
9 expenditures for the State Board of Education, including the
10 Department of Education, the Commissioner of Education, and
11 all of the boards, institutions, agencies, and services under
12 the general supervision of the State Board of Education for
13 the ensuing fiscal year. Any program recommended to the State
14 Board of Education that will require increases in state
15 funding for more than 1 year must be presented in a multiyear
16 budget plan.
17 (8) To develop and implement a plan for cooperating
18 with the Federal Government in carrying out any or all phases
19 of the educational program and to recommend policies for
20 administering funds that are appropriated by Congress and
21 apportioned to the state for any or all educational purposes.
22 (9) To develop and implement policies for cooperating
23 with other public agencies in carrying out those phases of the
24 program in which such cooperation is required by law or is
25 deemed by the commissioner to be desirable and to cooperate
26 with public and nonpublic agencies in planning and bringing
27 about improvements in the educational program.
28 (10) To prepare forms and procedures as are necessary
29 to be used by district school boards and all other educational
30 agencies to assure uniformity, accuracy, and efficiency in the
31 keeping of records, the execution of contracts, the

1 preparation of budgets, or the submission of reports; and to
2 furnish at state expense, when deemed advisable by the
3 commissioner, those forms that can more economically and
4 efficiently be provided.

5 (11) To implement a program of school improvement and
6 education accountability designed to provide all students the
7 opportunity to make adequate learning gains in each year of
8 school as provided by statute and State Board of Education
9 rule based upon the achievement of the state education goals,
10 recognizing the following:

11 (a) The State Board of Education is the body corporate
12 responsible for the supervision of the system of public
13 education.

14 (b) The district school board is responsible for
15 school and student performance.

16 (c) The individual school is the unit for education
17 accountability.

18 (d) The community college board of trustees is
19 responsible for community college performance and student
20 performance.

21 (e) The university board of trustees is responsible
22 for university performance and student performance.

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

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

30
31

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

4 (15) To develop criteria for use by state
5 instructional materials committees in evaluating materials
6 submitted for adoption consideration. The criteria shall, as
7 appropriate, be based on instructional expectations reflected
8 in curriculum frameworks and student performance standards.
9 The criteria for each subject or course shall be made
10 available to publishers of instructional materials pursuant to
11 the requirements of chapter 1006.

12 (16) To prescribe procedures for evaluating
13 instructional materials submitted by publishers and
14 manufacturers in each adoption.

15
16 The commissioner's office shall operate all statewide
17 functions necessary to support the State Board of Education
18 and the K-20 education system, including strategic planning
19 and budget development, general administration, and assessment
20 and accountability.

21 Section 24. Section 1001.11, Florida Statutes, is
22 created to read:

23 1001.11 Commissioner of Education; other duties.--

24 (1) The Commissioner of Education must independently
25 perform the following duties:

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

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

1 (c) Develop and implement a process for receiving and
2 processing requests, in conjunction with the Legislature, for
3 the allocation of PECO funds for qualified postsecondary
4 education projects.

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

7 (e) Monitor the activities of the State Board of
8 Education and provide information related to current and
9 pending policies to the members of the boards of trustees of
10 the community colleges and state universities.

11 (f) Ensure the timely provision of information
12 requested by the Legislature from the State Board of
13 Education, the commissioner's office, and the Department of
14 Education.

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

1 (b) Prior to the regular legislative session, the
2 Commissioner of Education shall present to the Legislature a
3 plan for correcting any deficiencies identified in the report
4 card.

5 (3) Notwithstanding any other provision of law to the
6 contrary, the Commissioner of Education, in conjunction with
7 the Legislature, must recommend funding priorities for the
8 distribution of capital outlay funds for public postsecondary
9 educational institutions, based on priorities that include,
10 but are not limited to, the following criteria:

11 (a) Growth at the institutions.

12 (b) Need for specific skills statewide.

13 (c) Need for maintaining and repairing existing
14 facilities.

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

18 (5) The commissioner shall design and implement a
19 statewide program of educational assessment that provides
20 information for the improvement of the operation and
21 management of the public schools, including schools operating
22 for the purpose of providing educational services to youth in
23 Department of Juvenile Justice programs, in accordance with
24 the requirements of chapter 1008.

25 (6) The commissioner is responsible for implementing
26 and maintaining a system of intensive school improvement and
27 stringent education accountability, in accordance with the
28 requirements of chapter 1008.

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

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

3 1001.20 Department under direction of state board.--

4 (1) The Department of Education shall be organized
5 consistently with the requirements of s. 20.15, and shall act
6 as an administrative and supervisory agency under the
7 implementation direction of the State Board of Education.

8 (2) The department is to be located in the offices of
9 the Commissioner of Education and shall assist in providing
10 professional leadership and guidance and in carrying out the
11 policies, procedures, and duties authorized by law or by the
12 State Board of Education or found necessary by it to attain
13 the purposes and objectives of this code.

14 (3) The Department of Education shall maintain an
15 Office of the Commissioner of Education that includes the
16 general areas of operation that are common to all delivery
17 sectors, such as administration, communication, legal
18 services, financial aid, and government and public relations,
19 in order to increase efficiency, improve service delivery to
20 students, and fully support the operational needs of the State
21 Board of Education.

22 (4) The Department of Education shall establish the
23 following offices within the Office of the Commissioner of
24 Education which shall coordinate their activities with all
25 other divisions and offices:

26 (a) Office of Technology and Information
27 Services.--Responsible for developing a systemwide technology
28 plan, making budget recommendations to the commissioner,
29 providing data collection and management for the system, and
30 coordinating services with other state, local, and private
31 agencies. The office shall develop a method to address the

1 need for a statewide approach to planning and operations of
2 library and information services to achieve a single K-20
3 education system library information portal and a unified
4 higher education library management system. The Florida
5 Virtual School shall be administratively housed within the
6 office.
7 (b) Office of Workforce and Economic
8 Development.--Responsible for evaluating the role of each
9 sector of education in Florida's workforce and economic
10 development, assessing the specific work skills and variety of
11 careers provided, and reporting to the State Board of
12 Education the effectiveness of each sector.
13 (c) Office of Educational Facilities and SMART Schools
14 Clearinghouse.--Responsible for validating all educational
15 plant surveys and verifying Florida Inventory of School Houses
16 (FISH) data. The office shall provide technical assistance to
17 public school districts when requested.
18 (d) Office of Student Financial
19 Assistance.--Responsible for providing access to and
20 administering state and federal grants, scholarships, and
21 loans to those students seeking financial assistance for
22 postsecondary study pursuant to program criteria and
23 eligibility requirements.
24 (e) Office of Inspector General.--Organized using
25 existing resources and funds and responsible for promoting
26 accountability, efficiency, and effectiveness and detecting
27 fraud and abuse within school districts, community colleges,
28 and state universities in Florida. If the Commissioner of
29 Education determines that a district school board or public
30 postsecondary educational institution board is unwilling or
31 unable to address substantiated allegations made by any person

1 relating to waste, fraud, or financial mismanagement, the
2 office shall conduct, coordinate, or request investigations
3 into substantiated allegations made by any person relating to
4 waste, fraud, or financial mismanagement within school
5 districts, community colleges, and state universities in
6 Florida. The office shall have access to all information and
7 personnel necessary to perform its duties and shall have all
8 of its current powers, duties, and responsibilities authorized
9 in s. 20.055.

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

12 1001.21 Office of Private Schools and Home Education
13 Programs.--The state recognizes the contributions of private
14 schools and home education programs in providing alternatives
15 to public school education. These nongovernmental educational
16 systems serve the public, but are not considered to be a part
17 of the public system of education.

18 (1) The Office of Private Schools and Home Education
19 Programs is established within the Department of Education.
20 The Department of Education and the Commissioner of Education
21 have no authority over the institutions or students served by
22 the office. The office shall:

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

25 (b) Serve the interests of private institutions.

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

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

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1 (a) Serve as a source of communication between private
2 schools, home education programs, the Commissioner of
3 Education, and the State Board of Education.

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

7 (c) Establish a clearinghouse of information for the
8 public.

9 (d) Foster a collaborative spirit and working
10 relationship among private schools, home education programs,
11 and the public sector.

12 (e) Identify and convey the best practices of private
13 schools and home education programs for the benefit of the
14 public and private education delivery sectors.

15 (f) Represent issues and concerns relating to home
16 education programs and private schools on all applicable ad
17 hoc advisory bodies.

18 Section 28. Section 1001.22, Florida Statutes, is
19 created to read:

20 1001.22 Commission for Independent Education.--The
21 Commission for Independent Education shall authorize granting
22 of certificates, diplomas, and degrees for independent
23 postsecondary educational institutions pursuant to chapter
24 1005.

25 Section 29. Section 1001.23, Florida Statutes, is
26 created to read:

27 1001.23 Specific powers and duties of the Department
28 of Education.--In addition to all other duties assigned to it
29 by law or by rule of the State Board of Education, the
30 department shall:

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- 1 (1) Adopt the school readiness uniform screening
2 developed by the Florida Partnership for School Readiness, in
3 accordance with the criteria itemized in chapter 1008.
- 4 (2) Implement a training program to develop among
5 state and district educators a cadre of facilitators of school
6 improvement in accordance with the provisions of chapter 1008.
- 7 (3) Identify the needs of the state system of public
8 education as they relate to the development and production of
9 materials used in instruction, in accordance with the
10 requirements of chapter 1006.
- 11 (4) After complying with the provisions of s. 257.37,
12 the Department of Education may:
- 13 (a) Photograph, microphotograph, or reproduce on film
14 or prints, documents, records, data, and information of a
15 permanent character and destroy any of the documents after
16 they have been photographed and after audit of the department
17 has been completed for the period embracing the dates of the
18 instruments. Photographs or microphotographs in the form of
19 film or prints made in compliance with the provisions of this
20 subsection shall have the same force and effect as the
21 originals would have, and shall be treated as originals for
22 the purpose of their admissibility in evidence. Duly certified
23 or authenticated reproductions of such photographs or
24 microphotographs shall be admitted in evidence equally with
25 the original photographs or microphotographs.
- 26 (b) Destroy general correspondence that is over 3
27 years old; records of bills, accounts, vouchers, and
28 requisitions that are over 5 years old and copies of which
29 have been filed with the Comptroller; and other records,
30 papers, and documents over 3 years old that do not serve as
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1 part of an agreement or understanding and do not have value as
2 permanent records.

3 Section 30. Section 1001.24, Florida Statutes, is
4 created to read:

5 1001.24 Direct-support organization; use of property;
6 board of directors; audit.--

7 (1) DEFINITIONS.--For the purposes of this section,
8 the term:

9 (a) "Department of Education direct-support
10 organization" means an organization:

11 1. That is a corporation not for profit that is
12 incorporated under the provisions of chapter 617 and approved
13 by the Department of State.

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

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

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

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

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

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

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

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

10 (4) ANNUAL AUDIT.--Each direct-support organization
11 shall provide for an annual financial audit in accordance with
12 s. 215.981. The identity of donors who desire to remain
13 anonymous shall be protected, and that anonymity shall be
14 maintained in the auditor's report. All records of the
15 organization other than the auditor's report, management
16 letter, and any supplemental data requested by the Auditor
17 General and the Office of Program Policy Analysis and
18 Government Accountability shall be confidential and exempt
19 from the provisions of s. 119.07(1).

20 Section 31. Section 1001.25, Florida Statutes, is
21 created to read:

22 1001.25 Educational television.--

23 (1) ESTABLISHMENT AND UTILIZATION OF NETWORK.--The
24 department may establish a television network connecting such
25 communities or such stations as it designates. For this
26 purpose, it may lease facilities in the name of the state from
27 communications' common carriers and use such transmission
28 channels as are necessary; however, if the department decides,
29 upon investigation, that it could more economically construct
30 and maintain such transmission channels, it may design,
31 construct, operate, and maintain them, including a television

1 microwave network. The network shall be utilized primarily for
2 the instruction of students at existing and future public and
3 private educational institutions and of the general public, as
4 practical. The origination and transmission of all programs
5 over such networks shall be as directed under policies
6 approved by the State Board of Education. The department may
7 cooperate with and assist all local and state educational
8 agencies in making surveys pertaining to the use and economics
9 of educational television in the fields of primary,
10 elementary, secondary, or college level education and in the
11 field of adult education, and may assist all public agencies
12 in the planning of programs calculated to further the
13 education of the state's citizens.

14 (2) POWERS OF DEPARTMENT.--

15 (a) The department may encourage:

16 1. The extension of educational television network
17 facilities.

18 2. The coordination of Florida's educational
19 television with that of other states and with the Federal
20 Government.

21 3. The further development of educational television
22 within the state.

23 (b) The department shall provide through educational
24 television and other electronic media a means of extending
25 educational services to all the state system of public
26 education, except the state universities, which provision by
27 the department is limited by paragraph (c) and by s.
28 1006.26(1). The department shall recommend to the State Board
29 of Education rules necessary to provide such services.

30 (c) The department may provide equipment, funds, and
31 other services to extend and update both the existing and the

1 proposed educational television and radio systems of
2 tax-supported and nonprofit, corporate-owned facilities. All
3 stations funded must be qualified by the Corporation for
4 Public Broadcasting. New stations eligible for funding shall
5 provide a first service to an audience that is not currently
6 receiving a broadcast signal or provide a significant new
7 program service as defined by State Board of Education rules.
8 Funds appropriated to the department for educational
9 television and funds appropriated to the department for
10 educational radio may be used by the department for either
11 educational television or educational radio, or both.

12 (3) PROHIBITED USE, PENALTY.--

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

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

4 (4) DUTY OF DEPARTMENT.--The department is responsible
5 for identifying the needs of the state system of public
6 education as they relate to the development and production of
7 materials used in instruction. When such identified needs are
8 considered to be best satisfied by the production of new
9 materials, the department may commission or contract for the
10 production of such materials.

11 Section 32. Section 1001.26, Florida Statutes, is
12 created to read:

13 1001.26 Public broadcasting program system.--

14 (1) There is created a public broadcasting program
15 system for the state. The department shall administer this
16 program system pursuant to rules adopted by the State Board of
17 Education. This program system must complement and share
18 resources with the instructional programming service of the
19 Department of Education and educational UHF, VHF, ITFS, and FM
20 stations in the state. The program system must include:

21 (a) Support for existing Corporation for Public
22 Broadcasting qualified program system educational radio and
23 television stations and new stations meeting Corporation for
24 Public Broadcasting qualifications and providing a first
25 service to an audience that does not currently receive a
26 broadcast signal or providing a significant new program
27 service as defined by rule by the State Board of Education.

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

30 (c) Interconnection of all educational stations that
31 are part of the program system for simultaneous broadcast and

1 of such stations with all universities and other institutions
2 as necessary for sharing of resources and delivery of
3 programming.

4 (d) Establishment and maintenance of a capability for
5 statewide program distribution with facilities and staff,
6 provided such facilities and staff complement and strengthen
7 existing or future educational television and radio stations
8 in accordance with paragraph (a) and s. 1001.25(2)(c).

9 (e) Provision of both statewide programming funds and
10 station programming support for educational television and
11 educational radio to meet statewide priorities. Priorities for
12 station programming need not be the same as priorities for
13 programming to be used statewide. Station programming may
14 include, but shall not be limited to, citizens' participation
15 programs, music and fine arts programs, coverage of public
16 hearings and governmental meetings, equal air time for
17 political candidates, and other public interest programming.

18 (2)(a) The Department of Education is responsible for
19 implementing the provisions of this section pursuant to part
20 III of chapter 287 and may employ personnel, acquire equipment
21 and facilities, and perform all duties necessary for carrying
22 out the purposes and objectives of this section.

23 (b) The department shall provide through educational
24 television and other electronic media a means of extending
25 educational services to all the state system of public
26 education. The department shall recommend to the State Board
27 of Education rules necessary to provide such services.

28 (c) The department is authorized to provide equipment,
29 funds, and other services to extend and update both the
30 existing and the proposed educational television and radio
31 systems of tax-supported and nonprofit, corporate-owned

1 facilities. All stations funded must be qualified by the
2 Corporation for Public Broadcasting. New stations eligible
3 for funding shall provide a first service to an audience that
4 is not currently receiving a broadcast signal or provide a
5 significant new program service as defined by State Board of
6 Education rules. Funds appropriated to the department for
7 educational television and funds appropriated to the
8 department for educational radio may be used by the department
9 for either educational television or educational radio, or for
10 both.

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

13 Section 33. Section 1001.27, Florida Statutes, is
14 created to read:

15 1001.27 State satellite network.--

16 (1) There is created a state satellite network, which
17 shall provide one-way video and audio transmissions with
18 regional access for all Floridians, state agencies, county and
19 municipal governments, business and industry, and other public
20 and private entities to participate in classroom instruction,
21 continuing education, special events programs, and one-way
22 video teleconferencing.

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

26 (3) The department, in consultation with the
27 Department of Management Services, shall implement the
28 provisions of this section and coordinate the network.
29 Specifically, the department shall:

30 (a) Provide for technical analysis of suitable
31 existing satellite receiving equipment at Florida public

1 postsecondary educational institutions for inclusion in the
2 network.
3 (b) Acquire by competitive sealed bid and place
4 appropriate receiving equipment in those community college
5 regions of the state in which such equipment is presently not
6 available at a public postsecondary educational institution.
7 (c) Develop an implementation plan that provides for
8 designation of a site in each community college region for
9 inclusion in the initial network. Criteria for selection
10 shall include:
11 1. Accessibility to a substantial portion of the
12 population of the region.
13 2. Demonstrated institutional commitment to support
14 and encourage use of the network both within the region and
15 statewide.
16 3. Willingness to complement state support with
17 matching institutional resources.
18 4. Evidence of cooperation and coordinated planning
19 with other postsecondary educational institutions in the
20 region.
21 5. Availability of existing telecommunications
22 equipment which is compatible or adaptable for use in the
23 network.
24 (d) Identify additional sites for inclusion in the
25 network in the event that demand exceeds the capacity of the
26 initial network.
27 (e) Coordinate scheduling and encourage use of the
28 network.
29 (f) Develop operating procedures for the system and
30 recommend fee schedules for both public and private entities
31 wishing to transmit or receive programming through the

1 network. Scheduling procedures shall assign the highest
2 priority to educational programming.

3 (g) Provide training for institutional, state agency,
4 and other personnel in effective techniques for the use of the
5 network.

6 (h) Provide initial startup support for operations,
7 maintenance, and publicity costs of the network. Continuation
8 costs in these areas shall be recovered through user fees and
9 local resources.

10 (4) All audio components of this system that are not
11 transmitted simultaneously with video to a domestic satellite
12 shall be transmitted through common carriers regulated
13 pursuant to chapter 364.

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

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

18 Section 34. Section 1001.28, Florida Statutes, is
19 created to read:

20 1001.28 Distance learning duties.--The duties of the
21 Department of Education concerning distance learning include,
22 but are not limited to, the duty to:

23 (1) Facilitate the implementation of a statewide
24 coordinated system and resource system for cost-efficient
25 advanced telecommunications services and distance education
26 which will increase overall student access to education.

27 (2) Coordinate the use of existing resources,
28 including, but not limited to, the state's satellite
29 transponders on the education satellites, the SUNCOM Network,
30 the Florida Information Resource Network (FIRN), the
31 Department of Management Services, the Department of

1 Corrections, and the Department of Children and Family
2 Services' satellite communication facilities to support a
3 statewide advanced telecommunications services and distance
4 learning network.
5 (3) Assist in the coordination of the utilization of
6 the production and uplink capabilities available through
7 Florida's public television stations, eligible facilities,
8 independent colleges and universities, private firms, and
9 others as needed.
10 (4) Seek the assistance and cooperation of Florida's
11 cable television providers in the implementation of the
12 statewide advanced telecommunications services and distance
13 learning network.
14 (5) Seek the assistance and cooperation of Florida's
15 telecommunications carriers to provide affordable student
16 access to advanced telecommunications services and to distance
17 learning.
18 (6) Coordinate partnerships for development,
19 acquisition, use, and distribution of distance learning.
20 (7) Secure and administer funding for programs and
21 activities for distance learning from federal, state, local,
22 and private sources and from fees derived from services and
23 materials.
24 (8) Manage the state's satellite transponder resources
25 and enter into lease agreements to maximize the use of
26 available transponder time. All net revenue realized through
27 the leasing of available transponder time, after deducting the
28 costs of performing the management function, shall be recycled
29 to support the public education distance learning in this
30 state based upon an allocation formula of one-third to the
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1 Department of Education, one-third to community colleges, and
2 one-third to state universities.

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

7
8 Nothing in this section shall be construed to abrogate,
9 supersede, alter, or amend the powers and duties of any state
10 agency, district school board, community college board of
11 trustees, university board of trustees, or the State Board of
12 Education.

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

16 Section 36. Section 1001.30, Florida Statutes, is
17 created to read:

18 1001.30 District unit.--Each county shall constitute a
19 school district and shall be known as the school district of
20 County, Florida. Each district shall constitute a unit
21 for the control, organization, and administration of schools.
22 The responsibility for the actual operation and administration
23 of all schools needed within the districts in conformity with
24 rules and minimum standards prescribed by the state, and also
25 the responsibility for the provision of any desirable and
26 practicable opportunities authorized by law beyond those
27 required by the state, are delegated by law to the school
28 officials of the respective districts.

29 Section 37. Section 1001.31, Florida Statutes, is
30 created to read:

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1 1001.31 Scope of district system.--A district school
2 system shall include all public schools, classes, and courses
3 of instruction and all services and activities directly
4 related to education in that district which are under the
5 direction of the district school officials. A district school
6 system may also include alternative site schools for
7 disruptive or violent youth. Such schools for disruptive or
8 violent youth may be funded by each district or provided
9 through cooperative programs administered by a consortium of
10 school districts, private providers, state and local law
11 enforcement agencies, and the Department of Juvenile Justice.
12 Pursuant to cooperative agreement, a district school system
13 shall provide instructional personnel at juvenile justice
14 facilities of 50 or more beds or slots with access to the
15 district school system database for the purpose of accessing
16 student academic, immunization, and registration records for
17 students assigned to the programs. Such access shall be in the
18 same manner as provided to other schools in the district.

19 Section 38. Section 1001.32, Florida Statutes, is
20 created to read:

21 1001.32 Management, control, operation,
22 administration, and supervision.--The district school system
23 must be managed, controlled, operated, administered, and
24 supervised as follows:

25 (1) DISTRICT SYSTEM.--The district school system shall
26 be considered as a part of the state system of public
27 education. All actions of district school officials shall be
28 consistent and in harmony with state laws and with rules and
29 minimum standards of the state board and the commissioner.
30 District school officials, however, shall have the authority
31 to provide additional educational opportunities, as desired,

1 which are authorized, but not required, by law or by the
2 district school board.

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

9 (3) DISTRICT SCHOOL SUPERINTENDENT.--Responsibility
10 for the administration and management of the schools and for
11 the supervision of instruction in the district shall be vested
12 in the district school superintendent as the secretary and
13 executive officer of the district school board, as provided by
14 law.

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

24 Section 39. Section 1001.33, Florida Statutes, is
25 created to read:

26 1001.33 Schools under control of district school board
27 and district school superintendent.--Except as otherwise
28 provided by law, all public schools conducted within the
29 district shall be under the direction and control of the
30 district school board with the district school superintendent
31 as executive officer.

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

4 Section 41. Section 1001.34, Florida Statutes, is
5 created to read:

6 1001.34 Membership of district school board.--Each
7 district school board shall be composed of not less than five
8 members. Each member of the district school board shall be a
9 qualified elector of the district in which she or he serves,
10 shall be a resident of the district school board member
11 residence area from which she or he is elected, and shall
12 maintain said residency throughout her or his term of office.

13 Section 42. Section 1001.35, Florida Statutes, is
14 created to read:

15 1001.35 Term of office.--District school board members
16 shall be elected at the general election in November for terms
17 of 4 years.

18 Section 43. Section 1001.36, Florida Statutes, is
19 created to read:

20 1001.36 District school board member residence
21 areas.--

22 (1) For the purpose of electing district school board
23 members, each district shall be divided into at least five
24 district school board member residence areas, which shall be
25 numbered one to five, inclusive, and which shall, as nearly as
26 practicable, be equal in population.

27 (a) For those school districts, which have seven
28 district school board members, the district may be divided
29 into five district school board member residence areas, with
30 two district school board members elected at large, or the
31 district may be divided into seven district school board

1 member residence areas. In the latter case, the residence
2 areas shall be numbered one to seven inclusive and shall be
3 equal in population as nearly as practicable.

4 (b) For those school districts which have seven
5 district school board members, the number of district school
6 board member residence areas shall be determined by resolution
7 passed by a majority vote of the district school board.

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

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

26 Section 44. Section 1001.361, Florida Statutes, is
27 created to read:

28 1001.361 Election of board by districtwide
29 vote.--Notwithstanding any provision of local law or any
30 county charter, the election of members of the district school
31 board shall be by vote of the qualified electors of the entire

1 district in a nonpartisan election as provided in chapter 105.
2 Each candidate for district school board member shall, at the
3 time she or he qualifies, be a resident of the district school
4 board member residence area from which the candidate seeks
5 election. Each candidate who qualifies to have her or his name
6 placed on the ballot shall be listed according to the district
7 school board member residence area in which she or he resides.
8 Each qualified elector of the district shall be entitled to
9 vote for one candidate from each district school board member
10 residence area. The candidate from each district school board
11 member residence area who receives the highest number of votes
12 in the general election shall be elected to the district
13 school board.

14 Section 45. Section 1001.362, Florida Statutes, is
15 created to read:

16 1001.362 Alternate procedure for the election of
17 district school board members to provide for single-member
18 representation.--

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

22 (2) District school board members shall be elected to
23 office in accordance with the provisions of ss. 1001.36 and
24 1001.361, or as otherwise provided by law, unless a
25 proposition calling for single-member representation within
26 the residence areas of the district is submitted to and
27 approved by a majority of the qualified electors voting on
28 such proposition in the manner provided in subsection (3).

29 (a) If the district school board is composed of five
30 members, such proposition shall provide that the five members
31 shall reside one in each of five residence areas, the areas

1 together covering the entire district and as nearly equal in
2 population as practicable, pursuant to s. 1001.36, each of
3 whom shall be elected only by the qualified electors who
4 reside in the same residence area as the member.

5 (b) If the district school board is composed of seven
6 members, at the option of the school board, such proposition
7 shall provide that:

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

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

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

29 (3) A proposition calling for single-member
30 representation within the residence areas of the district
31 shall be submitted to the electors of the district at any

1 primary, general, or otherwise-called special election, in
2 either manner following:
3 (a) The district school board may adopt a formal
4 resolution directing an election to be held to place the
5 proposition on the ballot.
6 (b) The electors of the school district may petition
7 to have the proposition placed on the ballot by presenting to
8 the school board petitions signed by not less than 10 percent
9 of the duly qualified electors residing within the school
10 district. The number of signatures required shall be
11 determined by the supervisor of elections according to the
12 number of registered electors in the district as of the date
13 the petitioning electors register as a political committee as
14 provided in subsection (4).
15 (4) The electors petitioning to have the proposition
16 placed on the ballot shall register as a political committee
17 pursuant to s. 106.03, and a specific person shall be
18 designated therein as chair of the committee to act for the
19 committee.
20 (5)(a) Each petition form circulated for single-member
21 representation within the residence areas of a district where
22 the school board is composed of five members shall include the
23 wording: "As a registered elector of the school district of
24 County, Florida, I am petitioning for a referendum
25 election to determine whether the five school board members of
26 said district shall be elected from single-member residence
27 areas by electors residing in each of those areas only."
28 (b) Each petition form circulated for single-member
29 representation within the residence areas of a district where
30 the district school board is composed of seven members, none
31 of whom are to be elected at large, shall include the wording:

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

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

16
17 The petition shall also include space for the signature and
18 address of the elector. Each signature obtained shall be
19 dated when made and is valid for a period of 4 years following
20 that date.

21 (6) Upon the filing of the petitions with the district
22 school board by the chair of the committee, the district
23 school board shall submit the petitions to the supervisor of
24 elections for verification of the signatures. Within a period
25 of not more than 30 days, the supervisor of elections shall
26 determine whether the petitions contain the required number of
27 valid signatures. The supervisor of elections shall be paid
28 by the committee seeking verification the sum of 10 cents for
29 each name checked.

30 (7) If it is determined that the petitions have the
31 required signatures, the supervisor of elections shall certify

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

12 (8) No special election may be called for the sole
13 purpose of presenting the proposition to the vote of the
14 electors.

15 (9) Any district adopting any of the propositions set
16 forth in this section may thereafter return to the procedures
17 otherwise provided by law by following the same procedure
18 outlined in subsection (3).

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

27 Section 46. Section 1001.363, Florida Statutes, is
28 created to read:

29 1001.363 District school board members to represent
30 entire district.--Each district school board of each district
31 shall represent the entire district. Each member of the

1 district school board shall serve as the representative of the
2 entire district, rather than as the representative of a
3 district school board member residence area.

4 Section 47. Section 1001.37, Florida Statutes, is
5 created to read:

6 1001.37 District school board members shall
7 qualify.--Before entering upon the duties of office after
8 being elected, or, if appointed, within 10 days after
9 receiving notice of appointment, each member of the district
10 school board shall take the prescribed oath of office.

11 Section 48. Section 1001.371, Florida Statutes, is
12 created to read:

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

29 Section 49. Section 1001.372, Florida Statutes, is
30 created to read:

31 1001.372 District school board meetings.--

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

23 (2) PLACE OF MEETINGS.--

24 (a) Except as provided in paragraph (b), all regular
25 and special meetings of the district school board shall be
26 held in the office of the district school superintendent or in
27 a room convenient to that office and regularly designated as
28 the district school board meeting room.

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

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

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

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

27 Section 50. Section 1001.38, Florida Statutes, is
28 created to read:

29 1001.38 Vacancies; how filled.--The office of any
30 district school board member shall be vacant when the member
31 removes his or her residence from the district school board

1 member residence area from which he or she was elected. All
2 vacancies on the district school board shall be filled by
3 appointment by the Governor.

4 Section 51. Section 1001.39, Florida Statutes, is
5 created to read:

6 1001.39 District school board members; travel
7 expenses.--

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

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

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

26 1001.395 District school board members;
27 compensation.--

28 (1) Each district school board shall annually
29 determine the salary of its members at the first regular
30 meeting following the organizational meeting held pursuant to
31 s. 1001.371. The salary shall be set at any amount up to but

1 not more than the lowest entry-level bachelor's degree step on
2 the teacher pay scale in the district. The proposed salary to
3 be adopted shall be noticed at the time of the meeting notice
4 and shall not be increased during the meeting. The salary
5 adopted by the district school board shall be in effect during
6 the succeeding 12 months.

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

11 Section 53. Section 1001.40, Florida Statutes, is
12 created to read:

13 1001.40 District school board to constitute a
14 corporation.--The governing body of each school district shall
15 be a district school board. Each district school board is
16 constituted a body corporate by the name of "The School Board
17 of County, Florida." In all suits against district
18 school boards, service of process shall be had on the chair of
19 the district school board or, if he or she cannot be found, on
20 the district school superintendent as executive officer of the
21 district school board or, in the absence of the chair and the
22 district school superintendent, on another member of the
23 district school board.

24 Section 54. Section 1001.41, Florida Statutes, is
25 created to read:

26 1001.41 General powers of district school board.--The
27 district school board, after considering recommendations
28 submitted by the district school superintendent, shall
29 exercise the following general powers:

30 (1) Determine policies and programs consistent with
31 state law and rule deemed necessary by it for the efficient

1 operation and general improvement of the district school
2 system.
3 (2) Adopt rules pursuant to ss. 120.536(1) and 120.54
4 to implement the provisions of law conferring duties upon it
5 to supplement those prescribed by the State Board of Education
6 and the Commissioner of Education.
7 (3) Prescribe and adopt standards as are considered
8 desirable by it for improving the district school system.
9 (4) Contract, sue, and be sued. The district school
10 board shall constitute the contracting agent for the district
11 school system.
12 (5) Perform duties and exercise those responsibilities
13 that are assigned to it by law or by rules of the State Board
14 of Education or the Commissioner of Education and, in addition
15 thereto, those that it may find to be necessary for the
16 improvement of the district school system in carrying out the
17 purposes and objectives of the education code.
18 (6) Assign students to schools.
19 (7) Enter into agreements for accepting credit card,
20 charge card, and debit card payments as compensation for
21 goods, services, tuition, and fees, as authorized by law.
22 Section 55. Section 1001.42, Florida Statutes, is
23 created to read:
24 1001.42 Powers and duties of district school
25 board.--The district school board, acting as a board, shall
26 exercise all powers and perform all duties listed below:
27 (1) REQUIRE MINUTES AND RECORDS TO BE KEPT.--Require
28 the district school superintendent, as secretary, to keep such
29 minutes and records as are necessary to set forth clearly all
30 actions and proceedings of the school board.
31

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

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

25 (2) CONTROL PROPERTY.--Subject to rules of the State
26 Board of Education, control property and convey the title to
27 real and personal property.

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

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

1 establishment, organization, and operation of the schools of
2 the district, including, but not limited to, the following:
3 (a) Schools and enrollment plans.--Establish schools
4 and adopt enrollment plans that may include school attendance
5 areas and open enrollment provisions.
6 (b) Elimination of school centers and consolidation of
7 schools.--Provide for the elimination of school centers and
8 the consolidation of schools.
9 (c) Adequate educational facilities for all children
10 without tuition.--Provide adequate educational facilities for
11 all children without payment of tuition.
12 (d) Cooperate with school boards of adjoining
13 districts in maintaining schools.--Approve plans for
14 cooperating with school boards of adjoining districts in this
15 state or in adjoining states for establishing school
16 attendance areas composed of territory lying within the
17 districts and for the joint maintenance of district-line
18 schools or other schools which are to serve those attendance
19 areas. The conditions of such cooperation shall be as
20 follows:
21 1. Establishment.--The establishment of a school to
22 serve attendance areas lying in more than one district and the
23 plans for maintaining the school and providing educational
24 services to students shall be effected by annual resolutions
25 spread upon the minutes of each district school board
26 concerned, which resolutions shall set out the territorial
27 limits of the areas from which children are to attend the
28 school and the plan to be followed in maintaining and
29 operating the school.
30 2. Control.--Control of the school or schools involved
31 shall be vested in the district school board of the district

1 in which the school or schools are located unless otherwise
2 agreed by the district school boards.

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

10 (e) Classification and standardization of
11 schools.--Provide for the classification and standardization
12 of schools.

13 (f) Opening and closing of schools; fixing uniform
14 date.--Adopt policies for the opening and closing of schools
15 and fix uniform dates.

16 (g) Observance of school holidays and vacation
17 periods.--Designate the observance of school holidays and
18 vacation periods.

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

26 (i) District school boards may establish public
27 evening schools.--Have the authority to establish public
28 evening schools.

29 (j) Cooperate with other agencies in joint
30 projects.--Cooperate with other agencies in joint projects.

31

1 (k) Planning time for teachers.--May adopt rules for
2 planning time for teachers in accordance with the provisions
3 of chapter 1012.
4 (l) Exceptional students.--Provide for an appropriate
5 program of special instruction, facilities, and services for
6 exceptional students as prescribed by the State Board of
7 Education as acceptable in accordance with the provisions of
8 s. 1003.57.
9 (m) Alternative education programs for students in
10 residential care facilities.--Provide, in accordance with the
11 provisions of chapter 1006, educational programs according to
12 rules of the State Board of Education to students who reside
13 in residential care facilities operated by the Department of
14 Children and Family Services.
15 (n) Educational services in detention facilities.--In
16 accordance with the provisions of chapter 1006, offer services
17 to students in detention facilities.
18 (5) PERSONNEL.--Designate positions to be filled,
19 prescribe qualifications for those positions, and provide for
20 the appointment, compensation, promotion, suspension, and
21 dismissal of employees, subject to the requirements of chapter
22 1012. Notwithstanding s. 1012.55 or any other provision of law
23 or rule to the contrary, the district school board may,
24 consistent with adopted district school board policy relating
25 to alternative certification for school principals, appoint
26 persons to the position of school principal who do not hold
27 educator certification.
28 (6) CHILD WELFARE.--In accordance with the provisions
29 of chapters 1003 and 1006, provide for the proper accounting
30 for all children of school age, for the attendance and control
31

1 of students at school, and for proper attention to health,
2 safety, and other matters relating to the welfare of children.

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

6 (8) TRANSPORTATION OF STUDENTS.--After considering
7 recommendations of the district school superintendent, make
8 provision for the transportation of students to the public
9 schools or school activities they are required or expected to
10 attend; authorize transportation routes arranged efficiently
11 and economically; provide the necessary transportation
12 facilities, and, when authorized under rules of the State
13 Board of Education and if more economical to do so, provide
14 limited subsistence in lieu thereof; and adopt the necessary
15 rules and regulations to ensure safety, economy, and
16 efficiency in the operation of all buses, as prescribed in
17 chapter 1006.

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

22 (a) School building program.--Approve and adopt a
23 districtwide school building program.

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

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

29 2. Approve the proposed purchase of any site,
30 playground, or recreational area for which district funds are
31 to be used.

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

1 water, power, and other supplies and utilities necessary for
2 the operation of the schools.
3 (d) Insurance of school property.--Carry insurance on
4 every school building in all school plants including contents,
5 boilers, and machinery, except buildings of three classrooms
6 or less that are of frame construction and located in a tenth
7 class public protection zone as defined by the Florida
8 Inspection and Rating Bureau, and on all school buses and
9 other property under the control of the district school board
10 or title to which is vested in the district school board,
11 except as exceptions may be authorized under rules of the
12 State Board of Education.
13 (e) Condemnation of buildings.--Condemn and prohibit
14 the use for public school purposes of any building that can be
15 shown for sanitary or other reasons to be no longer suitable
16 for such use and, when any building is condemned by any state
17 or other government agency as authorized in chapter 1013, see
18 that it is no longer used for school purposes.
19 (10) FINANCE.--Take steps to assure students adequate
20 educational facilities through the financial procedure
21 authorized in chapters 1010 and 1011 and as prescribed below:
22 (a) Provide for all schools to operate at least 180
23 days.--Provide for the operation of all public schools, both
24 elementary and secondary, as free schools for a term of at
25 least 180 days or the equivalent on an hourly basis as
26 specified by rules of the State Board of Education; determine
27 district school funds necessary in addition to state funds to
28 operate all schools for such minimum term; and arrange for the
29 levying of district school taxes necessary to provide the
30 amount needed from district sources.
31

- 1 (b) Annual budget.--Cause to be prepared, adopt, and
2 have submitted to the Department of Education as required by
3 law and rules of the State Board of Education, the annual
4 school budget, such budget to be so prepared and executed as
5 to promote the improvement of the district school system.
- 6 (c) Tax levies.--Adopt and spread on its minutes a
7 resolution fixing the district school tax levy, provided for
8 under s. 9, Art. VII of the State Constitution, necessary to
9 carry on the school program adopted for the district for the
10 next ensuing fiscal year as required by law, and fixing the
11 district bond interest and sinking fund tax levy necessary for
12 districts against which bonds are outstanding; and adopt and
13 spread on its minutes a resolution suggesting the tax levy
14 provided for in s. 9, Art. VII of the State Constitution,
15 found necessary to carry on the school program adopted for the
16 district for the next ensuing fiscal year.
- 17 (d) School funds.--Require that an accurate account is
18 kept of all funds that should be transmitted to the district
19 school board for school purposes at various periods during the
20 year from all sources and, if any funds are not transmitted
21 promptly, take the necessary steps to have such funds made
22 available.
- 23 (e) Borrow money.--Borrow money, as prescribed in ss.
24 1011.12-1011.16, when necessary in anticipation of funds
25 reasonably to be expected during the year as shown by the
26 budget.
- 27 (f) Financial records and accounts.--Provide for
28 keeping of accurate records of all financial transactions.
- 29 (g) Approval and payment of accounts.--Implement a
30 system of accounting and budgetary control to ensure that
31 payments do not exceed amounts budgeted, as required by law;

1 make available all records for proper audit by state officials
2 or independent certified public accountants; and have prepared
3 required periodic statements to be filed with the Department
4 of Education as provided by rules of the State Board of
5 Education.

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

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

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

29 (k) Protection against loss.--Provide for adequate
30 protection against any loss or damage to school property or
31 loss resulting from any liability for which the district

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

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

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

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

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

30 (b) Reports to the department.--Require that the
31 district school superintendent prepare all reports to the

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

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

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

31

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

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

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

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

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

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

1 1008.385, 1010.01, and 1011.01. This system of school
2 improvement and education accountability shall include, but is
3 not limited to, the following:

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

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

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

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

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

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

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

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

1 designated as performance grade category "F," failing to make
2 adequate progress.

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

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

19 (17) LOCAL-LEVEL DECISIONMAKING.--

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

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

31

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

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

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

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

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

31

1 (21) FLORIDA VIRTUAL SCHOOL.--Provide students with
2 access to enroll in courses available through the Florida
3 Virtual School and award credit for successful completion of
4 such courses. Access shall be available to students during or
5 after the normal school day, and through summer school
6 enrollment.

7 (22) ADOPT RULES.--Adopt rules pursuant to ss.
8 120.536(1) and 120.54 to implement this section.

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

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

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

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

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

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

1 (d) Provide procedures for managing protests,
2 demonstrations, sit-ins, walk-outs, or other acts of civil
3 disobedience.
4 (e) Provide procedures for detaining students and for
5 readmission of students after expulsion.
6 (f) Regulate student automobile use and parking.
7 (2) FISCAL MANAGEMENT.--The district school board may
8 adopt policies providing for fiscal management of the school
9 district with respect to school purchasing, facilities,
10 nonstate revenue sources, budgeting, fundraising, and other
11 activities relating to the fiscal management of district
12 resources, including, but not limited to, the policies
13 governing:
14 (a) Sales calls and demonstrations by agents,
15 solicitors, salespersons, and vendors on campus; local
16 preference criteria for vendors; specifications for quantity
17 purchasing; prioritization of awards for bids; declining bid
18 awards; and purchase requisitions, approvals, and routing.
19 (b) Sales by booster clubs; marathon fundraisers; and
20 student sales of candy, paper products, or other goods
21 authorized by the district school board.
22 (c) Inventory and disposal of district property; use
23 of safe-deposit boxes; and selection of real estate
24 appraisers.
25 (d) Payment of contractors and other service
26 providers.
27 (e) Accounting systems; petty cash accounts procedures
28 and reporting; school activities funds procedures and
29 reporting; management and reporting of grants from private
30 sources; and management of funds, including auxiliary
31 enterprise funds.

1 (f) District budgeting system, including setting
2 budget deadlines and schedules, budget planning, and
3 implementation and determination of budget priorities.
4 (3) INSTRUCTIONAL AIDS.--The district school board may
5 adopt policies providing for innovative teaching techniques,
6 teaching programs and methods, instructional aids and
7 objectives, extracurricular and interscholastic activities,
8 and supplemental programs including, but not limited to,
9 policies providing for:
10 (a) Use of technology, including appropriate use of
11 the Internet as a tool for learning.
12 (b) Instructional priorities and objectives, pilot
13 projects and evaluations, curriculum adoption and design, and
14 lesson planning.
15 (c) Extracurricular and interscholastic activities,
16 including field trips, publishing a student newspaper and
17 other publications, and special programs relating to the arts,
18 music, or other topics of current interest.
19 (d) Participation in physical education programs,
20 including appropriate physical education attire and protective
21 gear; programs for exceptional students; summer school; and
22 the Title I program, including comparability procedures.
23 (4) FACILITIES MANAGEMENT.--The district school board
24 may adopt policies providing for management of the physical
25 campus and its environs, including, but not limited to, energy
26 conservation measures; building and ground maintenance;
27 fencing, landscaping, and other property improvements; site
28 acquisition; new construction and renovation; dedication and
29 rededication or naming and renaming of district buildings and
30 other district facilities; and development of facilities
31 management planning and priorities.

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

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

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

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

25 (b) The provision of school safety patrol.

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

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

1 (e) Procedures for reporting accidents, including
2 traffic accidents and traffic violations involving
3 district-owned vehicles.
4 (f) Student insurance programs.
5 (8) STUDENT ASSESSMENT AND AFFAIRS.--The district
6 school board may adopt policies and procedures governing
7 attendance monitoring and checks; truancy; graduation
8 requirements and graduation exercises; fees, fines, and
9 charges imposed on students; evaluation of student records and
10 transcripts; transfer of student records; grading and academic
11 evaluation of students; tests and examinations, including
12 early examinations; guidance and counseling; and student
13 participation in competitions, student performances and
14 exhibitions, contests for students, and social events.
15 (9) ADMINISTRATIVE SUPPORT SERVICES.--The district
16 school board may adopt policies and procedures governing
17 purchase of property insurance, including comprehensive
18 general liability insurance; transportation of students for
19 extracurricular activities and special events, including
20 transportation of students in privately owned vehicles;
21 transportation of district personnel, including personal use
22 of district owned vehicles; computer security and computer
23 room access and computer database resources; mail and delivery
24 services, including use of couriers; copyright compliance; and
25 computerized data systems, including computer use,
26 transmission of data, access to the Internet, and other
27 technology-based services.
28 (10) DISTRICT SCHOOL BOARD GOVERNANCE AND
29 OPERATIONS.--The district school board may adopt policies and
30 procedures necessary for the daily business operation of the
31 district school board, including, but not limited to, the

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

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

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

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

23 1001.44 Technical centers.--

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

30 (2) DISTRICT SCHOOL BOARDS OF CONTIGUOUS DISTRICTS MAY
31 ESTABLISH OR ACQUIRE TECHNICAL CENTERS.--The district school

1 boards of any two or more contiguous districts may, upon first
2 obtaining the approval of the department, enter into an
3 agreement to organize, establish and operate, or acquire and
4 operate, a technical center under this section.

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

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

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

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

28 1001.451 Regional consortium service
29 organizations.--In order to provide a full range of programs
30 to larger numbers of students, minimize duplication of

31

1 services, and encourage the development of new programs and
2 services:

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

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

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

22 Section 59. Section 1001.452, Florida Statutes, is
23 created to read:

24 1001.452 District and school advisory councils.--

25 (1) ESTABLISHMENT.--

26 (a) The district school board shall establish an
27 advisory council for each school in the district and shall
28 develop procedures for the election and appointment of
29 advisory council members. Each school advisory council shall
30 include in its name the words "school advisory council." The
31 school advisory council shall be the sole body responsible for

1 final decisionmaking at the school relating to implementation
2 of the provisions of ss. 1008.345, and 1001.42(16). A majority
3 of the members of each school advisory council must be persons
4 who are not employed by the school. Each advisory council
5 shall be composed of the principal and an appropriately
6 balanced number of teachers, education support employees,
7 students, parents, and other business and community citizens
8 who are representative of the ethnic, racial, and economic
9 community served by the school. Technical center and high
10 school advisory councils shall include students, and middle
11 and junior high school advisory councils may include students.
12 School advisory councils of technical and adult education
13 centers are not required to include parents as members.
14 Council members representing teachers, education support
15 employees, students, and parents shall be elected by their
16 respective peer groups at the school in a fair and equitable
17 manner as follows:

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

23
24 The district school board shall establish procedures for use
25 by schools in selecting business and community members that
26 include means of ensuring wide notice of vacancies and of
27 taking input on possible members from local business, chambers
28 of commerce, community and civic organizations and groups, and
29 the public at large. The district school board shall review
30 the membership composition of each advisory council. If the
31 district school board determines that the membership elected

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

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

27 (c) For those schools operating for the purpose of
28 providing educational services to youth in Department of
29 Juvenile Justice programs, district school boards may
30 establish a district advisory council with appropriate
31 representatives for the purpose of developing and monitoring a

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

16 Section 60. Section 1001.453, Florida Statutes, is
17 created to read:

18 1001.453 Direct-support organization; use of property;
19 board of directors; audit.--

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

22 (a) "District school board direct-support
23 organization" means an organization that:

- 24 1. Is approved by the district school board;
- 25 2. Is a Florida corporation not for profit,
26 incorporated under the provisions of chapter 617 and approved
27 by the Department of State; and
- 28 3. Is organized and operated exclusively to receive,
29 hold, invest, and administer property and to make expenditures
30 to or for the benefit of public kindergarten through 12th

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1 grade education and adult career and technical and community
2 education programs in this state.
3 (b) "Personal services" includes full-time or
4 part-time personnel, as well as payroll processing.
5 (2) USE OF PROPERTY.--A district school board:
6 (a) Is authorized to permit the use of property,
7 facilities, and personal services of the district by a
8 direct-support organization, subject to the provisions of this
9 section.
10 (b) Shall prescribe by rule conditions with which a
11 district school board direct-support organization must comply
12 in order to use property, facilities, or personal services of
13 the district. Adoption of such rules shall be coordinated with
14 the Department of Education. The rules shall provide for
15 budget and audit review and oversight by the district school
16 board and the department.
17 (c) Shall not permit the use of property, facilities,
18 or personal services of a direct-support organization if such
19 organization does not provide equal employment opportunities
20 to all persons, regardless of race, color, religion, sex, age,
21 or national origin.
22 (3) BOARD OF DIRECTORS.--The board of directors of the
23 district school board direct-support organization shall be
24 approved by the district school board.
25 (4) ANNUAL AUDIT.--Each direct-support organization
26 with more than \$100,000 in expenditures or expenses shall
27 provide for an annual financial audit of its accounts and
28 records, to be conducted by an independent certified public
29 accountant in accordance with rules adopted by the Auditor
30 General pursuant to s. 11.45(8) and the Commissioner of
31 Education. The annual audit report shall be submitted within 9

1 months after the fiscal year's end to the district school
2 board and the Auditor General. The Commissioner of Education,
3 the Auditor General, and the Office of Program Policy Analysis
4 and Government Accountability have the authority to require
5 and receive from the organization or the district auditor any
6 records relative to the operation of the organization. The
7 identity of donors and all information identifying donors and
8 prospective donors are confidential and exempt from the
9 provisions of s. 119.07(1), and that anonymity shall be
10 maintained in the auditor's report. All other records and
11 information shall be considered public records for the
12 purposes of chapter 119.

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

16 Section 62. Section 1001.46, Florida Statutes, is
17 created to read:

18 1001.46 District school superintendent; election and
19 term of office.--The district school superintendent shall be
20 elected for a term of 4 years or until the election or
21 appointment and qualification of his or her successor.

22 Section 63. Section 1001.461, Florida Statutes, is
23 created to read:

24 1001.461 District school superintendent; procedures
25 for making office appointive.--

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

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

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

14 Section 64. Section 1001.462, Florida Statutes, is
15 created to read:

16 1001.462 Oath of district school
17 superintendent.--Before entering upon the duties of his or her
18 office, the district school superintendent shall take the oath
19 of office prescribed by the State Constitution.

20 Section 65. Section 1001.463, Florida Statutes, is
21 created to read:

22 1001.463 Vacancy in office of district school
23 superintendent.--The office of district school superintendent
24 in any district shall be vacant when the district school
25 superintendent removes his or her residence from the district.

26 Section 66. Section 1001.464, Florida Statutes, is
27 created to read:

28 1001.464 District school superintendent to devote full
29 time to office.--The position of district school
30 superintendent shall be considered a full-time position.

31

1 Section 67. Section 1001.47, Florida Statutes, is
2 created to read:

3 1001.47 District school superintendent; salary.--

4 (1) Each district school superintendent shall receive
5 as salary the amount indicated pursuant to this section.
6 However, a district school board, by majority vote, may
7 approve a salary in excess of the amount specified in this
8 section.

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

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

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

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

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

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

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

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

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

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

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

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

3 Section 68. Section 1001.48, Florida Statutes, is
4 created to read:

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

19 Section 69. Section 1001.49, Florida Statutes, is
20 created to read:

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

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

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

31

1 all educational matters and recommend to the district school
2 board for action such matters as should be acted upon.

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

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

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

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

29 Section 70. Section 1001.50, Florida Statutes, is
30 created to read:

31

1 1001.50 Superintendents employed under Art. IX of the
2 State Constitution.--

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

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

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

20 (a) The population of the district.

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

22 (c) The size and composition of the student body to be
23 served.

24 (d) The geographic extent of the district.

25 (e) The number and character of the schools to be
26 supervised.

27 (f) The educational qualifications, professional
28 experience, and age of the candidate for the position of
29 district school superintendent.

30 Section 71. Section 1001.51, Florida Statutes, is
31 created to read:

1 1001.51 Duties and responsibilities of district school
2 superintendent.--The district school superintendent shall
3 exercise all powers and perform all duties listed below and
4 elsewhere in the law, provided that, in so doing, he or she
5 shall advise and counsel with the district school board. The
6 district school superintendent shall perform all tasks
7 necessary to make sound recommendations, nominations,
8 proposals, and reports required by law to be acted upon by the
9 district school board. All such recommendations, nominations,
10 proposals, and reports by the district school superintendent
11 shall be either recorded in the minutes or shall be made in
12 writing, noted in the minutes, and filed in the public records
13 of the district school board. It shall be presumed that, in
14 the absence of the record required in this section, the
15 recommendations, nominations, and proposals required of the
16 district school superintendent were not contrary to the action
17 taken by the district school board in such matters.

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

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

29 (3) RECORDS FOR THE DISTRICT SCHOOL BOARD.--Keep
30 minutes of all official actions and proceedings of the
31 district school board and keep such other records, including

1 records of property held or disposed of by the district school
2 board, as may be necessary to provide complete information
3 regarding the district school system.

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

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

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

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

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

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

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

30 (11) FINANCE.--Recommend measures to the district
31 school board to assure adequate educational facilities

1 throughout the district, in accordance with the financial
2 procedure authorized in chapters 1010 and 1011 and as
3 prescribed below:
4 (a) Plan for operating all schools for minimum
5 term.--Determine and recommend district funds necessary in
6 addition to state funds to provide for at least a 180-day
7 school term or the equivalent on an hourly basis as specified
8 by rules adopted by the State Board of Education and recommend
9 plans for ensuring the operation of all schools for the term
10 authorized by the district school board.
11 (b) Annual budget.--Prepare the annual school budget
12 to be submitted to the district school board for adoption
13 according to law and submit this budget, when adopted by the
14 district school board, to the Department of Education on or
15 before the date required by rules of the State Board of
16 Education.
17 (c) Tax levies.--Recommend to the district school
18 board, on the basis of the needs shown by the budget, the
19 amount of district school tax levy necessary to provide the
20 district school funds needed for the maintenance of the public
21 schools; recommend to the district school board the tax levy
22 required on the basis of the needs shown in the budget for the
23 district bond interest and sinking fund of each district; and
24 recommend to the district school board to be included on the
25 ballot at each district millage election the school district
26 tax levies necessary to carry on the school program.
27 (d) School funds.--Keep an accurate account of all
28 funds that should be transmitted to the district school board
29 for school purposes at various periods during the year and
30 ensure, insofar as possible, that these funds are transmitted
31 promptly and report promptly to the district school board any

1 delinquencies or delays that occur in making available any
2 funds that should be made available for school purposes.
3 (e) Borrowing money.--Recommend when necessary the
4 borrowing of money as prescribed by law.
5 (f) Financial records and accounting.--Keep or have
6 kept accurate records of all financial transactions.
7 (g) Payrolls and accounts.--Maintain accurate and
8 current statements of accounts due to be paid by the district
9 school board; certify these statements as correct; liquidate
10 district school board obligations in accordance with the
11 official budget and rules of the district school board; and
12 prepare periodic reports as required by rules of the State
13 Board of Education, showing receipts, balances, and
14 disbursements to date, and file copies of such periodic
15 reports with the Department of Education.
16 (h) Bonds for employees.--Recommend the bonds of all
17 school employees who should be bonded in order to provide
18 reasonable safeguards for all school funds or property.
19 (i) Contracts.--After study of the feasibility of
20 contractual services with industry, recommend to the district
21 school board the desirable terms, conditions, and
22 specifications for contracts for supplies, materials, or
23 services to be rendered and see that materials, supplies, or
24 services are provided according to contract.
25 (j) Investment policies.--After careful examination,
26 recommend policies to the district school board that will
27 provide for the investment or deposit of school funds not
28 needed for immediate expenditures which shall earn the maximum
29 possible yield under the circumstances on such investments or
30 deposits. The district school superintendent shall cause to be
31 invested at all times all school moneys not immediately needed

1 for expenditures pursuant to the policies of the district
2 school board.

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

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

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

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

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

29 (a) Forms, blanks, and reports.--Require that all
30 employees accurately keep all records and promptly make in
31 proper form all reports required by the education code or by

1 rules of the State Board of Education; recommend the keeping
2 of such additional records and the making of such additional
3 reports as may be deemed necessary to provide data essential
4 for the operation of the school system; and prepare such forms
5 and blanks as may be required and ensure that these records
6 and reports are properly prepared.

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

20
21 Any district school superintendent who knowingly signs and
22 transmits to any state official a false or incorrect report
23 shall forfeit his or her right to any salary for the period of
24 1 year from that date.

25 (13) COOPERATION WITH OTHER AGENCIES.--

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

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

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

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

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

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

31

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

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

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

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

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

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

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1 Section 72. Section 1001.52, Florida Statutes, is
2 created to read:

3 1001.52 Reproduction and destruction of district
4 school records.--

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

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

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

31

1 Section 73. Section 1001.53, Florida Statutes, is
2 created to read:

3 1001.53 District school superintendent responsible for
4 enforcement of attendance.--The district school superintendent
5 shall be responsible for the enforcement of the attendance
6 provisions of chapters 1003 and 1006. In a district in which
7 no attendance assistant is employed, the district school
8 superintendent shall have those duties and responsibilities
9 and exercise those powers assigned by law to attendance
10 assistants.

11 Section 74. Part II.c. of chapter 1001, Florida
12 Statutes, shall be entitled "School Principals" and shall
13 consist of s. 1001.54.

14 Section 75. Section 1001.54, Florida Statutes, is
15 created to read:

16 1001.54 Duties of school principals.--

17 (1) A district school board shall employ, through
18 written contract, public school principals. The school
19 principal has authority over school district personnel in
20 accordance with s. 1012.28.

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

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

30
31

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

4 Section 76. Part III of chapter 1001, Florida
5 Statutes, shall be entitled "Community Colleges" and shall
6 consist of ss. 1001.61-1001.65.

7 Section 77. Section 1001.61, Florida Statutes, is
8 created to read:

9 1001.61 Community college boards of trustees;
10 membership.--

11 (1) Community college boards of trustees shall be
12 comprised of five members when a community college district is
13 confined to one school board district; seven members when a
14 community college district is confined to one school board
15 district and the board of trustees so elects; and not more
16 than nine members when the district contains two or more
17 school board districts, as provided by rules of the State
18 Board of Education. However, Florida Community College at
19 Jacksonville shall have an odd number of trustees.

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

22 (3) Members of the board of trustees shall receive no
23 compensation but may receive reimbursement for expenses as
24 provided in s. 112.061.

25 (4) At its first regular meeting after July 1 of each
26 year, each community college board of trustees shall organize
27 by electing a chair, whose duty as such is to preside at all
28 meetings of the board, to call special meetings thereof, and
29 to attest to actions of the board, and a vice chair, whose
30 duty as such is to act as chair during the absence or
31 disability of the elected chair. It is the further duty of the

1 chair of each board of trustees to notify the Governor, in
2 writing, whenever a board member fails to attend three
3 consecutive regular board meetings in any one fiscal year,
4 which absences may be grounds for removal.

5 (5) A community college president shall serve as the
6 executive officer and corporate secretary of the board of
7 trustees and shall be responsible to the board of trustees for
8 setting the agenda for meetings of the board of trustees in
9 consultation with the chair. The president also serves as the
10 chief administrative officer of the community college, and all
11 the components of the institution and all aspects of its
12 operation are responsible to the board of trustees through the
13 president.

14 Section 78. Section 1001.62, Florida Statutes, is
15 created to read:

16 1001.62 Transfer of benefits arising under local or
17 special acts.--All local or special acts in force on July 1,
18 1968, that provide benefits for a community college through a
19 district school board shall continue in full force and effect,
20 and such benefits shall be transmitted to the community
21 college board of trustees.

22 Section 79. Section 1001.63, Florida Statutes, is
23 created to read:

24 1001.63 Community college board of trustees; board of
25 trustees to constitute a corporation.--Each community college
26 board of trustees is constituted a body corporate by the name
27 of "The District Board of Trustees of ...(name of community
28 college)..., Florida" with all the powers and duties of a body
29 corporate, including the power to adopt a corporate seal, to
30 contract and be contracted with, to sue or be sued, to plead
31 and be impleaded in all courts of law or equity, and to give

1 and receive donations. In all suits against a board of
2 trustees, service of process shall be made on the chair of the
3 board of trustees or, in the absence of the chair, the
4 corporate secretary or designee of the chair.

5 Section 80. Section 1001.64, Florida Statutes, is
6 created to read:

7 1001.64 Community college boards of trustees; powers
8 and duties.--

9 (1) The boards of trustees shall be responsible for
10 cost-effective policy decisions appropriate to the community
11 college's mission, the implementation and maintenance of
12 high-quality education programs within law and rules of the
13 State Board of Education, the measurement of performance, the
14 reporting of information, and the provision of input regarding
15 state policy, budgeting, and education standards.

16 (2) Each board of trustees is vested with the
17 responsibility to govern its respective community college and
18 with such necessary authority as is needed for the proper
19 operation and improvement thereof in accordance with rules of
20 the State Board of Education.

21 (3) A board of trustees shall have the power to take
22 action without a recommendation from the president and shall
23 have the power to require the president to deliver to the
24 board of trustees all data and information required by the
25 board of trustees in the performance of its duties.

26 (4)(a) The board of trustees, after considering
27 recommendations submitted by the community college president,
28 may adopt rules pursuant to ss. 120.536(1) and 120.54 to
29 implement the provisions of law conferring duties upon it.
30 These rules may supplement those prescribed by the State Board

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1 of Education if they will contribute to the more orderly and
2 efficient operation of community colleges.

3 (b) Each board of trustees is specifically authorized
4 to adopt rules, procedures, and policies, consistent with law
5 and rules of the State Board of Education, related to its
6 mission and responsibilities as set forth in s. 1004.65, its
7 governance, personnel, budget and finance, administration,
8 programs, curriculum and instruction, buildings and grounds,
9 travel and purchasing, technology, students, contracts and
10 grants, or college property.

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

21 (6) Each board of trustees has responsibility for the
22 establishment and discontinuance of program and course
23 offerings in accordance with law and rule; provision for
24 instructional and noninstructional community services,
25 location of classes, and services provided; and dissemination
26 of information concerning such programs and services. New
27 programs must be approved pursuant to s. 1004.03.

28 (7) Each board of trustees has responsibility for:
29 ensuring that students have access to general education
30 courses as identified in rule; requiring no more than 60
31 semester hours of degree program coursework, including 36

1 semester hours of general education coursework, for an
2 associate in arts degree; notifying students that earned hours
3 in excess of 60 semester hours may not be accepted by state
4 universities; notifying students of unique program
5 prerequisites; and ensuring that degree program coursework
6 beyond general education coursework is consistent with degree
7 program prerequisite requirements adopted pursuant to s.
8 1007.25(5).

9 (8) Each board of trustees has authority for policies
10 related to students, enrollment of students, student records,
11 student activities, financial assistance, and other student
12 services.

13 (a) Each board of trustees shall govern admission of
14 students pursuant to s. 1007.263 and rules of the State Board
15 of Education. A board of trustees may establish additional
16 admissions criteria, which shall be included in the district
17 interinstitutional articulation agreement developed according
18 to s. 1007.235, to ensure student readiness for postsecondary
19 instruction. Each board of trustees may consider the past
20 actions of any person applying for admission or enrollment and
21 may deny admission or enrollment to an applicant because of
22 misconduct if determined to be in the best interest of the
23 community college.

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

27 (c) Boards of trustees are authorized to establish
28 intrainstitutional and interinstitutional programs to maximize
29 articulation pursuant to s. 1007.22.

30 (d) Boards of trustees shall identify their core
31 curricula, which shall include courses required by the State

1 Board of Education, pursuant to the provisions of s.
2 1007.25(6).
3 (e) Each board of trustees must adopt a written
4 antihazing policy, provide a program for the enforcement of
5 such rules, and adopt appropriate penalties for violations of
6 such rules pursuant to the provisions of s. 1006.63(1)-(3).
7 (f) Each board of trustees may establish a uniform
8 code of conduct and appropriate penalties for violation of its
9 rules by students and student organizations, including rules
10 governing student academic honesty. Such penalties, unless
11 otherwise provided by law, may include fines, the withholding
12 of diplomas or transcripts pending compliance with rules or
13 payment of fines, and the imposition of probation, suspension,
14 or dismissal.
15 (g) Each board of trustees pursuant to s. 1006.53
16 shall adopt a policy in accordance with rules of the State
17 Board of Education that reasonably accommodates the religious
18 observance, practice, and belief of individual students in
19 regard to admissions, class attendance, and the scheduling of
20 examinations and work assignments.
21 (9) A board of trustees may contract with the board of
22 trustees of a state university for the community college to
23 provide college-preparatory instruction on the state
24 university campus.
25 (10) Each board of trustees shall establish fees
26 pursuant to ss. 1009.22, 1009.23, 1009.25, 1009.26, and
27 1009.27.
28 (11) Each board of trustees shall submit an
29 institutional budget request, including a request for fixed
30 capital outlay, and an operating budget to the State Board of
31

1 Education for approval in accordance with guidelines
2 established by the State Board of Education.
3 (12) Each board of trustees shall account for
4 expenditures of all state, local, federal and other funds in
5 the manner described by the Department of Education.
6 (13) Each board of trustees is responsible for the
7 uses for the proceeds of academic improvement trust funds
8 pursuant to s. 1011.85.
9 (14) Each board of trustees shall develop a strategic
10 plan specifying institutional goals and objectives for the
11 community college for recommendation to the State Board of
12 Education.
13 (15) Each board of trustees shall develop an
14 accountability plan pursuant to s. 1008.45.
15 (16) Each board of trustees must expend performance
16 funds provided for workforce development education pursuant to
17 the provisions of s. 1011.80.
18 (17) Each board of trustees is accountable for
19 performance in certificate career education and diploma
20 programs pursuant to s. 1008.44.
21 (18) Each board of trustees shall establish the
22 personnel program for all employees of the community college,
23 including the president, pursuant to the provisions of chapter
24 1012 and rules and guidelines of the State Board of Education,
25 including: compensation and other conditions of employment;
26 recruitment and selection; nonreappointment; standards for
27 performance and conduct; evaluation; benefits and hours of
28 work; leave policies; recognition; inventions and work
29 products; travel; learning opportunities; exchange programs;
30 academic freedom and responsibility; promotion; assignment;
31 demotion; transfer; ethical obligations and conflict of

1 interest; restrictive covenants; disciplinary actions;
2 complaints; appeals and grievance procedures; and separation
3 and termination from employment.

4 (19) Each board of trustees shall appoint, suspend, or
5 remove the president of the community college. The board of
6 trustees may appoint a search committee. The board of trustees
7 shall conduct annual evaluations of the president in
8 accordance with rules of the State Board of Education and
9 submit such evaluations to the State Board of Education for
10 review. The evaluation must address the achievement of the
11 performance goals established by the accountability process
12 implemented pursuant to s. 1008.45 and the performance of the
13 president in achieving the annual and long-term goals and
14 objectives established in the community college's employment
15 accountability program implemented pursuant to s. 1012.86.

16 (20) Each board of trustees is authorized to enter
17 into contracts to provide a State Community College System
18 Optional Retirement Program pursuant to s. 1012.875 and to
19 enter into consortia with other boards of trustees for this
20 purpose.

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

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

29 (23) Each board of trustees has authority for risk
30 management, safety, security, and law enforcement operations.
31 Each board of trustees is authorized to employ personnel,

1 including police officers pursuant to s. 1012.88, to carry out
2 the duties imposed by this subsection.

3 (24) Each board of trustees shall provide rules
4 governing parking and the direction and flow of traffic within
5 campus boundaries. Except for sworn law enforcement personnel,
6 persons employed to enforce campus parking rules have no
7 authority to arrest or issue citations for moving traffic
8 violations. The board of trustees may adopt a uniform code of
9 appropriate penalties for violations. Such penalties, unless
10 otherwise provided by law, may include the levying of fines,
11 the withholding of diplomas or transcripts pending compliance
12 with rules or payment of fines, and the imposition of
13 probation, suspension, or dismissal. Moneys collected from
14 parking rule infractions shall be deposited in appropriate
15 funds at each community college for student financial aid
16 purposes.

17 (25) Each board of trustees constitutes the
18 contracting agent of the community college. It may when acting
19 as a body make contracts, sue, and be sued in the name of the
20 board of trustees. In any suit, a change in personnel of the
21 board of trustees shall not abate the suit, which shall
22 proceed as if such change had not taken place.

23 (26) Each board of trustees is authorized to contract
24 for the purchase, sale, lease, license, or acquisition in any
25 manner (including purchase by installment or lease-purchase
26 contract which may provide for the payment of interest on the
27 unpaid portion of the purchase price and for the granting of a
28 security interest in the items purchased) of goods, materials,
29 equipment, and services required by the community college. The
30 board of trustees may choose to consolidate equipment

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1 contracts under master equipment financing agreements made
2 pursuant to s. 287.064.

3 (27) Each board of trustees shall be responsible for
4 managing and protecting real and personal property acquired or
5 held in trust for use by and for the benefit of such community
6 college. To that end, any board of trustees is authorized to
7 be self-insured, to enter into risk management programs, or to
8 purchase insurance for whatever coverage it may choose, or to
9 have any combination thereof, in anticipation of any loss,
10 damage, or destruction. A board of trustees may contract for
11 self-insurance services pursuant to s. 1001.64(27).

12 (28) Each board of trustees is authorized to enter
13 into agreements for, and accept, credit card, charge card, and
14 debit card payments as compensation for goods, services,
15 tuition, and fees. Each community college is further
16 authorized to establish accounts in credit card, charge card,
17 and debit card banks for the deposit of sales invoices.

18 (29) Each board of trustees may provide incubator
19 facilities to eligible small business concerns pursuant to s.
20 1004.79.

21 (30) Each board of trustees may establish a technology
22 transfer center for the purpose of providing institutional
23 support to local business and industry and governmental
24 agencies in the application of new research in technology
25 pursuant to the provisions of s. 1004.78.

26 (31) Each board of trustees may establish economic
27 development centers for the purpose of serving as liaisons
28 between community colleges and the business sector pursuant to
29 the provisions of s. 1004.80.

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

1 (33) Each board of trustees is authorized to develop
2 and produce work products relating to educational endeavors
3 that are subject to trademark, copyright, or patent statutes
4 pursuant to chapter 1004.

5 (34) Each board of trustees shall administer the
6 facilities program pursuant to chapter 1013, including but not
7 limited to: the construction of public educational and
8 ancillary plants; the acquisition and disposal of property;
9 compliance with building and life safety codes; submission of
10 data and information relating to facilities and construction;
11 use of buildings and grounds; establishment of safety and
12 sanitation programs for the protection of building occupants;
13 and site planning and selection.

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

16 (36) Each board of trustees may enter into
17 lease-purchase arrangements with private individuals or
18 corporations for necessary grounds and buildings for community
19 college purposes, other than dormitories, or for buildings
20 other than dormitories to be erected for community college
21 purposes. Such arrangements shall be paid from capital outlay
22 and debt service funds as provided by s. 1011.84(2), with
23 terms not to exceed 30 years at a stipulated rate. The
24 provisions of such contracts, including building plans, are
25 subject to approval by the Department of Education, and no
26 such contract may be entered into without such approval.

27 (37) Each board of trustees may purchase, acquire,
28 receive, hold, own, manage, lease, sell, dispose of, and
29 convey title to real property, in the best interests of the
30 community college.

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1 (38) Each board of trustees is authorized to borrow
2 funds and incur debt, including entering into lease-purchase
3 agreements and the issuance of revenue bonds as specifically
4 authorized and only for the purposes authorized in ss.
5 1009.22(6) and (9) and 1009.23(11) and (12). At the option of
6 the board of trustees, bonds may be issued which are secured
7 by a combination of revenues authorized to be pledged to bonds
8 pursuant to ss. 1009.22(6) and 1009.23(11) or ss. 1009.22(9)
9 and 1009.23(12). Lease-purchase agreements may be secured by a
10 combination of revenues as specifically authorized pursuant to
11 ss. 1009.22(7) and 1009.23(10).

12 (39) Each board of trustees shall prescribe conditions
13 for direct-support organizations to be certified and to use
14 community college property and services. Conditions relating
15 to certification must provide for audit review and oversight
16 by the board of trustees.

17 (40) Each board of trustees may adopt policies
18 pursuant to s. 1010.02 that provide procedures for
19 transferring to the direct-support organization of that
20 community college for administration by such organization
21 contributions made to the community college.

22 (41) The board of trustees shall exert every effort to
23 collect all delinquent accounts pursuant to s. 1010.03.

24 (42) Each board of trustees shall implement a plan, in
25 accordance with guidelines of the State Board of Education,
26 for working on a regular basis with the other community
27 college boards of trustees, representatives of the university
28 boards of trustees, and representatives of the district school
29 boards to achieve the goals of the seamless education system.

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1 (43) Each board of trustees has responsibility for
2 compliance with state and federal laws, rules, regulations,
3 and requirements.

4 (44) Each board of trustees may adopt rules,
5 procedures, and policies related to institutional governance,
6 administration, and management in order to promote orderly and
7 efficient operation, including, but not limited to, financial
8 management, budget management, physical plant management, and
9 property management.

10 (45) Each board of trustees may adopt rules and
11 procedures related to data or technology, including, but not
12 limited to, information systems, communications systems,
13 computer hardware and software, and networks.

14 (46) Each board of trustees may consider the past
15 actions of any person applying for employment and may deny
16 employment to a person because of misconduct if determined to
17 be in the best interest of the community college.

18 Section 81. Section 1001.65, Florida Statutes, is
19 created to read:

20 1001.65 Community college presidents; powers and
21 duties.--The president is the chief executive officer of the
22 community college, shall be corporate secretary of the
23 community college board of trustees, and is responsible for
24 the operation and administration of the community college.
25 Each community college president shall:

26 (1) Recommend the adoption of rules, as appropriate,
27 to the community college board of trustees to implement
28 provisions of law governing the operation and administration
29 of the community college, which shall include the specific
30 powers and duties enumerated in this section. Such rules shall
31

1 be consistent with law, the mission of the community college
2 and the rules and policies of the State Board of Education.
3 (2) Prepare a budget request and an operating budget
4 pursuant to s. 1011.30 for approval by the community college
5 board of trustees at such time and in such format as the State
6 Board of Education may prescribe.
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 community college board
12 of trustees.
13 (4) Govern admissions, subject to law and rules or
14 policies of the community college board of trustees and the
15 State Board of Education.
16 (5) Approve, execute, and administer contracts for and
17 on behalf of the community college board of trustees for
18 licenses; the acquisition or provision of commodities, goods,
19 equipment, and services; leases of real and personal property;
20 and planning and construction to be rendered to or by the
21 community college, provided such contracts are within law and
22 guidelines of the State Board of Education and in conformance
23 with policies of the community college board of trustees, and
24 are for the implementation of approved programs of the
25 community college.
26 (6) Act for the community college board of trustees as
27 custodian of all community college property and financial
28 resources. The authority vested in the community college
29 president under this subsection includes the authority to
30 prioritize the use of community college space, property,
31

- 1 equipment, and resources and the authority to impose charges
2 for the use of those items.
- 3 (7) Establish the internal academic calendar of the
4 community college within general guidelines of the State Board
5 of Education.
- 6 (8) Administer the community college's program of
7 intercollegiate athletics.
- 8 (9) Recommend to the board of trustees the
9 establishment and termination of programs within the approved
10 role and scope of the community college.
- 11 (10) Award degrees.
- 12 (11) Recommend to the board of trustees a schedule of
13 tuition and fees to be charged by the community college,
14 within law and rules of the State Board of Education.
- 15 (12) Organize the community college to efficiently and
16 effectively achieve the goals of the community college.
- 17 (13) Review periodically the operations of the
18 community college in order to determine how effectively and
19 efficiently the community college is being administered and
20 whether it is meeting the goals of its strategic plan adopted
21 by the State Board of Education.
- 22 (14) Enter into agreements for student exchange
23 programs that involve students at the community college and
24 students in other institutions of higher learning.
- 25 (15) Approve the internal procedures of student
26 government organizations and provide purchasing, contracting,
27 and budgetary review processes for these organizations.
- 28 (16) Ensure compliance with federal and state laws,
29 rules, regulations, and other requirements that are applicable
30 to the community college.
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1 (17) Maintain all data and information pertaining to
2 the operation of the community college, and report on the
3 attainment by the community college of institutional and
4 statewide performance accountability goals.

5 (18) Certify to the department a project's compliance
6 with the requirements for expenditure of PECO funds prior to
7 release of funds pursuant to the provisions of chapter 1013.

8 (19) Provide to the law enforcement agency and fire
9 department that has jurisdiction over the community college a
10 copy of the floor plans and other relevant documents for each
11 educational facility as defined in s. 1013.01(6). After the
12 initial submission of the floor plans and other relevant
13 documents, the community college president shall submit, by
14 October 1 of each year, revised floor plans and other relevant
15 documents for each educational facility that was modified
16 during the preceding year.

17 (20) Establish a committee to consider requests for
18 waivers from the provisions of s. 1008.29 and approve or
19 disapprove the committee's recommendations.

20 (21) Develop and implement jointly with school
21 superintendents a comprehensive articulated acceleration
22 program, including a comprehensive interinstitutional
23 articulation agreement, for the students enrolled in their
24 respective school districts and service areas pursuant to the
25 provisions of s. 1007.235.

26 (22) Have authority, after notice to the student of
27 the charges and after a hearing thereon, to expel, suspend, or
28 otherwise discipline any student who is found to have violated
29 any law, ordinance, or rule or regulation of the State Board
30 of Education or of the board of trustees of the community
31 college pursuant to the provisions of s. 1006.62.

1 (23) Submit an annual employment accountability plan
2 to the Department of Education pursuant to the provisions of
3 s. 1012.86.

4 (24) Annually evaluate, or have a designee annually
5 evaluate, each department chairperson, dean, provost, and vice
6 president in achieving the annual and long-term goals and
7 objectives of the community college's employment
8 accountability plan.

9 (25) Have vested with the president or the president's
10 designee the authority that is vested with the community
11 college.

12 Section 82. Part IV of chapter 1001, Florida Statutes,
13 shall be entitled "State Universities" and shall consist of
14 ss. 1001.71-1001.75.

15 Section 83. Section 1001.71, Florida Statutes, is
16 created to read:

17 1001.71 University boards of trustees; membership.--

18 (1) University boards of trustees shall be comprised
19 of 12 members appointed by the Governor and confirmed by the
20 Senate in the regular legislative session immediately
21 following his or her appointment. In addition, the student
22 body president elected on the main campus of the university
23 shall serve ex officio as a voting member of his or her
24 university board of trustees. There shall be no state
25 residency requirement for university board members, but the
26 Governor shall consider diversity and regional representation.

27 (2) Members of the boards of trustees shall receive no
28 compensation but may be reimbursed for travel and per diem
29 expenses as provided in s. 112.061.

30 (3) The Governor may remove a trustee upon the
31 recommendation of the State Board of Education, or for cause.

1 (4) Boards of trustees' members shall be appointed for
2 stagqered 4-year terms, and may be reappointed for additional
3 terms not to exceed 8 years of service.

4 (5) Each board of trustees shall select its chair and
5 vice chair from the appointed members at its first regular
6 meeting after July 1. The chair shall serve for 2 years and
7 may be reselected for one additional consecutive term. The
8 duties of the chair shall include presiding at all meetings of
9 the board of trustees, calling special meetings of the board
10 of trustees, attesting to actions of the board of trustees,
11 and notifying the Governor in writing whenever a board member
12 fails to attend three consecutive regular board meetings in
13 any fiscal year, which failure may be grounds for removal. The
14 duty of the vice chair is to act as chair during the absence
15 or disability of the chair.

16 (6) The university president shall serve as executive
17 officer and corporate secretary of the board of trustees and
18 shall be responsible to the board of trustees for all
19 operations of the university and for setting the agenda for
20 meetings of the board of trustees in consultation with the
21 chair.

22 Section 84. Section 1001.72, Florida Statutes, is
23 created to read:

24 1001.72 University boards of trustees; boards to
25 constitute a corporation.--

26 (1) Each board of trustees shall be a public body
27 corporate by the name of "The (name of university) Board of
28 Trustees," with all the powers of a body corporate, including
29 the power to adopt a corporate seal, to contract and be
30 contracted with, to sue and be sued, to plead and be impleaded
31 in all courts of law or equity, and to give and receive

1 donations. In all suits against a board of trustees, service
2 of process shall be made on the chair of the board of trustees
3 or, in the absence of the chair, on the corporate secretary or
4 designee.

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

9 (3) The corporation is constituted as a public
10 instrumentality, and the exercise by the corporation of the
11 power conferred by this section is considered to be the
12 performance of an essential public function. The corporation
13 shall constitute an agency for the purposes of s. 120.52. The
14 corporation is subject to chapter 119, subject to exceptions
15 applicable to the corporation, and to the provisions of
16 chapter 286; however, the corporation shall be entitled to
17 provide notice of internal review committee meetings for
18 competitive proposals or procurement to applicants by mail or
19 facsimile rather than by means of publication. The corporation
20 is not governed by chapter 607, but by the provisions of this
21 part.

22 (4) No bureau, department, division, agency, or
23 subdivision of the state shall exercise any responsibility and
24 authority to operate any state university except as
25 specifically provided by law or rules of the State Board of
26 Education. This section shall not prohibit any department,
27 bureau, division, agency, or subdivision of the state from
28 providing access to programs or systems or providing other
29 assistance to a state university pursuant to an agreement
30 between the board of trustees and such department, bureau,
31 division, agency, or subdivision of the state.

1 Section 85. Section 1001.73, Florida Statutes, is
2 created to read:

3 1001.73 University board empowered to act as
4 trustee.--

5 (1) Whenever appointed by any competent court of the
6 state, or by any statute, or in any will, deed, or other
7 instrument, or in any manner whatever as trustee of any funds
8 or real or personal property in which any of the institutions
9 or agencies under its management, control, or supervision, or
10 their departments or branches or students, faculty members,
11 officers, or employees, may be interested as beneficiaries, or
12 otherwise, or for any educational purpose, a university board
13 of trustees is hereby authorized to act as trustee with full
14 legal capacity as trustee to administer such trust property,
15 and the title thereto shall vest in said board as trustee. In
16 all such cases, the university board of trustees shall have
17 the power and capacity to do and perform all things as fully
18 as any individual trustee or other competent trustee might do
19 or perform, and with the same rights, privileges, and duties,
20 including the power, capacity, and authority to convey,
21 transfer, mortgage, or pledge such property held in trust and
22 to contract and execute all other documents relating to said
23 trust property which may be required for, or appropriate to,
24 the administration of such trust or to accomplish the purposes
25 of any such trust.

26 (2) Deeds, mortgages, leases, and other contracts of
27 the university board of trustees relating to real property of
28 any such trust or any interest therein may be executed by the
29 university board of trustees, as trustee, in the same manner
30 as is provided by the laws of the state for the execution of
31 similar documents by other corporations or may be executed by

1 the signatures of a majority of the members of the board of
2 trustees; however, to be effective, any such deed, mortgage,
3 or lease contract for more than 10 years of any trust
4 property, executed hereafter by the university board of
5 trustees, shall be approved by a resolution of the State Board
6 of Education; and such approving resolution may be evidenced
7 by the signature of either the chair or the secretary of the
8 State Board of Education to an endorsement on the instrument
9 approved, reciting the date of such approval, and bearing the
10 seal of the State Board of Education. Such signed and sealed
11 endorsement shall be a part of the instrument and entitled to
12 record without further proof.

13 (3) Any and all such appointments of, and acts by, the
14 Board of Regents as trustee of any estate, fund, or property
15 prior to May 18, 1949, are hereby validated, and said board's
16 capacity and authority to act as trustee subject to the
17 provisions of s. 1000.01(5)(a) in all of such cases is
18 ratified and confirmed; and all deeds, conveyances, lease
19 contracts, and other contracts heretofore executed by the
20 Board of Regents, either by the signatures of a majority of
21 the members of the board or in the board's name by its chair
22 or chief executive officer, are hereby approved, ratified,
23 confirmed, and validated.

24 (4) Nothing herein shall be construed to authorize a
25 university board of trustees to contract a debt on behalf of,
26 or in any way to obligate, the state; and the satisfaction of
27 any debt or obligation incurred by the university board as
28 trustee under the provisions of this section shall be
29 exclusively from the trust property, mortgaged or encumbered;
30 and nothing herein shall in any manner affect or relate to the
31 provisions of ss. 1010.61-1010.619, or s. 1013.78.

1 Section 86. Section 1001.74, Florida Statutes, is
2 created to read:

3 1001.74 Powers and duties of university boards of
4 trustees.--

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

12 (2) Each board of trustees is vested with the
13 authority to govern its university, as necessary to provide
14 proper governance and improvement of the university in
15 accordance with law and with rules of the State Board of
16 Education. Each board of trustees shall perform all duties
17 assigned by law or by rule of the State Board of Education or
18 the Commissioner of Education.

19 (3) A board of trustees shall have the power to take
20 action without a recommendation from the president and shall
21 have the power to require the president to deliver to the
22 board of trustees all data and information required by the
23 board of trustees in the performance of its duties.

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

28 (5) Each board of trustees shall have the authority to
29 acquire real and personal property and contract for the sale
30 and disposal of same and approve and execute contracts for the
31 purchase, sale, lease, license, or acquisition of commodities,

1 goods, equipment, contractual services, leases of real and
2 personal property, and construction. The acquisition may
3 include purchase by installment or lease-purchase. Such
4 contracts may provide for payment of interest on the unpaid
5 portion of the purchase price. Title to all real property
6 acquired prior to January 7, 2003, and to all real property
7 acquired with funds appropriated by the Legislature shall be
8 vested in the Board of Trustees of the Internal Improvement
9 Trust Fund and shall be transferred and conveyed by it.
10 Notwithstanding any other provisions of this subsection, each
11 board of trustees shall comply with the provisions of s.
12 287.055 for the procurement of professional services as
13 defined therein.

14 (6) Each board of trustees shall have responsibility
15 for the use, maintenance, protection, and control of
16 university-owned or university-controlled buildings and
17 grounds, property and equipment, name, trademarks and other
18 proprietary marks, and the financial and other resources of
19 the university. Such authority may include placing
20 restrictions on activities and on access to facilities,
21 firearms, food, tobacco, alcoholic beverages, distribution of
22 printed materials, commercial solicitation, animals, and
23 sound. The authority vested in the board of trustees in this
24 subsection includes the prioritization of the use of space,
25 property, equipment, and resources and the imposition of
26 charges for those items.

27 (7) Each board of trustees has responsibility for the
28 establishment and discontinuance of degree programs up to and
29 including the master's degree level; the establishment and
30 discontinuance of course offerings; provision of credit and
31 noncredit educational offerings; location of classes; services

1 provided; and dissemination of information concerning such
2 programs and services. Approval of new programs must be
3 pursuant to criteria established by the State Board of
4 Education.

5 (8) Each board of trustees is authorized to create
6 divisions of sponsored research pursuant to the provisions of
7 s. 1011.411 to serve the function of administration and
8 promotion of the programs of research.

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

17 (10) Each board of trustees has responsibility for
18 policies related to students, enrollment of students, student
19 activities and organizations, financial assistance, and other
20 student services.

21 (a) Each board of trustees shall govern admission of
22 students pursuant to s. 1007.261 and rules of the State Board
23 of Education. Each board of trustees may consider the past
24 actions of any person applying for admission or enrollment and
25 may deny admission or enrollment to an applicant because of
26 misconduct if determined to be in the best interest of the
27 university.

28 (b) Each board of trustees shall establish student
29 performance standards for the award of degrees and
30 certificates.

31

1 (c) Each board of trustees must identify its core
2 curricula and work with school districts to ensure that its
3 curricula coordinate with the core curricula and prepare
4 students for college-level work.

5 (d) Each board of trustees must adopt a written
6 antihazing policy, appropriate penalties for violations of
7 such policy, and a program for enforcing such policy.

8 (e) Each board of trustees may establish a uniform
9 code of conduct and appropriate penalties for violations of
10 its rules by students and student organizations, including
11 rules governing student academic honesty. Such penalties,
12 unless otherwise provided by law, may include fines, the
13 withholding of diplomas or transcripts pending compliance with
14 rules or payment of fines, and the imposition of probation,
15 suspension, or dismissal.

16 (f) Each board of trustees shall establish a
17 committee, at least one-half of the members of which shall be
18 students appointed by the student body president, to
19 periodically review and evaluate the student judicial system.

20 (g) Each board of trustees must adopt a policy
21 pursuant to s. 1006.53 that reasonably accommodates the
22 religious observance, practice, and belief of individual
23 students in regard to admissions, class attendance, and the
24 scheduling of examinations and work assignments.

25 (h) A board of trustees may establish
26 intrainstitutional and interinstitutional programs to maximize
27 articulation pursuant to s. 1007.22.

28 (i) Each board of trustees shall approve the internal
29 procedures of student government organizations.

30 (11) Each board of trustees shall establish fees
31 pursuant to ss. 1009.24 and 1009.26.

- 1 (12) Each board of trustees shall submit an
2 institutional budget request, including a request for fixed
3 capital outlay, and an operating budget to the State Board of
4 Education for approval in accordance with guidelines
5 established by the State Board of Education.
- 6 (13) Each board of trustees shall account for
7 expenditures of all state, local, federal, and other funds in
8 the manner described by the Department of Education.
- 9 (14) Each board of trustees shall develop a strategic
10 plan specifying institutional goals and objectives for the
11 university for recommendation to the State Board of Education.
- 12 (15) Each board of trustees shall develop an
13 accountability plan pursuant to guidelines established by the
14 State Board of Education.
- 15 (16) Each board of trustees shall maintain an
16 effective information system to provide accurate, timely, and
17 cost-effective information about the university.
- 18 (17) Each board of trustees is authorized to secure
19 comprehensive general liability insurance pursuant to s.
20 1004.24.
- 21 (18) Each board of trustees may provide for payment of
22 the costs of civil actions against officers, employees, or
23 agents of the board pursuant to s. 1012.965.
- 24 (19) Each board of trustees shall establish the
25 personnel program for all employees of the university,
26 including the president, pursuant to the provisions of chapter
27 1012 and, in accordance with rules and guidelines of the State
28 Board of Education, including: compensation and other
29 conditions of employment, recruitment and selection,
30 nonreappointment, standards for performance and conduct,
31 evaluation, benefits and hours of work, leave policies,

1 recognition and awards, inventions and works, travel, learning
2 opportunities, exchange programs, academic freedom and
3 responsibility, promotion, assignment, demotion, transfer,
4 tenure and permanent status, ethical obligations and conflicts
5 of interest, restrictive covenants, disciplinary actions,
6 complaints, appeals and grievance procedures, and separation
7 and termination from employment.

8 (20) Each board of trustees may consider the past
9 actions of any person applying for employment and may deny
10 employment to a person because of misconduct if determined to
11 be in the best interest of the university.

12 (21) Each board of trustees shall appoint a
13 presidential search committee to make recommendations to the
14 full board of trustees, from which the board of trustees may
15 select a candidate for ratification by the State Board of
16 Education.

17 (22) Each board of trustees shall conduct an annual
18 evaluation of the president in accordance with rules of the
19 State Board of Education and submit such evaluations to the
20 State Board of Education for review. The evaluation must
21 address the achievement of the performance goals established
22 by the accountability process implemented pursuant to s.
23 1008.46 and the performance of the president in achieving the
24 annual and long-term goals and objectives established in the
25 institution's employment equity accountability program
26 implemented pursuant to s. 1012.95.

27 (23) Each board of trustees constitutes the
28 contracting agent of the university.

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

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

3 (26) Each board of trustees may develop and produce
4 work products relating to educational endeavors that are
5 subject to trademark, copyright, or patent statutes pursuant
6 to s. 1004.23.

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

10 (28) Each board of trustees shall administer a program
11 for the maintenance and construction of facilities pursuant to
12 chapter 1013.

13 (29) Each board of trustees shall ensure compliance
14 with the provisions of s. 287.09451 for all procurement and
15 ss. 255.101 and 255.102 for construction contracts, and rules
16 adopted pursuant thereto, relating to the utilization of
17 minority business enterprises, except that procurements
18 costing less than the amount provided for in CATEGORY FIVE as
19 provided in s. 287.017 shall not be subject to s. 287.09451.

20 (30) Each board of trustees may exercise the right of
21 eminent domain pursuant to the provisions of chapter 1013. Any
22 suits or actions brought by the board of trustees shall be
23 brought in the name of the board of trustees, and the
24 Department of Legal Affairs shall conduct the proceedings for,
25 and act as the counsel of, the board of trustees.

26 (31) Notwithstanding the provisions of s. 253.025,
27 each board of trustees may, with the consent of the Board of
28 Trustees of the Internal Improvement Trust Fund, sell, convey,
29 transfer, exchange, trade, or purchase real property and
30 related improvements necessary and desirable to serve the
31 needs and purposes of the university.

1 (a) The board of trustees may secure appraisals and
2 surveys. The board of trustees shall comply with the rules of
3 the Board of Trustees of the Internal Improvement Trust Fund
4 in securing appraisals. Whenever the board of trustees finds
5 it necessary for timely property acquisition, it may contract,
6 without the need for competitive selection, with one or more
7 appraisers whose names are contained on the list of approved
8 appraisers maintained by the Division of State Lands in the
9 Department of Environmental Protection.

10 (b) The board of trustees may negotiate and enter into
11 an option contract before an appraisal is obtained. The option
12 contract must state that the final purchase price may not
13 exceed the maximum value allowed by law. The consideration for
14 such an option contract may not exceed 10 percent of the
15 estimate obtained by the board of trustees or 10 percent of
16 the value of the parcel, whichever is greater, unless
17 otherwise authorized by the board of trustees.

18 (c) This subsection is not intended to abrogate in any
19 manner the authority delegated to the Board of Trustees of the
20 Internal Improvement Trust Fund or the Division of State Lands
21 to approve a contract for purchase of state lands or to
22 require policies and procedures to obtain clear legal title to
23 parcels purchased for state purposes. Title to property
24 acquired by a university board of trustees prior to January 7,
25 2003, and to property acquired with funds appropriated by the
26 Legislature shall vest in the Board of Trustees of the
27 Internal Improvement Trust Fund.

28 (32) Each board of trustees shall prepare and adopt a
29 campus master plan pursuant to s. 1013.30.

30 (33) Each board of trustees shall prepare, adopt, and
31 execute a campus development agreement pursuant to s. 1013.30.

1 (34) Each board of trustees has responsibility for
2 compliance with state and federal laws, rules, regulations,
3 and requirements.

4 (35) Each board of trustees may govern traffic on the
5 grounds of that campus pursuant to s. 1006.66.

6 (36) A board of trustees has responsibility for
7 supervising faculty practice plans for the academic health
8 science centers.

9 (37) Each board of trustees shall prescribe conditions
10 for direct-support organizations and university health
11 services support organizations to be certified and to use
12 university property and services. Conditions relating to
13 certification must provide for audit review and oversight by
14 the board of trustees.

15 (38) Each board of trustees shall actively implement a
16 plan, in accordance with guidelines of the State Board of
17 Education, for working on a regular basis with the other
18 university boards of trustees, representatives of the
19 community college boards of trustees, and representatives of
20 the district school boards, to achieve the goals of the
21 seamless education system.

22 (39) Notwithstanding the provisions of s. 216.351, a
23 board of trustees may authorize the rent or lease of parking
24 facilities, provided that such facilities are funded through
25 parking fees or parking fines imposed by a university. A board
26 of trustees may authorize a university to charge fees for
27 parking at such rented or leased parking facilities.

28 (40) Each board of trustees may adopt rules and
29 procedures related to data and technology, including
30 information systems, communications systems, computer hardware
31 and software, and networks.

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

4 Section 87. Section 1001.75, Florida Statutes, is
5 created to read:

6 1001.75 University presidents; powers and duties.--The
7 president is the chief executive officer of the state
8 university, shall be corporate secretary of the university
9 board of trustees, and is responsible for the operation and
10 administration of the university. Each state university
11 president shall:

12 (1) Recommend the adoption of rules, as appropriate,
13 to the university board of trustees to implement provisions of
14 law governing the operation and administration of the
15 university, which shall include the specific powers and duties
16 enumerated in this section. Such rules shall be consistent
17 with the mission of the university and the rules and policies
18 of the State Board of Education.

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

21 (3) Establish and implement policies and procedures to
22 recruit, appoint, transfer, promote, compensate, evaluate,
23 reward, demote, discipline, and remove personnel, within law
24 and rules of the State Board of Education and in accordance
25 with rules or policies approved by the university board of
26 trustees.

27 (4) Govern admissions, subject to law and rules or
28 policies of the university board of trustees and the State
29 Board of Education.

30 (5) Approve, execute, and administer contracts for and
31 on behalf of the university board of trustees for licenses;

1 the acquisition or provision of commodities, goods, equipment,
2 and services; leases of real and personal property; and
3 planning and construction to be rendered to or by the
4 university, provided such contracts are within law and rules
5 of the State Board of Education and in conformance with
6 policies of the university board of trustees, and are for the
7 implementation of approved programs of the university.
8 University presidents shall comply with the provisions of s.
9 287.055 for the procurement of professional services and may
10 approve and execute all contracts on behalf of the board of
11 trustees for planning, construction, and equipment. For the
12 purposes of a university president's contracting authority, a
13 "continuing contract" for professional services under the
14 provisions of s. 287.055 is one in which construction costs do
15 not exceed \$1 million or the fee for study activity does not
16 exceed \$100,000.

17 (6) Act for the university board of trustees as
18 custodian of all university property.

19 (7) Establish the internal academic calendar of the
20 university within general guidelines of the State Board of
21 Education.

22 (8) Administer the university's program of
23 intercollegiate athletics.

24 (9) Recommend to the board of trustees the
25 establishment and termination of undergraduate and
26 master's-level degree programs within the approved role and
27 scope of the university.

28 (10) Award degrees.

29 (11) Recommend to the board of trustees a schedule of
30 tuition and fees to be charged by the university, within law
31 and rules of the State Board of Education.

- 1 (12) Organize the university to efficiently and
2 effectively achieve the goals of the university.
- 3 (13) Review periodically the operations of the
4 university in order to determine how effectively and
5 efficiently the university is being administered and whether
6 it is meeting the goals of its strategic plan adopted by the
7 State Board of Education.
- 8 (14) Enter into agreements for student exchange
9 programs that involve students at the university and students
10 in other postsecondary educational institutions.
- 11 (15) Provide purchasing, contracting, and budgetary
12 review processes for student government organizations.
- 13 (16) Ensure compliance with federal and state laws,
14 rules, regulations, and other requirements that are applicable
15 to the university.
- 16 (17) Maintain all data and information pertaining to
17 the operation of the university, and report on the attainment
18 by the university of institutional and statewide performance
19 accountability goals.
- 20 (18) Adjust property records and dispose of
21 state-owned tangible personal property in the university's
22 custody in accordance with procedures established by the
23 university board of trustees. Notwithstanding the provisions
24 of s. 273.055(5), all moneys received from the disposition of
25 state-owned tangible personal property shall be retained by
26 the university and disbursed for the acquisition of tangible
27 personal property and for all necessary operating
28 expenditures. The university shall maintain records of the
29 accounts into which such moneys are deposited.
- 30
31

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

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

7 Section 89. Part I of chapter 1002, Florida Statutes,
8 shall be entitled "General Provisions" and shall consist of s.
9 1002.01.

10 Section 90. Section 1002.01, Florida Statutes, is
11 created to read:

12 1002.01 Definitions.--

13 (1) A "home education program" means the sequentially
14 progressive instruction of a student directed by his or her
15 parent in order to satisfy the attendance requirements of ss.
16 1002.41, 1003.01(4), and 1003.21(1).

17 (2) A "private school" is a nonpublic school defined
18 as an individual, association, copartnership, or corporation,
19 or department, division, or section of such organizations,
20 that designates itself as an educational center that includes
21 kindergarten or a higher grade or as an elementary, secondary,
22 business, technical, or trade school below college level or
23 any organization that provides instructional services that
24 meet the intent of s. 1003.01(14) or that gives preemployment
25 or supplementary training in technology or in fields of trade
26 or industry or that offers academic, literary, or career and
27 technical training below college level, or any combination of
28 the above, including an institution that performs the
29 functions of the above schools through correspondence or
30 extension, except those licensed under the provisions of
31 chapter 1005. A private school may be a parochial, religious,

1 denominational, for-profit, or nonprofit school. This
2 definition does not include home education programs conducted
3 in accordance with s. 1002.41.

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

7 Section 92. Section 1002.20, Florida Statutes, is
8 created to read:

9 1002.20 K-12 student and parent rights.--K-12 students
10 and their parents are afforded numerous statutory rights
11 including, but not limited to, the following:

12 (1) SYSTEM OF EDUCATION.--In accordance with s. 1,
13 Art. IX of the State Constitution, all K-12 public school
14 students are entitled to a uniform, safe, secure, efficient,
15 and high quality system of education, one that allows students
16 the opportunity to obtain a high quality education. Parents
17 are responsible to ready their children for school; however,
18 the State of Florida cannot be the guarantor of each
19 individual student's success.

20 (2) ATTENDANCE.--

21 (a) Compulsory school attendance.--The compulsory
22 school attendance laws apply to all children between the ages
23 of 6 and 16 years, as provided in s. 1003.21(1) and (2)(a),
24 and, in accordance with the provisions of s. 1003.21(1) and
25 (2)(a):

26 1. A student who attains the age of 16 years during
27 the school year has the right to file a formal declaration of
28 intent to terminate school enrollment if the declaration is
29 signed by the parent. The parent has the right to be notified
30 by the school district of the district's receipt of the

31

1 student's declaration of intent to terminate school
2 enrollment.

3 2. Students who become or have become married or who
4 are pregnant and parenting have the right to attend school and
5 receive the same or equivalent educational instruction as
6 other students.

7 (b) Regular school attendance.--Parents of students
8 who have attained the age of 6 years by February 1 of any
9 school year but who have not attained the age of 16 years must
10 comply with the compulsory school attendance laws. Parents
11 have the option to comply with the school attendance laws by
12 attendance of the student in a public school; a parochial,
13 religious, or denominational school; a private school; a home
14 education program; or a private tutoring program, in
15 accordance with the provisions of s. 1003.01(14).

16 (c) Absence for religious purposes.--A parent of a
17 public school student may request and be granted permission
18 for absence of the student from school for religious
19 instruction or religious holidays, in accordance with the
20 provisions of s. 1003.21(2)(b).

21 (d) Dropout prevention and academic intervention
22 programs.--The parent of a public school student has the right
23 to receive written notice by certified mail prior to placement
24 of the student in a dropout prevention and academic
25 intervention program and shall be notified in writing and
26 entitled to an administrative review of any action by school
27 personnel relating to the student's placement, in accordance
28 with the provisions of s. 1003.53(5).

29 (3) HEALTH ISSUES.--

30 (a) School-entry health examinations.--The parent of
31 any child attending a public or private school shall be exempt

1 from the requirement of a health examination upon written
2 request stating objections on religious grounds in accordance
3 with the provisions of s. 1003.22(1) and (2).

4 (b) Immunizations.--The parent of any child attending
5 a public or private school shall be exempt from the school
6 immunization requirements upon meeting any of the exemptions
7 in accordance with the provisions of s. 1003.22(5).

8 (c) Biological experiments.--Parents may request that
9 their child be excused from performing surgery or dissection
10 in biological science classes in accordance with the
11 provisions of s. 1003.47.

12 (d) Reproductive health and disease education.--A
13 public school student whose parent makes written request to
14 the school principal shall be exempted from the teaching of
15 reproductive health or any disease, including HIV/AIDS, in
16 accordance with the provisions of s. 1003.42(3).

17 (e) Contraceptive services to public school
18 students.--In accordance with the provisions of s.
19 1006.062(7), students may not be referred to or offered
20 contraceptive services at school facilities without the
21 parent's consent.

22 (f) Career and technical education courses involving
23 hazardous substances.--High school students must be given
24 plano safety glasses or devices in career and technical
25 education courses involving the use of hazardous substances
26 likely to cause eye injury, in accordance with the provisions
27 of s. 1006.65.

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

1 (h) Inhaler use.--Asthmatic students whose parent and
2 physician provide their approval to the school principal may
3 carry a metered dose inhaler on their person while in school.
4 The school principal shall be provided a copy of the parent's
5 and physician's approval.

6 (4) DISCIPLINE.--

7 (a) Suspension of public school student.--In
8 accordance with the provisions of s. 1006.09(1)-(4):

9 1. A student may be suspended only as provided by rule
10 of the district school board. A good faith effort must be made
11 to immediately inform the parent by telephone of the student's
12 suspension and the reason. Each suspension and the reason
13 must be reported in writing within 24 hours to the parent by
14 U.S. mail. A good faith effort must be made to use parental
15 assistance before suspension unless the situation requires
16 immediate suspension.

17 2. A student with a disability may only be recommended
18 for suspension or expulsion in accordance with State Board of
19 Education rules.

20 (b) Expulsion.--Public school students and their
21 parents have the right to written notice of a recommendation
22 of expulsion, including the charges against the student and a
23 statement of the right of the student to due process, in
24 accordance with the provisions of s. 1001.51(8).

25 (c) Corporal punishment.--In accordance with the
26 provisions of s. 1003.32, corporal punishment of a public
27 school student may only be administered by a teacher or school
28 principal within guidelines of the school principal and
29 according to district school board policy. Another adult must
30 be present and must be informed in the student's presence of
31 the reason for the punishment. Upon request, the teacher or

1 school principal must provide the parent with a written
2 explanation of the reason for the punishment and the name of
3 the other adult who was present.

4 (5) SAFETY.--In accordance with the provisions of s.
5 1006.13(5), students who have been victims of certain felony
6 offenses by other students, as well as the siblings of the
7 student victims, have the right to be kept separated from the
8 student offender both at school and during school
9 transportation.

10 (6) EDUCATIONAL CHOICE.--

11 (a) Public school choices.--Parents of public school
12 students may seek whatever public school choice options that
13 are applicable to their students and are available to students
14 in their school districts. These options may include
15 controlled open enrollment, lab schools, charter schools,
16 charter technical career centers, magnet schools, alternative
17 schools, special programs, advanced placement, dual
18 enrollment, International Baccalaureate, early admissions,
19 credit by examination or demonstration of competency, the New
20 World School of the Arts, the Florida School for the Deaf and
21 the Blind, and the Florida Virtual School. These options may
22 also include the public school choice options of the
23 Opportunity Scholarship Program and the McKay Scholarships for
24 Students with Disabilities Program.

25 (b) Private school choices.--Parents of public school
26 students may seek private school choice options under certain
27 programs.

28 1. Under the Opportunity Scholarship Program, the
29 parent of a student in a failing public school may request and
30 receive an opportunity scholarship for the student to attend a
31

1 private school in accordance with the provisions of s.
2 1002.38.

3 2. Under the McKay Scholarships for Students with
4 Disabilities Program, the parent of a public school student
5 with a disability who is dissatisfied with the student's
6 progress may request and receive a McKay Scholarship for the
7 student to attend a private school in accordance with the
8 provisions of s. 1002.39.

9 3. Under the corporate income tax credit scholarship
10 program, the parent of a student who qualifies for free or
11 reduced-price school lunch may seek a scholarship from an
12 eligible nonprofit scholarship-funding organization in
13 accordance with the provisions of s. 220.187.

14 (c) Home education.--The parent of a student may
15 choose to place the student in a home education program in
16 accordance with the provisions of s. 1002.41.

17 (d) Private tutoring.--The parent of a student may
18 choose to place the student in a private tutoring program in
19 accordance with the provisions of s. 1002.43(1).

20 (7) NONDISCRIMINATION.--All education programs,
21 activities, and opportunities offered by public educational
22 institutions must be made available without discrimination on
23 the basis of race, ethnicity, national origin, gender,
24 disability, or marital status, in accordance with the
25 provisions of s. 1000.05.

26 (8) STUDENTS WITH DISABILITIES.--Parents of public
27 school students with disabilities and parents of public school
28 students in residential care facilities are entitled to notice
29 and due process in accordance with the provisions of ss.
30 1003.57 and 1003.58. Public school students with disabilities
31 must be provided the opportunity to meet the graduation

1 requirements for a standard high school diploma in accordance
2 with the provisions of s. 1003.43(4). Certain public school
3 students with disabilities may be awarded a special diploma
4 upon high school graduation.

5 (9) BLIND STUDENTS.--Blind students have the right to
6 an individualized written education program and appropriate
7 instructional materials to attain literacy, in accordance with
8 provisions of s. 1003.55.

9 (10) LIMITED ENGLISH PROFICIENT STUDENTS.--In
10 accordance with the provisions of s. 1003.56, limited English
11 proficient students have the right to receive ESOL (English
12 for Speakers of Other Languages) instruction designed to
13 develop the student's mastery of listening, speaking, reading,
14 and writing in English as rapidly as possible, and the
15 students' parents have the right of parental involvement in
16 the ESOL program.

17 (11) BASIC RELIGIOUS FREEDOMS.--In accordance with the
18 joint statement of current case law by the American Jewish
19 Congress, the ACLU, the Anti-Defamation League, and others:

20 (a) Right to pray.--Students have the right to pray
21 individually or in groups or to discuss their religious views
22 with their peers so long as they are not disruptive.

23 (b) Right to express.--Students may express their
24 religious beliefs in the form of reports, homework, and
25 artwork, and such expressions are constitutionally protected.
26 Teachers may not reject or correct such submissions simply
27 because they include a religious symbol or address religious
28 themes.

29 (c) Right to distribute.--Students have the right to
30 distribute religious literature to their schoolmates, subject
31 to those reasonable time, place, and manner or other

1 constitutionally acceptable restrictions imposed on the
2 distribution of all nonschool literature.
3 (d) Right to participate.--Student participation in
4 before-school or after-school events, such as "See you at the
5 pole," is permissible.
6 (e) Right to speak.--Students have the right to speak
7 to, and attempt to persuade, their peers about religious
8 topics just as they do with regard to political topics.
9 (f) Right to meet.--Student religious clubs in
10 secondary schools must be permitted to meet and to have equal
11 access to campus media to announce their meetings if a school
12 receives federal funds and permits any student noncurricular
13 club to meet during noninstructional time.
14 (12) PLEDGE OF ALLEGIANCE.--A public school student
15 must be excused from reciting the pledge of allegiance upon
16 written request by the student's parent, in accordance with
17 the provisions of s. 1003.44.
18 (13) STUDENT RECORDS.--
19 (a) Parent rights.--Parents have rights regarding the
20 student records of their children, including right of access,
21 right of waiver of access, right to challenge and hearing, and
22 right of privacy, in accordance with the provisions of s.
23 1002.22.
24 (b) Student rights.--In accordance with the provisions
25 of s. 1008.386, a student is not required to provide his or
26 her social security number as a condition for enrollment or
27 graduation.
28 (14) STUDENT REPORT CARDS.--Students and their parents
29 have the right to receive student report cards on a regular
30 basis that clearly depict and grade the student's academic
31 performance in each class or course, the student's conduct,

1 and the student's attendance, in accordance with the
2 provisions of s. 1003.33.

3 (15) STUDENT PROGRESS REPORTS.--Parents of public
4 school students shall be apprised at regular intervals of the
5 academic progress and other needed information regarding their
6 child, in accordance with the provisions of s. 1003.02(1)(h)2.

7 (16) SCHOOL ACCOUNTABILITY AND SCHOOL IMPROVEMENT
8 RATING REPORTS.--Parents of public school students are
9 entitled to an easy-to-read report card about the grade
10 designation, school accountability including the school
11 financial report, and school improvement rating of their
12 child's school in accordance with the provisions of ss.
13 1008.22, 1003.02(3), and 1010.215(5).

14 (17) ATHLETICS; PUBLIC HIGH SCHOOL.--

15 (a) Eligibility.--Eligibility requirements for all
16 students participating in high school athletic competition
17 must allow a student to be eligible in the school in which he
18 or she first enrolls each school year, or makes himself or
19 herself a candidate for an athletic team by engaging in
20 practice before enrolling, in accordance with the provisions
21 of s. 1006.20(2)(a).

22 (b) Medical evaluation.--Students must satisfactorily
23 pass a medical evaluation each year before participating in
24 athletics, unless the parent objects in writing based on
25 religious tenets or practices, in accordance with the
26 provisions of s. 1006.20(2)(d).

27 (18) EXTRACURRICULAR ACTIVITIES.--In accordance with
28 the provisions of s. 1006.15:

29 (a) Eligibility.--Students who meet specified academic
30 and conduct requirements are eligible to participate in
31 extracurricular activities.

1 (b) Home education students.--Home education students
2 who meet specified academic and conduct requirements are
3 eligible to participate in extracurricular activities at the
4 public school to which the student would be assigned or could
5 choose to attend according to district school board policies,
6 or may develop an agreement to participate at a private
7 school.

8 (c) Charter school students.--Charter school students
9 who meet specified academic and conduct requirements are
10 eligible to participate in extracurricular activities at the
11 public school to which the student would be assigned or could
12 choose to attend according to district school board policies,
13 unless such activity is provided by the student's charter
14 school.

15 (d) Discrimination prohibited.--Organizations that
16 regulate or govern extracurricular activities of public
17 schools shall not discriminate against any eligible student
18 based on an educational choice of public, private, or home
19 education.

20 (19) INSTRUCTIONAL MATERIALS.--

21 (a) Core courses.--Each public school student is
22 entitled to sufficient instructional materials in the core
23 courses of mathematics, language arts, social studies,
24 science, reading, and literature, in accordance with the
25 provisions of ss. 1003.02(1)(d) and 1006.40(2).

26 (b) Curricular objectives.--The parent of each public
27 school student has the right to receive effective
28 communication from the school principal as to the manner in
29 which instructional materials are used to implement the
30 school's curricular objectives, in accordance with the
31 provisions of s. 1006.28(3)(a).

1 (c) Sale of instructional materials.--Upon request of
2 the parent of a public school student, the school principal
3 must sell to the parent any instructional materials used in
4 the school, in accordance with the provisions of s.
5 1006.28(3)(c).

6 (d) Dual enrollment students.--Instructional materials
7 purchased by a district school board or community college
8 board of trustees on behalf of public school dual enrollment
9 students shall be made available to the dual enrollment
10 students free of charge, in accordance with the provisions of
11 s. 1007.271(14) and (15).

12 (20) JUVENILE JUSTICE PROGRAMS.--Students who are in
13 juvenile justice programs have the right to receive
14 educational programs and services in accordance with the
15 provisions of s. 1003.52.

16 (21) PARENTAL INPUT AND MEETINGS.--
17 (a) Meetings with school district personnel.--Parents
18 of public school students may be accompanied by another adult
19 of their choice at any meeting with school district personnel.

20 (b) School district best financial management practice
21 reviews.--Public school students and their parents may provide
22 input regarding their concerns about the operations and
23 management of the school district both during and after the
24 conduct of a school district best financial management
25 practices review, in accordance with the provisions of s.
26 1008.35.

27 (c) District school board educational facilities
28 programs.--Parents of public school students and other members
29 of the public have the right to receive proper public notice
30 and opportunity for public comment regarding the district
31

1 school board's educational facilities work program, in
2 accordance with the provisions of s. 1013.35.

3 (22) TRANSPORTATION.--

4 (a) Transportation to school.--Public school students
5 shall be provided transportation to school, in accordance with
6 the provisions of s. 1006.21(3)(a).

7 (b) Hazardous walking conditions.--K-6 public school
8 students shall be provided transportation if they are
9 subjected to hazardous walking conditions, in accordance with
10 the provisions of ss. 1006.21(3)(b) and 1006.23.

11 (c) Parental consent.--Each parent of a public school
12 student must be notified in writing and give written consent
13 before the student may be transported in a privately owned
14 motor vehicle to a school function, in accordance with the
15 provisions of s. 1006.22(2)(b).

16 Section 93. Section 1002.21, Florida Statutes, is
17 created to read:

18 1002.21 Postsecondary student and parent rights.--

19 (1) STUDENT RECORDS.--Parents have rights regarding
20 the student records of their children, and students 18 years
21 of age and older have rights regarding their student records,
22 including right of access, right of waiver of access, right to
23 challenge and hearing, and right of privacy, in accordance
24 with the provisions of ss. 1002.22, 1005.36, and 1006.52.

25 (2) LEARNING DISABLED STUDENTS.--Impaired and learning
26 disabled students may be eligible for reasonable substitution
27 for admission, graduation, and upper-level division
28 requirements of public postsecondary educational institutions,
29 in accordance with the provisions of s. 1007.264.

30 (3) EXPULSION, SUSPENSION, DISCIPLINE.--Public
31 postsecondary education students may be expelled, suspended,

1 or otherwise disciplined by the president of a public
2 postsecondary educational institution after notice to the
3 student of the charges and a hearing on the charges, in
4 accordance with the provisions of s. 1006.62.

5 (4) RELIGIOUS BELIEFS.--Public postsecondary
6 educational institutions must provide reasonable
7 accommodations for the religious practices and beliefs of
8 individual students in regard to admissions, class attendance,
9 and the scheduling of examinations and work assignments, in
10 accordance with the provisions of s. 1006.53, and must provide
11 and describe in the student handbook a grievance procedure for
12 students to seek redress when they feel they have been
13 unreasonably denied an educational benefit due to their
14 religious beliefs or practices.

15 (5) STUDENT HANDBOOKS.--Each state university and
16 community college shall provide its students with an
17 up-to-date student handbook that includes student rights and
18 responsibilities, appeals processes available to students,
19 contact persons available to help students, student conduct
20 code, and information regarding HIV and AIDS, in accordance
21 with the provisions of s. 1006.50.

22 (6) STUDENT OMBUDSMAN OFFICE.--Each state university
23 and community college shall maintain a student ombudsman
24 office and established procedures for students to appeal to
25 the office regarding decisions about the student's access to
26 courses and credit granted toward the student's degree, in
27 accordance with the provisions of s. 1006.51.

28 Section 94. Section 1002.22, Florida Statutes, is
29 created to read:

30 1002.22 Student records and reports; rights of parents
31 and students; notification; penalty.--

1 (1) PURPOSE.--The purpose of this section is to
2 protect the rights of students and their parents with respect
3 to student records and reports as created, maintained, and
4 used by public educational institutions in the state. The
5 intent of the Legislature is that students and their parents
6 shall have rights of access, rights of challenge, and rights
7 of privacy with respect to such records and reports, and that
8 rules shall be available for the exercise of these rights.

9 (2) DEFINITIONS.--As used in this section:

10 (a) "Chief executive officer" means that person,
11 whether elected or appointed, who is responsible for the
12 management and administration of any public educational body
13 or unit, or the chief executive officer's designee for student
14 records; that is, the district school superintendent, the
15 director of an area technical center, the president of a
16 public postsecondary educational institution, or their
17 designees.

18 (b) "Directory information" includes the student's
19 name, address, telephone number if it is a listed number, date
20 and place of birth, major field of study, participation in
21 officially recognized activities and sports, weight and height
22 of members of athletic teams, dates of attendance, degrees and
23 awards received, and the most recent previous educational
24 agency or institution attended by the student.

25 (c) "Records" and "reports" mean official records,
26 files, and data directly related to students that are created,
27 maintained, and used by public educational institutions,
28 including all material that is incorporated into each
29 student's cumulative record folder and intended for school use
30 or to be available to parties outside the school or school
31 system for legitimate educational or research purposes.

1 Materials that shall be considered as part of a student's
2 record include, but are not necessarily limited to:
3 identifying data, including a student's social security
4 number; academic work completed; level of achievement records,
5 including grades and standardized achievement test scores;
6 attendance data; scores on standardized intelligence,
7 aptitude, and psychological tests; interest inventory results;
8 health data; family background information; teacher or
9 counselor ratings and observations; verified reports of
10 serious or recurrent behavior patterns; and any other
11 evidence, knowledge, or information recorded in any medium,
12 including, but not limited to, handwriting, typewriting,
13 print, magnetic tapes, film, microfilm, and microfiche, and
14 maintained and used by an educational agency or institution or
15 by a person acting for such agency or institution. However,
16 the terms "records" and "reports" do not include:
17 1. Records of instructional, supervisory, and
18 administrative personnel, and educational personnel ancillary
19 to those persons, that are kept in the sole possession of the
20 maker of the record and are not accessible or revealed to any
21 other person except a substitute for any of such persons. An
22 example of records of this type is instructor's grade books.
23 2. Records of law enforcement units of the institution
24 that are maintained solely for law enforcement purposes and
25 that are not available to persons other than officials of the
26 institution or law enforcement officials of the same
27 jurisdiction in the exercise of that jurisdiction.
28 3. Records made and maintained by the institution in
29 the normal course of business that relate exclusively to a
30 student in his or her capacity as an employee and that are not
31 available for use for any other purpose.

1 4. Records created or maintained by a physician,
2 psychiatrist, psychologist, or other recognized professional
3 or paraprofessional acting in his or her professional or
4 paraprofessional capacity, or assisting in that capacity, that
5 are created, maintained, or used only in connection with the
6 provision of treatment to the student and that are not
7 available to anyone other than persons providing such
8 treatment. However, such records shall be open to a physician
9 or other appropriate professional of the student's choice.

10 5. Directory information as defined in this section.

11 6. Other information, files, or data that do not
12 permit the personal identification of a student.

13 7. Letters or statements of recommendation or
14 evaluation that were confidential under Florida law and that
15 were received and made a part of the student's educational
16 records prior to July 1, 1977.

17 8. Copies of the student's fingerprints. No public
18 educational institution shall maintain any report or record
19 relative to a student that includes a copy of the student's
20 fingerprints.

21 (d) "Student" means any child or adult who is enrolled
22 or who has been enrolled in any instructional program or
23 activity conducted under the authority and direction of an
24 institution comprising a part of the state system of public
25 education and with respect to whom an educational institution
26 maintains educational records and reports or personally
27 identifiable information, but does not include a person who
28 has not been in attendance as an enrollee at such institution.

29 (3) RIGHTS OF PARENT OR STUDENT.--The parent of any
30 student who attends or has attended any public school, area
31 technical center, or public postsecondary educational

1 institution shall have the following rights with respect to
2 any records or reports created, maintained, and used by any
3 public educational institution in the state. However,
4 whenever a student has attained 18 years of age, or is
5 attending a postsecondary educational institution, the
6 permission or consent required of, and the rights accorded to,
7 the parents of the student shall thereafter be required of and
8 accorded to the student only, unless the student is a
9 dependent student of such parents as defined in 26 U.S.C. s.
10 152 (s. 152 of the Internal Revenue Code of 1954). The State
11 Board of Education shall adopt rules whereby parents or
12 students may exercise these rights:

13 (a) Right of access.--

14 1. Such parent or student shall have the right, upon
15 request directed to the appropriate school official, to be
16 provided with a list of the types of records and reports,
17 directly related to students, as maintained by the institution
18 that the student attends or has attended.

19 2. Such parent or student shall have the right, upon
20 request, to be shown any record or report relating to such
21 student maintained by any public educational institution.
22 When the record or report includes information on more than
23 one student, the parent or student shall be entitled to
24 receive, or be informed of, only that part of the record or
25 report that pertains to the student who is the subject of the
26 request. Upon a reasonable request therefor, the institution
27 shall furnish such parent or student with an explanation or
28 interpretation of any such record or report.

29 3. Copies of any list, record, or report requested
30 under the provisions of this paragraph shall be furnished to
31 the parent or student upon request.

1 4. The State Board of Education shall adopt rules to
2 be followed by all public educational institutions in granting
3 requests for lists, or for access to reports and records or
4 for copies or explanations thereof under this paragraph.
5 However, access to any report or record requested under the
6 provisions of subparagraph 2. shall be granted within 30 days
7 after receipt of such request by the institution. Fees may be
8 charged for furnishing any copies of reports or records
9 requested under subparagraph 3., but such fees shall not
10 exceed the actual cost to the institution of producing such
11 copies.

12 (b) Right of waiver of access to confidential letters
13 or statements.--A parent or student shall have the right to
14 waive the right of access to letters or statements of
15 recommendation or evaluation, except that such waiver shall
16 apply to recommendations or evaluations only if:

17 1. The parent or student is, upon request, notified of
18 the names of all persons submitting confidential letters or
19 statements.

20 2. Such recommendations or evaluations are used solely
21 for the purpose for which they were specifically intended.

22
23 Such waivers may not be required as a condition for admission
24 to, receipt of financial aid from, or receipt of any other
25 services or benefits from, any public agency or public
26 educational institution in this state.

27 (c) Right to challenge and hearing.--A parent or
28 student shall have the right to challenge the content of any
29 record or report to which such person is granted access under
30 paragraph (a), in order to ensure that the record or report is
31 not inaccurate, misleading, or otherwise in violation of the

1 privacy or other rights of the student and to provide an
2 opportunity for the correction, deletion, or expunction of any
3 inaccurate, misleading, or otherwise inappropriate data or
4 material contained therein. Any challenge arising under the
5 provisions of this paragraph may be settled through informal
6 meetings or discussions between the parent or student and
7 appropriate officials of the educational institution. If the
8 parties at such a meeting agree to make corrections, to make
9 deletions, to expunge material, or to add a statement of
10 explanation or rebuttal to the file, such agreement shall be
11 reduced to writing and signed by the parties; and the
12 appropriate school officials shall take the necessary actions
13 to implement the agreement. If the parties cannot reach an
14 agreement, upon the request of either party, a hearing shall
15 be held on such challenge under rules adopted by the State
16 Board of Education. Upon the request of the parent or student,
17 the hearing shall be exempt from the requirements of s.
18 286.011. Such rules shall include at least the following
19 provisions:

20 1. The hearing shall be conducted within a reasonable
21 period of time following the request for the hearing.

22 2. The hearing shall be conducted, and the decision
23 rendered, by an official of the educational institution or
24 other party who does not have a direct interest in the outcome
25 of the hearing.

26 3. The parent or student shall be afforded a full and
27 fair opportunity to present evidence relevant to the issues
28 raised under this paragraph.

29 4. The decision shall be rendered in writing within a
30 reasonable period of time after the conclusion of the hearing.

31

1 5. The appropriate school officials shall take the
2 necessary actions to implement the decision.

3 (d) Right of privacy.--Every student shall have a
4 right of privacy with respect to the educational records kept
5 on him or her. Personally identifiable records or reports of a
6 student, and any personal information contained therein, are
7 confidential and exempt from the provisions of s. 119.07(1).
8 No state or local educational agency, board, public school,
9 technical center, or public postsecondary educational
10 institution shall permit the release of such records, reports,
11 or information without the written consent of the student's
12 parent, or of the student himself or herself if he or she is
13 qualified as provided in this subsection, to any individual,
14 agency, or organization. However, personally identifiable
15 records or reports of a student may be released to the
16 following persons or organizations without the consent of the
17 student or the student's parent:

18 1. Officials of schools, school systems, technical
19 centers, or public postsecondary educational institutions in
20 which the student seeks or intends to enroll; and a copy of
21 such records or reports shall be furnished to the parent or
22 student upon request.

23 2. Other school officials, including teachers within
24 the educational institution or agency, who have legitimate
25 educational interests in the information contained in the
26 records.

27 3. The United States Secretary of Education, the
28 Director of the National Institute of Education, the Assistant
29 Secretary for Education, the Comptroller General of the United
30 States, or state or local educational authorities who are
31 authorized to receive such information subject to the

1 conditions set forth in applicable federal statutes and
2 regulations of the United States Department of Education, or
3 in applicable state statutes and rules of the State Board of
4 Education.

5 4. Other school officials, in connection with a
6 student's application for or receipt of financial aid.

7 5. Individuals or organizations conducting studies for
8 or on behalf of an institution or a board of education for the
9 purpose of developing, validating, or administering predictive
10 tests, administering student aid programs, or improving
11 instruction, if such studies are conducted in such a manner as
12 will not permit the personal identification of students and
13 their parents by persons other than representatives of such
14 organizations and if such information will be destroyed when
15 no longer needed for the purpose of conducting such studies.

16 6. Accrediting organizations, in order to carry out
17 their accrediting functions.

18 7. School readiness coalitions and the Florida
19 Partnership for School Readiness in order to carry out their
20 assigned duties.

21 8. For use as evidence in student expulsion hearings
22 conducted by a district school board pursuant to the
23 provisions of chapter 120.

24 9. Appropriate parties in connection with an
25 emergency, if knowledge of the information in the student's
26 educational records is necessary to protect the health or
27 safety of the student or other individuals.

28 10. The Auditor General and the Office of Program
29 Policy Analysis and Government Accountability in connection
30 with their official functions; however, except when the
31 collection of personally identifiable information is

1 specifically authorized by law, any data collected by the
2 Auditor General and the Office of Program Policy Analysis and
3 Government Accountability is confidential and exempt from the
4 provisions of s. 119.07(1) and shall be protected in such a
5 way as will not permit the personal identification of students
6 and their parents by other than the Auditor General, the
7 Office of Program Policy Analysis and Government
8 Accountability, and their staff, and such personally
9 identifiable data shall be destroyed when no longer needed for
10 the Auditor General's and the Office of Program Policy
11 Analysis and Government Accountability's official use.

12 11.a. A court of competent jurisdiction in compliance
13 with an order of that court or the attorney of record pursuant
14 to a lawfully issued subpoena, upon the condition that the
15 student and the student's parent are notified of the order or
16 subpoena in advance of compliance therewith by the educational
17 institution or agency.

18 b. A person or entity pursuant to a court of competent
19 jurisdiction in compliance with an order of that court or the
20 attorney of record pursuant to a lawfully issued subpoena,
21 upon the condition that the student, or his or her parent if
22 the student is either a minor and not attending a
23 postsecondary educational institution or a dependent of such
24 parent as defined in 26 U.S.C. s. 152 (s. 152 of the Internal
25 Revenue Code of 1954), is notified of the order or subpoena in
26 advance of compliance therewith by the educational institution
27 or agency.

28 12. Credit bureaus, in connection with an agreement
29 for financial aid that the student has executed, provided that
30 such information may be disclosed only to the extent necessary
31 to enforce the terms or conditions of the financial aid

1 agreement. Credit bureaus shall not release any information
2 obtained pursuant to this paragraph to any person.
3 13. Parties to an interagency agreement among the
4 Department of Juvenile Justice, school and law enforcement
5 authorities, and other signatory agencies for the purpose of
6 reducing juvenile crime and especially motor vehicle theft by
7 promoting cooperation and collaboration, and the sharing of
8 appropriate information in a joint effort to improve school
9 safety, to reduce truancy and in-school and out-of-school
10 suspensions, and to support alternatives to in-school and
11 out-of-school suspensions and expulsions that provide
12 structured and well-supervised educational programs
13 supplemented by a coordinated overlay of other appropriate
14 services designed to correct behaviors that lead to truancy,
15 suspensions, and expulsions, and that support students in
16 successfully completing their education. Information provided
17 in furtherance of such interagency agreements is intended
18 solely for use in determining the appropriate programs and
19 services for each juvenile or the juvenile's family, or for
20 coordinating the delivery of such programs and services, and
21 as such is inadmissible in any court proceedings prior to a
22 dispositional hearing unless written consent is provided by a
23 parent or other responsible adult on behalf of the juvenile.
24
25 This paragraph does not prohibit any educational institution
26 from publishing and releasing to the general public directory
27 information relating to a student if the institution elects to
28 do so. However, no educational institution shall release, to
29 any individual, agency, or organization that is not listed in
30 subparagraphs 1.-13., directory information relating to the
31 student body in general or a portion thereof unless it is

1 normally published for the purpose of release to the public in
2 general. Any educational institution making directory
3 information public shall give public notice of the categories
4 of information that it has designated as directory information
5 with respect to all students attending the institution and
6 shall allow a reasonable period of time after such notice has
7 been given for a parent or student to inform the institution
8 in writing that any or all of the information designated
9 should not be released.

10 (4) NOTIFICATION.--Every parent and student entitled
11 to rights relating to student records and reports under the
12 provisions of subsection (3) shall be notified annually, in
13 writing, of such rights and that the institution has a policy
14 of supporting the law; the types of information and data
15 generally entered in the student records as maintained by the
16 institution; and the procedures to be followed in order to
17 exercise such rights. The notification shall be general in
18 form and in a manner to be determined by the State Board of
19 Education and may be incorporated with other printed materials
20 distributed to students, such as being printed on the back of
21 school assignment forms or report cards for students attending
22 kindergarten or grades 1 through 12 in the public school
23 system and being printed in college catalogs or in other
24 program announcement bulletins for students attending
25 postsecondary educational institutions.

26 (5) PENALTY.--In the event that any public school
27 official or employee, district school board official or
28 employee, technical center official or employee, or public
29 postsecondary educational institution official or employee
30 refuses to comply with any of the provisions of this section,
31 the aggrieved parent or student shall have an immediate right

1 to bring an action in the circuit court to enforce the
2 violated right by injunction. Any aggrieved parent or student
3 who brings such an action and whose rights are vindicated may
4 be awarded attorney's fees and court costs.

5 (6) APPLICABILITY TO RECORDS OF DEFUNCT
6 INSTITUTIONS.--The provisions of this section also apply to
7 student records that any nonpublic educational institution
8 that is no longer operating has deposited with the district
9 school superintendent in the county where the nonpublic
10 educational institution was located.

11 Section 95. Part III of chapter 1002, Florida
12 Statutes, shall be entitled "Educational Choice" and shall
13 consist of ss. 1002.31-1002.39.

14 Section 96. Section 1002.31, Florida Statutes, is
15 created to read:

16 1002.31 Public school parental choice.--

17 (1) As used in this section, "controlled open
18 enrollment" means a public education delivery system that
19 allows school districts to make student school assignments
20 using parents' indicated preferential school choice as a
21 significant factor.

22 (2) Each district school board may offer controlled
23 open enrollment within the public schools. The controlled open
24 enrollment program shall be offered in addition to the
25 existing choice programs such as magnet schools, alternative
26 schools, special programs, advanced placement, and dual
27 enrollment.

28 (3) Each district school board shall develop a
29 controlled open enrollment plan which describes the
30 implementation of subsection (2).

31

- 1 (4) School districts shall adhere to federal
2 desegregation requirements. No controlled open enrollment
3 plan that conflicts with federal desegregation orders shall be
4 implemented.
- 5 (5) Each school district shall develop a system of
6 priorities for its plan that includes consideration of the
7 following:
- 8 (a) An application process required to participate in
9 the controlled open enrollment program.
- 10 (b) A process that allows parents to declare school
11 preferences.
- 12 (c) A process that encourages placement of siblings
13 within the same school.
- 14 (d) A lottery procedure used by the school district to
15 determine student assignment.
- 16 (e) An appeals process for hardship cases.
- 17 (f) The procedures to maintain socioeconomic,
18 demographic, and racial balance.
- 19 (g) The availability of transportation.
- 20 (h) A process that promotes strong parental
21 involvement, including the designation of a parent liaison.
- 22 (i) A strategy that establishes a clearinghouse of
23 information designed to assist parents in making informed
24 choices.
- 25 (6) Plans shall be submitted to the Commissioner of
26 Education. The Commissioner of Education shall develop an
27 annual report on the status of school choice and deliver the
28 report to the Governor, the President of the Senate, and the
29 Speaker of the House of Representatives at least 90 days prior
30 to the convening of the regular session of the Legislature.
31

1 (7) Notwithstanding any provision of this section, a
2 school district with schools operating on both multiple
3 session schedules and single session schedules shall afford
4 parents of students in multiple session schools preferred
5 access to the controlled open enrollment program of the school
6 district.

7 (8) Each district school board shall annually report
8 the number of students applying for and attending the various
9 types of public schools of choice in the district, including
10 schools such as magnet schools and public charter schools,
11 according to rules adopted by the State Board of Education.

12 Section 97. Section 1002.32, Florida Statutes, is
13 created to read:

14 1002.32 Developmental research (laboratory) schools.--

15 (1) SHORT TITLE.--This section may be cited as the
16 "Sidney Martin Developmental Research School Act."

17 (2) ESTABLISHMENT.--There is established a category of
18 public schools to be known as developmental research
19 (laboratory) schools (lab schools). Each lab school shall
20 provide sequential instruction and shall be affiliated with
21 the college of education within the state university of
22 closest geographic proximity. A lab school to which a charter
23 has been issued under s. 1002.33(5)(b) must be affiliated with
24 the college of education within the state university that
25 issued the charter, but is not subject to the requirement that
26 the state university be of closest geographic proximity. For
27 the purpose of state funding, Florida Agricultural and
28 Mechanical University, Florida Atlantic University, Florida
29 State University, the University of Florida, and other
30 universities approved by the State Board of Education and the
31 Legislature are authorized to sponsor one or more lab schools.

1 (3) MISSION.--The mission of a lab school shall be the
2 provision of a vehicle for the conduct of research,
3 demonstration, and evaluation regarding management, teaching,
4 and learning. Programs to achieve the mission of a lab school
5 shall embody the goals and standards established pursuant to
6 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate
7 education for its students.

8 (a) Each lab school shall emphasize mathematics,
9 science, computer science, and foreign languages. The primary
10 goal of a lab school is to enhance instruction and research in
11 such specialized subjects by using the resources available on
12 a state university campus, while also providing an education
13 in nonspecialized subjects. Each lab school shall provide
14 sequential elementary and secondary instruction where
15 appropriate. A lab school may not provide instruction at grade
16 levels higher than grade 12 without authorization from the
17 State Board of Education. Each developmental research school
18 shall develop and implement a school improvement plan pursuant
19 to s. 1003.02(3).

20 (b) Research, demonstration, and evaluation conducted
21 at a lab school may be generated by the college of education
22 and other colleges within the university with which the school
23 is affiliated.

24 (c) Research, demonstration, and evaluation conducted
25 at a lab school may be generated by the State Board of
26 Education. Such research shall respond to the needs of the
27 education community at large, rather than the specific needs
28 of the affiliated college.

29 (d) Research, demonstration, and evaluation conducted
30 at a lab school may consist of pilot projects to be generated
31

1 by the affiliated college, the State Board of Education, or
2 the Legislature.

3 (e) The exceptional education programs offered at a
4 lab school shall be determined by the research and evaluation
5 goals and the availability of students for efficiently sized
6 programs. The fact that a lab school offers an exceptional
7 education program in no way lessens the general responsibility
8 of the local school district to provide exceptional education
9 programs.

10 (4) STUDENT ADMISSIONS.--Each lab school may establish
11 a primary research objective related to fundamental issues and
12 problems that occur in the public elementary and secondary
13 schools of the state. A student population reflective of the
14 student population of the public school environment in which
15 the issues and problems are most prevalent shall be promoted
16 and encouraged through the establishment and implementation of
17 an admission process that is designed to result in a
18 representative sample of public school enrollment based on
19 gender, race, socioeconomic status, and academic ability,
20 notwithstanding the provisions of s. 1000.05.

21 (5) STUDENT FEES.--Each lab school may charge a
22 student activity and service fee. Any school that elects to
23 charge such a fee shall provide information regarding the use
24 of the fee as well as an annual report that documents the
25 manner in which the moneys provided by such fee were expended.
26 The annual report prescribed in this subsection shall be
27 distributed to the parents of each student. No additional fees
28 shall be charged.

29 (6) SUPPLEMENTAL-SUPPORT ORGANIZATIONS.--Each lab
30 school may accrue supplemental revenue from
31 supplemental-support organizations, which include, but are not

1 limited to, alumni associations, foundations, parent-teacher
2 associations, and booster associations. The governing body of
3 each supplemental-support organization shall recommend the
4 expenditure of moneys collected by the organization for the
5 benefit of the school. Such expenditures shall be contingent
6 upon the recommendations of the school advisory council and
7 review of the director. The director may override any proposed
8 expenditure of the organization that would violate Florida
9 Statutes or breach sound educational management.

10 (7) PERSONNEL.--

11 (a) Each lab school may employ either a director or a
12 principal, or both, at the discretion of the university. The
13 duties of such personnel shall be as follows:

14 1. Each director shall be the chief executive officer
15 and shall oversee the education, research, and evaluation
16 goals of the school. The director shall be responsible for
17 recommending policy to the advisory board. The director shall
18 be accountable for the financial resources of the school.

19 2. Each principal shall be the chief educational
20 officer and shall oversee the educational program of the
21 school. The principal shall be accountable for the daily
22 operation and administration of the school.

23 (b) Faculty may serve simultaneously as instructional
24 personnel for the lab school and the university with which the
25 school is affiliated. Nothing in this section is intended to
26 affect the collective bargaining rights of lab school
27 employees, except as specifically provided in this section.

28 (c) Lab school faculty members shall meet the
29 certification requirements of ss. 1012.32 and 1012.42.

30 (8) ADVISORY BOARDS.--Each public school in the state
31 shall establish a school advisory council that is reflective

1 of the population served by the school, pursuant to s.
2 1001.452, and is responsible for the development and
3 implementation of the school improvement plan pursuant to s.
4 1003.02(3). Lab schools shall comply with the provisions of s.
5 1001.452 in one of two ways:

6 (a) Each lab school may establish two advisory bodies
7 as follows:

8 1. An advisory body pursuant to the provisions and
9 requirements of s. 1001.452 to be responsible for the
10 development and implementation of the school improvement plan,
11 pursuant to s. 1003.02(3).

12 2. An advisory board to provide general oversight and
13 guidance. The dean of the affiliated college of education
14 shall be a standing member of the board, and the president of
15 the university shall appoint four faculty members from the
16 related university, at least two of whom are from the college
17 of education, one layperson who resides in the county in which
18 the school is located, two parents of students who attend the
19 lab school, and one lab school student appointed by the
20 principal to serve on the advisory board. The term of each
21 member shall be for 2 years, and any vacancy shall be filled
22 with a person of the same classification as his or her
23 predecessor for the balance of the unexpired term. The
24 president shall stagger the terms of the initial appointees in
25 a manner that results in the expiration of terms of no more
26 than two members in any year. The president shall call the
27 organizational meeting of the board. The board shall annually
28 elect a chair and a vice chair. There shall be no limitation
29 on successive appointments to the board or successive terms
30 that may be served by a chair or vice chair. The board shall
31 adopt internal organizational procedures or bylaws necessary

1 for efficient operation as provided in chapter 120. Board
2 members shall not receive per diem or travel expenses for the
3 performance of their duties. The board shall:
4 a. Meet at least quarterly.
5 b. Monitor the operations of the school and the
6 distribution of moneys allocated for such operations.
7 c. Establish necessary policy, program, and
8 administration modifications.
9 d. Evaluate biennially the performance of the director
10 and principal and recommend corresponding action to the dean
11 of the college of education.
12 e. Annually review evaluations of the school's
13 operation and research findings.
14 (b) Each lab school may establish one advisory body
15 responsible for the development and implementation of the
16 school improvement plan, pursuant to s. 1003.02(3), in
17 addition to general oversight and guidance responsibilities.
18 The advisory body shall reflect the membership composition
19 requirements established in s. 1001.452, but may also include
20 membership by the dean of the college of education and
21 additional members appointed by the president of the
22 university that represent faculty members from the college of
23 education, the university, or other bodies deemed appropriate
24 for the mission of the school.
25 (9) FUNDING.--Funding for a lab school, including a
26 charter lab school, shall be provided as follows:
27 (a) Each lab school shall be allocated its
28 proportional share of operating funds from the Florida
29 Education Finance Program as provided in s. 1011.62 and the
30 General Appropriations Act. The nonvoted ad valorem millage
31 that would otherwise be required for lab schools shall be

1 allocated from state funds. The required local effort funds
2 calculated pursuant to s. 1011.62 shall be allocated from
3 state funds to the schools as a part of the allocation of
4 operating funds pursuant to s. 1011.62. Each eligible lab
5 school shall also receive a proportional share of the sparsity
6 supplement as calculated pursuant to s. 1011.62. In addition,
7 each lab school shall receive its proportional share of all
8 categorical funds, with the exception of s. 1011.68, and new
9 categorical funds enacted after July 1, 1994, for the purpose
10 of elementary or secondary academic program enhancement. The
11 sum of funds available as provided in this paragraph shall be
12 included annually in the Florida Education Finance Program and
13 appropriate categorical programs funded in the General
14 Appropriations Act.

15 (b) There is created a Lab School Educational Facility
16 Trust Fund to be administered by the Commissioner of
17 Education. Allocations from such fund shall be expended solely
18 for the purpose of facility construction, repair, renovation,
19 remodeling, site improvement, or maintenance. The commissioner
20 shall administer the fund in accordance with ss. 1013.60,
21 1013.64, 1013.65, and 1013.66.

22 (c) All operating funds provided under this section
23 shall be deposited in a Lab School Trust Fund and shall be
24 expended for the purposes of this section. The university
25 assigned a lab school shall be the fiscal agent for these
26 funds, and all rules of the university governing the budgeting
27 and expenditure of state funds shall apply to these funds
28 unless otherwise provided by law or rule of the State Board of
29 Education. The State Board of Education shall be the public
30 employer of lab school personnel for collective bargaining
31 purposes.

1 (d) Each lab school shall receive funds for operating
2 purposes in an amount determined as follows: multiply the
3 maximum allowable nonvoted discretionary millage for
4 operations pursuant to s. 1011.71(1) by the value of 95
5 percent of the current year's taxable value for school
6 purposes for the district in which each lab school is located;
7 divide the result by the total full-time equivalent membership
8 of the district; and multiply the result by the full-time
9 equivalent membership of the lab school. The amount thus
10 obtained shall be discretionary operating funds and shall be
11 appropriated from state funds in the General Appropriations
12 Act to the Lab School Trust Fund.

13 (e) Each lab school shall receive funds for capital
14 improvement purposes in an amount determined as follows:
15 multiply the maximum allowable nonvoted discretionary millage
16 for capital improvements pursuant to s. 1011.71(2) by the
17 value of 95 percent of the current year's taxable value for
18 school purposes for the district in which each lab school is
19 located; divide the result by the total full-time equivalent
20 membership of the district; and multiply the result by the
21 full-time equivalent membership of the lab school. The amount
22 thus obtained shall be discretionary capital improvement funds
23 and shall be appropriated from state funds in the General
24 Appropriations Act to the Lab School Educational Facility
25 Trust Fund.

26 (f) In addition to the funds appropriated for capital
27 outlay budget needs, lab schools may receive specific funding
28 as specified in the General Appropriations Act for upgrading,
29 renovating, and remodeling science laboratories.

30 (g) Each lab school is designated a teacher education
31 center and may provide inservice training to school district

1 personnel. The Department of Education shall provide funds to
2 the Lab School Trust Fund for this purpose from appropriations
3 for inservice teacher education.

4 (h) A lab school to which a charter has been issued
5 under s. 1002.33(5)(b) is eligible to receive funding for
6 charter school capital outlay if it meets the eligibility
7 requirements of s. 1013.62. If the lab school receives funds
8 from charter school capital outlay, the school shall receive
9 capital outlay funds otherwise provided in this subsection
10 only to the extent that funds allocated pursuant to s. 1013.62
11 are insufficient to provide capital outlay funds to the lab
12 school at one-fifteenth of the cost per student station.

13 (10) IMPLEMENTATION.--The State Board of Education
14 shall adopt rules necessary to facilitate the implementation
15 of this section.

16 (11) EXCEPTIONS TO LAW.--To encourage innovative
17 practices and facilitate the mission of the lab schools, in
18 addition to the exceptions to law specified in s. 1001.23(2),
19 the following exceptions shall be permitted for lab schools:

20 (a) The methods and requirements of the following
21 statutes shall be held in abeyance: ss. 1001.30; 1001.31;
22 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361;
23 1001.362; 1001.363; 1001.37; 1001.371; 1001.372; 1001.38;
24 1001.39; 1001.395; 1001.40; 1001.41; 1001.44; 1001.46;
25 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
26 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4);
27 1006.23; 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43;
28 1010.44; 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50;
29 1010.51; 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3),
30 (5); 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71;
31 1011.72; 1011.73; 1011.74; 1013.77; and 316.75.

1 **(b) With the exception of s. 1001.42(16), s. 1001.42**
2 **shall be held in abeyance. Reference to district school boards**
3 **in s. 1001.42(16) shall mean the president of the university**
4 **or the president's designee.**

5 Section 98. Section 1002.33, Florida Statutes, is
6 created to read:

7 **1002.33 Charter schools.--**

8 **(1) AUTHORIZATION.--Charter schools shall be part of**
9 **the state's program of public education. All charter schools**
10 **in Florida are public schools. A charter school may be formed**
11 **by creating a new school or converting an existing public**
12 **school to charter status. A public school may not use the term**
13 **charter in its name unless it has been approved under this**
14 **section.**

15 **(2) PURPOSE.--The purpose of charter schools shall be**
16 **to:**

17 **(a) Provide additional academic choices for parents**
18 **and students.**

19 **(b) Increase learning opportunity choices for**
20 **students.**

21 **(c) 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 **(d) Encourage the use of different and innovative**
25 **learning methods.**

26 **(e) Improve student learning.**

27 **(f) Establish a new form of accountability for**
28 **schools.**

29 **(g) Require the measurement of learning outcomes and**
30 **create innovative measurement tools.**

31 **(h) Make the school the unit for improvement.**

1 (i) Provide rigorous competition within the public
2 school district to stimulate continual improvement in all
3 public schools.
4 (j) Expand the capacity of the public school system.
5 (k) Create new professional opportunities for
6 teachers.
7 (3) APPLICATION FOR CHARTER STATUS.--
8 (a) An application for a new charter school may be
9 made by an individual, teachers, parents, a group of
10 individuals, a municipality, or a legal entity organized under
11 the laws of this state.
12 (b) An application for a conversion charter school
13 shall be made by the district school board, the principal,
14 teachers, parents, and/or the school advisory council at an
15 existing public school that has been in operation for at least
16 2 years prior to the application to convert, including a
17 public school-within-a-school that is designated as a school
18 by the district school board. An application submitted
19 proposing to convert an existing public school to a charter
20 school shall demonstrate the support of at least 50 percent of
21 the teachers employed at the school and 50 percent of the
22 parents voting whose children are enrolled at the school,
23 provided that a majority of the parents eligible to vote
24 participate in the ballot process, according to rules adopted
25 by the State Board of Education. A district school board
26 denying an application for a conversion charter school shall
27 provide notice of denial to the applicants in writing within
28 30 days after the meeting at which the district school board
29 denied the application. The notice must specify the exact
30 reasons for denial and must provide documentation supporting
31 those reasons. A private school, parochial school, or home

1 education program shall not be eligible for charter school
2 status.
3 (4) UNLAWFUL REPRISAL.--
4 (a) No district school board, or district school board
5 employee who has control over personnel actions, shall take
6 unlawful reprisal against another district school board
7 employee because that employee is either directly or
8 indirectly involved with an application to establish a charter
9 school. As used in this subsection, the term "unlawful
10 reprisal" means an action taken by a district school board or
11 a school system employee against an employee who is directly
12 or indirectly involved in a lawful application to establish a
13 charter school, which occurs as a direct result of that
14 involvement, and which results in one or more of the
15 following: disciplinary or corrective action; adverse transfer
16 or reassignment, whether temporary or permanent; suspension,
17 demotion, or dismissal; an unfavorable performance evaluation;
18 a reduction in pay, benefits, or rewards; elimination of the
19 employee's position absent of a reduction in workforce as a
20 result of lack of moneys or work; or other adverse significant
21 changes in duties or responsibilities that are inconsistent
22 with the employee's salary or employment classification. The
23 following procedures shall apply to an alleged unlawful
24 reprisal that occurs as a consequence of an employee's direct
25 or indirect involvement with an application to establish a
26 charter school:
27 1. Within 60 days after the date upon which a reprisal
28 prohibited by this subsection is alleged to have occurred, an
29 employee may file a complaint with the Department of
30 Education.
31

1 2. Within 3 working days after receiving a complaint
2 under this section, the Department of Education shall
3 acknowledge receipt of the complaint and provide copies of the
4 complaint and any other relevant preliminary information
5 available to each of the other parties named in the complaint,
6 which parties shall each acknowledge receipt of such copies to
7 the complainant.

8 3. If the Department of Education determines that the
9 complaint demonstrates reasonable cause to suspect that an
10 unlawful reprisal has occurred, the Department of Education
11 shall conduct an investigation to produce a fact-finding
12 report.

13 4. Within 90 days after receiving the complaint, the
14 Department of Education shall provide the district school
15 superintendent of the complainant's district and the
16 complainant with a fact-finding report that may include
17 recommendations to the parties or a proposed resolution of the
18 complaint. The fact-finding report shall be presumed
19 admissible in any subsequent or related administrative or
20 judicial review.

21 5. If the Department of Education determines that
22 reasonable grounds exist to believe that an unlawful reprisal
23 has occurred, is occurring, or is to be taken, and is unable
24 to conciliate a complaint within 60 days after receipt of the
25 fact-finding report, the Department of Education shall
26 terminate the investigation. Upon termination of any
27 investigation, the Department of Education shall notify the
28 complainant and the district school superintendent of the
29 termination of the investigation, providing a summary of
30 relevant facts found during the investigation and the reasons
31 for terminating the investigation. A written statement under

1 this paragraph is presumed admissible as evidence in any
2 judicial or administrative proceeding.

3 6. The Department of Education shall either contract
4 with the Division of Administrative Hearings under s. 120.65,
5 or otherwise provide for a complaint for which the Department
6 of Education determines reasonable grounds exist to believe
7 that an unlawful reprisal has occurred, is occurring, or is to
8 be taken, and is unable to conciliate, to be heard by a panel
9 of impartial persons. Upon hearing the complaint, the panel
10 shall make findings of fact and conclusions of law for a final
11 decision by the Department of Education.

12

13 It shall be an affirmative defense to any action brought
14 pursuant to this section that the adverse action was
15 predicated upon grounds other than, and would have been taken
16 absent, the employee's exercise of rights protected by this
17 section.

18 (b) In any action brought under this section for which
19 it is determined reasonable grounds exist to believe that an
20 unlawful reprisal has occurred, is occurring, or is to be
21 taken, the relief shall include the following:

22 1. Reinstatement of the employee to the same position
23 held before the unlawful reprisal was commenced, or to an
24 equivalent position, or payment of reasonable front pay as
25 alternative relief.

26 2. Reinstatement of the employee's full fringe
27 benefits and seniority rights, as appropriate.

28 3. Compensation, if appropriate, for lost wages,
29 benefits, or other lost remuneration caused by the unlawful
30 reprisal.

31

1 4. Payment of reasonable costs, including attorney's
2 fees, to a substantially prevailing employee, or to the
3 prevailing employer if the employee filed a frivolous action
4 in bad faith.

5 5. Issuance of an injunction, if appropriate, by a
6 court of competent jurisdiction.

7 6. Temporary reinstatement to the employee's former
8 position or to an equivalent position, pending the final
9 outcome of the complaint, if it is determined that the action
10 was not made in bad faith or for a wrongful purpose, and did
11 not occur after a district school board's initiation of a
12 personnel action against the employee that includes
13 documentation of the employee's violation of a disciplinary
14 standard or performance deficiency.

15 (5) SPONSOR.--

16 (a) A district school board may sponsor a charter
17 school in the county over which the district school board has
18 jurisdiction.

19 (b) A state university may grant a charter to a lab
20 school created under s. 1002.32 and shall be considered to be
21 the school's sponsor. Such school shall be considered a
22 charter lab school.

23 (c) The sponsor shall monitor and review the charter
24 school in its progress towards the goals established in the
25 charter.

26 (d) The sponsor shall monitor the revenues and
27 expenditures of the charter school.

28 (e) The sponsor may approve a charter for a charter
29 school before the applicant has secured space, equipment, or
30 personnel, if the applicant indicates approval is necessary
31 for it to raise working capital.

1 (f) The sponsor's policies shall not apply to a
2 charter school.

3 (g) A sponsor shall ensure that the charter is
4 innovative and consistent with the state education goals
5 established by s. 1000.03(5).

6 (6) APPLICATION PROCESS AND REVIEW.--

7 (a) A district school board shall receive and review
8 all applications for a charter school. A district school board
9 shall receive and consider charter school applications
10 received on or before October 1 of each calendar year for
11 charter schools to be opened at the beginning of the school
12 district's next school year, or to be opened at a time agreed
13 to by the applicant and the district school board. A district
14 school board may receive applications later than this date if
15 it chooses. A sponsor may not charge an applicant for a
16 charter any fee for the processing or consideration of an
17 application, and a sponsor may not base its consideration or
18 approval of an application upon the promise of future payment
19 of any kind.

20 1. In order to facilitate an accurate budget
21 projection process, a district school board shall be held
22 harmless for FTE students who are not included in the FTE
23 projection due to approval of charter school applications
24 after the FTE projection deadline. In a further effort to
25 facilitate an accurate budget projection, within 15 calendar
26 days after receipt of a charter school application, a district
27 school board or other sponsor shall report to the Department
28 of Education the name of the applicant entity, the proposed
29 charter school location, and its projected FTE.

30 2. A district school board shall by a majority vote
31 approve or deny an application no later than 60 calendar days

1 after the application is received, unless the district school
2 board and the applicant mutually agree to temporarily postpone
3 the vote to a specific date, at which time the district school
4 board shall by a majority vote approve or deny the
5 application. If the district school board fails to act on the
6 application, an applicant may appeal to the State Board of
7 Education as provided in paragraph (b). If an application is
8 denied, the district school board shall, within 10 calendar
9 days, articulate in writing the specific reasons based upon
10 good cause supporting its denial of the charter application.

11 3. For budget projection purposes, the district school
12 board or other sponsor shall report to the Department of
13 Education the approval or denial of a charter application
14 within 10 calendar days after such approval or denial. In the
15 event of approval, the report to the Department of Education
16 shall include the final projected FTE for the approved charter
17 school.

18 4. Upon approval of a charter application, the initial
19 startup shall commence with the beginning of the public school
20 calendar for the district in which the charter is granted
21 unless the district school board allows a waiver of this
22 provision for good cause.

23 (b) An applicant may appeal any denial of that
24 applicant's application or failure to act on an application to
25 the State Board of Education no later than 30 calendar days
26 after receipt of the district school board's decision or
27 failure to act and shall notify the district school board of
28 its appeal. Any response of the district school board shall
29 be submitted to the State Board of Education within 30
30 calendar days after notification of the appeal. Upon receipt
31 of notification from the State Board of Education that a

1 charter school applicant is filing an appeal, the Commissioner
2 of Education shall convene a meeting of the Charter School
3 Appeal Commission to study and make recommendations to the
4 State Board of Education regarding its pending decision about
5 the appeal. The commission shall forward its recommendation
6 to the state board no later than 7 calendar days prior to the
7 date on which the appeal is to be heard. The State Board of
8 Education shall by majority vote accept or reject the decision
9 of the district school board no later than 60 calendar days
10 after an appeal is filed in accordance with State Board of
11 Education rule. The Charter School Appeal Commission may
12 reject an appeal submission for failure to comply with
13 procedural rules governing the appeals process. The rejection
14 shall describe the submission errors. The appellant may have
15 up to 15 calendar days from notice of rejection to resubmit an
16 appeal that meets requirements of State Board of Education
17 rule. An application for appeal submitted subsequent to such
18 rejection shall be considered timely if the original appeal
19 was filed within 30 calendar days after receipt of notice of
20 the specific reasons for the district school board's denial of
21 the charter application. The State Board of Education shall
22 remand the application to the district school board with its
23 written decision that the district school board approve or
24 deny the application. The district school board shall
25 implement the decision of the State Board of Education. The
26 decision of the State Board of Education is not subject to the
27 provisions of the Administrative Procedures Act, chapter 120.
28 (c) The district school board shall act upon the
29 decision of the State Board of Education within 30 calendar
30 days after it is received. The State Board of Education's
31 decision is a final action subject to judicial review.

1 (d)1. A Charter School Appeal Commission is
2 established to assist the commissioner and the State Board of
3 Education with a fair and impartial review of appeals by
4 applicants whose charters have been denied or whose charter
5 contracts have not been renewed by their sponsors.

6 2. The Charter School Appeal Commission may receive
7 copies of the appeal documents forwarded to the State Board of
8 Education, review the documents, gather other applicable
9 information regarding the appeal, and make a written
10 recommendation to the commissioner. The recommendation must
11 state whether the appeal should be upheld or denied and
12 include the reasons for the recommendation being offered. The
13 commissioner shall forward the recommendation to the State
14 Board of Education no later than 7 calendar days prior to the
15 date on which the appeal is to be heard. The state board must
16 consider the commission's recommendation in making its
17 decision, but is not bound by the recommendation. The
18 decision of the Charter School Appeal Commission is not
19 subject to the provisions of the Administrative Procedure Act,
20 chapter 120.

21 3. The commissioner shall appoint the members of the
22 Charter School Appeal Commission. Members shall serve without
23 compensation but may be reimbursed for travel and per diem
24 expenses in conjunction with their service. One-half of the
25 members must represent currently operating charter schools and
26 one-half of the members must represent school districts. The
27 commissioner or a named designee shall chair the Charter
28 School Appeal Commission.

29 4. The chair shall convene meetings of the commission
30 and shall ensure that the written recommendations are
31 completed and forwarded in a timely manner. In cases where

1 the commission cannot reach a decision, the chair shall make
2 the written recommendation with justification, noting that the
3 decision was rendered by the chair.

4 5. Commission members shall throughly review the
5 materials presented to them from the appellant and the
6 sponsor. The commission may request information to clarify
7 the documentation presented to it. In the course of its
8 review, the commission may facilitate the postponement of an
9 appeal in those cases where additional time and communication
10 may negate the need for a formal appeal and both parties
11 agree, in writing, to postpone the appeal to the State Board
12 of Education. A new date certain for the appeal shall then be
13 set based upon the rules and procedures of the State Board of
14 Education. Commission members shall provide a written
15 recommendation to the state board as to whether the appeal
16 should be upheld or denied. A fact-based justification for
17 the recommendation must be included. The chair must ensure
18 that the written recommendation is submitted to the State
19 Board of Education members no later than 7 calendar days prior
20 to the date on which the appeal is to be heard. Both parties
21 in the case shall also be provided a copy of the
22 recommendation.

23 (e) The Department of Education may provide technical
24 assistance to an applicant upon written request.

25 (f) In considering charter applications for a lab
26 school, a state university shall consult with the district
27 school board of the county in which the lab school is located.
28 The decision of a state university may be appealed pursuant to
29 the procedure established in this subsection.

30 (g) The terms and conditions for the operation of a
31 charter school shall be set forth by the sponsor and the

1 applicant in a written contractual agreement, called a
2 charter. The sponsor shall not impose unreasonable rules or
3 regulations that violate the intent of giving charter schools
4 greater flexibility to meet educational goals. The applicant
5 and sponsor shall have 6 months in which to mutually agree to
6 the provisions of the charter. The Department of Education
7 shall provide mediation services for any dispute regarding
8 this section subsequent to the approval of a charter
9 application and for any dispute relating to the approved
10 charter, except disputes regarding charter school application
11 denials. If the Commissioner of Education determines that the
12 dispute cannot be settled through mediation, the dispute may
13 be appealed to an administrative law judge appointed by the
14 Division of Administrative Hearings. The administrative law
15 judge may rule on issues of equitable treatment of the charter
16 school as a public school, whether proposed provisions of the
17 charter violate the intended flexibility granted charter
18 schools by statute, or on any other matter regarding this
19 section except a charter school application denial, and shall
20 award the prevailing party reasonable attorney's fees and
21 costs incurred to be paid by the losing party. The costs of
22 the administrative hearing shall be paid by the party whom the
23 administrative law judge rules against.

24 (7) CHARTER.--The major issues involving the operation
25 of a charter school shall be considered in advance and written
26 into the charter. The charter shall be signed by the governing
27 body of the charter school and the sponsor, following a public
28 hearing to ensure community input.

29 (a) The charter shall address, and criteria for
30 approval of the charter shall be based on:

31

- 1 1. The school's mission, the students to be served,
2 and the ages and grades to be included.
- 3 2. The focus of the curriculum, the instructional
4 methods to be used, any distinctive instructional techniques
5 to be employed, and identification and acquisition of
6 appropriate technologies needed to improve educational and
7 administrative performance which include a means for promoting
8 safe, ethical, and appropriate uses of technology which comply
9 with legal and professional standards.
- 10 3. The current incoming baseline standard of student
11 academic achievement, the outcomes to be achieved, and the
12 method of measurement that will be used. The criteria listed
13 in this subparagraph shall include a detailed description for
14 each of the following:
- 15 a. How the baseline student academic achievement
16 levels and prior rates of academic progress will be
17 established.
- 18 b. How these baseline rates will be compared to rates
19 of academic progress achieved by these same students while
20 attending the charter school.
- 21 c. To the extent possible, how these rates of progress
22 will be evaluated and compared with rates of progress of other
23 closely comparable student populations.
- 24
- 25 The district school board is required to provide academic
26 student performance data to charter schools for each of their
27 students coming from the district school system, as well as
28 rates of academic progress of comparable student populations
29 in the district school system.
- 30 4. The methods used to identify the educational
31 strengths and needs of students and how well educational goals

1 and performance standards are met by students attending the
2 charter school. Included in the methods is a means for the
3 charter school to ensure accountability to its constituents by
4 analyzing student performance data and by evaluating the
5 effectiveness and efficiency of its major educational
6 programs. Students in charter schools shall, at a minimum,
7 participate in the statewide assessment program created under
8 s. 1008.22.

9 5. In secondary charter schools, a method for
10 determining that a student has satisfied the requirements for
11 graduation in s. 1003.43.

12 6. A method for resolving conflicts between the
13 governing body of the charter school and the sponsor.

14 7. The admissions procedures and dismissal procedures,
15 including the school's code of student conduct.

16 8. The ways by which the school will achieve a
17 racial/ethnic balance reflective of the community it serves or
18 within the racial/ethnic range of other public schools in the
19 same school district.

20 9. The financial and administrative management of the
21 school, including a reasonable demonstration of the
22 professional experience or competence of those individuals or
23 organizations applying to operate the charter school or those
24 hired or retained to perform such professional services and
25 the description of clearly delineated responsibilities and the
26 policies and practices needed to effectively manage the
27 charter school. A description of internal audit procedures and
28 establishment of controls to ensure that financial resources
29 are properly managed must be included. Both public sector and
30 private sector professional experience shall be equally valid
31 in such a consideration.

- 1 10. A description of procedures that identify various
2 risks and provide for a comprehensive approach to reduce the
3 impact of losses; plans to ensure the safety and security of
4 students and staff; plans to identify, minimize, and protect
5 others from violent or disruptive student behavior; and the
6 manner in which the school will be insured, including whether
7 or not the school will be required to have liability
8 insurance, and, if so, the terms and conditions thereof and
9 the amounts of coverage.
- 10 11. The term of the charter which shall provide for
11 cancellation of the charter if insufficient progress has been
12 made in attaining the student achievement objectives of the
13 charter and if it is not likely that such objectives can be
14 achieved before expiration of the charter. The initial term of
15 a charter shall be for 3, 4, or 5 years. In order to
16 facilitate access to long-term financial resources for charter
17 school construction, charter schools that are operated by a
18 municipality or other public entity as provided by law are
19 eligible for up to a 15-year charter, subject to approval by
20 the district school board. A charter lab school is eligible
21 for a charter for a term of up to 15 years. In addition, to
22 facilitate access to long-term financial resources for charter
23 school construction, charter schools that are operated by a
24 private, not-for-profit, s. 501(c)(3) status corporation are
25 eligible for up to a 10-year charter, subject to approval by
26 the district school board. Such long-term charters remain
27 subject to annual review and may be terminated during the term
28 of the charter, but only for specific good cause according to
29 the provisions set forth in subsection (8).
- 30 12. The facilities to be used and their location.
31

1 13. The qualifications to be required of the teachers
2 and the potential strategies used to recruit, hire, train, and
3 retain qualified staff to achieve best value.

4 14. The governance structure of the school, including
5 the status of the charter school as a public or private
6 employer as required in paragraph (12)(i).

7 15. A timetable for implementing the charter which
8 addresses the implementation of each element thereof and the
9 date by which the charter shall be awarded in order to meet
10 this timetable.

11 16. In the case of an existing public school being
12 converted to charter status, alternative arrangements for
13 current students who choose not to attend the charter school
14 and for current teachers who choose not to teach in the
15 charter school after conversion in accordance with the
16 existing collective bargaining agreement or district school
17 board rule in the absence of a collective bargaining
18 agreement. However, alternative arrangements shall not be
19 required for current teachers who choose not to teach in a
20 charter lab school, except as authorized by the employment
21 policies of the state university which grants the charter to
22 the lab school.

23 (b) A charter may be renewed every 5 school years,
24 provided that a program review demonstrates that the criteria
25 in paragraph (a) have been successfully accomplished and that
26 none of the grounds for nonrenewal established by paragraph
27 (8)(a) have been documented. In order to facilitate long-term
28 financing for charter school construction, charter schools
29 operating for a minimum of 2 years and demonstrating exemplary
30 academic programming and fiscal management are eligible for a
31 15-year charter renewal. Such long-term charter is subject to

1 annual review and may be terminated during the term of the
2 charter.
3 (c) A charter may be modified during its initial term
4 or any renewal term upon the recommendation of the sponsor or
5 the charter school governing board and the approval of both
6 parties to the agreement.
7 (8) CAUSES FOR NONRENEWAL OR TERMINATION OF CHARTER.--
8 (a) At the end of the term of a charter, the sponsor
9 may choose not to renew the charter for any of the following
10 grounds:
11 1. Failure to meet the requirements for student
12 performance stated in the charter.
13 2. Failure to meet generally accepted standards of
14 fiscal management.
15 3. Violation of law.
16 4. Other good cause shown.
17 (b) During the term of a charter, the sponsor may
18 terminate the charter for any of the grounds listed in
19 paragraph (a).
20 (c) At least 90 days prior to renewing or terminating
21 a charter, the sponsor shall notify the governing body of the
22 school of the proposed action in writing. The notice shall
23 state in reasonable detail the grounds for the proposed action
24 and stipulate that the school's governing body may, within 14
25 calendar days after receiving the notice, request an informal
26 hearing before the sponsor. The sponsor shall conduct the
27 informal hearing within 30 calendar days after receiving a
28 written request. The charter school's governing body may,
29 within 14 calendar days after receiving the sponsor's decision
30 to terminate or refuse to renew the charter, appeal the
31

1 decision pursuant to the procedure established in subsection
2 (6).

3 (d) A charter may be terminated immediately if the
4 sponsor determines that good cause has been shown or if the
5 health, safety, or welfare of the students is threatened. The
6 school district in which the charter school is located shall
7 assume operation of the school under these circumstances. The
8 charter school's governing board may, within 14 days after
9 receiving the sponsor's decision to terminate the charter,
10 appeal the decision pursuant to the procedure established in
11 subsection (6).

12 (e) When a charter is not renewed or is terminated,
13 the school shall be dissolved under the provisions of law
14 under which the school was organized, and any unencumbered
15 public funds from the charter school shall revert to the
16 district school board. In the event a charter school is
17 dissolved or is otherwise terminated, all district school
18 board property and improvements, furnishings, and equipment
19 purchased with public funds shall automatically revert to full
20 ownership by the district school board, subject to complete
21 satisfaction of any lawful liens or encumbrances. Any
22 unencumbered public funds from the charter school, district
23 school board property and improvements, furnishings, and
24 equipment purchased with public funds, or financial or other
25 records pertaining to the charter school, in the possession of
26 any person, entity, or holding company, other than the charter
27 school, shall be held in trust upon the district school
28 board's request, until any appeal status is resolved.

29 (f) If a charter is not renewed or is terminated, the
30 charter school is responsible for all debts of the charter
31 school. The district may not assume the debt from any contract

1 for services made between the governing body of the school and
2 a third party, except for a debt that is previously detailed
3 and agreed upon in writing by both the district and the
4 governing body of the school and that may not reasonably be
5 assumed to have been satisfied by the district.

6 (g) If a charter is not renewed or is terminated, a
7 student who attended the school may apply to, and shall be
8 enrolled in, another public school. Normal application
9 deadlines shall be disregarded under such circumstances.

10 (9) CHARTER SCHOOL REQUIREMENTS.--

11 (a) A charter school shall be nonsectarian in its
12 programs, admission policies, employment practices, and
13 operations.

14 (b) A charter school shall admit students as provided
15 in subsection (10).

16 (c) A charter school shall be accountable to its
17 sponsor for performance as provided in subsection (7).

18 (d) A charter school shall not charge tuition or
19 registration fees, except those fees normally charged by other
20 public schools. However, a charter lab school may charge a
21 student activity and service fee as authorized by s.
22 1002.32(5).

23 (e) A charter school shall meet all applicable state
24 and local health, safety, and civil rights requirements.

25 (f) A charter school shall not violate the
26 antidiscrimination provisions of s. 1000.05.

27 (g) A charter school shall provide for an annual
28 financial audit in accordance with s. 218.39.

29 (h) No organization shall hold more than 15 charters
30 statewide.

31

1 (i) In order to provide financial information that is
2 comparable to that reported for other public schools, charter
3 schools are to maintain all financial records which constitute
4 their accounting system:

5 1. In accordance with the accounts and codes
6 prescribed in the most recent issuance of the publication
7 titled "Financial and Program Cost Accounting and Reporting
8 for Florida Schools"; or

9 2. At the discretion of the charter school governing
10 board, a charter school may elect to follow generally accepted
11 accounting standards for not-for-profit organizations, but
12 must reformat this information for reporting according to this
13 paragraph.

14
15 Charter schools are to provide annual financial report and
16 program cost report information in the state-required formats
17 for inclusion in district reporting in compliance with s.
18 1011.60(1). Charter schools that are operated by a
19 municipality or are a component unit of a parent nonprofit
20 organization may use the accounting system of the municipality
21 or the parent, but must reformat this information for
22 reporting according to this paragraph.

23 (j) The governing board of the charter school shall
24 annually adopt and maintain an operating budget.

25 (k) The governing body of the charter school shall
26 exercise continuing oversight over charter school operations
27 and make annual progress reports to its sponsor, which upon
28 verification shall be forwarded to the Commissioner of
29 Education at the same time as other annual school
30 accountability reports. The report shall contain at least the
31 following information:

1 1. The charter school's progress towards achieving the
2 goals outlined in its charter.
3 2. The information required in the annual school
4 report pursuant to s. 1008.345.
5 3. Financial records of the charter school, including
6 revenues and expenditures.
7 4. Salary and benefit levels of charter school
8 employees.
9 (l) A charter school shall not levy taxes or issue
10 bonds secured by tax revenues.
11 (m) A charter school shall provide instruction for at
12 least the number of days required by law for other public
13 schools, and may provide instruction for additional days.
14 (10) ELIGIBLE STUDENTS.--
15 (a) A charter school shall be open to any student
16 covered in an interdistrict agreement or residing in the
17 school district in which the charter school is located;
18 however, in the case of a charter lab school, the charter lab
19 school shall be open to any student eligible to attend the lab
20 school as provided in s. 1002.32 or who resides in the school
21 district in which the charter lab school is located. Any
22 eligible student shall be allowed interdistrict transfer to
23 attend a charter school when based on good cause.
24 (b) The charter school shall enroll an eligible
25 student who submits a timely application, unless the number of
26 applications exceeds the capacity of a program, class, grade
27 level, or building. In such case, all applicants shall have an
28 equal chance of being admitted through a random selection
29 process.
30
31

1 (c) When a public school converts to charter status,
2 enrollment preference shall be given to students who would
3 have otherwise attended that public school.

4 (d) A charter school may give enrollment preference to
5 the following student populations:

6 1. Students who are siblings of a student enrolled in
7 the charter school.

8 2. Students who are the children of a member of the
9 governing board of the charter school.

10 3. Students who are the children of an employee of the
11 charter school.

12 (e) A charter school may limit the enrollment process
13 only to target the following student populations:

14 1. Students within specific age groups or grade
15 levels.

16 2. Students considered at risk of dropping out of
17 school or academic failure. Such students shall include
18 exceptional education students.

19 3. Students enrolling in a charter
20 school-in-the-workplace or charter school-in-a-municipality
21 established pursuant to subsection (16).

22 4. Students residing within a reasonable distance of
23 the charter school, as described in paragraph (21)(c). Such
24 students shall be subject to a random lottery and to the
25 racial/ethnic balance provisions described in subparagraph
26 (7)(a)8. or any federal provisions that require a school to
27 achieve a racial/ethnic balance reflective of the community it
28 serves or within the racial/ethnic range of other public
29 schools in the same school district.

30 5. Students who meet reasonable academic, artistic, or
31 other eligibility standards established by the charter school

1 and included in the charter school application and charter or,
2 in the case of existing charter schools, standards that are
3 consistent with the school's mission and purpose. Such
4 standards shall be in accordance with current state law and
5 practice in public schools and may not discriminate against
6 otherwise qualified individuals.

7 6. Students articulating from one charter school to
8 another pursuant to an articulation agreement between the
9 charter schools that has been approved by the sponsor.

10 (f) Students with handicapping conditions and students
11 served in English for Speakers of Other Languages programs
12 shall have an equal opportunity of being selected for
13 enrollment in a charter school.

14 (g) A student may withdraw from a charter school at
15 any time and enroll in another public school as determined by
16 district school board rule.

17 (h) The capacity of the charter school shall be
18 determined annually by the governing board, in conjunction
19 with the sponsor, of the charter school in consideration of
20 the factors identified in this subsection.

21 (11) PARTICIPATION IN INTERSCHOLASTIC EXTRACURRICULAR
22 ACTIVITIES.--A charter school student is eligible to
23 participate in an interscholastic extracurricular activity at
24 the public school to which the student would be otherwise
25 assigned to attend pursuant to s. 1006.15(3)(d).

26 (12) EMPLOYEES OF CHARTER SCHOOLS.--

27 (a) A charter school shall select its own employees. A
28 charter school may contract with its sponsor for the services
29 of personnel employed by the sponsor.

30 (b) Charter school employees shall have the option to
31 bargain collectively. Employees may collectively bargain as a

1 separate unit or as part of the existing district collective
2 barqaining unit as determined by the structure of the charter
3 school.

4 (c) The employees of a conversion charter school shall
5 remain public employees for all purposes, unless such
6 employees choose not to do so.

7 (d) The teachers at a charter school may choose to be
8 part of a professional group that subcontracts with the
9 charter school to operate the instructional program under the
10 auspices of a partnership or cooperative that they
11 collectively own. Under this arrangement, the teachers would
12 not be public employees.

13 (e) Employees of a school district may take leave to
14 accept employment in a charter school upon the approval of the
15 district school board. While employed by the charter school
16 and on leave that is approved by the district school board,
17 the employee may retain seniority accrued in that school
18 district and may continue to be covered by the benefit
19 programs of that school district, if the charter school and
20 the district school board agree to this arrangement and its
21 financing. School districts shall not require resignations of
22 teachers desiring to teach in a charter school. This paragraph
23 shall not prohibit a district school board from approving
24 alternative leave arrangements consistent with chapter 1012.

25 (f) Teachers employed by or under contract to a
26 charter school shall be certified as required by chapter 1012.
27 A charter school governing board may employ or contract with
28 skilled selected noncertified personnel to provide
29 instructional services or to assist instructional staff
30 members as education paraprofessionals in the same manner as
31 defined in chapter 1012, and as provided by State Board of

1 Education rule for charter school governing boards. A charter
2 school may not knowingly employ an individual to provide
3 instructional services or to serve as an education
4 paraprofessional if the individual's certification or
5 licensure as an educator is suspended or revoked by this or
6 any other state. A charter school may not knowingly employ an
7 individual who has resigned from a school district in lieu of
8 disciplinary action with respect to child welfare or safety,
9 or who has been dismissed for just cause by any school
10 district with respect to child welfare or safety. The
11 qualifications of teachers shall be disclosed to parents.

12 (g) A charter school shall employ or contract with
13 employees who have been fingerprinted as provided in s.
14 1012.32. Members of the governing board of the charter school
15 shall also be fingerprinted in a manner similar to that
16 provided in s. 1012.32.

17 (h) For the purposes of tort liability, the governing
18 body and employees of a charter school shall be governed by s.
19 768.28.

20 (i) A charter school shall organize as, or be operated
21 by, a nonprofit organization. A charter school may be operated
22 by a municipality or other public entity as provided for by
23 law. As such, the charter school may be either a private or a
24 public employer. As a public employer, a charter school may
25 participate in the Florida Retirement System upon application
26 and approval as a "covered group" under s. 121.021(34). If a
27 charter school participates in the Florida Retirement System,
28 the charter school employees shall be compulsory members of
29 the Florida Retirement System. As either a private or a public
30 employer, a charter school may contract for services with an
31 individual or group of individuals who are organized as a

1 partnership or a cooperative. Individuals or groups of
2 individuals who contract their services to the charter school
3 are not public employees.

4 (13) NUMBER OF SCHOOLS.--

5 (a) The number of newly created charter schools is
6 limited to no more than 28 in each school district that has
7 100,000 or more students, no more than 20 in each school
8 district that has 50,000 to 99,999 students, and no more than
9 12 in each school district with fewer than 50,000 students.

10 (b) An existing public school which converts to a
11 charter school shall not be counted towards the limit
12 established by paragraph (a).

13 (c) Notwithstanding any limit established by this
14 subsection, a district school board or a charter school
15 applicant shall have the right to request an increase of the
16 limit on the number of charter schools authorized to be
17 established within the district from the State Board of
18 Education.

19 (d) Whenever a municipality has submitted charter
20 applications for the establishment of a charter school feeder
21 pattern (elementary, middle, and senior high schools), and
22 upon approval of each individual charter application by the
23 district school board, such applications shall then be
24 designated as one charter school for all purposes listed
25 pursuant to this section.

26 (14) CHARTER SCHOOL COOPERATIVES.--Charter schools may
27 enter into cooperative agreements to form charter school
28 cooperative organizations that may provide the following
29 services: charter school planning and development, direct
30 instructional services, and contracts with charter school
31 governing boards to provide personnel administrative services,

1 payroll services, human resource management, evaluation and
2 assessment services, teacher preparation, and professional
3 development.
4 (15) CHARTER SCHOOL FINANCIAL ARRANGEMENTS;
5 INDEMNIFICATION OF THE STATE AND SCHOOL DISTRICT; CREDIT OR
6 TAXING POWER NOT TO BE PLEDGED.--Any arrangement entered into
7 to borrow or otherwise secure funds for a charter school
8 authorized in this section from a source other than the state
9 or a school district shall indemnify the state and the school
10 district from any and all liability, including, but not
11 limited to, financial responsibility for the payment of the
12 principal or interest. Any loans, bonds, or other financial
13 agreements are not obligations of the state or the school
14 district but are obligations of the charter school authority
15 and are payable solely from the sources of funds pledged by
16 such agreement. The credit or taxing power of the state or the
17 school district shall not be pledged and no debts shall be
18 payable out of any moneys except those of the legal entity in
19 possession of a valid charter approved by a district school
20 board pursuant to this section.
21 (16) CHARTER SCHOOLS-IN-THE-WORKPLACE; CHARTER
22 SCHOOLS-IN-A-MUNICIPALITY.--
23 (a) In order to increase business partnerships in
24 education, to reduce school and classroom overcrowding
25 throughout the state, and to offset the high costs for
26 educational facilities construction, the Legislature intends
27 to encourage the formation of business partnership schools or
28 satellite learning centers and municipal-operated schools
29 through charter school status.
30 (b) A charter school-in-the-workplace may be
31 established when a business partner provides the school

1 facility to be used; enrolls students based upon a random
2 lottery that involves all of the children of employees of that
3 business or corporation who are seeking enrollment, as
4 provided for in subsection (10); and enrolls students
5 according to the racial/ethnic balance provisions described in
6 subparagraph (7)(a)8. Any portion of a facility used for a
7 public charter school shall be exempt from ad valorem taxes,
8 as provided for in s. 1013.54, for the duration of its use as
9 a public school.

10 (c) A charter school-in-a-municipality designation may
11 be granted to a municipality that possesses a charter; enrolls
12 students based upon a random lottery that involves all of the
13 children of the residents of that municipality who are seeking
14 enrollment, as provided for in subsection (10); and enrolls
15 students according to the racial/ethnic balance provisions
16 described in subparagraph (7)(a)8. Any portion of the land and
17 facility used for a public charter school shall be exempt from
18 ad valorem taxes, as provided for in s. 1013.54, for the
19 duration of its use as a public school.

20 (d) As used in this subsection, the terms "business
21 partner" or "municipality" may include more than one business
22 or municipality to form a charter school-in-the-workplace or
23 charter school-in-a-municipality.

24 (17) EXEMPTION FROM STATUTES.--

25 (a) A charter school shall operate in accordance with
26 its charter and shall be exempt from all statutes in chapters
27 1000-1013. However, a charter school shall be in compliance
28 with the following statutes in chapters 1000-1013:

29 1. Those statutes specifically applying to charter
30 schools, including this section.

31

1 2. Those statutes pertaining to the student assessment
2 program and school grading system.
3 3. Those statutes pertaining to the provision of
4 services to students with disabilities.
5 4. Those statutes pertaining to civil rights,
6 including s. 1000.05, relating to discrimination.
7 5. Those statutes pertaining to student health,
8 safety, and welfare.
9 (b) Additionally, a charter school shall be in
10 compliance with the following statutes:
11 1. Section 286.011, relating to public meetings and
12 records, public inspection, and criminal and civil penalties.
13 2. Chapter 119, relating to public records.
14 (18) FUNDING.--Students enrolled in a charter school,
15 regardless of the sponsorship, shall be funded as if they are
16 in a basic program or a special program, the same as students
17 enrolled in other public schools in the school district.
18 Funding for a charter lab school shall be as provided in s.
19 1002.32.
20 (a) Each charter school shall report its student
21 enrollment to the district school board as required in s.
22 1011.62, and in accordance with the definitions in s. 1011.61.
23 The district school board shall include each charter school's
24 enrollment in the district's report of student enrollment. All
25 charter schools submitting student record information required
26 by the Department of Education shall comply with the
27 Department of Education's guidelines for electronic data
28 formats for such data, and all districts shall accept
29 electronic data that complies with the Department of
30 Education's electronic format.
31

1 (b) The basis for the agreement for funding students
2 enrolled in a charter school shall be the sum of the school
3 district's operating funds from the Florida Education Finance
4 Program as provided in s. 1011.62 and the General
5 Appropriations Act, including gross state and local funds,
6 discretionary lottery funds, and funds from the school
7 district's current operating discretionary millage levy;
8 divided by total funded weighted full-time equivalent students
9 in the school district; multiplied by the weighted full-time
10 equivalent students for the charter school. Charter schools
11 whose students or programs meet the eligibility criteria in
12 law shall be entitled to their proportionate share of
13 categorical program funds included in the total funds
14 available in the Florida Education Finance Program by the
15 Legislature, including transportation. Total funding for each
16 charter school shall be recalculated during the year to
17 reflect the revised calculations under the Florida Education
18 Finance Program by the state and the actual weighted full-time
19 equivalent students reported by the charter school during the
20 full-time equivalent student survey periods designated by the
21 Commissioner of Education.

22 (c) If the district school board is providing programs
23 or services to students funded by federal funds, any eligible
24 students enrolled in charter schools in the school district
25 shall be provided federal funds for the same level of service
26 provided students in the schools operated by the district
27 school board. Pursuant to provisions of 20 U.S.C. 8061 s.
28 10306, all charter schools shall receive all federal funding
29 for which the school is otherwise eligible, including Title I
30 funding, not later than 5 months after the charter school

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1 first opens and within 5 months after any subsequent expansion
2 of enrollment.

3 (d) District school boards shall make every effort to
4 ensure that charter schools receive timely and efficient
5 reimbursement, including processing paperwork required to
6 access special state and federal funding for which they may be
7 eligible. The district school board may distribute funds to a
8 charter school for up to 3 months based on the projected
9 full-time equivalent student membership of the charter school.
10 Thereafter, the results of full-time equivalent student
11 membership surveys shall be used in adjusting the amount of
12 funds distributed monthly to the charter school for the
13 remainder of the fiscal year. The payment shall be issued no
14 later than 10 working days after the district school board
15 receives a distribution of state or federal funds. If a
16 warrant for payment is not issued within 30 working days after
17 receipt of funding by the district school board, the school
18 district shall pay to the charter school, in addition to the
19 amount of the scheduled disbursement, interest at a rate of 1
20 percent per month calculated on a daily basis on the unpaid
21 balance from the expiration of the 30-day period until such
22 time as the warrant is issued.

23 (19) FACILITIES.--

24 (a) A charter school shall utilize facilities which
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, as adopted by the authority in
30 whose jurisdiction the facility is located.

31

1 (b) Any facility, or portion thereof, used to house a
2 charter school whose charter has been approved by the sponsor
3 and the governing board, pursuant to subsection (7), shall be
4 exempt from ad valorem taxes pursuant to s. 196.1983.

5 (c) Charter school facilities shall utilize facilities
6 which comply with the Florida Building Code, pursuant to
7 chapter 553, and the Florida Fire Prevention Code, pursuant to
8 chapter 633.

9 (d) If a district school board facility or property is
10 available because it is surplus, marked for disposal, or
11 otherwise unused, it shall be provided for a charter school's
12 use on the same basis as it is made available to other public
13 schools in the district. A charter school receiving property
14 from the school district may not sell or dispose of such
15 property without written permission of the school district.
16 Similarly, for an existing public school converting to charter
17 status, no rental or leasing fee for the existing facility or
18 for the property normally inventoried to the conversion school
19 may be charged by the district school board to the parents and
20 teachers organizing the charter school. The charter organizers
21 shall agree to reasonable maintenance provisions in order to
22 maintain the facility in a manner similar to district school
23 board standards. The Public Education Capital Outlay
24 maintenance funds or any other maintenance funds generated by
25 the facility operated as a conversion school shall remain with
26 the conversion school.

27 (20) CAPITAL OUTLAY FUNDING.--Charter schools are
28 eligible for capital outlay funds pursuant to s. 1013.62.

29 (21) SERVICES.--

30 (a) A sponsor shall provide certain administrative and
31 educational services to charter schools. These services shall

1 include contract management services, full-time equivalent and
2 data reporting services, exceptional student education
3 administration services, test administration services,
4 processing of teacher certificate data services, and
5 information services. Any administrative fee charged by the
6 sponsor for the provision of services shall be limited to 5
7 percent of the available funds defined in paragraph (18)(b).

8 (b) If goods and services are made available to the
9 charter school through the contract with the school district,
10 they shall be provided to the charter school at a rate no
11 greater than the district's actual cost. To maximize the use
12 of state funds, school districts shall allow charter schools
13 to participate in the sponsor's bulk purchasing program if
14 applicable.

15 (c) Transportation of charter school students shall be
16 provided by the charter school consistent with the
17 requirements of part I.e. of chapter 1006. The governing body
18 of the charter school may provide transportation through an
19 agreement or contract with the district school board, a
20 private provider, or parents. The charter school and the
21 sponsor shall cooperate in making arrangements that ensure
22 that transportation is not a barrier to equal access for all
23 students residing within a reasonable distance of the charter
24 school as determined in its charter.

25 (22) PUBLIC INFORMATION ON CHARTER SCHOOLS.--The
26 Department of Education shall provide information to the
27 public, directly and through sponsors, both on how to form and
28 operate a charter school and on how to enroll in charter
29 schools once they are created. This information shall include
30 a standard application format which shall include the

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1 information specified in subsection (7). This application
2 format may be used by chartering entities.

3 (23) CHARTER SCHOOL REVIEW PANEL AND LEGISLATIVE
4 REVIEW.--

5 (a) The Department of Education shall regularly
6 convene a Charter School Review Panel in order to review
7 issues, practices, and policies regarding charter schools. The
8 composition of the review panel shall include individuals with
9 experience in finance, administration, law, education, and
10 school governance, and individuals familiar with charter
11 school construction and operation. The panel shall include two
12 appointees each from the Commissioner of Education, the
13 President of the Senate, and the Speaker of the House of
14 Representatives. The Governor shall appoint three members of
15 the panel and shall designate the chair. Each member of the
16 panel shall serve a 1-year term, unless renewed by the office
17 making the appointment. The panel shall make recommendations
18 to the Legislature, to the Department of Education, to charter
19 schools, and to school districts for improving charter school
20 operations and oversight and for ensuring best business
21 practices at and fair business relationships with charter
22 schools.

23 (b) The Legislature shall review the operation of
24 charter schools during the 2005 Regular Session of the
25 Legislature.

26 (24) ANALYSIS OF CHARTER SCHOOL PERFORMANCE.--Upon
27 receipt of the annual report required by paragraph (9)(k), the
28 Department of Education shall provide to the State Board of
29 Education, the Commissioner of Education, the President of the
30 Senate, and the Speaker of the House of Representatives an
31 analysis and comparison of the overall performance of charter

1 school students, to include all students whose scores are
2 counted as part of the statewide assessment program, versus
3 comparable public school students in the district as
4 determined by the statewide assessment program currently
5 administered in the school district, and other assessments
6 administered pursuant to s. 1008.22(3).
7 (25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--
8 (a) The conversion charter school pilot program is
9 hereby established with the intent to provide incentives for
10 local school districts to approve conversion charter schools.
11 (b) The conversion charter school pilot program shall
12 be a statewide pilot program in which 10 schools shall be
13 selected based on a competitive application process in
14 accordance with this section.
15 (c) The purpose of the pilot program is to produce
16 significant improvements in student achievement and school
17 management, to encourage and measure the use of innovative
18 learning methods, and to make the school the unit for
19 improvement.
20 (d) Each school principal or a majority of the parents
21 of students attending the school, a majority of the school's
22 teachers, or a majority of the members of the school advisory
23 council may apply to the school district to participate in
24 this pilot program on forms which shall be provided by the
25 Department of Education. The forms shall include
26 acknowledgment by the school principal of applicable
27 provisions of this section and s. 1013.62. For purposes of
28 this paragraph, "a majority of the parents of students
29 attending the school" means more than 50 percent of the
30 parents voting whose children are enrolled at the school,
31 provided that a majority of the parents eligible to vote

1 participate in the ballot process; and "a majority of the
2 school's teachers" means more than 50 percent of the teachers
3 employed at the school, according to procedures established by
4 rule of the State Board of Education pursuant to subsections
5 (3) and (4).

6 (e) A person or group who has applied to participate
7 in the pilot program created by this section, pursuant to
8 paragraph (d), shall not be subject to an unlawful reprisal,
9 as defined by paragraph (4)(a), as a consequence of such
10 application. The procedures established by subsections (3) and
11 (4) shall apply to any alleged unlawful reprisal which occurs
12 as a consequence of such application.

13 (f) A district school board shall receive and review
14 all applications by school principals, parents, teachers, or
15 school advisory council members to participate in the pilot
16 project; shall select the best applications; and shall submit
17 these applications, together with the district school board's
18 letter of endorsement and commitment of support and
19 cooperation toward the success of program implementation, for
20 review by the statewide selection panel established pursuant
21 to paragraph (g).

22 (g) A conversion charter school pilot program
23 statewide selection panel is established. The panel shall be
24 comprised of the following nine members who are not elected
25 public officials:

- 26 1. Three members shall be appointed by the Governor.
27 2. Two members shall be appointed by the Commissioner
28 of Education.
29 3. Two members shall be appointed by the President of
30 the Senate.

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1 4. Two members shall be appointed by the Speaker of
2 the House of Representatives.

3
4 The panel shall review the conversion charter school pilot
5 program applications submitted by the district school boards
6 and shall select the 10 applications which the panel deems
7 best comply with the purpose of the program pursuant to
8 paragraph (c).

9 (h) Each district school board in which there is a
10 school selected by the statewide panel for participation in
11 the pilot program shall receive a grant as provided in the
12 General Appropriations Act:

13 1. One hundred thousand dollars for planning and
14 development for each conversion charter school selected; and

15 2.a. Eighty thousand dollars for each conversion
16 charter school selected with 500 or fewer students;

17 b. One hundred thousand dollars for each conversion
18 charter school selected with more than 500 but fewer than
19 1,001 students; or

20 c. One hundred twenty thousand dollars for each
21 conversion charter school selected with more than 1,000
22 students.

23
24 The Commissioner of Education may reduce the district's FEFP
25 funding entitlement by the amount of the grant awarded under
26 this subsection if he or she determines that the district has
27 failed to comply with its letter of endorsement and commitment
28 of support and cooperation submitted under paragraph (f).

29 (i) Each conversion charter school selected for
30 participation in the pilot program shall make annual progress
31 reports to the district school board and the Commissioner of

1 Education detailing the school's progress in achieving the
2 purpose of the program as described in paragraph (c).

3 (26) RULEMAKING.--The Department of Education, after
4 consultation with school districts and charter school
5 directors, shall recommend that the State Board of Education
6 adopt rules to implement specific subsections of this section.
7 Such rules shall require minimum paperwork and shall not limit
8 charter school flexibility authorized by statute.

9 Section 99. Section 1002.34, Florida Statutes, is
10 created to read:

11 1002.34 Charter technical career centers.--

12 (1) AUTHORIZATION.--The Legislature finds that the
13 establishment of charter technical career centers can assist
14 in promoting advances and innovations in workforce preparation
15 and economic development. A charter technical career center
16 may provide a learning environment that better serves the
17 needs of a specific population group or a group of
18 occupations, thus promoting diversity and choices within the
19 public education and public postsecondary technical education
20 community in this state. Therefore, the creation of such
21 centers is authorized as part of the state's program of public
22 education. A charter technical career center may be formed by
23 creating a new school or converting an existing school
24 district or community college program to charter technical
25 status.

26 (2) PURPOSE.--The purpose of a charter technical
27 career center is to:

28 (a) Develop a competitive workforce to support local
29 business and industry and economic development.

30 (b) Create a training and education model that is
31 reflective of marketplace realities.

1 (c) Offer a continuum of career educational
2 opportunities using a school-to-work, tech-prep, technical,
3 academy, and magnet school model.
4 (d) Provide career pathways for lifelong learning and
5 career mobility.
6 (e) Enhance career and technical training.
7 (3) DEFINITIONS.--As used in this section, the term:
8 (a) "Charter technical career center" or "center"
9 means a public school or a public technical center operated
10 under a charter granted by a district school board or
11 community college board of trustees or a consortium, including
12 one or more district school boards and community college
13 boards of trustees, that includes the district in which the
14 facility is located, that is nonsectarian in its programs,
15 admission policies, employment practices, and operations, and
16 is managed by a board of directors.
17 (b) "Sponsor" means a district school board, a
18 community college board of trustees, or a consortium of one or
19 more of each.
20 (4) CHARTER.--A sponsor may designate centers as
21 provided in this section. An application to establish a
22 center may be submitted by a sponsor or another organization
23 that is determined, by rule of the State Board of Education,
24 to be appropriate. However, an independent school is not
25 eligible for status as a center. The charter must be signed
26 by the governing body of the center and the sponsor, and must
27 be approved by the district school board and community college
28 board of trustees in whose geographic region the facility is
29 located. If a charter technical career center is established
30 by the conversion to charter status of a public technical
31 center formerly governed by a district school board, the

1 charter status of that center takes precedence in any question
2 of governance. The governance of the center or of any program
3 within the center remains with its board of directors unless
4 the board agrees to a change in governance or its charter is
5 revoked as provided in subsection (15). Such a conversion
6 charter technical career center is not affected by a change in
7 the governance of public technical centers or of programs
8 within other centers that are or have been governed by
9 district school boards. A charter technical career center, or
10 any program within such a center, that was governed by a
11 district school board and transferred to a community college
12 prior to the effective date of this act is not affected by
13 this provision. An applicant who wishes to establish a center
14 must submit to the district school board or community college
15 board of trustees, or a consortium of one or more of each, an
16 application that includes:
17 (a) The name of the proposed center.
18 (b) The proposed structure of the center, including a
19 list of proposed members of the board of directors or a
20 description of the qualifications for and method of their
21 appointment or election.
22 (c) The workforce development goals of the center, the
23 curriculum to be offered, and the outcomes and the methods of
24 assessing the extent to which the outcomes are met.
25 (d) The admissions policy and criteria for evaluating
26 the admission of students.
27 (e) A description of the staff responsibilities and
28 the proposed qualifications of the teaching staff.
29 (f) A description of the procedures to be implemented
30 to ensure significant involvement of representatives of
31 business and industry in the operation of the center.

1 (g) A method for determining whether a student has
2 satisfied the requirements for graduation specified in s.
3 1003.43 and for completion of a postsecondary certificate or
4 degree.

5 (h) A method for granting secondary and postsecondary
6 diplomas, certificates, and degrees.

7 (i) A description of and address for the physical
8 facility in which the center will be located.

9 (j) A method of resolving conflicts between the
10 governing body of the center and the sponsor and between
11 consortium members, if applicable.

12 (k) A method for reporting student data as required by
13 law and rule.

14 (l) Other information required by the district school
15 board or community college board of trustees.

16

17 Students at a center must meet the same testing and academic
18 performance standards as those established by law and rule for
19 students at public schools and public technical centers. The
20 students must also meet any additional assessment indicators
21 that are included within the charter approved by the district
22 school board or community college board of trustees.

23 (5) APPLICATION.--An application to establish a center
24 must be submitted by February 1 of the year preceding the
25 school year in which the center will begin operation. The
26 sponsor must review the application and make a final decision
27 on whether to approve the application and grant the charter by
28 March 1, and may condition the granting of a charter on the
29 center's taking certain actions or maintaining certain
30 conditions. Such actions and conditions must be provided to
31 the applicant in writing. The district school board or

1 community college board of trustees is not required to issue a
2 charter to any person.

3 (6) SPONSOR.--A district school board or community
4 college board of trustees or a consortium of one or more of
5 each may sponsor a center in the county in which the board has
6 jurisdiction.

7 (a) A sponsor must review all applications for centers
8 received through at least February 1 of each calendar year for
9 centers to be opened at the beginning of the sponsor's next
10 school year. A sponsor may receive applications later than
11 this date if it so chooses. To facilitate an accurate budget
12 projection process, a sponsor shall be held harmless for FTE
13 students who are not included in the FTE projection due to
14 approval of applications after the FTE projection deadline. A
15 sponsor must, by a majority vote, approve or deny an
16 application no later than 60 days after the application is
17 received. If an application is denied, the sponsor must,
18 within 10 days, notify the applicant in writing of the
19 specific reasons for denial, which must be based upon good
20 cause. Upon approval of a charter application, the initial
21 startup must be consistent with the beginning of the public
22 school or community college calendar for the district in which
23 the charter is granted, unless the sponsor allows a waiver of
24 this provision for good cause.

25 (b) An applicant may appeal any denial of its
26 application to the State Board of Education within 30 days
27 after the sponsor's denial and shall notify the sponsor of its
28 appeal. Any response of the sponsor must be submitted to the
29 state board within 30 days after notification of the appeal.
30 The State Board of Education must, by majority vote, accept or
31 reject the decision of the sponsor no later than 60 days after

1 an appeal is filed, pursuant to State Board of Education rule.
2 The State Board of Education may reject an appeal for failure
3 to comply with procedural rules governing the appeals process,
4 and the rejection must describe the submission errors. The
5 appellant may have up to 15 days after notice of rejection to
6 resubmit an appeal. An application for appeal submitted after
7 a rejection is timely if the original appeal was filed within
8 30 days after the sponsor's denial. The State Board of
9 Education shall remand the application to the sponsor with a
10 written recommendation that the sponsor approve or deny the
11 application, consistent with the state board's decision. The
12 decision of the State Board of Education is not subject to the
13 provisions of chapter 120.

14 (c) The sponsor must act upon the recommendation of
15 the State Board of Education within 30 days after it is
16 received, unless the sponsor determines by competent
17 substantial evidence that approving the state board's
18 recommendation would be contrary to law or the best interests
19 of the students or the community. The sponsor must notify the
20 applicant in writing concerning the specific reasons for its
21 failure to follow the state board's recommendation. The
22 sponsor's action on the state board's recommendation is a
23 final action, subject to judicial review.

24 (d) The Department of Education may provide technical
25 assistance to an applicant upon written request.

26 (e) The terms and conditions for the operation of a
27 center must be agreed to by the sponsor and the applicant in a
28 written contract. The sponsor may not impose unreasonable
29 requirements that violate the intent of giving centers greater
30 flexibility to meet educational goals. The applicant and

31

1 sponsor must reach an agreement on the provisions of the
2 contract or the application is deemed denied.
3 (f) The sponsor shall monitor and review the center's
4 progress towards charter goals and shall monitor the center's
5 revenues and expenditures.
6 (7) LEGAL ENTITY.--A center must organize as a
7 nonprofit organization and adopt a name and corporate seal. A
8 center is a body corporate and politic, with all powers to
9 implement its charter program. The center may:
10 (a) Be a private or a public employer.
11 (b) Sue and be sued, but only to the same extent and
12 upon the same conditions that a public entity can be sued.
13 (c) Acquire real property by purchase, lease, lease
14 with an option to purchase, or gift, to use as a center
15 facility.
16 (d) Receive and disburse funds.
17 (e) Enter into contracts or leases for services,
18 equipment, or supplies.
19 (f) Incur temporary debts in anticipation of the
20 receipt of funds.
21 (g) Solicit and accept gifts or grants for career
22 center purposes.
23 (h) Take any other action that is not inconsistent
24 with this section and rules adopted under this section.
25 (8) ELIGIBLE STUDENTS.--A center must be open to all
26 students as space is available and may not discriminate in
27 admissions policies or practices on the basis of an
28 individual's physical disability or proficiency in English or
29 on any other basis that would be unlawful if practiced by a
30 public school or a community college. A center may establish
31

1 reasonable criteria by which to evaluate prospective students,
2 which criteria must be outlined in the charter.

3 (9) FACILITIES.--A center may be located in any
4 suitable location, including part of an existing public school
5 or community college building, space provided on a public
6 worksite, or a public building. A center's facilities must
7 comply with the State Uniform Building Code for Public
8 Educational Facilities Construction adopted pursuant to s.
9 1013.37, or with applicable state minimum building codes
10 pursuant to chapter 553, and state minimum fire protection
11 codes pursuant to s. 633.025, adopted by the authority in
12 whose jurisdiction the facility is located. If K-12 public
13 school funds are used for construction, the facility must
14 remain on the local school district's Florida Inventory of
15 School Houses (FISH) school building inventory of the district
16 school board and must revert to the district school board if
17 the consortium dissolves and the program is discontinued. If
18 community college public school funds are used for
19 construction, the facility must remain on the local community
20 college's facilities inventory and must revert to the local
21 community college board of trustees if the consortium
22 dissolves and the program is discontinued. The additional
23 student capacity created by the addition of the center to the
24 local school district's FISH may not be calculated in the
25 permanent student capacity for the purpose of determining need
26 or eligibility for state capital outlay funds while the
27 facility is used as a center. If the construction of the
28 center is funded jointly by K-12 public school funds and
29 community college funds, the sponsoring entities must agree,
30 before granting the charter, on the appropriate owner and
31 terms of transfer of the facility if the charter is dissolved.

1 (10) EXEMPTION FROM STATUTES.--

2 (a) A center must operate pursuant to its charter and
3 is exempt from all statutes of the Florida School Code except
4 provisions pertaining to civil rights and to student health,
5 safety, and welfare, or as otherwise required by law.

6 (b) A center must comply with the Florida K-20
7 Education Code with respect to providing services to students
8 with disabilities.

9 (c) A center must comply with the antidiscrimination
10 provisions of s. 1000.05.

11 (11) FUNDING.--

12 (a) Each district school board and community college
13 that sponsors a charter technical career center shall pay
14 directly to the center an amount stated in the charter. State
15 funding shall be generated for the center for its student
16 enrollment and program outcomes as provided in law. A center
17 is eligible for funding from the Florida Workforce Development
18 Education Fund, the Florida Education Finance Program, and the
19 Community College Program Fund, depending upon the programs
20 conducted by the center.

21 (b) A center may receive other state and federal aid,
22 grants, and revenue through the district school board or
23 community college board of trustees.

24 (c) A center may receive gifts and grants from private
25 sources.

26 (d) A center may not levy taxes or issue bonds, but it
27 may charge a student tuition fee consistent with authority
28 granted in its charter and permitted by law.

29 (e) A center shall provide for an annual financial
30 audit in accordance with s. 218.39.

31

1 (f) A center must provide instruction for at least the
2 number of days required by law for other public schools or
3 community colleges, as appropriate, and may provide
4 instruction for additional days.
5 (12) EMPLOYEES OF A CENTER.--
6 (a) A center may select its own employees.
7 (b) A center may contract for services with an
8 individual, partnership, or a cooperative. Such persons
9 contracted with are not public employees.
10 (c) If a center contracts with a public educational
11 agency for services, the terms of employment must follow
12 existing state law and rule and local policies and procedures.
13 (d) The employees of a center may bargain
14 collectively, as a separate unit or as part of the existing
15 district collective bargaining unit, as determined by the
16 structure of the center.
17 (e) As a public employer, a center may participate in:
18 1. The Florida Retirement System upon application and
19 approval as a "covered group" under s. 121.021(34). If a
20 center participates in the Florida Retirement System, its
21 employees are compulsory members of the Florida Retirement
22 System.
23 2. The State Community College System Optional
24 Retirement Program pursuant to s. 1012.875(2), if the charter
25 is granted by a community college that participates in the
26 optional retirement program and meets the eligibility criteria
27 of s. 121.051(2)(c).
28 (f) Teachers who are considered qualified by the
29 career center are exempt from state certification
30 requirements.
31

1 (g) A public school or community college teacher or
2 administrator may take a leave of absence to accept employment
3 in a charter technical career center upon the approval of the
4 school district or community college.

5 (h) An employee who is on a leave of absence under
6 this section may retain seniority accrued in that school
7 district or community college and may continue to be covered
8 by the benefit programs of that district or community college
9 if the center and the district school board or community
10 college board of trustees agree to this arrangement and its
11 financing.

12 (13) BOARD OF DIRECTORS AUTHORITY.--The board of
13 directors of a center may decide matters relating to the
14 operation of the school, including budgeting, curriculum, and
15 operating procedures, subject to the center's charter.

16 (14) ACCOUNTABILITY.--Each center must submit a report
17 to the participating district school board or community
18 college board of trustees by August 1 of each year. The
19 report must be in such form as the sponsor prescribes and must
20 include:

21 (a) A discussion of progress made toward the
22 achievement of the goals outlined in the center's charter.

23 (b) A financial statement setting forth by appropriate
24 categories the revenue and expenditures for the previous
25 school year.

26 (15) TERMS OF THE CHARTER.--The term of an initial
27 charter may not exceed 5 years. Thereafter, the sponsor may
28 renew a charter for a period up to 5 years. The sponsor may
29 refuse to renew a charter or may revoke a charter if the
30 center has not fulfilled a condition imposed under the charter
31 or if the center has violated any provision of the charter.

1 The sponsor may place the center on probationary status to
2 allow the implementation of a remedial plan, after which, if
3 the plan is unsuccessful, the charter may be summarily
4 revoked. The sponsor shall develop procedures and guidelines
5 for the revocation and renewal of a center's charter. The
6 sponsor must give written notice of its intent not to renew
7 the charter at least 12 months before the charter expires. If
8 the sponsor revokes a charter before the scheduled expiration
9 date, the sponsor must provide written notice to the governing
10 board of the center at least 60 days before the date of
11 termination, stating the grounds for the proposed revocation.
12 The governing board of the center may request in writing an
13 informal hearing before the sponsor within 14 days after
14 receiving the notice of revocation. A revocation takes effect
15 at the conclusion of a school year, unless the sponsor
16 determines that earlier revocation is necessary to protect the
17 health, safety, and welfare of students. The sponsor shall
18 monitor and review the center in its progress towards the
19 goals established in the charter and shall monitor the
20 revenues and expenditures of the center.

21 (16) TRANSPORTATION.--The center may provide
22 transportation, pursuant to chapter 1006, through a contract
23 with the district school board or the community college board
24 of trustees, a private provider, or parents of students. The
25 center must ensure that transportation is not a barrier to
26 equal access for all students in grades K-12 residing within a
27 reasonable distance of the facility.

28 (17) IMMUNITY.--For the purposes of tort liability,
29 the governing body and employees of a center are governed by
30 s. 768.28.

31

1 (18) RULES.--The State Board of Education shall adopt
2 rules, pursuant to chapter 120, relating to the implementation
3 of charter technical career centers.

4 (19) EVALUATION; REPORT.--The Commissioner of
5 Education shall provide for an annual comparative evaluation
6 of charter technical career centers and public technical
7 centers. The evaluation may be conducted in cooperation with
8 the sponsor, through private contracts, or by department
9 staff. At a minimum, the comparative evaluation must address
10 the demographic and socioeconomic characteristics of the
11 students served, the types and costs of services provided, and
12 the outcomes achieved. By December 30 of each year, the
13 Commissioner of Education shall submit to the Governor, the
14 President of the Senate, the Speaker of the House of
15 Representatives, and the Senate and House committees that have
16 responsibility for secondary and postsecondary career and
17 technical education a report of the comparative evaluation
18 completed for the previous school year.

19 Section 100. Section 1002.35, Florida Statutes, is
20 created to read:

21 1002.35 New World School of the Arts.--

22 (1) The New World School of the Arts is created as a
23 center of excellence for the performing and visual arts, to
24 serve all of the State of Florida. The school shall offer a
25 program of academic and artistic studies in the visual and
26 performing arts which shall be available to talented high
27 school and college students.

28 (2)(a) For purposes of governance, the New World
29 School of the Arts is assigned to Miami-Dade Community
30 College, the Dade County School District, and one or more
31 universities designated by the State Board of Education. The

1 State Board of Education shall assign to the New World School
2 of the Arts a university partner or partners. In this
3 selection, the State Board of Education shall consider the
4 accreditation status of the core programs. Florida
5 International University, in its capacity as the provider of
6 university services to Dade County, shall be a partner to
7 serve the New World School of the Arts, upon meeting the
8 accreditation criteria. The respective boards shall appoint
9 members to an executive board for administration of the
10 school. The executive board may include community members and
11 shall reflect proportionately the participating institutions.
12 Miami-Dade Community College shall serve as fiscal agent for
13 the school.

14 (b) The New World School of the Arts Foundation is
15 created for the purpose of providing auxiliary financial
16 support for the school's programs, including, but not limited
17 to, the promotion and sponsorship of special events and
18 scholarships. Foundation membership shall be determined by the
19 executive board.

20 (c) The school may affiliate with other public or
21 private educational or arts institutions. The school shall
22 serve as a professional school for all qualified students
23 within appropriations and limitations established by the
24 Legislature and the respective educational institutions.

25 (3) The school shall submit annually a formula-driven
26 budget request to the commissioner and the Legislature. This
27 formula shall be developed in consultation with the Department
28 of Education and staff of the Legislature. However, the actual
29 funding for the school shall be determined by the Legislature
30 in the General Appropriations Act.

31

1 (4) The State Board of Education shall utilize
2 resources, programs, and faculty from the various state
3 universities in planning and providing the curriculum and
4 courses at the New World School of the Arts, drawing on
5 program strengths at each state university.

6 Section 101. Section 1002.36, Florida Statutes, is
7 created to read:

8 1002.36 Florida School for the Deaf and the Blind.--

9 (1) RESPONSIBILITIES.--The Florida School for the Deaf
10 and the Blind is a state-supported residential school for
11 hearing-impaired and visually impaired students in preschool
12 through 12th grade. The school is a part of the state system
13 of public education and shall be funded through the Department
14 of Education. The school shall provide educational programs
15 and support services appropriate to meet the education and
16 related evaluation and counseling needs of hearing-impaired
17 and visually impaired students in the state who meet
18 enrollment criteria. Education services may be provided on an
19 outreach basis for sensory-impaired children ages 0 through 5
20 years and their parents. Graduates of the Florida School for
21 the Deaf and the Blind shall be eligible for the William L.
22 Boyd, IV, Florida Resident Access Grant Program as provided in
23 s. 1009.89.

24 (2) MISSION.--The mission of the Florida School for
25 the Deaf and the Blind is to utilize all available talent,
26 energy, and resources to provide free appropriate public
27 education for eligible sensory-impaired students of Florida.
28 As a school of academic excellence, the school shall strive to
29 provide students an opportunity to maximize their individual
30 potential in a caring, safe, unique learning environment to
31 prepare them to be literate, employable, and independent

1 lifelong learners. The school shall provide outreach services
2 that include collaboration with district school boards and
3 shall encourage input from students, staff, parents, and the
4 community. As a diverse organization, the school shall foster
5 respect and understanding for each individual.

6 (3) AUDITS.--The Auditor General shall audit the
7 Florida School for the Deaf and the Blind as provided in
8 chapter 11.

9 (4) BOARD OF TRUSTEES.--

10 (a) There is hereby created a Board of Trustees for
11 the Florida School for the Deaf and the Blind which shall
12 consist of seven members. Of these seven members, one
13 appointee shall be a blind person and one appointee shall be a
14 deaf person. Each member shall have been a resident of the
15 state for a period of at least 10 years. Their terms of office
16 shall be 4 years. The appointment of the trustees shall be by
17 the Governor with the confirmation of the Senate. The Governor
18 may remove any member for cause and shall fill all vacancies
19 that occur.

20 (b) The board of trustees shall elect a chair
21 annually. The trustees shall be reimbursed for travel expenses
22 as provided in s. 112.061, the accounts of which shall be paid
23 by the Treasurer upon itemized vouchers duly approved by the
24 chair.

25 (c) The board of trustees has authority to adopt rules
26 pursuant to ss. 120.536(1) and 120.54 to implement provisions
27 of law relating to operation of the Florida School for the
28 Deaf and the Blind. Such rules shall be submitted to the State
29 Board of Education for approval or disapproval. If any rule is
30 not disapproved by the State Board of Education within 60 days
31 of its receipt by the State Board of Education, the rule shall

1 be filed immediately with the Department of State. The board
2 of trustees shall act at all times in conjunction with the
3 rules of the State Board of Education.
4 (d) The board of trustees is a body corporate and
5 shall have a corporate seal. Title to any gift, donation, or
6 bequest received by the board of trustees pursuant to
7 subsection (5) shall vest in the board of trustees. Title to
8 all other property and other assets of the Florida School for
9 the Deaf and the Blind shall vest in the State Board of
10 Education, but the board of trustees shall have complete
11 jurisdiction over the management of the school and is invested
12 with full power and authority to appoint a president, faculty,
13 teachers, and other employees and remove the same as in its
14 judgment may be best and fix their compensation; to procure
15 professional services, such as medical, mental health,
16 architectural, engineering, and legal services; to determine
17 eligibility of students and procedure for admission; to
18 provide for the students of the school necessary bedding,
19 clothing, food, and medical attendance and such other things
20 as may be proper for the health and comfort of the students
21 without cost to their parents, except that the board of
22 trustees may set tuition and other fees for nonresidents; to
23 provide for the proper keeping of accounts and records and for
24 budgeting of funds; to enter into contracts; to sue and be
25 sued; to secure public liability insurance; and to do and
26 perform every other matter or thing requisite to the proper
27 management, maintenance, support, and control of the school at
28 the highest efficiency economically possible, the board of
29 trustees taking into consideration the purposes of the
30 establishment.
31

- 1 (e)1. The board of trustees is authorized to receive
2 gifts, donations, and bequests of money or property, real or
3 personal, tangible or intangible, from any person, firm,
4 corporation, or other legal entity. However, the board of
5 trustees may not obligate the state to any expenditure or
6 policy that is not specifically authorized by law.
- 7 2. If the bill of sale, will, trust indenture, deed,
8 or other legal conveyance specifies terms and conditions
9 concerning the use of such money or property, the board of
10 trustees shall observe such terms and conditions.
- 11 3. The board of trustees may deposit outside the State
12 Treasury such moneys as are received as gifts, donations, or
13 bequests and may disburse and expend such moneys, upon its own
14 warrant, for the use and benefit of the Florida School for the
15 Deaf and the Blind and its students, as the board of trustees
16 deems to be in the best interest of the school and its
17 students. Such money or property shall not constitute or be
18 considered a part of any legislative appropriation, and such
19 money shall not be used to compensate any person for engaging
20 in lobbying activities before the House of Representatives or
21 Senate or any committee thereof.
- 22 4. The board of trustees may sell or convey by bill of
23 sale, deed, or other legal instrument any property, real or
24 personal, received as a gift, donation, or bequest, upon such
25 terms and conditions as the board of trustees deems to be in
26 the best interest of the school and its students.
- 27 5. The board of trustees may invest such moneys in
28 securities enumerated under s. 215.47, and in The Common Fund,
29 an Investment Management Fund exclusively for nonprofit
30 educational institutions.
- 31 (f) The board of trustees shall:

- 1 1. Prepare and submit legislative budget requests,
2 including fixed capital outlay requests, in accordance with
3 chapter 216 and s. 1013.60.
- 4 2. Administer and maintain personnel programs for all
5 employees of the board of trustees and the Florida School for
6 the Deaf and the Blind who shall be state employees, including
7 the personnel classification and pay plan established in
8 accordance with ss. 110.205(2)(d) and 216.251(2)(a)2. for
9 academic and academic administrative personnel, the provisions
10 of chapter 110, and the provisions of law that grant authority
11 to the Department of Management Services over such programs
12 for state employees.
- 13 3. Adopt a master plan which specifies the mission and
14 objectives of the Florida School for the Deaf and the Blind.
15 The plan shall include, but not be limited to, procedures for
16 systematically measuring the school's progress toward meeting
17 its objectives, analyzing changes in the student population,
18 and modifying school programs and services to respond to such
19 changes. The plan shall be for a period of 5 years and shall
20 be reviewed for needed modifications every 2 years. The board
21 of trustees shall submit the initial plan and subsequent
22 modifications to the Speaker of the House of Representatives
23 and the President of the Senate.
- 24 4. Seek the advice of the Division of Public Schools
25 within the Department of Education.
- 26 (g) The Board of Trustees for the Florida School for
27 the Deaf and the Blind, located in St. Johns County, shall
28 designate a portion of the school as "The Verle Allyn Pope
29 Complex for the Deaf," in tribute to the late Senator Verle
30 Allyn Pope.
- 31

1 (5) STUDENT AND EMPLOYEE PERSONNEL RECORDS.--The Board
2 of Trustees for the Florida School for the Deaf and the Blind
3 shall provide for the content and custody of student and
4 employee personnel records. Student records shall be subject
5 to the provisions of s. 1002.22. Employee personnel records
6 shall be subject to the provisions of s. 1012.31.

7 (6) LEGAL SERVICES.--The Board of Trustees for the
8 Florida School for the Deaf and the Blind may provide legal
9 services for officers and employees of the board of trustees
10 who are charged with civil or criminal actions arising out of
11 and in the course of the performance of assigned duties and
12 responsibilities. The board of trustees may provide for
13 reimbursement of reasonable expenses for legal services for
14 officers and employees of said board of trustees who are
15 charged with civil or criminal actions arising out of and in
16 the course of the performance of assigned duties and
17 responsibilities upon successful defense by the officer or
18 employee. However, in any case in which the officer or
19 employee pleads guilty or nolo contendere or is found guilty
20 of any such action, the officer or employee shall reimburse
21 the board of trustees for any legal services that the board of
22 trustees may have supplied pursuant to this section. The
23 board of trustees may also reimburse an officer or employee
24 thereof for any judgment that may be entered against him or
25 her in a civil action arising out of and in the course of the
26 performance of his or her assigned duties and
27 responsibilities. Each expenditure by the board of trustees
28 for legal defense of an officer or employee, or for
29 reimbursement pursuant to this section, shall be made at a
30 public meeting with notice pursuant to s. 120.525(1). The
31 providing of such legal services or reimbursement under the

1 conditions described in this subsection is declared to be a
2 school purpose for which school funds may be expended.
3 (7) PERSONNEL SCREENING.--
4 (a) The Board of Trustees of the Florida School for
5 the Deaf and the Blind shall, because of the special trust or
6 responsibility of employees of the school, require all
7 employees and applicants for employment to undergo personnel
8 screening and security background investigations as provided
9 in chapter 435, using the level 2 standards for screening set
10 forth in that chapter, as a condition of employment and
11 continued employment. The cost of a personnel screening and
12 security background investigation for an employee of the
13 school shall be paid by the school. The cost of such a
14 screening and investigation for an applicant for employment
15 may be paid by the school.
16 (b) As a prerequisite for initial and continuing
17 employment at the Florida School for the Deaf and the Blind:
18 1. The applicant or employee shall submit to the
19 Florida School for the Deaf and the Blind a complete set of
20 fingerprints taken by an authorized law enforcement agency or
21 an employee of the Florida School for the Deaf and the Blind
22 who is trained to take fingerprints. The Florida School for
23 the Deaf and the Blind shall submit the fingerprints to the
24 Department of Law Enforcement for state processing and the
25 Federal Bureau of Investigation for federal processing.
26 2.a. The applicant or employee shall attest to the
27 minimum standards for good moral character as contained in
28 chapter 435, using the level 2 standards set forth in that
29 chapter under penalty of perjury.
30 b. New personnel shall be on a probationary status
31 pending a determination of compliance with such minimum

1 standards for good moral character. This paragraph is in
2 addition to any probationary status provided for by Florida
3 law or Florida School for the Deaf and the Blind rules or
4 collective bargaining contracts.

5 3. The Florida School for the Deaf and the Blind shall
6 review the record of the applicant or employee with respect to
7 the crimes contained in s. 435.04 and shall notify the
8 applicant or employee of its findings. When disposition
9 information is missing on a criminal record, it shall be the
10 responsibility of the applicant or employee, upon request of
11 the Florida School for the Deaf and the Blind, to obtain and
12 supply within 30 days the missing disposition information to
13 the Florida School for the Deaf and the Blind. Failure to
14 supply missing information within 30 days or to show
15 reasonable efforts to obtain such information shall result in
16 automatic disqualification of an applicant and automatic
17 termination of an employee.

18 4. After an initial personnel screening and security
19 background investigation, written notification shall be given
20 to the affected employee within a reasonable time prior to any
21 subsequent screening and investigation.

22 (c) The Florida School for the Deaf and the Blind may
23 grant exemptions from disqualification as provided in s.
24 435.07.

25 (d) The Florida School for the Deaf and the Blind may
26 not use the criminal records, private investigator findings,
27 or information reference checks obtained by the school
28 pursuant to this section for any purpose other than
29 determining if a person meets the minimum standards for good
30 moral character for personnel employed by the school. The
31 criminal records, private investigator findings, and

1 information from reference checks obtained by the Florida
2 School for the Deaf and the Blind for determining the moral
3 character of employees of the school are confidential and
4 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
5 I of the State Constitution.

6 (e) It is a misdemeanor of the first degree,
7 punishable as provided in s. 775.082 or s. 775.083, for any
8 person willfully, knowingly, or intentionally to:

9 1. Fail, by false statement, misrepresentation,
10 impersonation, or other fraudulent means, to disclose in any
11 application for voluntary or paid employment a material fact
12 used in making a determination as to such person's
13 qualifications for a position of special trust.

14 2. Use the criminal records, private investigator
15 findings, or information from reference checks obtained under
16 this section or information obtained from such records or
17 findings for purposes other than screening for employment or
18 release such information or records to persons for purposes
19 other than screening for employment.

20 (f) For the purpose of teacher certification, the
21 Florida School for the Deaf and the Blind shall be considered
22 a school district.

23 (8) CAMPUS POLICE.--

24 (a) The Board of Trustees for the Florida School for
25 the Deaf and the Blind is permitted and empowered to employ
26 police officers for the school, who must be designated Florida
27 School for the Deaf and the Blind campus police.

28 (b) Each Florida School for the Deaf and the Blind
29 campus police officer is a law enforcement officer of the
30 state and a conservator of the peace who has the authority to
31 arrest, in accordance with the laws of this state, any person

1 for a violation of state law or applicable county or municipal
2 ordinance if that violation occurs on or in any property or
3 facilities of the school. A campus police officer may also
4 arrest a person off campus for a violation committed on campus
5 after a hot pursuit of that person which began on campus. A
6 campus police officer shall have full authority to bear arms
7 in the performance of the officer's duties and carry out a
8 search pursuant to a search warrant on the campus. Florida
9 School for the Deaf and the Blind campus police, upon request
10 of the sheriff or local police authority, may serve subpoenas
11 or other legal process and may make arrests of persons against
12 whom arrest warrants have been issued or against whom charges
13 have been made for violations of federal or state laws or
14 county or municipal ordinances.

15 (c) The campus police shall promptly deliver all
16 persons arrested and charged with felonies to the sheriff of
17 the county within which the school is located and all persons
18 arrested and charged with misdemeanors to the applicable
19 authority as provided by law, but otherwise to the sheriff of
20 the county in which the school is located.

21 (d) The campus police must meet the minimum standards
22 established by the Criminal Justice Standards and Training
23 Commission of the Department of Law Enforcement and chapter
24 943 for law enforcement officers. Each campus police officer
25 must, before entering into the performance of the officer's
26 duties, take the oath of office established by the board of
27 trustees. The board of trustees may obtain and approve a bond
28 on each campus police officer, conditioned upon the officer's
29 faithful performance of the officer's duties, which bond must
30 be payable to the Governor. The board of trustees may
31 determine the amount of the bond. In determining the amount of

1 the bond, the board may consider the amount of money or
2 property likely to be in the custody of the officer at any one
3 time. The board of trustees must provide a uniform set of
4 identifying credentials to each campus police officer it
5 employs.

6 (e) In performance of any of the powers, duties, and
7 functions authorized by law, campus police have the same
8 rights, protections, and immunities afforded other law
9 enforcement officers.

10 (f) The board of trustees shall adopt rules,
11 including, without limitation, rules for the appointment,
12 employment, and removal of campus police in accordance with
13 the State Career Service System and shall establish in writing
14 a policy manual, that includes, without limitation, procedures
15 for managing routine law enforcement situations and emergency
16 law enforcement situations. The board of trustees shall
17 furnish a copy of the policy manual to each of the campus
18 police officers it employs. A campus police officer appointed
19 by the board of trustees must have completed the training
20 required by the school in the special needs and proper
21 procedures for dealing with students served by the school.

22 (9) REPORT OF CAMPUS CRIME STATISTICS.--

23 (a) The school shall prepare an annual report of
24 statistics of crimes committed on its campus and shall submit
25 the report to the board of trustees and the Commissioner of
26 Education. The data for these reports may be taken from the
27 annual report of the Department of Law Enforcement. The board
28 of trustees shall prescribe the form for submission of these
29 reports.

30 (b) The school shall prepare annually a report of
31 statistics of crimes committed on its campus for the preceding

1 3 years. The school shall give students and prospective
2 students notice that this report is available upon request.
3 Section 102. Section 1002.37, Florida Statutes, is
4 created to read:
5 1002.37 The Florida Virtual School.--
6 (1)(a) The Florida Virtual School is established for
7 the development and delivery of on-line and distance learning
8 education and shall be administratively housed within the
9 Commissioner of Education's Office of Technology and
10 Information Services. The Commissioner of Education shall
11 monitor the school's performance and report its performance to
12 the State Board of Education and the Legislature.
13 (b) The mission of the Florida Virtual School is to
14 provide students with technology-based educational
15 opportunities to gain the knowledge and skills necessary to
16 succeed. The school shall serve any student in the state who
17 meets the profile for success in this educational delivery
18 context and shall give priority to:
19 1. Students who need expanded access to courses in
20 order to meet their educational goals, such as home education
21 students and students in inner-city and rural high schools who
22 do not have access to higher-level courses.
23 2. Students seeking accelerated access in order to
24 obtain a high school diploma at least one semester early.
25 (c) To ensure students are informed of the
26 opportunities offered by the Florida Virtual School, the
27 commissioner shall provide the board of trustees of the
28 Florida Virtual School access to the records of public school
29 students in a format prescribed by the board of trustees.
30
31

1 The board of trustees of the Florida Virtual School shall
2 identify appropriate performance measures and standards based
3 on student achievement that reflect the school's statutory
4 mission and priorities, and shall implement an accountability
5 system for the school that includes assessment of its
6 effectiveness and efficiency in providing quality services
7 that encourage high student achievement, seamless
8 articulation, and maximum access.

9 (2) The Florida Virtual School shall be governed by a
10 board of trustees comprised of seven members appointed by the
11 Governor to 4-year staggered terms. The board of trustees
12 shall be a public agency entitled to sovereign immunity
13 pursuant to s. 768.28, and board members shall be public
14 officers who shall bear fiduciary responsibility for the
15 Florida Virtual School. The board of trustees shall have the
16 following powers and duties:

17 (a)1. The board of trustees shall meet at least 4
18 times each year, upon the call of the chair, or at the request
19 of a majority of the membership.

20 2. The fiscal year for the Florida Virtual School
21 shall be the state fiscal year as provided in s.
22 216.011(1)(o).

23 (b) The board of trustees shall be responsible for the
24 Florida Virtual School's development of a state-of-the-art
25 technology-based education delivery system that is
26 cost-effective, educationally sound, marketable, and capable
27 of sustaining a self-sufficient delivery system through the
28 Florida Education Finance Program, by fiscal year 2003-2004.
29 The school shall collect and report data for all students
30 served and credit awarded. This data shall be segregated by
31 private, public, and home education students by program.

1 Information shall also be collected that reflects any other
2 school in which a virtual school student is enrolled.
3 (c) The board of trustees shall aggressively seek
4 avenues to generate revenue to support its future endeavors,
5 and shall enter into agreements with distance learning
6 providers. The board of trustees may acquire, enjoy, use, and
7 dispose of patents, copyrights, and trademarks and any
8 licenses and other rights or interests thereunder or therein.
9 Ownership of all such patents, copyrights, trademarks,
10 licenses, and rights or interests thereunder or therein shall
11 vest in the state, with the board of trustees having full
12 right of use and full right to retain the revenues derived
13 therefrom. Any funds realized from patents, copyrights,
14 trademarks, or licenses shall be used to support the school's
15 marketing and research and development activities in order to
16 improve courseware and services to its students.
17 (d) The board of trustees shall annually prepare and
18 submit to the State Board of Education a legislative budget
19 request, including funding requests for computers for public
20 school students who do not have access to public school
21 computers, in accordance with chapter 216 and s. 1013.60. The
22 legislative budget request of the Florida Virtual School shall
23 be prepared using the same format, procedures, and timelines
24 required for the submission of the legislative budget of the
25 Department of Education. Nothing in this section shall be
26 construed to guarantee a computer to any individual student.
27 (e) In accordance with law and rules of the State
28 Board of Education, the board of trustees shall administer and
29 maintain personnel programs for all employees of the board of
30 trustees and the Florida Virtual School. The board of trustees
31

1 may adopt rules, policies, and procedures related to the
2 appointment, employment, and removal of personnel.
3 1. The board of trustees shall determine the
4 compensation, including salaries and fringe benefits, and
5 other conditions of employment for such personnel.
6 2. The board of trustees may establish and maintain a
7 personnel loan or exchange program by which persons employed
8 by the board of trustees for the Florida Virtual School as
9 academic administrative and instructional staff may be loaned
10 to, or exchanged with persons employed in like capacities by,
11 public agencies either within or without this state, or by
12 private industry. With respect to public agency employees, the
13 program authorized by this subparagraph shall be consistent
14 with the requirements of part II of chapter 112. The salary
15 and benefits of board of trustees personnel participating in
16 the loan or exchange program shall be continued during the
17 period of time they participate in a loan or exchange program,
18 and such personnel shall be deemed to have no break in
19 creditable or continuous service or employment during such
20 time. The salary and benefits of persons participating in the
21 personnel loan or exchange program who are employed by public
22 agencies or private industry shall be paid by the originating
23 employers of those participants, and such personnel shall be
24 deemed to have no break in creditable or continuous service or
25 employment during such time.
26 3. The employment of all Florida Virtual School
27 academic administrative and instructional personnel shall be
28 subject to rejection for cause by the board of trustees, and
29 shall be subject to policies of the board of trustees relative
30 to certification, tenure, leaves of absence, sabbaticals,
31 remuneration, and such other conditions of employment as the

1 board of trustees deems necessary and proper, not inconsistent
2 with law.

3 4. Each person employed by the board of trustees in an
4 academic administrative or instructional capacity with the
5 Florida Virtual School shall be entitled to a contract as
6 provided by rules of the board of trustees.

7 5. All employees except temporary, seasonal, and
8 student employees may be state employees for the purpose of
9 being eligible to participate in the Florida Retirement System
10 and receive benefits. The classification and pay plan,
11 including terminal leave and other benefits, and any
12 amendments thereto, shall be subject to review and approval by
13 the Department of Management Services and the Executive Office
14 of the Governor prior to adoption. In the event that the board
15 of trustees assumes responsibility for governance pursuant to
16 this section before approval is obtained, employees shall be
17 compensated pursuant to the system in effect for the employees
18 of the fiscal agent.

19 (f) The board of trustees shall establish priorities
20 for admission of students in accordance with paragraph (1)(b).

21 (g) The board of trustees shall establish and
22 distribute to all school districts and high schools in the
23 state procedures for enrollment of students in courses offered
24 by the Florida Virtual School. Such procedures shall be
25 designed to minimize paperwork and fairly resolve the issue of
26 double funding students taking courses online.

27 (h) The board of trustees shall annually submit to the
28 State Board of Education both forecasted and actual
29 enrollments for the Florida Virtual School, according to
30 procedures established by the State Board of Education. At a

31

1 minimum, such procedures must include the number of public,
2 private, and home education students served by district.
3 (i) The board of trustees shall provide for the
4 content and custody of student and employee personnel records.
5 Student records shall be subject to the provisions of s.
6 1002.22. Employee records shall be subject to the provisions
7 of s. 1012.31.
8 (j) The financial records and accounts of the Florida
9 Virtual School shall be maintained under the direction of the
10 board of trustees and under rules adopted by the State Board
11 of Education for the uniform system of financial records and
12 accounts for the schools of the state.
13
14 The Governor shall designate the initial chair of the board of
15 trustees to serve a term of 4 years. Members of the board of
16 trustees shall serve without compensation, but may be
17 reimbursed for per diem and travel expenses pursuant to s.
18 112.061. The board of trustees shall be a body corporate with
19 all the powers of a body corporate and such authority as is
20 needed for the proper operation and improvement of the Florida
21 Virtual School. The board of trustees is specifically
22 authorized to adopt rules, policies, and procedures,
23 consistent with law and rules of the State Board of Education
24 related to governance, personnel, budget and finance,
25 administration, programs, curriculum and instruction, travel
26 and purchasing, technology, students, contracts and grants,
27 and property as necessary for optimal, efficient operation of
28 the Florida Virtual School. Tangible personal property owned
29 by the board of trustees shall be subject to the provisions of
30 chapter 273.
31

1 (3)(a) Until fiscal year 2003-2004, the Commissioner
2 of Education shall include the Florida Virtual School as a
3 grant-in-aid appropriation in the department's legislative
4 budget request to the State Board of Education, the Governor,
5 and the Legislature, subject to any guidelines imposed in the
6 General Appropriations Act.

7 (b) The Orange County District School Board shall be
8 the temporary fiscal agent of the Florida Virtual School.

9 (4) Under no circumstance may the credit of the state
10 be pledged on behalf of the Florida Virtual School.

11 (5) The board of trustees shall annually submit to the
12 Governor, the Legislature, the Commissioner of Education, and
13 the State Board of Education a complete and detailed report
14 setting forth:

15 (a) The operations and accomplishments of the Florida
16 Virtual School.

17 (b) The marketing and operational plan for the Florida
18 Virtual School, including recommendations regarding methods
19 for improving the delivery of education through the Internet
20 and other distance learning technology.

21 (c) The assets and liabilities of the Florida Virtual
22 School at the end of the fiscal year.

23 (d) A copy of an annual financial audit of the
24 accounts and records of the Florida Virtual School, conducted
25 by an independent certified public accountant and performed in
26 accordance with rules adopted by the Auditor General.

27 (e) Recommendations regarding the unit cost of
28 providing services to students. In order to most effectively
29 develop public policy regarding any future funding of the
30 Florida Virtual School, it is imperative that the cost of the
31

1 program is accurately identified. The identified cost of the
2 program must be based on reliable data.

3 (f) Recommendations regarding an accountability
4 mechanism to assess the effectiveness of the services provided
5 by the Florida Virtual School.

6 (6) The State Board of Education may adopt rules it
7 deems necessary to implement reporting requirements for the
8 Florida Virtual School.

9 Section 103. Section 1002.38, Florida Statutes, is
10 created to read:

11 1002.38 Opportunity Scholarship Program.--

12 (1) FINDINGS AND INTENT.--The purpose of this section
13 is to provide enhanced opportunity for students in this state
14 to gain the knowledge and skills necessary for postsecondary
15 education, a technical education, or the world of work. The
16 Legislature recognizes that the voters of the State of
17 Florida, in the November 1998 general election, amended s. 1,
18 Art. IX of the Florida Constitution so as to make education a
19 paramount duty of the state. The Legislature finds that the
20 State Constitution requires the state to provide a uniform,
21 safe, secure, efficient, and high-quality system which allows
22 the opportunity to obtain a high-quality education. The
23 Legislature further finds that a student should not be
24 compelled, against the wishes of the student's parent, to
25 remain in a school found by the state to be failing for 2
26 years in a 4-year period. The Legislature shall make available
27 opportunity scholarships in order to give parents the
28 opportunity for their children to attend a public school that
29 is performing satisfactorily or to attend an eligible private
30 school when the parent chooses to apply the equivalent of the
31 public education funds generated by his or her child to the

1 cost of tuition in the eligible private school as provided in
2 paragraph (6)(a). Eligibility of a private school shall
3 include the control and accountability requirements that,
4 coupled with the exercise of parental choice, are reasonably
5 necessary to secure the educational public purpose, as
6 delineated in subsection (4).
7 (2) OPPORTUNITY SCHOLARSHIP ELIGIBILITY.--A public
8 school student's parent may request and receive from the state
9 an opportunity scholarship for the student to enroll in and
10 attend a private school in accordance with the provisions of
11 this section if:
12 (a)1. By assigned school attendance area or by special
13 assignment, the student has spent the prior school year in
14 attendance at a public school that has been designated
15 pursuant to s. 1008.34 as performance grade category "F,"
16 failing to make adequate progress, and that has had two school
17 years in a 4-year period of such low performance, and the
18 student's attendance occurred during a school year in which
19 such designation was in effect;
20 2. The student has been in attendance elsewhere in the
21 public school system and has been assigned to such school for
22 the next school year; or
23 3. The student is entering kindergarten or first grade
24 and has been notified that the student has been assigned to
25 such school for the next school year.
26 (b) The parent has obtained acceptance for admission
27 of the student to a private school eligible for the program
28 pursuant to subsection (4), and has notified the Department of
29 Education and the school district of the request for an
30 opportunity scholarship no later than July 1 of the first year
31 in which the student intends to use the scholarship.

1
2 The provisions of this section shall not apply to a student
3 who is enrolled in a school operating for the purpose of
4 providing educational services to youth in Department of
5 Juvenile Justice commitment programs. For purposes of
6 continuity of educational choice, the opportunity scholarship
7 shall remain in force until the student returns to a public
8 school or, if the student chooses to attend a private school
9 the highest grade of which is grade 8, until the student
10 matriculates to high school and the public high school to
11 which the student is assigned is an accredited school with a
12 performance grade category designation of "C" or better.
13 However, at any time upon reasonable notice to the Department
14 of Education and the school district, the student's parent may
15 remove the student from the private school and place the
16 student in a public school, as provided in subparagraph
17 (3)(a)2.

18 (3) SCHOOL DISTRICT OBLIGATIONS.--

19 (a) A school district shall, for each student enrolled
20 in or assigned to a school that has been designated as
21 performance grade category "F" for 2 school years in a 4-year
22 period:

23 1. Timely notify the parent of the student as soon as
24 such designation is made of all options available pursuant to
25 this section.

26 2. Offer that student's parent an opportunity to
27 enroll the student in the public school within the district
28 that has been designated by the state pursuant to s. 1008.34
29 as a school performing higher than that in which the student
30 is currently enrolled or to which the student has been
31 assigned, but not less than performance grade category "C."

1 The parent is not required to accept this offer in lieu of
2 requesting a state opportunity scholarship to a private
3 school. The opportunity to continue attending the higher
4 performing public school shall remain in force until the
5 student graduates from high school.

6 (b) The parent of a student enrolled in or assigned to
7 a school that has been designated performance grade category
8 "F" for 2 school years in a 4-year period may choose as an
9 alternative to enroll the student in and transport the student
10 to a higher-performing public school that has available space
11 in an adjacent school district, and that school district shall
12 accept the student and report the student for purposes of the
13 district's funding pursuant to the Florida Education Finance
14 Program.

15 (c) For students in the school district who are
16 participating in the state Opportunity Scholarship Program,
17 the school district shall provide locations and times to take
18 all statewide assessments required pursuant to s. 1008.22.

19 (d) Students with disabilities who are eligible to
20 receive services from the school district under federal or
21 state law, and who participate in this program, remain
22 eligible to receive services from the school district as
23 provided by federal or state law.

24 (e) If for any reason a qualified private school is
25 not available for the student or if the parent chooses to
26 request that the student be enrolled in the higher performing
27 public school, rather than choosing to request the state
28 opportunity scholarship, transportation costs to the higher
29 performing public school shall be the responsibility of the
30 school district. The district may utilize state categorical
31

1 transportation funds or state-appropriated public school
2 choice incentive funds for this purpose.

3 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
4 participate in the Opportunity Scholarship Program, a private
5 school must be a Florida private school, may be sectarian or
6 nonsectarian, and must:

7 (a) Demonstrate fiscal soundness by being in operation
8 for 1 school year or provide the Department of Education with
9 a statement by a certified public accountant confirming that
10 the private school desiring to participate is insured and the
11 owner or owners have sufficient capital or credit to operate
12 the school for the upcoming year serving the number of
13 students anticipated with expected revenues from tuition and
14 other sources that may be reasonably expected. In lieu of such
15 a statement, a surety bond or letter of credit for the amount
16 equal to the opportunity scholarship funds for any quarter may
17 be filed with the department.

18 (b) Notify the Department of Education and the school
19 district in whose service area the school is located of its
20 intent to participate in the program under this section by May
21 1 of the school year preceding the school year in which it
22 intends to participate. The notice shall specify the grade
23 levels and services that the private school has available for
24 the Opportunity Scholarship Program.

25 (c) Comply with the antidiscrimination provisions of
26 42 U.S.C. s. 2000d.

27 (d) Meet state and local health and safety laws and
28 codes.

29 (e) Accept scholarship students on an entirely random
30 and religious-neutral basis without regard to the student's
31 past academic history; however, the private school may give

1 preference in accepting applications to siblings of students
2 who have already been accepted on a random and
3 religious-neutral basis.
4 (f) Be subject to the instruction, curriculum, and
5 attendance criteria adopted by an appropriate nonpublic school
6 accrediting body and be academically accountable to the parent
7 for meeting the educational needs of the student. The private
8 school must furnish a school profile which includes student
9 performance.
10 (g) Employ or contract with teachers who hold a
11 baccalaureate or higher degree, or have at least 3 years of
12 teaching experience in public or private schools, or have
13 special skills, knowledge, or expertise that qualifies them to
14 provide instruction in subjects taught.
15 (h) Comply with all state statutes relating to private
16 schools.
17 (i) Accept as full tuition and fees the amount
18 provided by the state for each student.
19 (j) Agree not to compel any student attending the
20 private school on an opportunity scholarship to profess a
21 specific ideological belief, to pray, or to worship.
22 (k) Adhere to the tenets of its published disciplinary
23 procedures prior to the expulsion of any opportunity
24 scholarship student.
25 (5) OBLIGATION OF PROGRAM PARTICIPATION.--
26 (a) Any student participating in the Opportunity
27 Scholarship Program must remain in attendance throughout the
28 school year, unless excused by the school for illness or other
29 good cause, and must comply fully with the school's code of
30 conduct.
31

1 (b) The parent of each student participating in the
2 Opportunity Scholarship Program must comply fully with the
3 private school's parental involvement requirements, unless
4 excused by the school for illness or other good cause.

5 (c) The parent shall ensure that the student
6 participating in the Opportunity Scholarship Program takes all
7 statewide assessments required pursuant to s. 1008.22.

8 (d) A participant who fails to comply with this
9 subsection shall forfeit the opportunity scholarship.

10 (6) OPPORTUNITY SCHOLARSHIP FUNDING AND PAYMENT.--

11 (a) The maximum opportunity scholarship granted for an
12 eligible student shall be a calculated amount equivalent to
13 the base student allocation in the Florida Education Finance
14 Program multiplied by the appropriate cost factor for the
15 educational program that would have been provided for the
16 student in the district school to which he or she was
17 assigned, multiplied by the district cost differential. In
18 addition, the calculated amount shall include the per-student
19 share of instructional materials funds, technology funds, and
20 other categorical funds as provided for this purpose in the
21 General Appropriations Act.

22 (b) The amount of the opportunity scholarship shall be
23 the calculated amount or the amount of the private school's
24 tuition and fees, whichever is less. Fees eligible shall
25 include textbook fees, lab fees, and other fees related to
26 instruction, including transportation.

27 (c) The school district shall report all students who
28 are attending a private school under this program. The
29 students attending private schools on opportunity scholarships
30 shall be reported separately from those students reported for
31 purposes of the Florida Education Finance Program.

1 (d) The public or private school that provides
2 services to students with disabilities shall receive the
3 weighted funding for such services at the appropriate funding
4 level consistent with the provisions of s. 1011.62(1)(e).

5 (e) For purposes of calculating the opportunity
6 scholarship, a student will be eligible for the amount of the
7 appropriate basic cost factor if:

8 1. The student currently participates in a Group I
9 program funded at the basic cost factor and is not
10 subsequently identified as having a disability; or

11 2. The student currently participates in a Group II
12 program and the parent has chosen a private school that does
13 not provide the additional services funded by the Group II
14 program.

15 (f) Following annual notification on July 1 of the
16 number of participants, the Department of Education shall
17 transfer from each school district's appropriated funds the
18 calculated amount from the Florida Education Finance Program
19 and authorized categorical accounts to a separate account for
20 the Opportunity Scholarship Program for quarterly disbursement
21 to the parents of participating students.

22 (g) Upon proper documentation reviewed and approved by
23 the Department of Education, the Comptroller shall make
24 opportunity scholarship payments in four equal amounts no
25 later than September 1, November 1, February 1, and April 1 of
26 each academic year in which the opportunity scholarship is in
27 force. The initial payment shall be made after Department of
28 Education verification of admission acceptance, and subsequent
29 payments shall be made upon verification of continued
30 enrollment and attendance at the private school. Payment must
31 be by individual warrant made payable to the student's parent

1 and mailed by the Department of Education to the private
2 school of the parent's choice, and the parent shall
3 restrictively endorse the warrant to the private school.

4 (7) LIABILITY.--No liability shall arise on the part
5 of the state based on any grant or use of an opportunity
6 scholarship.

7 (8) RULES.--The State Board of Education may adopt
8 rules pursuant to ss. 120.536(1) and 120.54 to implement the
9 provisions of this section. Rules shall include penalties for
10 noncompliance with subsections (3) and (5). However, the
11 inclusion of eligible private schools within options available
12 to Florida public school students does not expand the
13 regulatory authority of the state, its officers, or any school
14 district to impose any additional regulation of private
15 schools beyond those reasonably necessary to enforce
16 requirements expressly set forth in this section.

17 Section 104. Section 1002.39, Florida Statutes, is
18 created to read:

19 1002.39 The John M. McKay Scholarships for Students
20 with Disabilities Program.--There is established a program
21 that is separate and distinct from the Opportunity Scholarship
22 Program and is named the John M. McKay Scholarships for
23 Students with Disabilities Program, pursuant to this section.

24 (1) THE JOHN M. MCKAY SCHOLARSHIPS FOR STUDENTS WITH
25 DISABILITIES PROGRAM.--The John M. McKay Scholarships for
26 Students with Disabilities Program is established to provide
27 the option to attend a public school other than the one to
28 which assigned, or to provide a scholarship to a private
29 school of choice, for students with disabilities for whom an
30 individual education plan has been written in accordance with
31 rules of the State Board of Education. Students with

1 disabilities include K-12 students who are mentally
2 handicapped, speech and language impaired, deaf or hard of
3 hearing, visually impaired, dual sensory impaired, physically
4 impaired, emotionally handicapped, specific learning disabled,
5 hospitalized or homebound, or autistic.

6 (2) SCHOLARSHIP ELIGIBILITY.--The parent of a public
7 school student with a disability who is dissatisfied with the
8 student's progress may request and receive from the state a
9 John M. McKay Scholarship for the child to enroll in and
10 attend a private school in accordance with this section if:

11 (a) By assigned school attendance area or by special
12 assignment, the student has spent the prior school year in
13 attendance at a Florida public school. Prior school year in
14 attendance means that the student was enrolled and reported by
15 a school district for funding during the preceding October and
16 February Florida Education Finance Program surveys in
17 kindergarten through grade 12.

18 (b) The parent has obtained acceptance for admission
19 of the student to a private school that is eligible for the
20 program under subsection (4) and has notified, in writing, the
21 school district of the request for a scholarship at least 60
22 days prior to the date of the first scholarship payment.

23
24 This section does not apply to a student who is enrolled in a
25 school operating for the purpose of providing educational
26 services to youth in Department of Juvenile Justice commitment
27 programs. For purposes of continuity of educational choice,
28 the scholarship shall remain in force until the student
29 returns to a public school or graduates from high school.
30 However, at any time, the student's parent may remove the
31 student from the private school and place the student in

1 another private school that is eligible for the program under
2 subsection (4) or in a public school as provided in subsection
3 (3).

4 (3) SCHOOL DISTRICT AND DEPARTMENT OF EDUCATION
5 OBLIGATIONS.--

6 (a) A school district shall timely notify the parent
7 of the student of all options available pursuant to this
8 section and offer that student's parent an opportunity to
9 enroll the student in another public school within the
10 district. The parent is not required to accept this offer in
11 lieu of requesting a John M. McKay Scholarship to a private
12 school. However, if the parent chooses the public school
13 option, the student may continue attending a public school
14 chosen by the parent until the student graduates from high
15 school. If the parent chooses a public school consistent with
16 the district school board's choice plan under s. 1002.31, the
17 school district shall provide transportation to the public
18 school selected by the parent. The parent is responsible to
19 provide transportation to a public school chosen that is not
20 consistent with the district school board's choice plan under
21 s. 1002.31.

22 (b) For a student with disabilities who does not have
23 a matrix of services under s. 1011.62(1)(e), the school
24 district must complete a matrix that assigns the student to
25 one of the levels of service as they existed prior to the
26 2000-2001 school year. The school district must complete the
27 matrix of services for any student who is participating in the
28 John M. McKay Scholarships for Students with Disabilities
29 Program and must notify the Department of Education of the
30 student's matrix level within 30 days after receiving
31 notification by the student's parent of intent to participate

1 in the scholarship program. The Department of Education shall
2 notify the private school of the amount of the scholarship
3 within 10 days after receiving the school district's
4 notification of the student's matrix level. Within 10 school
5 days after it receives notification of a parent's intent to
6 apply for a McKay Scholarship, a district school board must
7 notify the student's parent if the matrix has not been
8 completed and provide the parent with the date for completion
9 of the matrix required in this paragraph.

10 (c) If the parent chooses the private school option
11 and the student is accepted by the private school pending the
12 availability of a space for the student, the parent of the
13 student must notify the school district 60 days prior to the
14 first scholarship payment and before entering the private
15 school in order to be eligible for the scholarship when a
16 space becomes available for the student in the private school.

17 (d) The parent of a student may choose, as an
18 alternative, to enroll the student in and transport the
19 student to a public school in an adjacent school district
20 which has available space and has a program with the services
21 agreed to in the student's individual education plan already
22 in place, and that school district shall accept the student
23 and report the student for purposes of the district's funding
24 pursuant to the Florida Education Finance Program.

25 (e) For a student in the district who participates in
26 the John M. McKay Scholarships for Students with Disabilities
27 Program whose parent requests that the student take the
28 statewide assessments under s. 1008.22, the district shall
29 provide locations and times to take all statewide assessments.

30 (f) A school district must notify the Department of
31 Education within 10 days after it receives notification of a

1 parent's intent to apply for a scholarship for a student with
2 a disability. A school district must provide the student's
3 parent with the student's matrix level within 10 school days
4 after its completion.

5 (4) PRIVATE SCHOOL ELIGIBILITY.--To be eligible to
6 participate in the John M. McKay Scholarships for Students
7 with Disabilities Program, a private school must be a Florida
8 private school, may be sectarian or nonsectarian, and must:

9 (a) Demonstrate fiscal soundness by being in operation
10 for 1 school year or provide the Department of Education with
11 a statement by a certified public accountant confirming that
12 the private school desiring to participate is insured and the
13 owner or owners have sufficient capital or credit to operate
14 the school for the upcoming year serving the number of
15 students anticipated with expected revenues from tuition and
16 other sources that may be reasonably expected. In lieu of such
17 a statement, a surety bond or letter of credit for the amount
18 equal to the scholarship funds for any quarter may be filed
19 with the department.

20 (b) Notify the Department of Education of its intent
21 to participate in the program under this section by May 1 of
22 the school year preceding the school year in which it intends
23 to participate. The notice must specify the grade levels and
24 services that the private school has available for students
25 with disabilities who are participating in the scholarship
26 program.

27 (c) Comply with the antidiscrimination provisions of
28 42 U.S.C. s. 2000d.

29 (d) Meet state and local health and safety laws and
30 codes.

31

- 1 (e) Be academically accountable to the parent for
2 meeting the educational needs of the student.
- 3 (f) Employ or contract with teachers who hold
4 baccalaureate or higher degrees, or have at least 3 years of
5 teaching experience in public or private schools, or have
6 special skills, knowledge, or expertise that qualifies them to
7 provide instruction in subjects taught.
- 8 (g) Comply with all state laws relating to general
9 regulation of private schools.
- 10 (h) Adhere to the tenets of its published disciplinary
11 procedures prior to the expulsion of a scholarship student.
- 12 (5) OBLIGATION OF PROGRAM PARTICIPANTS.--
- 13 (a) A parent who applies for a John M. McKay
14 Scholarship is exercising his or her parental option to place
15 his or her child in a private school. The parent must select
16 the private school and apply for the admission of his or her
17 child.
- 18 (b) The parent must have requested the scholarship at
19 least 60 days prior to the date of the first scholarship
20 payment.
- 21 (c) Any student participating in the scholarship
22 program must remain in attendance throughout the school year,
23 unless excused by the school for illness or other good cause,
24 and must comply fully with the school's code of conduct.
- 25 (d) The parent of each student participating in the
26 scholarship program must comply fully with the private
27 school's parental involvement requirements, unless excused by
28 the school for illness or other good cause.
- 29 (e) If the parent requests that the student
30 participating in the scholarship program take all statewide
31 assessments required pursuant to s. 1008.22, the parent is

1 responsible for transporting the student to the assessment
2 site designated by the school district.

3 (f) Upon receipt of a scholarship warrant, the parent
4 to whom the warrant is made must restrictively endorse the
5 warrant to the private school for deposit into the account of
6 the private school.

7 (g) A participant who fails to comply with this
8 subsection forfeits the scholarship.

9 (6) SCHOLARSHIP FUNDING AND PAYMENT.--

10 (a)1. The maximum scholarship granted for an eligible
11 student with disabilities shall be a calculated amount
12 equivalent to the base student allocation in the Florida
13 Education Finance Program multiplied by the appropriate cost
14 factor for the educational program that would have been
15 provided for the student in the district school to which he or
16 she was assigned, multiplied by the district cost
17 differential.

18 2. In addition, a share of the guaranteed allocation
19 for exceptional students shall be determined and added to the
20 calculated amount. The calculation shall be based on the
21 methodology and the data used to calculate the guaranteed
22 allocation for exceptional students for each district in
23 chapter 2000-166, Laws of Florida. Except as provided in
24 subparagraph 3., the calculation shall be based on the
25 student's grade, matrix level of services, and the difference
26 between the 2000-2001 basic program and the appropriate level
27 of services cost factor, multiplied by the 2000-2001 base
28 student allocation and the 2000-2001 district cost
29 differential for the sending district. Also, the calculated
30 amount shall include the per-student share of supplemental
31 academic instruction funds, instructional materials funds,

1 technology funds, and other categorical funds as provided for
2 such purposes in the General Appropriations Act.

3 3. Until the school district completes the matrix
4 required by paragraph (3)(b), the calculation shall be based
5 on the matrix that assigns the student to support level I of
6 service as it existed prior to the 2000-2001 school year.
7 When the school district completes the matrix, the amount of
8 the payment shall be adjusted as needed.

9 (b) The amount of the John M. McKay Scholarship shall
10 be the calculated amount or the amount of the private school's
11 tuition and fees, whichever is less. The amount of any
12 assessment fee required by the participating private school
13 may be paid from the total amount of the scholarship.

14 (c) If the participating private school requires
15 partial payment of tuition prior to the start of the academic
16 year to reserve space for students admitted to the school,
17 that partial payment may be paid by the Department of
18 Education prior to the first quarterly payment of the year in
19 which the John M. McKay Scholarship is awarded, up to a
20 maximum of \$1,000, and deducted from subsequent scholarship
21 payments. If a student decides not to attend the participating
22 private school, the partial reservation payment must be
23 returned to the Department of Education by the participating
24 private school. There is a limit of one reservation payment
25 per student per year.

26 (d) The school district shall report all students who
27 are attending a private school under this program. The
28 students with disabilities attending private schools on John
29 M. McKay Scholarships shall be reported separately from other
30 students reported for purposes of the Florida Education
31 Finance Program.

1 (e) Following notification on July 1, September 1,
2 December 1, or February 1 of the number of program
3 participants, the Department of Education shall transfer, from
4 General Revenue funds only, the amount calculated under
5 paragraph (b) from the school district's total funding
6 entitlement under the Florida Education Finance Program and
7 from authorized categorical accounts to a separate account for
8 the scholarship program for quarterly disbursement to the
9 parents of participating students. When a student enters the
10 scholarship program, the Department of Education must receive
11 all documentation required for the student's participation,
12 including the private school's and student's fee schedules, at
13 least 30 days before the first quarterly scholarship payment
14 is made for the student. The Department of Education may not
15 make any retroactive payments.

16 (f) Upon proper documentation reviewed and approved by
17 the Department of Education, the Comptroller shall make
18 scholarship payments in four equal amounts no later than
19 September 1, November 1, February 1, and April 15 of each
20 academic year in which the scholarship is in force. The
21 initial payment shall be made after Department of Education
22 verification of admission acceptance, and subsequent payments
23 shall be made upon verification of continued enrollment and
24 attendance at the private school. Payment must be by
25 individual warrant made payable to the student's parent and
26 mailed by the Department of Education to the private school of
27 the parent's choice, and the parent shall restrictively
28 endorse the warrant to the private school for deposit into the
29 account of the private school.

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1 (7) LIABILITY.--No liability shall arise on the part
2 of the state based on the award or use of a John M. McKay
3 Scholarship.

4 (8) RULES.--The State Board of Education may adopt
5 rules pursuant to ss. 120.536(1) and 120.54 to administer this
6 section. However, the inclusion of eligible private schools
7 within options available to Florida public school students
8 does not expand the regulatory authority of the state, its
9 officers, or any school district to impose any additional
10 regulation of private schools beyond those reasonably
11 necessary to enforce requirements expressly set forth in this
12 section.

13 Section 105. Part IV of chapter 1002, Florida
14 Statutes, shall be entitled "Home Education, Private Schools,
15 Other Education Options" and shall consist of ss.
16 1002.41-1002.43.

17 Section 106. Section 1002.41, Florida Statutes, is
18 created to read:

19 1002.41 Home education programs.--

20 (1) A "home education program" is defined in s.
21 1002.01. The parent is not required to hold a valid regular
22 Florida teaching certificate.

23 (a) The parent shall notify the district school
24 superintendent of the county in which the parent resides of
25 her or his intent to establish and maintain a home education
26 program. The notice shall be in writing, signed by the parent,
27 and shall include the names, addresses, and birthdates of all
28 children who shall be enrolled as students in the home
29 education program. The notice shall be filed in the district
30 school superintendent's office within 30 days of the
31 establishment of the home education program. A written notice

1 of termination of the home education program shall be filed in
2 the district school superintendent's office within 30 days
3 after said termination.

4 (b) The parent shall maintain a portfolio of records
5 and materials. The portfolio shall consist of the following:

6 1. A log of educational activities that is made
7 contemporaneously with the instruction and that designates by
8 title any reading materials used.

9 2. Samples of any writings, worksheets, workbooks, or
10 creative materials used or developed by the student.

11

12 The portfolio shall be preserved by the parent for 2 years and
13 shall be made available for inspection by the district school
14 superintendent, or the district school superintendent's agent,
15 upon 15 days' written notice. Nothing in this section shall
16 require the district school superintendent to inspect the
17 portfolio.

18 (c) The parent shall provide for an annual educational
19 evaluation in which is documented the student's demonstration
20 of educational progress at a level commensurate with her or
21 his ability. The parent shall select the method of evaluation
22 and shall file a copy of the evaluation annually with the
23 district school superintendent's office in the county in which
24 the student resides. The annual educational evaluation shall
25 consist of one of the following:

26 1. A teacher selected by the parent shall evaluate the
27 student's educational progress upon review of the portfolio
28 and discussion with the student. Such teacher shall hold a
29 valid regular Florida certificate to teach academic subjects
30 at the elementary or secondary level;

31

- 1 2. The student shall take any nationally normed
2 student achievement test administered by a certified teacher;
3 3. The student shall take a state student assessment
4 test used by the school district and administered by a
5 certified teacher, at a location and under testing conditions
6 approved by the school district;
7 4. The student shall be evaluated by an individual
8 holding a valid, active license pursuant to the provisions of
9 s. 490.003(7) or (8); or
10 5. The student shall be evaluated with any other valid
11 measurement tool as mutually agreed upon by the district
12 school superintendent of the district in which the student
13 resides and the student's parent.
14 (2) The district school superintendent shall review
15 and accept the results of the annual educational evaluation of
16 the student in a home education program. If the student does
17 not demonstrate educational progress at a level commensurate
18 with her or his ability, the district school superintendent
19 shall notify the parent, in writing, that such progress has
20 not been achieved. The parent shall have 1 year from the date
21 of receipt of the written notification to provide remedial
22 instruction to the student. At the end of the 1-year
23 probationary period, the student shall be reevaluated as
24 specified in paragraph (1)(c). Continuation in a home
25 education program shall be contingent upon the student
26 demonstrating educational progress commensurate with her or
27 his ability at the end of the probationary period.
28 (3) A home education program shall be excluded from
29 meeting the requirements of a school day.
30
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- 1 (4) Home education students may participate in
2 interscholastic extracurricular student activities in
3 accordance with the provisions of s. 1006.15.
- 4 (5) Home education students may participate in the
5 Bright Futures Scholarship Program in accordance with the
6 provisions of ss. 1009.53-1009.539.
- 7 (6) Home education students may participate in dual
8 enrollment programs in accordance with the provisions of s.
9 1007.27(4) and 1007.271(10).
- 10 (7) Home education students are eligible for admission
11 to community colleges in accordance with the provisions of s.
12 1007.263.
- 13 (8) Home education students are eligible for admission
14 to state universities in accordance with the provisions of s.
15 1007.261.
- 16 (9) Home education program students may receive
17 testing and evaluation services at diagnostic and resource
18 centers, in accordance with the provisions of s. 1006.03.
- 19 Section 107. Section 1002.42, Florida Statutes, is
20 created to read:
- 21 1002.42 Private schools.--
- 22 (1) DEFINITION.--A "private school" is defined in s.
23 1002.01.
- 24 (2) ANNUAL PRIVATE SCHOOL SURVEY.--
- 25 (a) The Department of Education shall organize,
26 maintain, and annually update a database of educational
27 institutions within the state coming within the provisions of
28 this section. There shall be included in the database of each
29 institution the name, address, and telephone number of the
30 institution; the type of institution; the names of
31 administrative officers; the enrollment by grade or special

1 group (e.g., career and technical education and exceptional
2 child education); the number of graduates; the number of
3 instructional and administrative personnel; the number of days
4 the school is in session; and such data as may be needed to
5 meet the provisions of this section and s. 1003.23(2).

6 (b) For the purpose of organizing, maintaining, and
7 updating this database, each private school shall annually
8 execute and file a database survey form on a date designated
9 by the Department of Education which shall include a notarized
10 statement ascertaining that the owner of the private school
11 has complied with the provisions of paragraph (c). For the
12 purpose of this section, "owner" means any individual who is
13 the chief administrative officer of a private school.

14 (c)1. Notwithstanding the provisions of paragraph (h),
15 each person who is an owner or who establishes, purchases, or
16 otherwise becomes an owner of a private school shall, within 5
17 days of assuming ownership of a school, file with the
18 Department of Law Enforcement a complete set of fingerprints
19 for state processing and checking for criminal background. The
20 fingerprints shall be taken by an authorized law enforcement
21 officer or an employee of the school who is trained to take
22 fingerprints. The costs of fingerprinting, criminal records
23 checking, and processing shall be borne by the applicant or
24 private school. The result of the criminal records checking
25 by the Department of Law Enforcement shall be forwarded to the
26 owner of the private school and shall be made available for
27 public inspection in the private school office as soon as it
28 is received.

29 2. It shall be unlawful for a person who has been
30 convicted of a crime involving moral turpitude to own or
31 operate a private school.

1 3. An owner of a private school may require school
2 employees to file a complete set of fingerprints with the
3 Department of Law Enforcement for processing and criminal
4 records checking. Findings from such processing and checking
5 shall be reported to the owner for use in employment
6 decisions.

7 4. Owners or employees of private schools who have
8 been fingerprinted pursuant to this paragraph, s. 1012.32, or
9 s. 402.3055 shall not be required to be refingerprinted if
10 they have not been unemployed or unassociated with a private
11 school or child care facility for more than 90 days.

12 5. Persons holding a valid Florida teaching
13 certificate who have been fingerprinted pursuant to s. 1012.35
14 shall not be required to comply with the provisions of this
15 paragraph.

16 (d) The data inquiries to be included and answered in
17 the survey required in paragraph (b) shall be limited to
18 matters set forth in paragraph (a). The department shall
19 furnish annually to each school sufficient copies of this
20 form.

21 (e) To ensure completeness and accuracy of the
22 database, each existing private educational institution
23 falling within the provisions of this section shall notify the
24 Department of Education of any change in the name of the
25 institution, the address, or the chief administrative officer.
26 Each new institution shall notify the department of its
27 establishment.

28 (f) Annually, the department shall make accessible to
29 the public data on private education in this state. Such data
30 shall include that collected pursuant to paragraph (a) and
31 from other sources.

1 (g) The failure of any institution to submit the
2 annual database survey form and notarized statement of
3 compliance with the provisions of paragraph (c), as required
4 by this section, shall be judged a misdemeanor and, upon
5 conviction, proper authorities of such institution shall be
6 subject to a fine not exceeding \$500. Submission of data for
7 a nonexistent school or an institution providing no
8 instruction or training, the purpose of which is to defraud
9 the public, is unlawful and the person or persons responsible
10 commit a misdemeanor of the second degree, punishable as
11 provided in s. 775.082 or s. 775.083. Persons found to be in
12 violation of subparagraph (c)2. commit a misdemeanor of the
13 first degree, punishable as provided in s. 775.082 or s.
14 775.083.

15 (h) It is the intent of the Legislature not to
16 regulate, control, approve, or accredit private educational
17 institutions, but to create a database where current
18 information may be obtained relative to the educational
19 institutions in this state coming within the provisions of
20 this section as a service to the public, to governmental
21 agencies, and to other interested parties. It is not the
22 intent of the Legislature to regulate, control, or monitor,
23 expressly or implicitly, churches, their ministries, or
24 religious instruction, freedoms, or rites. It is the intent
25 of the Legislature that the annual submission of the database
26 survey by a school shall not be used by that school to imply
27 approval or accreditation by the Department of Education.

28 (3) RETENTION OF RECORDS.--

29 (a) As used in this subsection:

30 1. "Defunct private school" means any private school
31 that has terminated the operation of an education or training

1 program, or that has no students in attendance, or that has
2 dissolved as a business entity.

3 2. "Student records" means those records, files,
4 documents, and other materials that contain information
5 directly related to students that are maintained by a private
6 school or by a person acting for such institution and that are
7 accessible to other professional personnel to facilitate the
8 instruction, guidance, and educational progress of students.
9 Information contained in student records shall be classified
10 as follows:

11 a. Permanent information, which includes verified
12 information of clear educational importance, containing the
13 following: student's full name and any known changes thereto
14 due to marriage or adoption; authenticated birthdate, place of
15 birth, race, and sex; last known address of student; names of
16 student's parents; name and location of last school attended;
17 number of days present and absent; date enrolled; date
18 withdrawn; courses taken and record of achievement; and date
19 of graduation or program achievement.

20 b. Temporary information, which includes verified
21 information subject to change, containing, but not limited to,
22 the following: health information, standardized test scores,
23 honors and activities, personal attributes, work experience,
24 teacher and counselor comments, and special reports.

25 (b) All private schools that become defunct shall
26 transfer all permanent information contained in student
27 records to the district school superintendent of the public
28 school district in which the private school was located; or,
29 if the private school is a member of a private school system
30 or association, such school may transfer such records to the
31 principal office of such system or association, which shall

1 constitute full compliance with this subsection. In the event
2 that such private school system or association becomes
3 defunct, it shall transfer all the permanent information
4 contained in its files to the district school superintendent
5 of the public school district in which the private school was
6 located.

7 (c) All private schools that become defunct shall
8 notify the Department of Education Office of Private Schools
9 and Home Education Programs of the date of transfer of student
10 records, the location of storage, the custodian of such
11 records, and the number of records to be stored. The
12 department shall act as a clearinghouse and maintain a
13 registry of such transfers of student records.

14 (d) It is not the intent of the Legislature to limit
15 or restrict the use or possession of any student records while
16 a school is operational, but to facilitate access to academic
17 records by former students seeking to continue their education
18 or training after a private school has become defunct.

19 (4) ATTENDANCE RECORDS AND REPORTS.--All officials,
20 teachers, and other employees in parochial, religious,
21 denominational, and private schools shall keep and prepare
22 records in accordance with the provisions of s. 1003.23(2).

23 (5) SCHOOL-ENTRY HEALTH EXAMINATIONS.--The governing
24 authority of each private school shall require students to
25 present a certification of a school-entry health examination
26 in accordance with the provisions of s. 1003.22(1) and (2).

27 (6) IMMUNIZATIONS.--The governing authority of each
28 private school shall require students to present a
29 certification of immunization in accordance with the
30 provisions of s. 1003.22(3)-(11).

31

- 1 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student
2 at a private, parochial, religious, or denominational school
3 satisfies the attendance requirements of ss. 1003.01(14) and
4 1003.21(1).
- 5 (8) ATHLETIC COMPETITION.--A private school may
6 participate in athletic competition with a public high school
7 in accordance with the provisions of s. 1006.20(1).
- 8 (9) RECEIPT OF EDUCATIONAL MATERIALS.--The Department
9 of Education may disseminate educational materials and sell
10 copies for educational use to private schools pursuant to s.
11 1006.39.
- 12 (10) INSTRUCTIONAL MATERIALS.--District school boards
13 may dispose of instructional materials when they become
14 unserviceable or surplus or are no longer on state contract by
15 giving them to a private school in accordance with the
16 provisions of s. 1006.41.
- 17 (11) DIAGNOSTIC AND RESOURCE CENTERS.--Diagnostic and
18 resource centers may provide testing and evaluation services
19 to private school students in accordance with the provisions
20 of s. 1006.03(3).
- 21 (12) EXCEPTIONAL EDUCATION SERVICES.--District school
22 boards may provide instruction for an appropriate program of
23 special instruction, facilities, and services for exceptional
24 students through contractual arrangements with approved
25 private schools in accordance with the provisions of s.
26 1003.57.
- 27 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization
28 of private schools that has no fewer than 10 member schools in
29 this state may develop a professional development system to be
30 filed with the Department of Education in accordance with the
31 provisions of s. 1012.98(7).

1 (14) BUS DRIVER TRAINING.--Private school bus drivers
2 may participate in a district school board's bus driver
3 training program, if the district school board makes the
4 program available pursuant to s. 1006.26.

5 (15) POOL PURCHASE OF SCHOOL BUSES.--

6 (a) Florida private schools that demonstrate a
7 racially nondiscriminatory student admission policy may
8 purchase school buses from the state pool purchase program as
9 authorized in s. 1006.27(1), if the private school meets the
10 following conditions:

11 1. Students in one or more grades, kindergarten
12 through grade 12, are provided an education program by the
13 school and the school has submitted the information required
14 pursuant to this section and the most recent school survey
15 required in subsection (2).

16 2. All conditions of the contracts for purchasing
17 school buses between the Department of Education and the
18 companies involved, including bus specifications, ordering
19 deadlines, delivery period and procedures, and payment
20 requirements, shall be met.

21 3. Purchase orders shall be made out to the
22 appropriate company or companies involved and shall be
23 accompanied by a certified check in the amount of 25 percent
24 of the total cost of the bus or buses as a good faith deposit
25 that the bus or buses will be purchased.

26 4. The remainder of the total cost shall be paid upon
27 delivery of the bus or buses to the representative of the
28 private school receiving the bus or buses, or shall be paid
29 when the company informs the purchaser that the buses are
30 ready for delivery if the purchaser has specified that buses
31 are to be picked up at the company's location. If the chassis

1 and the body are purchased from different companies, the
2 remainder of the chassis' total cost shall be payable upon
3 delivery of the chassis to the body manufacturer.
4 5. If the private school does not meet the obligation
5 stated in subparagraph 4. within 30 calendar days after notice
6 that the bus is ready for delivery or that the chassis has
7 been delivered to the body manufacturer, the selling company
8 may retain 15 percent of the amount being held by the company
9 as a good faith deposit, and all obligations to the private
10 school may be canceled. When the 15 percent is retained, the
11 company shall return 10 percent of the good faith deposit to
12 the nonpublic school within 15 days of cancellation of the
13 companies' objection.
14 (b) Any bus purchased under this section may not be
15 sold, if still titled as a motor vehicle, within 5 calendar
16 years of the date of the initial Florida title being issued,
17 unless the following conditions are met:
18 1. The bus or buses may be sold only to a Florida
19 public school district or Florida private school. Any such
20 sale during the first 5 years shall be documented to the
21 Department of Education within 15 days after the sale.
22 2. The bus or buses shall be advertised by the private
23 school in one major newspaper located in each of the five
24 regions of the state for 3 consecutive days and a copy of the
25 advertisement and the name of each newspaper shall be sent to
26 the Department of Education before the first day of
27 advertising the bus or buses for sale.
28 3. The bus may not be sold at a profit. The bus shall
29 be depreciated at a rate of 10 percent per calendar year, with
30 the first year starting on the date of issue of the initial
31 title in this state.

1 4. Notwithstanding any other provisions of law and
2 rule regarding purchase of used school buses, the bus may be
3 sold to a public school district if the conditions of
4 subparagraph 3. are met.

5 5. Any public school district or private school
6 purchasing a bus under the conditions of this subsection must
7 accept the obligations of this subsection, and such shall be
8 entered in the sales contract.

9 (c) Any private school, including the owner or
10 corporation purchasing a bus or buses under the conditions of
11 this section, that does not comply with all the conditions of
12 this section shall not be eligible for future purchases of a
13 school bus under this section.

14 (d) Any private school interested in purchasing a bus
15 under this section shall notify, in writing, the Department of
16 Education. The Department of Education shall send the school
17 the appropriate forms, instructions, and price quotations.

18 (e) Notwithstanding any other provisions of this
19 section, no school bus manufacturer, distributor, or dealer
20 shall be required to violate any dealer contract or franchise
21 agreement entered into before the effective date of this
22 section regarding the sale of its buses.

23 (f) The State Board of Education may adopt rules
24 pursuant to ss. 120.536 and 120.54 necessary to implement this
25 section, maintain the integrity of the school bus pool
26 purchase program, and ensure the best and lowest price for
27 purchasing school buses by the public school districts.

28 Section 108. Section 1002.43, Florida Statutes, is
29 created to read:

30 1002.43 Private tutoring programs.--
31

1 (1) Regular attendance as defined in s. 1003.01(14)
2 may be achieved by attendance in a private tutoring program if
3 the person tutoring the student meets the following
4 requirements:

5 (a) Holds a valid Florida certificate to teach the
6 subjects or grades in which instruction is given.

7 (b) Keeps all records and makes all reports required
8 by the state and district school board and makes regular
9 reports on the attendance of students in accordance with the
10 provisions of s. 1003.23(2).

11 (c) Requires students to be in actual attendance for
12 the minimum length of time prescribed by s. 1011.60(2).

13 (2) Private tutors shall keep and prepare records in
14 accordance with the provisions of s. 1003.23(2).

15 Section 109. Chapter 1003, Florida Statutes, shall be
16 entitled "Public K-12 Education" and shall consist of ss.
17 1003.01-1003.63.

18 Section 110. Part I of chapter 1003, Florida Statutes,
19 shall be entitled "General Provisions" and shall consist of
20 ss. 1003.01-1003.04.

21 Section 111. Section 1003.01, Florida Statutes, is
22 created to read:

23 1003.01 Definitions.--As used in this chapter, the
24 term:

25 (1) "District school board" means the members who are
26 elected by the voters of a school district created and
27 existing pursuant to s. 4, Art. IX of the State Constitution
28 to operate and control public K-12 education within the school
29 district.

30 (2) "School" means an organization of students for
31 instructional purposes on an elementary, middle or junior high

1 school, secondary or high school, or other public school level
2 authorized under rules of the State Board of Education.

3 (3)(a) "Exceptional student" means any student who has
4 been determined eligible for a special program in accordance
5 with rules of the State Board of Education. The term includes
6 students who are gifted and students with disabilities who are
7 mentally handicapped, speech and language impaired, deaf or
8 hard of hearing, visually impaired, dual sensory impaired,
9 physically impaired, emotionally handicapped, specific
10 learning disabled, hospital and homebound, autistic,
11 developmentally delayed children, ages birth through 5 years,
12 or children, ages birth through 2 years, with established
13 conditions that are identified in State Board of Education
14 rules pursuant to s. 1003.21(1)(e).

15 (b) "Special education services" means specially
16 designed instruction and such related services as are
17 necessary for an exceptional student to benefit from
18 education. Such services may include: transportation;
19 diagnostic and evaluation services; social services; physical
20 and occupational therapy; job placement; orientation and
21 mobility training; braillists, typists, and readers for the
22 blind; interpreters and auditory amplification; rehabilitation
23 counseling; transition services; mental health services;
24 guidance and career counseling; specified materials, assistive
25 technology devices, and other specialized equipment; and other
26 such services as approved by rules of the state board.

27 (4) "Career and technical education" means education
28 that provides instruction for the following purposes:

29 (a) At the elementary, middle, and secondary school
30 levels, exploratory courses designed to give students initial
31 exposure to a broad range of occupations to assist them in

1 preparing their academic and occupational plans, and practical
2 arts courses that provide generic skills that may apply to
3 many occupations but are not designed to prepare students for
4 entry into a specific occupation. Career and technical
5 education provided before high school completion must be
6 designed to enhance both occupational and academic skills
7 through integration with academic instruction.

8 (b) At the secondary school level, job-preparatory
9 instruction in the competencies that prepare students for
10 effective entry into an occupation, including diversified
11 cooperative education, work experience, and job-entry programs
12 that coordinate directed study and on-the-job training.

13 (c) At the postsecondary education level, courses of
14 study that provide competencies needed for entry into specific
15 occupations or for advancement within an occupation.

16 (5)(a) "Suspension," also referred to as out-of-school
17 suspension, means the temporary removal of a student from all
18 classes of instruction on public school grounds and all other
19 school-sponsored activities, except as authorized by the
20 principal or the principal's designee, for a period not to
21 exceed 10 school days and remanding of the student to the
22 custody of the student's parent with specific homework
23 assignments for the student to complete.

24 (b) "In-school suspension" means the temporary removal
25 of a student from the student's regular school program and
26 placement in an alternative program, such as that provided in
27 s. 1003.53, under the supervision of district school board
28 personnel, for a period not to exceed 10 school days.

29 (6) "Expulsion" means the removal of the right and
30 obligation of a student to attend a public school under
31 conditions set by the district school board, and for a period

1 of time not to exceed the remainder of the term or school year
2 and 1 additional year of attendance. Expulsions may be imposed
3 with or without continuing educational services and shall be
4 reported accordingly.

5 (7) "Corporal punishment" means the moderate use of
6 physical force or physical contact by a teacher or principal
7 as may be necessary to maintain discipline or to enforce
8 school rule. However, the term "corporal punishment" does not
9 include the use of such reasonable force by a teacher or
10 principal as may be necessary for self-protection or to
11 protect other students from disruptive students.

12 (8) "Habitual truant" means a student who has 15
13 unexcused absences within 90 calendar days with or without the
14 knowledge or consent of the student's parent, is subject to
15 compulsory school attendance under s. 1003.21(1) and (2)(a),
16 and is not exempt under s. 1003.21(3) or s. 1003.24, or by
17 meeting the criteria for any other exemption specified by law
18 or rules of the State Board of Education. Such a student must
19 have been the subject of the activities specified in ss.
20 1003.26 and 1003.27(3), without resultant successful
21 remediation of the truancy problem before being dealt with as
22 a child in need of services according to the provisions of
23 chapter 984.

24 (9) "Dropout" means a student who meets any one or
25 more of the following criteria:

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

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

6 (c) The student has withdrawn from school, but has not
7 transferred to another public or private school or enrolled in
8 any career and technical, adult, home education, or
9 alternative educational program;

10 (d) The student has withdrawn from school due to
11 hardship, unless such withdrawal has been granted under the
12 provisions of s. 322.091, court action, expulsion, medical
13 reasons, or pregnancy; or

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

17
18 The State Board of Education may adopt rules to implement the
19 provisions of this subsection.

20 (10) "Alternative measures for students with special
21 needs" or "special programs" means measures designed to meet
22 the special needs of a student that cannot be met by regular
23 school curricula.

24 (11)(a) "Juvenile justice education programs or
25 schools" means programs or schools operating for the purpose
26 of providing educational services to youth in Department of
27 Juvenile Justice programs, for a school year comprised of 250
28 days of instruction distributed over 12 months. At the request
29 of the provider, a district school board may decrease the
30 minimum number of days of instruction by up to 10 days for
31 teacher planning for residential programs and up to 20 days

1 for teacher planning for nonresidential programs, subject to
2 the approval of the Department of Juvenile Justice and the
3 Department of Education.
4 (b) "Juvenile justice provider" means the Department
5 of Juvenile Justice or a private, public, or other
6 governmental organization under contract with the Department
7 of Juvenile Justice that provides treatment, care and custody,
8 or educational programs for youth in juvenile justice
9 intervention, detention, or commitment programs.
10 (12) "Homeless child" means:
11 (a) One who lacks a fixed, regular nighttime
12 residence;
13 (b) One who has a primary nighttime residence that is:
14 1. A supervised publicly or privately operated shelter
15 designed to provide temporary living accommodations, including
16 welfare hotels, congregate shelters, and transitional housing
17 for the mentally ill;
18 2. An institution that provides a temporary residence
19 for individuals intended to be institutionalized; or
20 3. A public or private place not designed for, or
21 ordinarily used as, a regular sleeping accommodation for human
22 beings; or
23 (c) One who temporarily resides with an adult other
24 than his or her parent because the parent is suffering
25 financial hardship.
26
27 A child who is imprisoned, detained, or in the custody of the
28 state pursuant to a state or federal law is not a homeless
29 child.
30 (13) "Regular school attendance" means the actual
31 attendance of a student during the school day as defined by

1 law and rules of the State Board of Education. Regular
2 attendance within the intent of s. 1003.21 may be achieved by
3 attendance in:
4 (a) A public school supported by public funds;
5 (b) A parochial, religious, or denominational school;
6 (c) A private school supported in whole or in part by
7 tuition charges or by endowments or gifts;
8 (d) A home education program that meets the
9 requirements of chapter 1002; or
10 (e) A private tutoring program that meets the
11 requirements of chapter 1002.
12 Section 112. Section 1003.02, Florida Statutes, is
13 created to read:
14 1003.02 District school board operation and control of
15 public K-12 education within the school district.--As provided
16 in part II of chapter 1001, district school boards are
17 constitutionally and statutorily charged with the operation
18 and control of public K-12 education within their school
19 district. The district school boards must establish, organize,
20 and operate their public K-12 schools and educational
21 programs, employees, and facilities. Their responsibilities
22 include staff development, public K-12 school student
23 education including education for exceptional students and
24 students in juvenile justice programs, special programs, adult
25 education programs, and career and technical education
26 programs. Additionally, district school boards must:
27 (1) Provide for the proper accounting for all students
28 of school age, for the attendance and control of students at
29 school, and for proper attention to health, safety, and other
30 matters relating to the welfare of students in the following
31 fields:

1 (a) Admission, classification, promotion, and
2 graduation of students.--Adopt rules for admitting,
3 classifying, promoting, and graduating students to or from the
4 various schools of the district.

5 (b) Enforcement of attendance laws.--Provide for the
6 enforcement of all laws and rules relating to the attendance
7 of students at school.

8 (c) Control of students.--

9 1. Adopt rules for the control, attendance,
10 discipline, in-school suspension, suspension, and expulsion of
11 students and decide all cases recommended for expulsion.

12 2. Maintain a code of student conduct as provided in
13 chapter 1006.

14 (d) Courses of study and instructional materials.--

15 1. Provide adequate instructional materials for all
16 students as follows and in accordance with the requirements of
17 chapter 1006, in the core courses of mathematics, language
18 arts, social studies, science, reading, and literature, except
19 for instruction for which the school advisory council approves
20 the use of a program that does not include a textbook as a
21 major tool of instruction.

22 2. Adopt courses of study for use in the schools of
23 the district.

24 3. Provide for proper requisitioning, distribution,
25 accounting, storage, care, and use of all instructional
26 materials as may be needed, and ensure that instructional
27 materials used in the district are consistent with the
28 district goals and objectives and the curriculum frameworks
29 approved by the State Board of Education, as well as with the
30 state and school district performance standards required by
31 law and state board rule.

- 1 (e) Transportation.--Make provision for the
2 transportation of students to the public schools or school
3 activities they are required or expected to attend,
4 efficiently and economically, in accordance with the
5 requirements of chapter 1006.
- 6 (f) Facilities and school plant.--
- 7 1. Approve and adopt a districtwide school facilities
8 program, in accordance with the requirements of chapter 1013.
- 9 2. Approve plans for locating, planning, constructing,
10 sanitating, insuring, maintaining, protecting, and condemning
11 school property as prescribed in chapter 1013.
- 12 3. Approve and adopt a districtwide school building
13 program.
- 14 4. Select and purchase school sites, playgrounds, and
15 recreational areas located at centers at which schools are to
16 be constructed, of adequate size to meet the needs of
17 projected students to be accommodated.
- 18 5. Approve the proposed purchase of any site,
19 playground, or recreational area for which school district
20 funds are to be used.
- 21 6. Expand existing sites.
- 22 7. Rent buildings when necessary.
- 23 8. Enter into leases or lease-purchase arrangements,
24 in accordance with the requirements and conditions provided in
25 s. 1013.15(2).
- 26 9. Provide for the proper supervision of construction.
- 27 10. Make or contract for additions, alterations, and
28 repairs on buildings and other school properties.
- 29 11. Ensure that all plans and specifications for
30 buildings provide adequately for the safety and well-being of
31 students, as well as for economy of construction.

1 12. Provide adequately for the proper maintenance and
2 upkeep of school plants.

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

13 14. Condemn and prohibit the use for public school
14 purposes of any building under the control of the district
15 school board.

16 (g) School operation.--

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

24 2. Prepare, adopt, and timely submit to the Department
25 of Education, as required by law and by rules of the State
26 Board of Education, the annual school budget, so as to promote
27 the improvement of the district school system.

28 (h) Records and reports.--

29 1. Keep all necessary records and make all needed and
30 required reports, as required by law or by rules of the State
31 Board of Education.

1 2. At regular intervals require reports to be made by
2 principals or teachers in all public schools to the parents of
3 the students enrolled and in attendance at their schools,
4 apprising them of the academic and other progress being made
5 by the student and giving other useful information.

6 (2) Require that all laws, all rules of the State
7 Board of Education, and all rules of the district school board
8 are properly enforced.

9 (3) Maintain a system of school improvement and
10 education accountability as required by law and State Board of
11 Education rule, including but not limited to the requirements
12 of chapter 1008.

13 (4) For any school within the district that is not in
14 compliance with the small school size requirements of chapter
15 1013, in order to reduce the anonymity of students in large
16 schools, adopt policies that encourage subdivision of the
17 school into schools-within-a-school, which shall operate
18 within existing resources. A "school-within-a-school" means an
19 operational program that uses flexible scheduling, team
20 planning, and curricular and instructional innovation to
21 organize groups of students with groups of teachers as smaller
22 units, so as to functionally operate as a smaller school.
23 Examples of this include, but are not limited to:

24 (a) An organizational arrangement assigning both
25 students and teachers to smaller units in which the students
26 take some or all of their coursework with their fellow grouped
27 students and from the teachers assigned to the smaller unit. A
28 unit may be grouped together for 1 year or on a vertical,
29 multiyear basis.

30 (b) An organizational arrangement similar to that
31 described in paragraph (a) with additional variations in

1 instruction and curriculum. The smaller unit usually seeks to
2 maintain a program different from that of the larger school,
3 or of other smaller units. It may be vertically organized, but
4 is dependent upon the school principal for its existence,
5 budget, and staff.

6 (c) A separate and autonomous smaller unit formally
7 authorized by the district school board or district school
8 superintendent. The smaller unit plans and runs its own
9 program, has its own staff and students, and receives its own
10 separate budget. The smaller unit must negotiate the use of
11 common space with the larger school and defer to the building
12 principal on matters of safety and building operation.

13 Section 113. Section 1003.03, Florida Statutes, is
14 created to read:

15 1003.03 Maximum class size goals.--It is the goal of
16 the Legislature and each district school board that each
17 elementary school in the school district beginning with
18 kindergarten through grade three class sizes not exceed 20
19 students, with a ratio of one full-time equivalent teacher per
20 20 students; except that only in the case of "D" and "F"
21 schools as identified by the commissioner, the goal in
22 kindergarten through grade three shall be a ratio of one
23 full-time equivalent teacher per 15 students. For purposes of
24 any funding in the General Appropriations Act to meet these
25 goals, the district school board shall give priority to
26 identified "D" and "F" schools in the school district. Second
27 priority for the use of any funds designated for meeting these
28 goals shall be for kindergarten through grade one. Third
29 priority for the use of any funds designated for meeting these
30 goals shall be for grades two and three.

31

1 Section 114. Section 1003.04, Florida Statutes, is
2 created to read:

3 1003.04 Student conduct and parental involvement
4 goals.--

5 (1) It is the goal of the Legislature and each
6 district school board that each public K-12 student remain in
7 attendance throughout the school year, unless excused by the
8 school for illness or other good cause, and comply fully with
9 the school's code of conduct.

10 (2) It is the goal of the Legislature and each
11 district school board that the parent of each public K-12
12 student comply with the school's reasonable and
13 time-acceptable parental involvement requests.

14 Section 115. Part II of chapter 1003, Florida
15 Statutes, shall be entitled "School Attendance" and shall
16 consist of ss. 1003.21-1003.29.

17 Section 116. Section 1003.21, Florida Statutes, is
18 created to read:

19 1003.21 School attendance.--

20 (1)(a)1. All children who have attained the age of 6
21 years or who will have attained the age of 6 years by February
22 1 of any school year or who are older than 6 years of age but
23 who have not attained the age of 16 years, except as otherwise
24 provided, are required to attend school regularly during the
25 entire school term.

26 2. Children who will have attained the age of 5 years
27 on or before September 1 of the school year are eligible for
28 admission to public kindergartens during that school year
29 under rules adopted by the district school board.

30 (b) Any child who has attained the age of 6 years on
31 or before September 1 of the school year and who has been

1 enrolled in a public school or who has attained the age of 6
2 years on or before September 1 and has satisfactorily
3 completed the requirements for kindergarten in a private
4 school from which the district school board accepts transfer
5 of academic credit, or who otherwise meets the criteria for
6 admission or transfer in a manner similar to that applicable
7 to other grades, shall progress according to the district's
8 student progression plan. However, nothing in this section
9 shall authorize the state or any school district to oversee or
10 exercise control over the curricula or academic programs of
11 private schools or home education programs.

12 (c) A student who attains the age of 16 years during
13 the school year is not subject to compulsory school attendance
14 beyond the date upon which he or she attains that age if the
15 student files a formal declaration of intent to terminate
16 school enrollment with the district school board. The
17 declaration must acknowledge that terminating school
18 enrollment is likely to reduce the student's earning potential
19 and must be signed by the student and the student's parent.
20 The school district must notify the student's parent of
21 receipt of the student's declaration of intent to terminate
22 school enrollment.

23 (d) Students who become or have become married and
24 students who are pregnant shall not be prohibited from
25 attending school. These students and students who are parents
26 shall receive the same educational instruction or its
27 equivalent as other students, but may voluntarily be assigned
28 to a class or program suited to their special needs.
29 Consistent with s. 1003.54, pregnant or parenting teens may
30 participate in a teenage parent program. Pregnant students may
31 attend alternative education programs or adult education

1 programs, provided that the curriculum allows the student to
2 continue to work toward a high school diploma.

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

19 (f) Homeless children, as defined in s. 1003.01, must
20 have access to a free public education and must be admitted to
21 school in the school district in which they or their families
22 live. School districts shall assist homeless children to meet
23 the requirements of subsection (4) and s. 1003.22, as well as
24 local requirements for documentation.

25 (2)(a) The State Board of Education may adopt rules
26 under which students not meeting the entrance age may be
27 transferred from another state if their parents have been
28 legal residents of that state.

29 (b) Each district school board, in accordance with
30 rules of the State Board of Education, shall adopt a policy
31 that authorizes a parent to request and be granted permission

1 for absence of a student from school for religious instruction
2 or religious holidays.

3 (3) The district school superintendent may authorize
4 certificates of exemptions from school attendance requirements
5 in certain situations. Students within the compulsory
6 attendance age limits who hold valid certificates of exemption
7 that have been issued by the superintendent shall be exempt
8 from attending school. A certificate of exemption shall cease
9 to be valid at the end of the school year in which it is
10 issued.

11 (4) Before admitting a child to kindergarten, the
12 principal shall require evidence that the child has attained
13 the age at which he or she should be admitted in accordance
14 with the provisions of subparagraph (1)(a)2. The district
15 school superintendent may require evidence of the age of any
16 child whom he or she believes to be within the limits of
17 compulsory attendance as provided for by law. If the first
18 prescribed evidence is not available, the next evidence
19 obtainable in the order set forth below shall be accepted:

20 (a) A duly attested transcript of the child's birth
21 record filed according to law with a public officer charged
22 with the duty of recording births;

23 (b) A duly attested transcript of a certificate of
24 baptism showing the date of birth and place of baptism of the
25 child, accompanied by an affidavit sworn to by the parent;

26 (c) An insurance policy on the child's life that has
27 been in force for at least 2 years;

28 (d) A bona fide contemporary religious record of the
29 child's birth accompanied by an affidavit sworn to by the
30 parent;

31

1 (e) A passport or certificate of arrival in the United
2 States showing the age of the child;

3 (f) A transcript of record of age shown in the child's
4 school record of at least 4 years prior to application,
5 stating date of birth; or

6 (g) If none of these evidences can be produced, an
7 affidavit of age sworn to by the parent, accompanied by a
8 certificate of age signed by a public health officer or by a
9 public school physician, or, if neither of these is available
10 in the county, by a practicing physician licensed under
11 chapter 458, chapter 459, or chapter 460 designated by the
12 district school board, which certificate states that the
13 health officer or physician has examined the child and
14 believes that the age as stated in the affidavit is
15 substantially correct. A homeless child, as defined in s.
16 1003.01, shall be given temporary exemption from this section
17 for 30 school days.

18 Section 117. Section 1003.22, Florida Statutes, is
19 created to read:

20 1003.22 School-entry health examinations; immunization
21 against communicable diseases; exemptions; duties of
22 Department of Health.--

23 (1) Each district school board and the governing
24 authority of each private school shall require that each child
25 who is entitled to admittance to kindergarten, or is entitled
26 to any other initial entrance into a public or private school
27 in this state, present a certification of a school-entry
28 health examination performed by a physician licensed under
29 chapter 458, chapter 459, or chapter 460 within 1 year prior
30 to enrollment in school. Each district school board, and the
31 governing authority of each private school, may establish a

1 policy that permits a student up to 30 school days to present
2 a certification of a school-entry health examination performed
3 by a physician licensed under chapter 458, chapter 459, or
4 chapter 460. A homeless child, as defined in s. 1003.01,
5 shall be given a temporary exemption for 30 school days. Any
6 district school board that establishes such a policy shall
7 include provisions in its local school health services plan to
8 assist students in obtaining the health examinations. However,
9 any child shall be exempt from the requirement of a health
10 examination upon written request of the parent of the child
11 stating objections to the examination on religious grounds.

12 (2) The State Board of Education, subject to the
13 concurrence of the Department of Health, shall adopt rules to
14 govern medical examinations and immunizations performed under
15 this section.

16 (3) The Department of Health may adopt rules necessary
17 to administer and enforce this section. The Department of
18 Health, after consultation with the Department of Education,
19 shall adopt rules governing the immunization of children
20 against, the testing for, and the control of preventable
21 communicable diseases. The rules must include procedures for
22 exempting a child from immunization requirements.
23 Immunizations shall be required for poliomyelitis, diphtheria,
24 rubeola, rubella, pertussis, mumps, tetanus, and other
25 communicable diseases as determined by rules of the Department
26 of Health. The manner and frequency of administration of the
27 immunization or testing shall conform to recognized standards
28 of medical practice. The Department of Health shall supervise
29 and secure the enforcement of the required immunization.
30 Immunizations required by this section shall be available at
31 no cost from the county health departments.

1 (4) Each district school board and the governing
2 authority of each private school shall establish and enforce
3 as policy that, prior to admittance to or attendance in a
4 public or private school, grades kindergarten through 12, each
5 child present or have on file with the school a certification
6 of immunization for the prevention of those communicable
7 diseases for which immunization is required by the Department
8 of Health and further shall provide for appropriate screening
9 of its students for scoliosis at the proper age. Such
10 certification shall be made on forms approved and provided by
11 the Department of Health and shall become a part of each
12 student's permanent record, to be transferred when the student
13 transfers, is promoted, or changes schools. The transfer of
14 such immunization certification by Florida public schools
15 shall be accomplished using the Florida Automated System for
16 Transferring Education Records and shall be deemed to meet the
17 requirements of this section.

18 (5) The provisions of this section shall not apply if:

19 (a) The parent of the child objects in writing that
20 the administration of immunizing agents conflicts with his or
21 her religious tenets or practices;

22 (b) A physician licensed under the provisions of
23 chapter 458 or chapter 459 certifies in writing, on a form
24 approved and provided by the Department of Health, that the
25 child should be permanently exempt from the required
26 immunization for medical reasons stated in writing, based upon
27 valid clinical reasoning or evidence, demonstrating the need
28 for the permanent exemption;

29 (c) A physician licensed under the provisions of
30 chapter 458, chapter 459, or chapter 460 certifies in writing,
31 on a form approved and provided by the Department of Health,

1 that the child has received as many immunizations as are
2 medically indicated at the time and is in the process of
3 completing necessary immunizations;
4 (d) The Department of Health determines that,
5 according to recognized standards of medical practice, any
6 required immunization is unnecessary or hazardous; or
7 (e) An authorized school official issues a temporary
8 exemption, for a period not to exceed 30 school days, to
9 permit a student who transfers into a new county to attend
10 class until his or her records can be obtained. A homeless
11 child, as defined in s. 1003.01, shall be given a temporary
12 exemption for 30 school days. The public school health nurse
13 or authorized private school official is responsible for
14 followup of each such student until proper documentation or
15 immunizations are obtained. An exemption for 30 days may be
16 issued for a student who enters a juvenile justice program to
17 permit the student to attend class until his or her records
18 can be obtained or until the immunizations can be obtained. An
19 authorized juvenile justice official is responsible for
20 followup of each student who enters a juvenile justice program
21 until proper documentation or immunizations are obtained.
22 (6)(a) No person licensed by this state as a physician
23 or nurse shall be liable for any injury caused by his or her
24 action or failure to act in the administration of a vaccine or
25 other immunizing agent pursuant to the provisions of this
26 section if the person acts as a reasonably prudent person with
27 similar professional training would have acted under the same
28 or similar circumstances.
29 (b) No member of a district school board, or any of
30 its employees, or member of a governing board of a private
31 school, or any of its employees, shall be liable for any

1 injury caused by the administration of a vaccine to any
2 student who is required to be so immunized or for a failure to
3 diagnose scoliosis pursuant to the provisions of this section.

4 (7) The parents of any child admitted to or in
5 attendance at a Florida public or private school, grades
6 kindergarten through 12, are responsible for assuring that the
7 child is in compliance with the provisions of this section.

8 (8) Each public school, including public kindergarten,
9 and each private school, including private kindergarten, shall
10 be required to provide to the county health department
11 director or administrator annual reports of compliance with
12 the provisions of this section. Reports shall be completed on
13 forms provided by the Department of Health for each
14 kindergarten, and other grade as specified; and the reports
15 shall include the status of children who were admitted at the
16 beginning of the school year. After consultation with the
17 Department of Education, the Department of Health shall
18 establish by administrative rule the dates for submission of
19 these reports, the grades for which the reports shall be
20 required, and the forms to be used.

21 (9) The presence of any of the communicable diseases
22 for which immunization is required by the Department of Health
23 in a Florida public or private school shall permit the county
24 health department director or administrator or the State
25 Health Officer to declare a communicable disease emergency.
26 The declaration of such emergency shall mandate that all
27 students in attendance in the school who are not in compliance
28 with the provisions of this section be identified by the
29 district school board or by the governing authority of the
30 private school; and the school health and immunization records
31 of such children shall be made available to the county health

1 department director or administrator. Those children
2 identified as not being immunized against the disease for
3 which the emergency has been declared shall be temporarily
4 excluded from school by the district school board, or the
5 governing authority of the private school, until such time as
6 is specified by the county health department director or
7 administrator.

8 (10) Each district school board and the governing
9 authority of each private school shall:

10 (a) Refuse admittance to any child otherwise entitled
11 to admittance to kindergarten, or any other initial entrance
12 into a Florida public or private school, who is not in
13 compliance with the provisions of subsection (4).

14 (b) Temporarily exclude from attendance any student
15 who is not in compliance with the provisions of subsection
16 (4).

17 (11) The provisions of this section do not apply to
18 those persons admitted to or attending adult education classes
19 unless the adult students are under 21 years of age.

20 Section 118. Section 1003.23, Florida Statutes, is
21 created to read:

22 1003.23 Attendance records and reports.--

23 (1) The attendance of all public K-12 school students
24 shall be checked each school day in the manner prescribed by
25 rules of the State Board of Education and recorded in the
26 teacher's register or by some approved system of recording
27 attendance. Students may be counted in attendance only if
28 they are actually present at school or are away from school on
29 a school day and are engaged in an educational activity which
30 constitutes a part of the school-approved instructional
31 program for the student.

1 (2) All officials, teachers, and other employees in
2 public, parochial, religious, denominational, and private K-12
3 schools, including private tutors, shall keep all records and
4 shall prepare and submit promptly all reports that may be
5 required by law and by rules of the State Board of Education
6 and district school boards. Such records shall include a
7 register of enrollment and attendance and all persons
8 described above shall make these reports therefrom as may be
9 required by the State Board of Education. The enrollment
10 register shall show the absence or attendance of each student
11 enrolled for each school day of the year in a manner
12 prescribed by the State Board of Education. The register shall
13 be open for the inspection by the designated school
14 representative or the district school superintendent of the
15 district in which the school is located. Violation of the
16 provisions of this section shall be a misdemeanor of the
17 second degree, punishable as provided by law. This section
18 shall not apply to home education programs provided in s.
19 1002.41.

20 Section 119. Section 1003.24, Florida Statutes, is
21 created to read:

22 1003.24 Parents responsible for attendance of
23 children; attendance policy.--Each parent of a child within
24 the compulsory attendance age is responsible for the child's
25 school attendance as required by law. The absence of a
26 student from school is prima facie evidence of a violation of
27 this section; however, criminal prosecution under this chapter
28 may not be brought against a parent until the provisions of s.
29 1003.26 have been complied with. A parent of a student is not
30 responsible for the student's nonattendance at school under
31 any of the following conditions:

1 (1) WITH PERMISSION.--The absence was with permission
2 of the head of the school;
3 (2) WITHOUT KNOWLEDGE.--The absence was without the
4 parent's knowledge, consent, or connivance, in which case the
5 student shall be dealt with as a dependent child;
6 (3) FINANCIAL INABILITY.--The parent was unable
7 financially to provide necessary clothes for the student,
8 which inability was reported in writing to the superintendent
9 prior to the opening of school or immediately after the
10 beginning of such inability, provided that the validity of any
11 claim for exemption under this paragraph shall be determined
12 by the district school superintendent subject to appeal to the
13 district school board; or
14 (4) SICKNESS, INJURY, OR OTHER INSURMOUNTABLE
15 CONDITION.--Attendance was impracticable or inadvisable on
16 account of sickness or injury, attested to by a written
17 statement of a practicing physician licensed under chapter
18 458, chapter 459, or chapter 460, or was impracticable because
19 of some other stated insurmountable condition as defined by
20 rules of the State Board of Education. If a student is
21 continually sick and repeatedly absent from school, he or she
22 must be under the supervision of a physician licensed under
23 chapter 458, chapter 459, or chapter 460 in order to receive
24 an excuse from attendance. Such excuse provides that a
25 student's condition justifies absence for more than the number
26 of days permitted by the district school board.
27
28 Each district school board shall establish an attendance
29 policy that includes, but is not limited to, the required
30 number of days each school year that a student must be in
31 attendance and the number of absences and tardinesses after

1 which a statement explaining such absences and tardinesses
2 must be on file at the school. Each school in the district
3 must determine if an absence or tardiness is excused or
4 unexcused according to criteria established by the district
5 school board.

6 Section 120. Section 1003.25, Florida Statutes, is
7 created to read:

8 1003.25 Procedures for maintenance and transfer of
9 student records.--

10 (1) Each principal shall maintain a permanent
11 cumulative record for each student enrolled in a public K-12
12 school. Such record shall be maintained in the form, and
13 contain all data, prescribed by rule by the State Board of
14 Education. The cumulative record is confidential and exempt
15 from the provisions of s. 119.07(1) and is open to inspection
16 only as provided in chapter 1002.

17 (2) The procedure for transferring and maintaining
18 records of students who transfer from school to school shall
19 be prescribed by rules of the State Board of Education.

20 (3) Procedures relating to the acceptance of transfer
21 work and credit for students shall be prescribed by rule by
22 the State Board of Education.

23 Section 121. Section 1003.26, Florida Statutes, is
24 created to read:

25 1003.26 Enforcement of school attendance.--The
26 Legislature finds that poor academic performance is associated
27 with nonattendance and that schools must take an active role
28 in enforcing attendance as a means of improving the
29 performance of many students. It is the policy of the state
30 that each district school superintendent be responsible for
31 enforcing school attendance of all students subject to the

1 compulsory school age in the school district. The
2 responsibility includes recommending to the district school
3 board policies and procedures to ensure that schools respond
4 in a timely manner to every unexcused absence, or absence for
5 which the reason is unknown, of students enrolled in the
6 schools. District school board policies must require each
7 parent of a student to justify each absence of the student,
8 and that justification will be evaluated based on adopted
9 district school board policies that define excused and
10 unexcused absences. The policies must provide that schools
11 track excused and unexcused absences and contact the home in
12 the case of an unexcused absence from school, or an absence
13 from school for which the reason is unknown, to prevent the
14 development of patterns of nonattendance. The Legislature
15 finds that early intervention in school attendance matters is
16 the most effective way of producing good attendance habits
17 that will lead to improved student learning and achievement.
18 Each public school shall implement the following steps to
19 enforce regular school attendance:

20 (1) CONTACT, REFER, AND ENFORCE.--

21 (a) Upon each unexcused absence, or absence for which
22 the reason is unknown, the school principal or his or her
23 designee shall contact the student's parent to determine the
24 reason for the absence. If the absence is an excused absence,
25 as defined by district school board policy, the school shall
26 provide opportunities for the student to make up assigned work
27 and not receive an academic penalty unless the work is not
28 made up within a reasonable time.

29 (b) If a student has had at least five unexcused
30 absences, or absences for which the reasons are unknown,
31 within a calendar month or 10 unexcused absences, or absences

1 for which the reasons are unknown, within a 90-calendar-day
2 period, the student's primary teacher shall report to the
3 school principal or his or her designee that the student may
4 be exhibiting a pattern of nonattendance. The principal shall,
5 unless there is clear evidence that the absences are not a
6 pattern of nonattendance, refer the case to the school's child
7 study team to determine if early patterns of truancy are
8 developing. If the child study team finds that a pattern of
9 nonattendance is developing, whether the absences are excused
10 or not, a meeting with the parent must be scheduled to
11 identify potential remedies, and the principal shall notify
12 the district school superintendent and the school district
13 contact for home education programs that the referred student
14 is exhibiting a pattern of nonattendance.

15 (c) If an initial meeting does not resolve the
16 problem, the child study team shall implement interventions
17 that best address the problem. The interventions may include,
18 but need not be limited to:

- 19 1. Frequent communication between the teacher and the
20 family;
- 21 2. Changes in the learning environment;
- 22 3. Mentoring;
- 23 4. Student counseling;
- 24 5. Tutoring, including peer tutoring;
- 25 6. Placement into different classes;
- 26 7. Evaluation for alternative education programs;
- 27 8. Attendance contracts;
- 28 9. Referral to other agencies for family services; or
- 29 10. Other interventions, including, but not limited
30 to, a truancy petition pursuant to s. 984.151.

31

1 (d) The child study team shall be diligent in
2 facilitating intervention services and shall report the case
3 to the district school superintendent only when all reasonable
4 efforts to resolve the nonattendance behavior are exhausted.

5 (e) If the parent refuses to participate in the
6 remedial strategies because he or she believes that those
7 strategies are unnecessary or inappropriate, the parent may
8 appeal to the district school board. The district school board
9 may provide a hearing officer, and the hearing officer shall
10 make a recommendation for final action to the district school
11 board. If the district school board's final determination is
12 that the strategies of the child study team are appropriate,
13 and the parent still refuses to participate or cooperate, the
14 district school superintendent may seek criminal prosecution
15 for noncompliance with compulsory school attendance.

16 (f)1. If the parent of a child who has been identified
17 as exhibiting a pattern of nonattendance enrolls the child in
18 a home education program pursuant to chapter 1002, the
19 district school superintendent shall provide the parent a copy
20 of s. 1002.41 and the accountability requirements of this
21 paragraph. The district school superintendent shall also
22 refer the parent to a home education review committee composed
23 of the district contact for home education programs and at
24 least two home educators selected by the parent from a
25 district list of all home educators who have conducted a home
26 education program for at least 3 years and who have indicated
27 a willingness to serve on the committee. The home education
28 review committee shall review the portfolio of the student, as
29 defined by s. 1002.41, every 30 days during the district's
30 regular school terms until the committee is satisfied that the
31 home education program is in compliance with s. 1002.41(1)(b).

1 The first portfolio review must occur within the first 30
2 calendar days of the establishment of the program. The
3 provisions of subparagraph 2. do not apply once the committee
4 determines the home education program is in compliance with s.
5 1002.41(1)(b).

6 2. If the parent fails to provide a portfolio to the
7 committee, the committee shall notify the district school
8 superintendent. The district school superintendent shall then
9 terminate the home education program and require the parent to
10 enroll the child in an attendance option that meets the
11 definition of "regular school attendance" under s.
12 1003.01(13)(a), (b), (c), or (e), within 3 days. Upon
13 termination of a home education program pursuant to this
14 subparagraph, the parent shall not be eligible to reenroll the
15 child in a home education program for 180 calendar days.
16 Failure of a parent to enroll the child in an attendance
17 option as required by this subparagraph after termination of
18 the home education program pursuant to this subparagraph shall
19 constitute noncompliance with the compulsory attendance
20 requirements of s. 1003.21 and may result in criminal
21 prosecution under s. 1003.27(2). Nothing contained herein
22 shall restrict the ability of the district school
23 superintendent, or the ability of his or her designee, to
24 review the portfolio pursuant to s. 1002.41(1)(b).

25 (g) If a student subject to compulsory school
26 attendance will not comply with attempts to enforce school
27 attendance, the parent or the district school superintendent
28 or his or her designee shall refer the case to the case
29 staffing committee pursuant to s. 984.12, and the district
30 school superintendent or his or her designee may file a
31 truancy petition pursuant to the procedures in s. 984.151.

1 (2) GIVE WRITTEN NOTICE.--

2 (a) Under the direction of the district school
3 superintendent, a designated school representative shall give
4 written notice that requires enrollment or attendance within 3
5 days after the date of notice, in person or by return-receipt
6 mail, to the parent when no valid reason is found for a
7 student's nonenrollment in school. If the notice and
8 requirement are ignored, the designated school representative
9 shall report the case to the district school superintendent,
10 and may refer the case to the case staffing committee,
11 established pursuant to s. 984.12. The district school
12 superintendent shall take such steps as are necessary to bring
13 criminal prosecution against the parent.

14 (b) Subsequent to the activities required under
15 subsection (1), the district school superintendent or his or
16 her designee shall give written notice in person or by
17 return-receipt mail to the parent that criminal prosecution is
18 being sought for nonattendance. The district school
19 superintendent may file a truancy petition, as defined in s.
20 984.03, following the procedures outlined in s. 984.151.

21 (3) RETURN STUDENT TO PARENT.--A designated school
22 representative shall visit the home or place of residence of a
23 student and any other place in which he or she is likely to
24 find any student who is required to attend school when the
25 student is not enrolled or is absent from school during school
26 hours without an excuse, and, when the student is found, shall
27 return the student to his or her parent or to the principal or
28 teacher in charge of the school, or to the private tutor from
29 whom absent, or to the juvenile assessment center or other
30 location established by the district school board to receive

31

1 students who are absent from school. Upon receipt of the
2 student, the parent shall be immediately notified.

3 (4) REPORT TO APPROPRIATE AUTHORITY.--A designated
4 school representative shall report to the appropriate
5 authority designated by law to receive such notices, all
6 violations of the Child Labor Law that may come to his or her
7 knowledge.

8 (5) RIGHT TO INSPECT.--A designated school
9 representative shall have the right of access to, and
10 inspection of, establishments where minors may be employed or
11 detained only for the purpose of ascertaining whether students
12 of compulsory school age are actually employed there and are
13 actually working there regularly. The designated school
14 representative shall, if he or she finds unsatisfactory
15 working conditions or violations of the Child Labor Law,
16 report his or her findings to the appropriate authority.

17 Section 122. Section 1003.27, Florida Statutes, is
18 created to read:

19 1003.27 Court procedure and penalties.--The court
20 procedure and penalties for the enforcement of the provisions
21 of this part, relating to compulsory school attendance, shall
22 be as follows:

23 (1) COURT JURISDICTION.--The circuit court has
24 original and exclusive jurisdiction of all proceedings
25 against, or prosecutions of, students under the provisions of
26 this part. Proceedings against, or prosecutions of, parents or
27 employers as provided by this section shall be in the court of
28 each county having jurisdiction of misdemeanors wherein trial
29 by jury is afforded the defendant.

30 (2) NONENROLLMENT AND NONATTENDANCE CASES.--
31

1 (a) In each case of nonenrollment or of nonattendance
2 upon the part of a student who is required to attend some
3 school, when no valid reason for such nonenrollment or
4 nonattendance is found, the district school superintendent
5 shall institute a criminal prosecution against the student's
6 parent.

7 (b) Each public school principal or the principal's
8 designee shall notify the district school board of each minor
9 student under its jurisdiction who accumulates 15 unexcused
10 absences in a period of 90 calendar days. Each designee of the
11 governing body of each private school, and each parent whose
12 child is enrolled in a home education program, may provide the
13 Department of Highway Safety and Motor Vehicles with the legal
14 name, sex, date of birth, and social security number of each
15 minor student under his or her jurisdiction who fails to
16 satisfy relevant attendance requirements and who fails to
17 otherwise satisfy the requirements of s. 322.091. The district
18 school superintendent must provide the Department of Highway
19 Safety and Motor Vehicles the legal name, sex, date of birth,
20 and social security number of each minor student who has been
21 reported under this paragraph and who fails to otherwise
22 satisfy the requirements of s. 322.091. The Department of
23 Highway Safety and Motor Vehicles may not issue a driver's
24 license or learner's driver's license to, and shall suspend
25 any previously issued driver's license or learner's driver's
26 license of, any such minor student, pursuant to the provisions
27 of s. 322.091.

28 (3) HABITUAL TRUANCY CASES.--The district school
29 superintendent is authorized to file a truancy petition, as
30 defined in s. 984.03, following the procedures outlined in s.
31 984.151. If the district school superintendent chooses not to

1 file a truancy petition, procedures for filing a
2 child-in-need-of-services petition shall be commenced pursuant
3 to this subsection and chapter 984. In accordance with
4 procedures established by the district school board, the
5 designated school representative shall refer a student who is
6 habitually truant and the student's family to the
7 children-in-need-of-services and families-in-need-of-services
8 provider or the case staffing committee, established pursuant
9 to s. 984.12, as determined by the cooperative agreement
10 required in this section. The case staffing committee may
11 request the Department of Juvenile Justice or its designee to
12 file a child-in-need-of-services petition based upon the
13 report and efforts of the district school board or other
14 community agency or may seek to resolve the truant behavior
15 through the school or community-based organizations or
16 agencies. Prior to and subsequent to the filing of a
17 child-in-need-of-services petition due to habitual truancy,
18 the appropriate governmental agencies must allow a reasonable
19 time to complete actions required by this section and s.
20 1003.26 to remedy the conditions leading to the truant
21 behavior. Prior to the filing of a petition, the district
22 school board must have complied with the requirements of s.
23 1003.26, and those efforts must have been unsuccessful.

24 (4) COOPERATIVE AGREEMENTS.--The circuit manager of
25 the Department of Juvenile Justice or the circuit manager's
26 designee, the district administrator of the Department of
27 Children and Family Services or the district administrator's
28 designee, and the district school superintendent or the
29 superintendent's designee must develop a cooperative
30 interagency agreement that:

31

1 (a) Clearly defines each department's role,
2 responsibility, and function in working with habitual truants
3 and their families.

4 (b) Identifies and implements measures to resolve and
5 reduce truant behavior.

6 (c) Addresses issues of streamlining service delivery,
7 the appropriateness of legal intervention, case management,
8 the role and responsibility of the case staffing committee,
9 student and parental intervention and involvement, and
10 community action plans.

11 (d) Delineates timeframes for implementation and
12 identifies a mechanism for reporting results by the circuit
13 juvenile justice manager or the circuit manager's designee and
14 the district school superintendent or the superintendent's
15 designee to the Department of Juvenile Justice and the
16 Department of Education and other governmental entities as
17 needed.

18 (e) Designates which agency is responsible for each of
19 the intervention steps in this section, to yield more
20 effective and efficient intervention services.

21 (5) ATTENDANCE REGISTER AS EVIDENCE.--The register of
22 attendance of students at a public, parochial, religious,
23 denominational, or private school, or of students taught by a
24 private tutor, kept in compliance with rules of the State
25 Board of Education is prima facie evidence of the facts which
26 it is required to show. A certified copy of any rule and a
27 statement of the date of its adoption by the State Board of
28 Education is admissible as prima facie evidence of the
29 provisions of the rule and of the date of its adoption.

30 (6) PROCEEDINGS AND PROSECUTIONS; WHO MAY
31 BEGIN.--Proceedings or prosecutions under this chapter may be

1 commenced by the district school superintendent, by a
2 designated school representative, by the probation officer of
3 the county, by the executive officer of any court of competent
4 jurisdiction, by an officer of any court of competent
5 jurisdiction, or by a duly authorized agent of the Department
6 of Education or the Department of Juvenile Justice. If a
7 proceeding has been commenced against both a parent and a
8 child pursuant to this chapter, the presiding courts shall
9 make every effort to coordinate sanctions against the child
10 and parent, including ordering the child and parent to perform
11 community service hours or attend counseling together.

12 (7) PENALTIES.--The penalties for refusing or failing
13 to comply with this chapter shall be as follows:

14 (a) The parent.--

15 1. A parent who refuses or fails to have a minor
16 student who is under his or her control attend school
17 regularly, or who refuses or fails to comply with the
18 requirements in subsection (3), commits a misdemeanor of the
19 second degree, punishable as provided in s. 775.082 or s.
20 775.083.

21 2. The continued or habitual absence of a minor
22 student without the consent of the principal or teacher in
23 charge of the school he or she attends or should attend, or of
24 the tutor who instructs or should instruct him or her, is
25 prima facie evidence of a violation of this chapter; however,
26 a showing that the parent has made a bona fide and diligent
27 effort to control and keep the student in school shall be an
28 affirmative defense to any criminal or other liability under
29 this subsection and the court shall refer the parent and child
30 for counseling, guidance, or other needed services.

31

1 3. In addition to any other punishment, the court
2 shall order a parent who has violated this section to send the
3 minor student to school, and may also order the parent to
4 participate in an approved parent training class, attend
5 school with the student unless this would cause undue
6 hardship, perform community service hours at the school, or
7 participate in counseling or other services, as appropriate.
8 If a parent is ordered to attend school with a student, the
9 school shall provide for programming to educate the parent and
10 student on the importance of school attendance. It shall be
11 unlawful to terminate any employee solely because he or she is
12 attending school with his or her child pursuant to a court
13 order.

14 (b) The principal or teacher.--A principal or teacher
15 in any public, parochial, religious, denominational, or
16 private school, or a private tutor who willfully violates any
17 provision of this chapter may, upon satisfactory proof of such
18 violation, have his or her certificate revoked by the
19 Department of Education.

20 (c) The employer.--

21 1. An employer who fails to notify the district school
22 superintendent when he or she ceases to employ a student
23 commits a misdemeanor of the second degree, punishable as
24 provided in s. 775.082 or s. 775.083.

25 2. An employer who terminates any employee solely
26 because he or she is attending school with a student pursuant
27 to court order commits a misdemeanor of the second degree,
28 punishable as provided in s. 775.082 or s. 775.083.

29 (d) The student.--

30 1. In addition to any other authorized sanctions, the
31 court shall order a student found to be a habitual truant to

1 make up all school work missed and may order the student to
2 pay a civil penalty of up to \$2, based on the student's
3 ability to pay, for each day of school missed, perform up to
4 25 community service hours at the school, or participate in
5 counseling or other services, as appropriate.

6 2. Upon a second or subsequent finding that a student
7 is a habitual truant, the court, in addition to any other
8 authorized sanctions, shall order the student to make up all
9 school work missed and may order the student to pay a civil
10 penalty of up to \$5, based on the student's ability to pay,
11 for each day of school missed, perform up to 50 community
12 service hours at the school, or participate in counseling or
13 other services, as appropriate.

14 Section 123. Section 1003.28, Florida Statutes, is
15 created to read:

16 1003.28 Continuation of truancy remedial activities
17 upon transfer of student; retention of legal jurisdiction.--

18 (1) If, during the activities designed to remedy
19 truant behavior as described in s. 1003.27, the parent of the
20 student who is the subject of such activities transfers the
21 student to another school district in this state in an attempt
22 to circumvent the remedial procedures which have already
23 begun, the administration of the school from which the student
24 transferred shall provide to the administration of the new
25 school, at no charge, copies of all available records and
26 documents relevant to such remedial activities, and the
27 administration of the new school shall begin remedial
28 activities in the program that most closely meets the transfer
29 student's needs.

30 (2) In the event that a legal proceeding has
31 commenced, as provided in s. 1003.27, against a student who

1 has been determined to be a habitual truant, the movement of
2 the student who is the subject of such proceeding to another
3 circuit court district in this state will not affect the
4 jurisdiction of the court to proceed with the case under the
5 law.

6 Section 124. Section 1003.29, Florida Statutes, is
7 created to read:

8 1003.29 Notice to schools of court action.--If a court
9 takes action that directly involves a student's school,
10 including, but not limited to, an order that a student attend
11 school, attend school with his or her parent, perform at grade
12 level, or perform community service hours at the school, the
13 office of the clerk of the court shall provide notice to the
14 school of the court's action.

15 Section 125. Part III of chapter 1003, Florida
16 Statutes, shall be entitled "Control of Students" and shall
17 consist of ss. 1003.31-1003.33.

18 Section 126. Section 1003.31, Florida Statutes, is
19 created to read:

20 1003.31 Students subject to control of school.--

21 (1) Subject to law and rules of the State Board of
22 Education and of the district school board, each student
23 enrolled in a school shall:

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

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

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

30 (d) During a reasonable time before and after the
31 student is on the premises for attendance at school or for

1 authorized participation in a school-sponsored activity, and
2 only when on the premises,
3
4 be under the control and direction of the principal or teacher
5 in charge of the school, and under the immediate control and
6 direction of the teacher or other member of the instructional
7 staff or of the bus driver to whom such responsibility may be
8 assigned by the principal. However, the State Board of
9 Education or the district school board may, by rules, subject
10 each student to the control and direction of the principal or
11 teacher in charge of the school during the time she or he is
12 otherwise en route to or from school or is presumed by law to
13 be attending school.

14 (2) There is a rebuttable presumption that the term
15 "reasonable time" means 30 minutes before or after the
16 activity is scheduled or actually begins or ends, whichever
17 period is longer. A school or district school board may, by
18 policy or other formal action, assume a longer period of
19 supervision. Casual or incidental contact between school
20 district personnel and students on school property shall not
21 result in a legal duty to supervise outside of the reasonable
22 times set forth in this section, provided that parents shall
23 be advised in writing twice per year or by posted signs of the
24 school's formal supervisory responsibility and that parents
25 should not rely on additional supervision. The duty of
26 supervision shall not extend to anyone other than students
27 attending school and students authorized to participate in
28 school-sponsored activities.

29 (3) Nothing shall prohibit a district school board
30 from having the right to expel, or to take disciplinary action
31

1 against, a student who is found to have committed an offense
2 on school property at any time if:
3 (a) The student is found to have committed a
4 delinquent act which would be a felony if committed by an
5 adult;
6 (b) The student has had adjudication withheld for a
7 delinquent act which, if committed by an adult, would be a
8 felony; or
9 (c) The student has been found guilty of a felony.
10
11 However, if the student is a student with a disability, the
12 disciplinary action must comply with the procedures set forth
13 in State Board of Education rule.
14 (4) Each student enrolled in a school may be required
15 to take the following school child's daily conduct pledge:
16 (a) I will be respectful at all times and obedient
17 unless asked to do wrong.
18 (b) I will not hurt another person with my words or my
19 acts, because it is wrong to hurt others.
20 (c) I will tell the truth, because it is wrong to tell
21 a lie.
22 (d) I will not steal, because it is wrong to take
23 someone else's property.
24 (e) I will respect my body, and not take drugs.
25 (f) I will show strength and courage, and not do
26 something wrong, just because others are doing it.
27 (g) I pledge to be nonviolent and to respect my
28 teachers and fellow classmates.
29 Section 127. Section 1003.32, Florida Statutes, is
30 created to read:
31

1 1003.32 Authority of teacher; responsibility for
2 control of students; district school board and principal
3 duties.--Subject to law and to the rules of the district
4 school board, each teacher or other member of the staff of any
5 school shall have such authority for the control and
6 discipline of students as may be assigned to him or her by the
7 principal or the principal's designated representative and
8 shall keep good order in the classroom and in other places in
9 which he or she is assigned to be in charge of students.
10 (1) Within the framework of the district school
11 board's code of student conduct, teachers and other
12 instructional personnel shall have the authority to undertake
13 any of the following actions in managing student behavior and
14 ensuring the safety of all students in their classes and
15 school:
16 (a) Establish classroom rules of conduct.
17 (b) Establish and implement consequences, designed to
18 change behavior, for infractions of classroom rules.
19 (c) Have disobedient, disrespectful, violent, abusive,
20 uncontrollable, or disruptive students temporarily removed
21 from the classroom for behavior management intervention.
22 (d) Have violent, abusive, uncontrollable, or
23 disruptive students directed for information or assistance
24 from appropriate school or district school board personnel.
25 (e) Assist in enforcing school rules on school
26 property, during school-sponsored transportation, and during
27 school-sponsored activities.
28 (f) Request and receive information as to the
29 disposition of any referrals to the administration for
30 violation of classroom or school rules.
31

1 (g) Request and receive immediate assistance in
2 classroom management if a student becomes uncontrollable or in
3 case of emergency.

4 (h) Request and receive training and other assistance
5 to improve skills in classroom management, violence
6 prevention, conflict resolution, and related areas.

7 (i) Press charges if a crime has been committed
8 against the teacher or other instructional personnel on school
9 property, during school-sponsored transportation, or during
10 school-sponsored activities.

11 (j) Use reasonable force, according to standards
12 adopted by the State Board of Education, to protect himself or
13 herself or others from injury.

14 (k) Use corporal punishment according to school board
15 policy and at least the following procedures, if a teacher
16 feels that corporal punishment is necessary:

17 1. The use of corporal punishment shall be approved in
18 principle by the principal before it is used, but approval is
19 not necessary for each specific instance in which it is used.
20 The principal shall prepare guidelines for administering such
21 punishment which identify the types of punishable offenses,
22 the conditions under which the punishment shall be
23 administered, and the specific personnel on the school staff
24 authorized to administer the punishment.

25 2. A teacher or principal may administer corporal
26 punishment only in the presence of another adult who is
27 informed beforehand, and in the student's presence, of the
28 reason for the punishment.

29 3. A teacher or principal who has administered
30 punishment shall, upon request, provide the student's parent
31

1 with a written explanation of the reason for the punishment
2 and the name of the other adult who was present.
3 (2) Teachers and other instructional personnel shall:
4 (a) Set and enforce reasonable classroom rules that
5 treat all students equitably.
6 (b) Seek professional development to improve classroom
7 management skills when data show that they are not effective
8 in handling minor classroom disruptions.
9 (c) Maintain a positive and effective learning
10 environment that maximizes learning and minimizes disruption.
11 (d) Work with parents and other school personnel to
12 solve discipline problems in their classrooms.
13 (3) A teacher may send a student to the principal's
14 office to maintain effective discipline in the classroom. The
15 principal shall respond by employing appropriate
16 discipline-management techniques consistent with the student
17 code of conduct under s. 1006.07.
18 (4) A teacher may remove from class a student whose
19 behavior the teacher determines interferes with the teacher's
20 ability to communicate effectively with the students in the
21 class or with the ability of the student's classmates to
22 learn.
23 (5) If a teacher removes a student from class under
24 subsection (4), the principal may place the student in another
25 appropriate classroom, in in-school suspension, or in a
26 dropout prevention and academic intervention program as
27 provided by s. 1003.53; or the principal may recommend the
28 student for out-of-school suspension or expulsion, as
29 appropriate. The student may be prohibited from attending or
30 participating in school-sponsored or school-related
31 activities. The principal may not return the student to that

1 teacher's class without the teacher's consent unless the
2 committee established under subsection (6) determines that
3 such placement is the best or only available alternative. The
4 teacher and the placement review committee must render
5 decisions within 5 days of the removal of the student from the
6 classroom.

7 (6) Each school shall establish a committee to
8 determine placement of a student when a teacher withholds
9 consent to the return of a student to the teacher's class.
10 Committee membership must include at least the following:

11 (a) Two teachers selected by the school's faculty.

12 (b) One member from the school's staff who is selected
13 by the principal.

14
15 The teacher who withheld consent to readmitting the student
16 may not serve on the committee. The teacher and the placement
17 review committee must render decisions within 5 days after the
18 removal of the student from the classroom.

19 (7) Any teacher who removes 25 percent of his or her
20 total class enrollment shall be required to complete
21 professional development to improve classroom management
22 skills.

23 (8) When knowledgeable of the likely risk of physical
24 violence in the schools, the district school board shall take
25 reasonable steps to ensure that teachers, other school staff,
26 and students are not at undue risk of violence or harm.

27 Section 128. Section 1003.33, Florida Statutes, is
28 created to read:

29 1003.33 Report cards; end-of-the-year status.--

30 (1) Each district school board shall establish and
31 publish policies requiring the content and regular issuance of

1 student report cards for all elementary school, middle school,
2 and high school students. These report cards must clearly
3 depict and grade:

4 (a) The student's academic performance in each class
5 or course, which in grades 1 through 12 must be based upon
6 examinations as well as written papers, class participation,
7 and other academic performance criteria.

8 (b) The student's conduct and behavior.

9 (c) The student's attendance, including absences and
10 tardiness.

11 (2) A student's final report card for a school year
12 shall contain a statement indicating end-of-the-year status
13 regarding performance or nonperformance at grade level,
14 acceptable or unacceptable behavior and attendance, and
15 promotion or nonpromotion.

16
17 District school boards shall not allow schools to exempt
18 students from academic performance requirements based on
19 practices or policies designed to encourage student
20 attendance. A student's attendance record may not be used in
21 whole or in part to provide an exemption from any academic
22 performance requirement.

23 Section 129. Part IV of chapter 1003, Florida
24 Statutes, shall be entitled "Public K-12 Educational
25 Instruction" and shall consist of ss. 1003.41-1003.491.

26 Section 130. Section 1003.41, Florida Statutes, is
27 created to read:

28 1003.41 Sunshine State Standards.--Public K-12
29 educational instruction in Florida is based on the "Sunshine
30 State Standards." These standards have been adopted by the
31 State Board of Education and delineate the academic

1 achievement of students, for which the state will hold schools
2 accountable, in grades K-2, 3-5, 6-8, and 9-12 in the subjects
3 of language arts, mathematics, science, social studies, the
4 arts, health and physical education, and foreign languages.
5 They include standards in reading, writing, history,
6 government, geography, economics, and computer literacy.

7 Section 131. Section 1003.42, Florida Statutes, is
8 created to read:

9 1003.42 Required instruction.--

10 (1) Each district school board shall provide all
11 courses required for high school graduation and appropriate
12 instruction designed to ensure that students meet State Board
13 of Education adopted standards in the following subject areas:
14 reading and other language arts, mathematics, science, social
15 studies, foreign languages, health and physical education, and
16 the arts.

17 (2) Members of the instructional staff of the public
18 schools, subject to the rules of the State Board of Education
19 and the district school board, shall teach efficiently and
20 faithfully, using the books and materials required, following
21 the prescribed courses of study, and employing approved
22 methods of instruction, the following:

23 (a) The content of the Declaration of Independence and
24 how it forms the philosophical foundation of our government.

25 (b) The arguments in support of adopting our
26 republican form of government, as they are embodied in the
27 most important of the Federalist Papers.

28 (c) The essentials of the United States Constitution
29 and how it provides the structure of our government.

30 (d) Flag education, including proper flag display and
31 flag salute.

1 (e) The elements of civil government, including the
2 primary functions of and interrelationships between the
3 Federal Government, the state, and its counties,
4 municipalities, school districts, and special districts.

5 (f) The history of the Holocaust (1933-1945), the
6 systematic, planned annihilation of European Jews and other
7 groups by Nazi Germany, a watershed event in the history of
8 humanity, to be taught in a manner that leads to an
9 investigation of human behavior, an understanding of the
10 ramifications of prejudice, racism, and stereotyping, and an
11 examination of what it means to be a responsible and
12 respectful person, for the purposes of encouraging tolerance
13 of diversity in a pluralistic society and for nurturing and
14 protecting democratic values and institutions.

15 (g) The history of African Americans, including the
16 history of African peoples before the political conflicts that
17 led to the development of slavery, the passage to America, the
18 enslavement experience, abolition, and the contributions of
19 African Americans to society.

20 (h) The elementary principles of agriculture.

21 (i) The true effects of all alcoholic and intoxicating
22 liquors and beverages and narcotics upon the human body and
23 mind.

24 (j) Kindness to animals.

25 (k) The history of the state.

26 (l) The conservation of natural resources.

27 (m) Comprehensive health education that addresses
28 concepts of community health; consumer health; environmental
29 health; family life, including an awareness of the benefits of
30 sexual abstinence as the expected standard and the
31 consequences of teenage pregnancy; mental and emotional

1 health; injury prevention and safety; nutrition; personal
2 health; prevention and control of disease; and substance use
3 and abuse.

4 (n) Such additional materials, subjects, courses, or
5 fields in such grades as are prescribed by law or by rules of
6 the State Board of Education and the district school board in
7 fulfilling the requirements of law.

8 (o) The study of Hispanic contributions to the United
9 States.

10 (p) The study of women's contributions to the United
11 States.

12 (q) A character-development program in the elementary
13 schools, similar to Character First or Character Counts, which
14 is secular in nature and stresses such character qualities as
15 attentiveness, patience, and initiative. Beginning in school
16 year 2004-2005, the character-development program shall be
17 required in kindergarten through grade 12. Each district
18 school board shall develop or adopt a curriculum for the
19 character-development program that shall be submitted to the
20 department for approval. The character-development curriculum
21 shall stress the qualities of patriotism, responsibility,
22 citizenship, kindness, respect, honesty, self-control,
23 tolerance, and cooperation.

24 (r) In order to encourage patriotism, the sacrifices
25 that veterans have made in serving our country and protecting
26 democratic values worldwide. Such instruction must occur on or
27 before Veterans' Day and Memorial Day. Members of the
28 instructional staff are encouraged to use the assistance of
29 local veterans when practicable.

30 (3) Any student whose parent makes written request to
31 the school principal shall be exempted from the teaching of

1 reproductive health or any disease, including HIV/AIDS, its
2 symptoms, development, and treatment. A student so exempted
3 may not be penalized by reason of that exemption. Course
4 descriptions for comprehensive health education shall not
5 interfere with the local determination of appropriate
6 curriculum which reflects local values and concerns.

7 Section 132. Section 1003.43, Florida Statutes, is
8 created to read:

9 1003.43 General requirements for high school
10 graduation.--

11 (1) Graduation requires successful completion of
12 either a minimum of 24 academic credits in grades 9 through 12
13 or an International Baccalaureate curriculum. The 24 credits
14 shall be distributed as follows:

15 (a) Four credits in English, with major concentration
16 in composition and literature.

17 (b) Three credits in mathematics. Effective for
18 students entering the 9th grade in the 1997-1998 school year
19 and thereafter, one of these credits must be Algebra I, a
20 series of courses equivalent to Algebra I, or a higher-level
21 mathematics course.

22 (c) Three credits in science, two of which must have a
23 laboratory component. The State Board of Education may grant
24 an annual waiver of the laboratory requirement to a district
25 school board that certifies that its laboratory facilities are
26 inadequate, provided the district school board submits a
27 capital outlay plan to provide adequate facilities and makes
28 the funding of this plan a priority of the district school
29 board. Agriscience Foundations I, the core course in secondary
30 Agriscience and Natural Resources programs, counts as one of
31 the science credits.

- 1 (d) One credit in American history.
- 2 (e) One credit in world history, including a
3 comparative study of the history, doctrines, and objectives of
4 all major political systems.
- 5 (f) One-half credit in economics, including a
6 comparative study of the history, doctrines, and objectives of
7 all major economic systems. The Florida Council on Economic
8 Education shall provide technical assistance to the department
9 and district school boards in developing curriculum materials
10 for the study of economics.
- 11 (g) One-half credit in American government, including
12 study of the Constitution of the United States. For students
13 entering the 9th grade in the 1997-1998 school year and
14 thereafter, the study of Florida government, including study
15 of the State Constitution, the three branches of state
16 government, and municipal and county government, shall be
17 included as part of the required study of American government.
- 18 (h)1. One credit in practical arts career and
19 technical education or exploratory career and technical
20 education. Any career and technical education course as
21 defined in s. 1003.01 may be taken to satisfy the high school
22 graduation requirement for one credit in practical arts or
23 exploratory career and technical education provided in this
24 subparagraph;
- 25 2. One credit in performing fine arts to be selected
26 from music, dance, drama, painting, or sculpture. A course in
27 any art form, in addition to painting or sculpture, that
28 requires manual dexterity, or a course in speech and debate,
29 may be taken to satisfy the high school graduation requirement
30 for one credit in performing arts pursuant to this
31 subparagraph; or

1 3. One-half credit each in practical arts career and
2 technical education or exploratory career and technical
3 education and performing fine arts, as defined in this
4 paragraph.

5
6 Such credit for practical arts career and technical education
7 or exploratory career and technical education or for
8 performing fine arts shall be made available in the 9th grade,
9 and students shall be scheduled into a 9th grade course as a
10 priority.

11 (i) One-half credit in life management skills to
12 include consumer education, positive emotional development,
13 marriage and relationship skill-based education, nutrition,
14 prevention of human immunodeficiency virus infection and
15 acquired immune deficiency syndrome and other sexually
16 transmissible diseases, benefits of sexual abstinence and
17 consequences of teenage pregnancy, information and instruction
18 on breast cancer detection and breast self-examination,
19 cardiopulmonary resuscitation, drug education, and the hazards
20 of smoking. Such credit shall be given for a course to be
21 taken by all students in either the 9th or 10th grade.

22 (j) One credit in physical education to include
23 assessment, improvement, and maintenance of personal fitness.
24 Participation in an interscholastic sport at the junior
25 varsity or varsity level, for two full seasons, shall satisfy
26 the one-credit requirement in physical education if the
27 student passes a competency test on personal fitness with a
28 score of "C" or better. The competency test on personal
29 fitness must be developed by the Department of Education. A
30 district school board may not require that the one credit in
31 physical education be taken during the 9th grade year.

1 Completion of one semester with a grade of "C" or better in a
2 marching band class or in a physical activity class that
3 requires participation in marching band activities as an
4 extracurricular activity shall satisfy a one-half credit
5 requirement in physical education. This one-half credit may
6 not be used to satisfy the personal fitness requirement or the
7 requirement for adaptive physical education under an
8 individual educational plan (IEP) or 504 plan.

9 (k) Eight and one-half elective credits.

10
11 District school boards may award a maximum of one-half credit
12 in social studies and one-half elective credit for student
13 completion of nonpaid voluntary community or school service
14 work. Students choosing this option must complete a minimum
15 of 75 hours of service in order to earn the one-half credit in
16 either category of instruction. Credit may not be earned for
17 service provided as a result of court action. District school
18 boards that approve the award of credit for student volunteer
19 service shall develop guidelines regarding the award of the
20 credit, and school principals are responsible for approving
21 specific volunteer activities. A course designated in the
22 Course Code Directory as grade 9 through grade 12 that is
23 taken below the 9th grade may be used to satisfy high school
24 graduation requirements or Florida Academic Scholars award
25 requirements as specified in a district school board's student
26 progression plan. A student shall be granted credit toward
27 meeting the requirements of this subsection for equivalent
28 courses, as identified pursuant to s. 1007.271(6), taken
29 through dual enrollment.

30
31

1 (2) Remedial and compensatory courses taken in grades
2 9 through 12 may only be counted as elective credit as
3 provided in subsection (1).
4 (3) Credit for high school graduation may be earned
5 for volunteer activities and nonacademic activities which have
6 been approved for such credit by the State Board of Education.
7 (4)(a) A district school board may require specific
8 courses and programs of study within the minimum credit
9 requirements for high school graduation and shall modify basic
10 courses, as necessary, to assure exceptional students the
11 opportunity to meet the graduation requirements for a standard
12 diploma, using one of the following strategies:
13 1. Assignment of the exceptional student to an
14 exceptional education class for instruction in a basic course
15 with the same student performance standards as those required
16 of nonexceptional students in the district school board
17 student progression plan; or
18 2. Assignment of the exceptional student to a basic
19 education class for instruction that is modified to
20 accommodate the student's exceptionality.
21 (b) The district school board shall determine which of
22 these strategies to employ based upon an assessment of the
23 student's needs and shall reflect this decision in the
24 student's individual educational plan.
25 (c) District school boards are authorized and
26 encouraged to establish requirements for high school
27 graduation in excess of the minimum requirements; however, an
28 increase in academic credit or minimum grade point average
29 requirements shall not apply to those students enrolled in
30 grades 9 through 12 at the time the district school board
31 increases the requirements. In addition, any increase in

1 academic credit or minimum grade point average requirements
2 shall not apply to a student who earns credit toward the
3 graduation requirements of this section for equivalent courses
4 taken through dual enrollment.

5 (5) Each district school board shall establish
6 standards for graduation from its schools, and these standards
7 must include:

8 (a) Earning passing scores on the FCAT, as defined in
9 s. 1008.22(3)(c).

10 (b) Completion of all other applicable requirements
11 prescribed by the district school board pursuant to s.
12 1008.25.

13 (c) Achievement of a cumulative grade point average of
14 1.5 on a 4.0 scale, or its equivalent, for students entering
15 9th grade before the 1997-1998 school year; however, these
16 students must earn a cumulative grade point average of 2.0 on
17 a 4.0 scale, or its equivalent, in the courses required by
18 subsection (1) that are taken after July 1, 1997, or have an
19 overall cumulative grade point average of 2.0 or above.

20 (d) Achievement of a cumulative grade point average of
21 2.0 on a 4.0 scale, or its equivalent, in the courses required
22 by subsection (1), for students entering 9th grade in the
23 1997-1998 school year and thereafter.

24 (e) For purposes of paragraphs (c) and (d):

25 1. Each district school board shall adopt policies
26 designed to assist students in meeting these requirements.
27 These policies may include, but are not limited to:
28 forgiveness policies, summer school or before or after school
29 attendance, special counseling, volunteer and/or peer tutors,
30 school-sponsored help sessions, homework hotlines, and study
31 skills classes. Beginning in the 2000-2001 school year and

1 each year thereafter, forgiveness policies for required
2 courses shall be limited to replacing a grade of "D" or "F,"
3 or the equivalent of a grade of "D" or "F," with a grade of
4 "C" or higher, or the equivalent of a grade of "C" or higher,
5 earned subsequently in the same or comparable course.
6 Forgiveness policies for elective courses shall be limited to
7 replacing a grade of "D" or "F," or the equivalent of a grade
8 of "D" or "F," with a grade of "C" or higher, or the
9 equivalent of a grade of "C" or higher, earned subsequently in
10 another course. Any course grade not replaced according to a
11 district school board forgiveness policy shall be included in
12 the calculation of the cumulative grade point average required
13 for graduation.

14 2. At the end of each semester, the parent of each
15 student in grades 9, 10, 11, and 12 who has a cumulative grade
16 point average of less than 0.5 above the cumulative grade
17 point average required for graduation shall be notified that
18 the student is at risk of not meeting the requirements for
19 graduation. The notice shall contain an explanation of the
20 policies the district school board has in place to assist the
21 student in meeting the grade point average requirement.

22 3. Special assistance to obtain a high school
23 equivalency diploma pursuant to s. 1003.435 may be given only
24 when the student has completed all requirements for graduation
25 except the attainment of the required cumulative grade point
26 average.

27
28 The standards required in this subsection, and any subsequent
29 modifications, shall be reprinted in the Florida
30 Administrative Code even though not defined as "rules."

31

1 (6) The Legislature recognizes that adult learners are
2 unique in situation and needs. The following graduation
3 requirements are therefore instituted for students enrolled in
4 adult general education in accordance with s. 1004.93 in
5 pursuit of a high school diploma:

6 (a) The one credit in physical education required for
7 graduation, pursuant to subsection (1), is not required for
8 graduation and shall be substituted with elective credit
9 keeping the total credits needed for graduation consistent
10 with subsection (1).

11 (b) Each district school board may waive the
12 laboratory component of the science requirement expressed in
13 subsection (1) when such facilities are inaccessible or do not
14 exist.

15 (c) Any course listed within the Department of
16 Education Course Code Directory in the areas of art, dance,
17 drama, or music may be undertaken by adult secondary education
18 students. Enrollment and satisfactory completion of such a
19 course shall satisfy the credit in performing fine arts
20 required for high school graduation pursuant to subsection
21 (1).

22 (7) No student may be granted credit toward high
23 school graduation for enrollment in the following courses or
24 programs:

25 (a) More than a total of nine elective credits in
26 remedial programs.

27 (b) More than one credit in exploratory career
28 education courses as defined in s. 1003.01(4)(a).

29 (c) More than three credits in practical arts family
30 and consumer sciences classes as defined in s. 1003.01(4)(a).

31

1 (d) Any Level I course unless the student's assessment
2 indicates that a more rigorous course of study would be
3 inappropriate, in which case a written assessment of the need
4 must be included in the student's individual educational plan
5 or in a student performance plan, signed by the principal, the
6 guidance counselor, and the parent of the student, or the
7 student if the student is 18 years of age or older.

8 (8) The State Board of Education, after a public
9 hearing and consideration, shall make provision for
10 appropriate modification of testing instruments and procedures
11 for students with identified handicaps or disabilities in
12 order to ensure that the results of the testing represent the
13 student's achievement, rather than reflecting the student's
14 impaired sensory, manual, speaking, or psychological process
15 skills.

16 (9) A student who meets all requirements prescribed in
17 subsections (1), (4), and (5) shall be awarded a standard
18 diploma in a form prescribed by the State Board of Education.
19 A district school board may attach the Florida gold seal
20 career and technical endorsement to a standard diploma or,
21 instead of the standard diploma, award differentiated diplomas
22 to those exceeding the prescribed minimums. A student who
23 completes the minimum number of credits and other requirements
24 prescribed by subsections (1) and (4), but who is unable to
25 meet the standards of paragraph (5)(a), paragraph (5)(b), or
26 paragraph (5)(c), shall be awarded a certificate of completion
27 in a form prescribed by the State Board of Education. However,
28 any student who is otherwise entitled to a certificate of
29 completion may elect to remain in the secondary school either
30 as a full-time student or a part-time student for up to 1
31

1 additional year and receive special instruction designed to
2 remedy his or her identified deficiencies.

3 (10) The public hearing and consideration required in
4 subsection (8) shall not be construed to amend or nullify the
5 requirements of security relating to the contents of
6 examinations or assessment instruments and related materials
7 or data as prescribed in s. 1008.23.

8 (11) The Commissioner of Education may award a
9 standard high school diploma to honorably discharged veterans
10 who started high school between 1937 and 1946 and were
11 scheduled to graduate between 1941 and 1950 but were inducted
12 into the United States Armed Forces between September 16,
13 1940, and December 31, 1946, prior to completing the necessary
14 high school graduation requirements. Upon the recommendation
15 of the commissioner, the State Board of Education may develop
16 criteria and guidelines for awarding such diplomas.

17 Section 133. Section 1003.435, Florida Statutes, is
18 created to read:

19 1003.435 High school equivalency diploma program.--

20 (1) The State Board of Education shall adopt rules
21 that prescribe performance standards and provide for
22 comprehensive examinations to be administered to candidates
23 for high school equivalency diplomas. Such rules shall
24 include, but are not limited to, provisions for fees,
25 frequency of examinations, and procedures for retaking an
26 examination upon unsatisfactory performance.

27 (2) The department may award high school equivalency
28 diplomas to candidates who meet the performance standards
29 prescribed by the State Board of Education.

30 (3) Each district school board shall offer and
31 administer the high school equivalency diploma examinations

1 and the subject area examinations to all candidates pursuant
2 to rules of the State Board of Education.

3 (4) A candidate for a high school equivalency diploma
4 shall be at least 18 years of age on the date of the
5 examination, except that in extraordinary circumstances, as
6 provided for in rules of the district school board of the
7 district in which the candidate resides or attends school, a
8 candidate may take the examination after reaching the age of
9 16.

10 (5) Each district school board shall develop, in
11 cooperation with the area community college board of trustees,
12 a plan for the provision of advanced instruction for those
13 students who attain satisfactory performance on the high
14 school equivalency examination or the subject area
15 examinations or who demonstrate through other means a
16 readiness to engage in postsecondary-level academic work. The
17 plan shall include provisions for the equitable distribution
18 of generated funds to cover personnel, maintenance, and other
19 costs of offering the advanced instruction. Priority shall be
20 given to programs of advanced instruction offered in high
21 school facilities.

22 (6)(a) All high school equivalency diplomas issued
23 under the provisions of this section shall have equal status
24 with other high school diplomas for all state purposes,
25 including admission to any state university or community
26 college.

27 (b) The State Board of Education shall adopt rules
28 providing for the award of a standard high school diploma to
29 holders of high school equivalency diplomas who are assessed
30 as meeting designated criteria, and the commissioner shall
31 establish procedures for administering the assessment.

1 Section 134. Section 1003.436, Florida Statutes, is
2 created to read:

3 1003.436 Definition of "credit".--

4 (1)(a) For the purposes of requirements for high
5 school graduation, one full credit means a minimum of 135
6 hours of bona fide instruction in a designated course of study
7 that contains student performance standards. The State Board
8 of Education shall determine the number of postsecondary
9 credit hours earned through dual enrollment pursuant to s.
10 1007.271 that satisfy the requirements of a district's
11 interinstitutional articulation agreement according to s.
12 1007.235 and that equal one full credit of the equivalent high
13 school course identified pursuant to s. 1007.271(6).

14 (b) The hourly requirements for one-half credit are
15 one-half the requirements specified in paragraph (a).

16 (2) In awarding credit for high school graduation,
17 each district school board shall maintain a one-half credit
18 earned system that shall include courses provided on a
19 full-year basis. A student enrolled in a full-year course
20 shall receive one-half credit if the student successfully
21 completes either the first half or the second half of a
22 full-year course but fails to successfully complete the other
23 half of the course and the averaging of the grades obtained in
24 each half would not result in a passing grade. A student
25 enrolled in a full-year course shall receive a full credit if
26 the student successfully completes either the first half or
27 the second half of a full-year course but fails to
28 successfully complete the other half of the course and the
29 averaging of the grades obtained in each half would result in
30 a passing grade, provided that such additional requirements
31 specified in district school board policies, such as class

1 attendance, homework, participation, and other indicators of
2 performance, shall be successfully completed by the student.

3 Section 135. Section 1003.437, Florida Statutes, is
4 created to read:

5 1003.437 High school grading system.--The grading
6 system and interpretation of letter grades used in public high
7 schools shall be as follows:

8 (1) Grade "A" equals 90 percent through 100 percent,
9 has a grade point average value of 4, and is defined as
10 "outstanding progress."

11 (2) Grade "B" equals 80 percent through 89 percent,
12 has a grade point average value of 3, and is defined as "above
13 average progress."

14 (3) Grade "C" equals 70 percent through 79 percent,
15 has a grade point average value of 2, and is defined as
16 "average progress."

17 (4) Grade "D" equals 60 percent through 69 percent,
18 has a grade point average value of 1, and is defined as
19 "lowest acceptable progress."

20 (5) Grade "F" equals zero percent through 59 percent,
21 has a grade point average value of zero, and is defined as
22 "failure."

23 (6) Grade "I" equals zero percent, has a grade point
24 average value of zero, and is defined as "incomplete."

25
26 For the purposes of class ranking, district school boards may
27 exercise a weighted grading system.

28 Section 136. Section 1003.438, Florida Statutes, is
29 created to read:

30 1003.438 Special high school graduation requirements
31 for certain exceptional students.--A student who has been

1 properly classified, in accordance with rules established by
2 the State board of Education, as "educable mentally
3 handicapped," "trainable mentally handicapped," "hearing
4 impaired," "specific learning disabled," "physically or
5 language impaired," or "emotionally handicapped" shall not be
6 required to meet all requirements of s. 1003.43 and shall,
7 upon meeting all applicable requirements prescribed by the
8 district school board pursuant to s. 1008.25, be awarded a
9 special diploma in a form prescribed by the commissioner;
10 however, such special graduation requirements prescribed by
11 the district school board must include minimum graduation
12 requirements as prescribed by the commissioner. Any such
13 student who meets all special requirements of the district
14 school board for exceptionality, but is unable to meet the
15 appropriate special state minimum requirements, shall be
16 awarded a special certificate of completion in a form
17 prescribed by the commissioner. A student who has been
18 properly classified as "profoundly handicapped" and who meets
19 the special requirements of the district school board for a
20 special diploma in accordance with requirements for any
21 exceptional student identified in this section shall be
22 awarded a special diploma; however, such a student shall
23 alternatively be eligible for a special certificate of
24 completion, in a form prescribed by the commissioner, if all
25 school requirements for students who are "profoundly
26 handicapped" have been met. However, this section does not
27 limit or restrict the right of an exceptional student solely
28 to a special diploma or special certificate of completion.
29 Any such student shall, upon proper request, be afforded the
30 opportunity to fully meet all requirements of s. 1003.43
31

1 through the standard procedures established therein and
2 thereby to qualify for a standard diploma upon graduation.
3 Section 137. Section 1003.44, Florida Statutes, is
4 created to read:
5 1003.44 Patriotic programs; rules.--
6 (1) Each district school board may adopt rules to
7 require, in all of the schools of the district, programs of a
8 patriotic nature to encourage greater respect for the
9 government of the United States and its national anthem and
10 flag, subject always to other existing pertinent laws of the
11 United States or of the state. When the national anthem is
12 played, students and all civilians shall stand at attention,
13 men removing the headdress, except when such headdress is worn
14 for religious purposes. The pledge of allegiance to the flag,
15 "I pledge allegiance to the flag of the United States of
16 America and to the republic for which it stands, one nation
17 under God, indivisible, with liberty and justice for all,"
18 shall be rendered by students standing with the right hand
19 over the heart. The pledge of allegiance to the flag shall be
20 recited at the beginning of the day in each public elementary,
21 middle, and high school in the state. Each student shall be
22 informed by posting a notice in a conspicuous place that the
23 student has the right not to participate in reciting the
24 pledge. Upon written request by his or her parent, the student
25 must be excused from reciting the pledge. When the pledge is
26 given, civilians must show full respect to the flag by
27 standing at attention, men removing the headdress, except when
28 such headdress is worn for religious purposes, as provided by
29 Pub. L. ch. 77-435, s. 7, approved June 22, 1942, 56 Stat.
30 377, as amended by Pub. L. ch. 77-806, 56 Stat. 1074, approved
31 December 22, 1942.

1 (2) Each district school board may allow any teacher
2 or administrator to read, or to post in a public school
3 building or classroom or at any school-related event, any
4 excerpt or portion of the following historic material: the
5 national motto; the national anthem; the pledge of allegiance;
6 the Constitution of the State of Florida, including the
7 Preamble; the Constitution of the United States, including the
8 Preamble; the Bill of Rights; the Declaration of Independence;
9 the Mayflower Compact; the Emancipation Proclamation; the
10 writings, speeches, documents, and proclamations of the
11 presidents of the United States, the signers of the
12 Constitution of the United States and the Declaration of
13 Independence, and civil rights leaders; and decisions of the
14 United States Supreme Court. However, any material that is
15 read, posted, or taught pursuant to this provision may be
16 presented only from a historical perspective and in a
17 nonproselytizing manner. When less than an entire document is
18 used, the excerpt or portion must include as much material as
19 is reasonably necessary to reflect the sentiment of the entire
20 document and avoid expressing statements out of the context in
21 which they were originally made. If the material refers to
22 laws or judicial decisions that have been superseded, the
23 material must be accompanied by a statement indicating that
24 such law or decision is no longer the law of the land. No
25 material shall be selected to advance a particular religious,
26 political, or sectarian purpose. The department shall
27 distribute a copy of this section to each district school
28 board, whereupon each district school superintendent shall
29 distribute a copy to all teachers and administrators.

30 Section 138. Section 1003.45, Florida Statutes, is
31 created to read:

1 1003.45 Permitting study of the Bible and religion;
2 permitting brief meditation period.--

3 (1) The district school board may install in the
4 public schools in the district a secular program of education
5 including, but not limited to, an objective study of the Bible
6 and of religion.

7 (2) The district school board may provide that a brief
8 period, not to exceed 2 minutes, for the purpose of silent
9 prayer or meditation be set aside at the start of each school
10 day or each school week in the public schools in the district.

11 Section 139. Section 1003.46, Florida Statutes, is
12 created to read:

13 1003.46 Health education; instruction in acquired
14 immune deficiency syndrome.--

15 (1) Each district school board may provide instruction
16 in acquired immune deficiency syndrome education as a specific
17 area of health education. Such instruction may include, but
18 is not limited to, the known modes of transmission, signs and
19 symptoms, risk factors associated with acquired immune
20 deficiency syndrome, and means used to control the spread of
21 acquired immune deficiency syndrome. The instruction shall be
22 appropriate for the grade and age of the student and shall
23 reflect current theory, knowledge, and practice regarding
24 acquired immune deficiency syndrome and its prevention.

25 (2) Throughout instruction in acquired immune
26 deficiency syndrome, sexually transmitted diseases, or health
27 education, when such instruction and course material contains
28 instruction in human sexuality, a school shall:

29 (a) Teach abstinence from sexual activity outside of
30 marriage as the expected standard for all school-age students
31

1 while teaching the benefits of monogamous heterosexual
2 marriage.

3 (b) Emphasize that abstinence from sexual activity is
4 a certain way to avoid out-of-wedlock pregnancy, sexually
5 transmitted diseases, including acquired immune deficiency
6 syndrome, and other associated health problems.

7 (c) Teach that each student has the power to control
8 personal behavior and encourage students to base actions on
9 reasoning, self-esteem, and respect for others.

10 (d) Provide instruction and material that is
11 appropriate for the grade and age of the student.

12 Section 140. Section 1003.47, Florida Statutes, is
13 created to read:

14 1003.47 Biological experiments on living subjects.--

15 (1) It is the intent of the Legislature with respect
16 to biological experiments involving living subjects by
17 students in grades K through 12 that:

18 (a) No surgery or dissection shall be performed on any
19 living mammalian vertebrate or bird. Dissection may be
20 performed on nonliving mammals or birds secured from a
21 recognized source of such specimens and under supervision of
22 qualified instructors. Students may be excused upon written
23 request of a parent.

24 (b) Lower orders of life and invertebrates may be used
25 in such experiments.

26 (c) Nonmammalian vertebrates, excluding birds, may be
27 used in biological experiments, provided that physiological
28 harm does not result from such experiments. Anatomical
29 studies shall only be conducted on models that are
30 anatomically correct for the animal being studied or on
31 nonliving nonmammalian vertebrates secured and from a

1 recognized source of such specimens and under the supervision
2 of qualified instructors. Students may be excused from such
3 experiments upon written request of the parent.
4 (d) Observational studies of animals in the wild or in
5 zoological parks, gardens, or aquaria, or of pets, fish,
6 domestic animals, or livestock may be conducted.
7 (e) Studies of vertebrate animal cells, such as red
8 blood cells or other tissue cells, plasma or serum, or
9 anatomical specimens, such as organs, tissues, or skeletons,
10 purchased or acquired from biological supply houses or
11 research facilities or from wholesale or retail establishments
12 that supply carcasses or parts of food animals may be
13 conducted.
14 (f) Normal physiological and behavioral studies of the
15 human animal may be conducted, provided that such projects are
16 carefully selected so that neither physiological or
17 psychological harm to the subject can result from such
18 studies.
19 (g) All experiments shall be carried out under the
20 supervision of a competent science teacher who shall be
21 responsible for ensuring that the student has the necessary
22 comprehension for the study to be undertaken. Whenever
23 feasible, specifically qualified experts in the field should
24 be consulted.
25 (h) Live animals on the premises of public and private
26 elementary, middle, and high schools shall be housed and cared
27 for in a humane and safe manner. Animals shall not remain on
28 the premises of any school during periods when such school is
29 not in session, unless adequate care is provided for such
30 animals.
31

1 (2) The provisions of this section shall not be
2 construed to prohibit or constrain conventional instruction in
3 the normal practices of animal husbandry or exhibition of any
4 livestock in connection with any agricultural program or
5 instruction of advanced students participating in advanced
6 research, scientific studies, or projects.

7 (3) If any instructional employee of a public high
8 school or area technical center knowingly or intentionally
9 fails or refuses to comply with any of the provisions of this
10 section, the district school board may suspend, dismiss,
11 return to annual contract, or otherwise discipline such
12 employee as provided in s. 1012.22(1)(f) in accordance with
13 procedures established in chapter 1012. If any instructional
14 employee of any private school knowingly or intentionally
15 fails or refuses to comply with the provisions of this
16 section, the governing authority of the private school may
17 suspend, dismiss, or otherwise discipline such employee in
18 accordance with its standard personnel procedures.

19 Section 141. Section 1003.48, Florida Statutes, is
20 created to read:

21 1003.48 Instruction in operation of motor vehicles.--

22 (1) A course of study and instruction in the safe and
23 lawful operation of a motor vehicle shall be made available by
24 each district school board to students in the secondary
25 schools in the state. As used in this section, the term
26 "motor vehicle" shall have the same meaning as in s.
27 320.01(1)(a) and shall include motorcycles and mopeds.
28 Instruction in motorcycle or moped operation may be limited to
29 classroom instruction. The course shall not be made a part
30 of, or a substitute for, any of the minimum requirements for
31 graduation.

1 (2) In order to make such a course available to any
2 secondary school student, the district school board may use
3 any one of the following procedures or any combination
4 thereof:

5 (a) Utilize instructional personnel employed by the
6 district school board.

7 (b) Contract with a commercial driving school licensed
8 under the provisions of chapter 488.

9 (c) Contract with an instructor certified under the
10 provisions of chapter 488.

11 (3)(a) District school boards shall earn funds on
12 full-time equivalent students at the appropriate basic program
13 cost factor, regardless of the method by which such courses
14 are offered.

15 (b) For the purpose of financing the Driver Education
16 Program in the secondary schools, there shall be levied an
17 additional 50 cents per year to the driver's license fee
18 required by s. 322.21. The additional fee shall be promptly
19 remitted to the Department of Highway Safety and Motor
20 Vehicles, which shall transmit the fee to the Treasurer to be
21 deposited in the General Revenue Fund.

22 (4) The district school board shall prescribe
23 standards for the course required by this section and for
24 instructional personnel directly employed by the district
25 school board. Any certified instructor or licensed commercial
26 driving school shall be deemed sufficiently qualified and
27 shall not be required to meet any standards in lieu of or in
28 addition to those prescribed under chapter 488.

29 Section 142. Section 1003.49, Florida Statutes, is
30 created to read:

31

1 1003.49 Graduation and promotion requirements for
2 publicly operated schools.--
3 (1) Each state or local public agency, including the
4 Department of Children and Family Services, the Department of
5 Corrections, the boards of trustees of universities and
6 community colleges, and the Board of Trustees of the Florida
7 School for the Deaf and the Blind, which agency is authorized
8 to operate educational programs for students at any level of
9 grades kindergarten through 12 shall be subject to all
10 applicable requirements of ss. 1003.43, 1008.23, and 1008.25.
11 Within the content of these cited statutes each such state or
12 local public agency or entity shall be considered a "district
13 school board."
14 (2) The Commissioner of Education shall establish
15 procedures to extend the state-administered assessment program
16 to school programs operated by such state or local public
17 agencies or entities in the same manner and to the same extent
18 as such program is administered in each district school
19 system.
20 Section 143. Section 1003.491, Florida Statutes, is
21 created to read:
22 1003.491 Career and technical education.--
23 (1) School board, superintendent, and school
24 accountability for career and technical education within
25 elementary and secondary schools includes, but is not limited
26 to:
27 (a) Student exposure to a variety of careers and
28 provision of instruction to explore specific careers in
29 greater depth.
30
31

1 (b) Student awareness of available career and
2 technical programs and the corresponding occupations into
3 which such programs lead.
4 (c) Student development of individual career plans.
5 (d) Integration of academic and career and technical
6 skills in the secondary curriculum.
7 (e) Student preparation to enter the workforce and
8 enroll in postsecondary education without being required to
9 complete college-preparatory or career and
10 technical-preparatory instruction.
11 (f) Student retention in school through high school
12 graduation.
13 (g) Career and technical curriculum articulation with
14 corresponding postsecondary programs in the local area
15 technical center or community college, or both.
16 (2) No school board or public school shall require a
17 student to participate in any school-to-work or job training
18 program. A district school board or school shall not require a
19 student to meet occupational standards for grade level
20 promotion or graduation unless the student is voluntarily
21 enrolled in a job training program.
22 Section 144. Part V of chapter 1003, Florida Statutes,
23 shall be entitled "Specialized Instruction For Certain Public
24 K-12 Students" and shall consist of ss. 1003.51-1003.58.
25 Section 145. Section 1003.51, Florida Statutes, is
26 created to read:
27 1003.51 Other public educational services.--
28 (1) The general control of other public educational
29 services shall be vested in the State Board of Education
30 except as provided herein. The State Board of Education
31 shall, at the request of the Department of Children and Family

1 Services and the Department of Juvenile Justice, advise as to
2 standards and requirements relating to education to be met in
3 all state schools or institutions under their control which
4 provide educational programs. The Department of Education
5 shall provide supervisory services for the educational
6 programs of all such schools or institutions. The direct
7 control of any of these services provided as part of the
8 district program of education shall rest with the district
9 school board. These services shall be supported out of state,
10 district, federal, or other lawful funds, depending on the
11 requirements of the services being supported.

12 (2) The State Board of Education shall adopt and
13 maintain an administrative rule articulating expectations for
14 effective education programs for youth in Department of
15 Juvenile Justice programs, including, but not limited to,
16 education programs in juvenile justice commitment and
17 detention facilities. The rule shall articulate policies and
18 standards for education programs for youth in Department of
19 Juvenile Justice programs and shall include the following:

20 (a) The interagency collaborative process needed to
21 ensure effective programs with measurable results.

22 (b) The responsibilities of the Department of
23 Education, the Department of Juvenile Justice, district school
24 boards, and providers of education services to youth in
25 Department of Juvenile Justice programs.

26 (c) Academic expectations.

27 (d) Service delivery options available to district
28 school boards, including direct service and contracting.

29 (e) Assessment procedures, which:

30 1. Include appropriate academic and career and
31 technical assessments administered at program entry and exit

1 that are selected by the Department of Education in
2 partnership with representatives from the Department of
3 Juvenile Justice, district school boards, and providers.
4 2. Require district school boards to be responsible
5 for ensuring the completion of the assessment process.
6 3. Require assessments for students in detention who
7 will move on to commitment facilities, to be designed to
8 create the foundation for developing the student's education
9 program in the assigned commitment facility.
10 4. Require assessments of students sent directly to
11 commitment facilities to be completed within the first week of
12 the student's commitment.
13
14 The results of these assessments, together with a portfolio
15 depicting the student's academic and career and technical
16 accomplishments, shall be included in the discharge package
17 assembled for each youth.
18 (f) Recommended instructional programs, including, but
19 not limited to, career and technical training and job
20 preparation.
21 (g) Funding requirements, which shall include the
22 requirement that at least 80 percent of the FEFP funds
23 generated by students in Department of Juvenile Justice
24 programs be spent on instructional costs for those students.
25 One hundred percent of the formula-based categorical funds
26 generated by students in Department of Juvenile Justice
27 programs must be spent on appropriate categoricals such as
28 instructional materials and public school technology for those
29 students.
30
31

- 1 (h) Qualifications of instructional staff, procedures
2 for the selection of instructional staff, and procedures to
3 ensure consistent instruction and qualified staff year round.
- 4 (i) Transition services, including the roles and
5 responsibilities of appropriate personnel in school districts,
6 provider organizations, and the Department of Juvenile
7 Justice.
- 8 (j) Procedures and timeframe for transfer of education
9 records when a youth enters and leaves a facility.
- 10 (k) The requirement that each district school board
11 maintain an academic transcript for each student enrolled in a
12 juvenile justice facility that delineates each course
13 completed by the student as provided by the State Course Code
14 Directory.
- 15 (l) The requirement that each district school board
16 make available and transmit a copy of a student's transcript
17 in the discharge packet when the student exits a facility.
- 18 (m) Contract requirements.
- 19 (n) Performance expectations for providers and
20 district school boards, including the provision of an academic
21 improvement plan as required in s. 1008.25.
- 22 (o) The role and responsibility of the district school
23 board in securing workforce development funds.
- 24 (p) A series of graduated sanctions for district
25 school boards whose educational programs in Department of
26 Juvenile Justice facilities are considered to be
27 unsatisfactory and for instances in which district school
28 boards fail to meet standards prescribed by law, rule, or
29 State Board of Education policy. These sanctions shall include
30 the option of requiring a district school board to contract
31 with a provider or another district school board if the

1 educational program at the Department of Juvenile Justice
2 facility has failed a quality assurance review and, after 6
3 months, is still performing below minimum standards.
4 (g) Other aspects of program operations.
5 (3) The Department of Education in partnership with
6 the Department of Juvenile Justice, the district school
7 boards, and providers shall:
8 (a) Maintain model contracts for the delivery of
9 appropriate education services to youth in Department of
10 Juvenile Justice programs to be used for the development of
11 future contracts. The model contracts shall reflect the policy
12 and standards included in subsection (2). The Department of
13 Education shall ensure that appropriate district school board
14 personnel are trained and held accountable for the management
15 and monitoring of contracts for education programs for youth
16 in juvenile justice residential and nonresidential facilities.
17 (b) Maintain model procedures for transitioning youth
18 into and out of Department of Juvenile Justice programs. These
19 procedures shall reflect the policy and standards adopted
20 pursuant to subsection (2).
21 (c) Maintain standardized required content of
22 education records to be included as part of a youth's
23 commitment record. These requirements shall reflect the policy
24 and standards adopted pursuant to subsection (2) and shall
25 include, but not be limited to, the following:
26 1. A copy of the student's individual educational
27 plan.
28 2. Assessment data, including grade level proficiency
29 in reading, writing, and mathematics, and performance on tests
30 taken according to s. 1008.22.
31

1 3. A copy of the student's permanent cumulative
2 record.
3 4. A copy of the student's academic transcript.
4 5. A portfolio reflecting the youth's academic
5 accomplishments while in the Department of Juvenile Justice
6 program.
7 (d) Maintain model procedures for securing the
8 education record and the roles and responsibilities of the
9 juvenile probation officer and others involved in the
10 withdrawal of the student from school and assignment to a
11 commitment or detention facility. District school boards shall
12 respond to requests for student education records received
13 from another district school board or a juvenile justice
14 facility within 5 working days after receiving the request.
15 (4) The Department of Education shall ensure that
16 district school boards notify students in juvenile justice
17 residential or nonresidential facilities who attain the age of
18 16 years of the provisions of law regarding compulsory school
19 attendance and make available the option of enrolling in a
20 program to attain a Florida high school diploma by taking the
21 general educational development test prior to release from the
22 facility. District school boards or community colleges, or
23 both, shall waive GED testing fees for youth in Department of
24 Juvenile Justice residential programs and shall, upon request,
25 designate schools operating for the purpose of providing
26 educational services to youth in Department of Juvenile
27 Justice programs as GED testing centers, subject to GED
28 testing center requirements. The administrative fees for the
29 general education development test required by the Department
30 of Education are the responsibility of district school boards
31 and may be required of providers by contractual agreement.

1 (5) The Department of Education shall establish and
2 operate, either directly or indirectly through a contract, a
3 mechanism to provide quality assurance reviews of all juvenile
4 justice education programs and shall provide technical
5 assistance and related research to district school boards and
6 providers on how to establish, develop, and operate
7 educational programs that exceed the minimum quality assurance
8 standards.

9 Section 146. Section 1003.52, Florida Statutes, is
10 created to read:

11 1003.52 Educational services in Department of Juvenile
12 Justice programs.--

13 (1) The Legislature finds that education is the single
14 most important factor in the rehabilitation of adjudicated
15 delinquent youth in the custody of the Department of Juvenile
16 Justice in detention or commitment facilities. It is the goal
17 of the Legislature that youth in the juvenile justice system
18 continue to be allowed the opportunity to obtain a high
19 quality education. The Department of Education shall serve as
20 the lead agency for juvenile justice education programs,
21 curriculum, support services, and resources. To this end, the
22 Department of Education and the Department of Juvenile Justice
23 shall each designate a Coordinator for Juvenile Justice
24 Education Programs to serve as the point of contact for
25 resolving issues not addressed by district school boards and
26 to provide each department's participation in the following
27 activities:

28 (a) Training, collaborating, and coordinating with the
29 Department of Juvenile Justice, district school boards,
30 educational contract providers, and juvenile justice
31 providers, whether state operated or contracted.

1 (b) Collecting information on the academic performance
2 of students in juvenile justice commitment and detention
3 programs and reporting on the results.

4 (c) Developing academic and career and technical
5 protocols that provide guidance to district school boards and
6 providers in all aspects of education programming, including
7 records transfer and transition.

8 (d) Prescribing the roles of program personnel and
9 interdepartmental district school board or provider
10 collaboration strategies.

11
12 Annually, a cooperative agreement and plan for juvenile
13 justice education service enhancement shall be developed
14 between the Department of Juvenile Justice and the Department
15 of Education and submitted to the Secretary of Juvenile
16 Justice and the Commissioner of Education by June 30.

17 (2) Students participating in a detention, commitment,
18 or rehabilitation program pursuant to chapter 985 which is
19 sponsored by a community-based agency or is operated or
20 contracted for by the Department of Juvenile Justice shall
21 receive educational programs according to rules of the State
22 Board of Education. These students shall be eligible for
23 services afforded to students enrolled in programs pursuant to
24 s. 1003.53 and all corresponding State Board of Education
25 rules.

26 (3) The district school board of the county in which
27 the residential or nonresidential care facility or juvenile
28 assessment facility is located shall provide appropriate
29 educational assessments and an appropriate program of
30 instruction and special education services. The district
31 school board shall make provisions for each student to

1 participate in basic, career and technical education, and
2 exceptional student programs as appropriate. Students served
3 in Department of Juvenile Justice programs shall have access
4 to the appropriate courses and instruction to prepare them for
5 the GED test. Students participating in GED preparation
6 programs shall be funded at the basic program cost factor for
7 Department of Juvenile Justice programs in the Florida
8 Education Finance Program. Each program shall be conducted
9 according to applicable law providing for the operation of
10 public schools and rules of the State Board of Education.

11 (4) Educational services shall be provided at times of
12 the day most appropriate for the juvenile justice program.
13 School programming in juvenile justice detention, commitment,
14 and rehabilitation programs shall be made available by the
15 local school district during the juvenile justice school year,
16 as defined in s. 1003.01(12).

17 (5) The educational program shall consist of
18 appropriate basic academic, career and technical, or
19 exceptional curricula and related services which support the
20 treatment goals and reentry and which may lead to completion
21 of the requirements for receipt of a high school diploma or
22 its equivalent. If the duration of a program is less than 40
23 days, the educational component may be limited to tutorial
24 activities and career and technical employability skills.

25 (6) Participation in the program by students of
26 compulsory school-attendance age as provided for in s. 1003.21
27 shall be mandatory. All students of noncompulsory
28 school-attendance age who have not received a high school
29 diploma or its equivalent shall participate in the educational
30 program, unless the student files a formal declaration of his
31 or her intent to terminate school enrollment as described in

1 s. 1003.21 and is afforded the opportunity to take the general
2 educational development test and attain a Florida high school
3 diploma prior to release from a facility. A youth who has
4 received a high school diploma or its equivalent and is not
5 employed shall participate in workforce development or other
6 career or technical education or community college or
7 university courses while in the program, subject to available
8 funding.

9 (7) An academic improvement plan shall be developed
10 for students who score below the level specified in district
11 school board policy in reading, writing, and mathematics or
12 below the level specified by the Commissioner of Education on
13 statewide assessments as required by s. 1008.25. These plans
14 shall address academic, literacy, and life skills and shall
15 include provisions for intensive remedial instruction in the
16 areas of weakness.

17 (8) Each district school board shall maintain an
18 academic record for each student enrolled in a juvenile
19 justice facility as prescribed by s. 1003.51. Such record
20 shall delineate each course completed by the student according
21 to procedures in the State Course Code Directory. The district
22 school board shall include a copy of a student's academic
23 record in the discharge packet when the student exits the
24 facility.

25 (9) The Department of Education shall ensure that all
26 district school boards make provisions for high school level
27 committed youth to earn credits toward high school graduation
28 while in residential and nonresidential juvenile justice
29 facilities. Provisions must be made for the transfer of
30 credits and partial credits earned.

31

1 (10) The district school board shall recruit and train
2 teachers who are interested, qualified, or experienced in
3 educating students in juvenile justice programs. Students in
4 juvenile justice programs shall be provided a wide range of
5 educational programs and opportunities including textbooks,
6 technology, instructional support, and other resources
7 available to students in public schools. Teachers assigned to
8 educational programs in juvenile justice settings in which the
9 district school board operates the educational program shall
10 be selected by the district school board in consultation with
11 the director of the juvenile justice facility. Educational
12 programs in juvenile justice facilities shall have access to
13 the substitute teacher pool utilized by the district school
14 board. Full-time teachers working in juvenile justice schools,
15 whether employed by a district school board or a provider,
16 shall be eligible for the critical teacher shortage tuition
17 reimbursement program as defined by s. 1009.58.

18 (11) District school boards may contract with a
19 private provider for the provision of educational programs to
20 youths placed with the Department of Juvenile Justice and
21 shall generate local, state, and federal funding, including
22 funding through the Florida Education Finance Program for such
23 students. The district school board's planning and budgeting
24 process shall include the needs of Department of Juvenile
25 Justice programs in the district school board's plan for
26 expenditures for state categorical and federal funds.

27 (12) The district school board shall fund the
28 educational program in a Department of Juvenile Justice
29 facility at the same or higher level of funding for equivalent
30 students in the district school system based on the funds
31 generated by state funding through the Florida Education

1 Finance Program for such students. It is the intent of the
2 Legislature that the school district maximize its available
3 local, state, and federal funding to a juvenile justice
4 program.

5 (a) Juvenile justice educational programs shall be
6 funded in the appropriate FEFP program based on the
7 educational services needed by the student for Department of
8 Juvenile Justice programs in accordance with s. 1011.62.

9 (b) Juvenile justice educational programs to receive
10 the appropriate FEFP funding for Department of Juvenile
11 Justice programs shall include those operated through a
12 contract with the Department of Juvenile Justice and which are
13 under purview of the Department of Juvenile Justice quality
14 assurance standards for education.

15 (c) Consistent with the rules of the State Board of
16 Education, district school boards are required to request an
17 alternative FTE survey for Department of Juvenile Justice
18 programs experiencing fluctuations in student enrollment.

19 (d) FTE count periods shall be prescribed in rules of
20 the State Board of Education and shall be the same for
21 programs of the Department of Juvenile Justice as for other
22 public school programs. The summer school period for students
23 in Department of Juvenile Justice programs shall begin on the
24 day immediately following the end of the regular school year
25 and end on the day immediately preceding the subsequent
26 regular school year. Students shall be funded for no more than
27 25 hours per week of direct instruction.

28 (13) Each district school board shall negotiate a
29 cooperative agreement with the Department of Juvenile Justice
30 on the delivery of educational services to youths under the
31

1 jurisdiction of the Department of Juvenile Justice. Such
2 agreement must include, but is not limited to:
3 (a) Roles and responsibilities of each agency,
4 including the roles and responsibilities of contract
5 providers.
6 (b) Administrative issues including procedures for
7 sharing information.
8 (c) Allocation of resources including maximization of
9 local, state, and federal funding.
10 (d) Procedures for educational evaluation for
11 educational exceptionalities and special needs.
12 (e) Curriculum and delivery of instruction.
13 (f) Classroom management procedures and attendance
14 policies.
15 (g) Procedures for provision of qualified
16 instructional personnel, whether supplied by the district
17 school board or provided under contract by the provider, and
18 for performance of duties while in a juvenile justice setting.
19 (h) Provisions for improving skills in teaching and
20 working with juvenile delinquents.
21 (i) Transition plans for students moving into and out
22 of juvenile facilities.
23 (j) Procedures and timelines for the timely
24 documentation of credits earned and transfer of student
25 records.
26 (k) Methods and procedures for dispute resolution.
27 (l) Provisions for ensuring the safety of education
28 personnel and support for the agreed-upon education program.
29 (m) Strategies for correcting any deficiencies found
30 through the quality assurance process.
31

1 (14) Nothing in this section or in a cooperative
2 agreement shall be construed to require the district school
3 board to provide more services than can be supported by the
4 funds generated by students in the juvenile justice programs.

5 (15)(a) The Department of Education in consultation
6 with the Department of Juvenile Justice, district school
7 boards, and providers shall establish objective and measurable
8 quality assurance standards for the educational component of
9 residential and nonresidential juvenile justice facilities.

10 These standards shall rate the district school board's
11 performance both as a provider and contractor. The quality
12 assurance rating for the educational component shall be
13 disaggregated from the overall quality assurance score and
14 reported separately.

15 (b) The Department of Education shall develop a
16 comprehensive quality assurance review process and schedule
17 for the evaluation of the educational component in juvenile
18 justice programs. The Department of Juvenile Justice quality
19 assurance site visit and the education quality assurance site
20 visit shall be conducted during the same visit.

21 (c) The Department of Education, in consultation with
22 district school boards and providers, shall establish minimum
23 thresholds for the standards and key indicators for
24 educational programs in juvenile justice facilities. If a
25 district school board fails to meet the established minimum
26 standards, it will be given 6 months to achieve compliance
27 with the standards. If after 6 months, the district school
28 board's performance is still below minimum standards, the
29 Department of Education shall exercise sanctions as prescribed
30 by rules adopted by the State Board of Education. If a
31 provider, under contract with the district school board, fails

1 to meet minimum standards, such failure shall cause the
2 district school board to cancel the provider's contract unless
3 the provider achieves compliance within 6 months or unless
4 there are documented extenuating circumstances.

5 (16) The district school board shall not be charged
6 any rent, maintenance, utilities, or overhead on such
7 facilities. Maintenance, repairs, and remodeling of existing
8 facilities shall be provided by the Department of Juvenile
9 Justice.

10 (17) When additional facilities are required, the
11 district school board and the Department of Juvenile Justice
12 shall agree on the appropriate site based on the instructional
13 needs of the students. When the most appropriate site for
14 instruction is on district school board property, a special
15 capital outlay request shall be made by the commissioner in
16 accordance with s. 1013.60. When the most appropriate site is
17 on state property, state capital outlay funds shall be
18 requested by the Department of Juvenile Justice provided by s.
19 216.043 and shall be submitted as specified by s. 216.023.
20 Any instructional facility to be built on state property shall
21 have educational specifications jointly developed by the
22 district school board and the Department of Juvenile Justice
23 and approved by the Department of Education. The size of
24 space and occupant design capacity criteria as provided by
25 State Board of Education rules shall be used for remodeling or
26 new construction whether facilities are provided on state
27 property or district school board property.

28 (18) The parent of an exceptional student shall have
29 the due process rights provided for in chapter 1003.

30 (19) Department of Juvenile Justice detention and
31 commitment programs may be designated as second chance schools

1 pursuant to s. 1003.53(1)(d). Admission to such programs shall
2 be governed by chapter 985.

3 (20) The Department of Education and the Department of
4 Juvenile Justice, after consultation with and assistance from
5 local providers and district school boards, shall report
6 annually to the Legislature by February 1 on the progress
7 towards developing effective educational programs for juvenile
8 delinquents, including the amount of funding provided by
9 district school boards to juvenile justice programs, the
10 amount retained for administration including documenting the
11 purposes for such expenses, the status of the development of
12 cooperative agreements, the results of the quality assurance
13 reviews including recommendations for system improvement, and
14 information on the identification of, and services provided
15 to, exceptional students in juvenile justice commitment
16 facilities to determine whether these students are properly
17 reported for funding and are appropriately served.

18 (21) The educational programs at the Arthur Dozier
19 School for Boys in Jackson County and the Florida School for
20 Boys in Okeechobee shall be operated by the Department of
21 Education, either directly or through grants or contractual
22 agreements with other public or duly accredited education
23 agencies approved by the Department of Education.

24 (22) The State Board of Education may adopt any rules
25 necessary to implement the provisions of this section,
26 including uniform curriculum, funding, and second chance
27 schools. Such rules shall require the minimum amount of
28 paperwork and reporting.

29 (23) The Department of Juvenile Justice and the
30 Department of Education shall, in consultation with the
31 statewide Workforce Development Youth Council, district school

1 boards, providers, and others, jointly develop a multiagency
2 plan for career and technical education which describes the
3 curriculum, goals, and outcome measures for career and
4 technical education programming in juvenile commitment
5 facilities, pursuant to s. 985.3155.

6 Section 147. Section 1003.53, Florida Statutes, is
7 created to read:

8 1003.53 Dropout prevention and academic
9 intervention.--

10 (1)(a) Dropout prevention and academic intervention
11 programs may differ from traditional educational programs and
12 schools in scheduling, administrative structure, philosophy,
13 curriculum, or setting and shall employ alternative teaching
14 methodologies, curricula, learning activities, and diagnostic
15 and assessment procedures in order to meet the needs,
16 interests, abilities, and talents of eligible students. The
17 educational program shall provide curricula, character
18 development and law education, and related services that
19 support the program goals and lead to improved performance in
20 the areas of academic achievement, attendance, and discipline.
21 Student participation in such programs shall be voluntary.
22 District school boards may, however, assign students to a
23 program for disruptive students. Notwithstanding any other
24 provision of law to the contrary, no student shall be
25 identified as being eligible to receive services funded
26 through the dropout prevention and academic intervention
27 program based solely on the student being from a single-parent
28 family.

29 (b) Students in grades 1-12 shall be eligible for
30 dropout prevention and academic intervention programs.
31 Eligible students shall be reported in the appropriate basic

1 cost factor in the Florida Education Finance Program. The
2 strategies and supports provided to eligible students shall be
3 funded through the General Appropriations Act and may include,
4 but are not limited to, those services identified on the
5 student's academic intervention plan.

6 (c) A student shall be identified as being eligible to
7 receive services funded through the dropout prevention and
8 academic intervention program based upon one of the following
9 criteria:

10 1. The student is academically unsuccessful as
11 evidenced by low test scores, retention, failing grades, low
12 grade point average, falling behind in earning credits, or not
13 meeting the state or district proficiency levels in reading,
14 mathematics, or writing.

15 2. The student has a pattern of excessive absenteeism
16 or has been identified as a habitual truant.

17 3. The student has a history of disruptive behavior in
18 school or has committed an offense that warrants out-of-school
19 suspension or expulsion from school according to the district
20 school board's code of student conduct. For the purposes of
21 this program, "disruptive behavior" is behavior that:

22 a. Interferes with the student's own learning or the
23 educational process of others and requires attention and
24 assistance beyond that which the traditional program can
25 provide or results in frequent conflicts of a disruptive
26 nature while the student is under the jurisdiction of the
27 school either in or out of the classroom; or

28 b. Severely threatens the general welfare of students
29 or others with whom the student comes into contact.

30 (d)1. "Second chance schools" means district school
31 board programs provided through cooperative agreements between

1 the Department of Juvenile Justice, private providers, state
2 or local law enforcement agencies, or other state agencies for
3 students who have been disruptive or violent or who have
4 committed serious offenses. As partnership programs, second
5 chance schools are eligible for waivers by State Board of
6 Education rules from statutory requirements that prevent the
7 provision of appropriate educational services to violent,
8 severely disruptive, or delinquent students in small
9 nontraditional settings or in court-adjudicated settings.

10 2. District school boards seeking to enter into a
11 partnership with a private entity or public entity to operate
12 a second chance school for disruptive students may apply to
13 the Department of Education for startup grants. These grants
14 must be available for 1 year and must be used to offset the
15 startup costs for implementing such programs off public school
16 campuses. General operating funds must be generated through
17 the appropriate programs of the Florida Education Finance
18 Program. Grants approved under this program shall be for the
19 full operation of the school by a private nonprofit or
20 for-profit provider or the public entity. This program must
21 operate under rules adopted by the State Board of Education
22 and be implemented to the extent funded by the Legislature.

23 3. A student enrolled in a sixth, seventh, eighth,
24 ninth, or tenth grade class may be assigned to a second chance
25 school if the student meets the following criteria:

26 a. The student is a habitual truant as defined in s.
27 1003.01.

28 b. The student's excessive absences have detrimentally
29 affected the student's academic progress and the student may
30 have unique needs that a traditional school setting may not
31 meet.

- 1 c. The student's high incidences of truancy have been
2 directly linked to a lack of motivation.
- 3 d. The student has been identified as at risk of
4 dropping out of school.
- 5 4. A student who is habitually truant may be assigned
6 to a second chance school only if the case staffing committee,
7 established pursuant to s. 984.12, determines that such
8 placement could be beneficial to the student and the criteria
9 included in subparagraph 3. are met.
- 10 5. A student may be assigned to a second chance school
11 if the district school board in which the student resides has
12 a second chance school and if the student meets one of the
13 following criteria:
- 14 a. The student habitually exhibits disruptive behavior
15 in violation of the code of student conduct adopted by the
16 district school board.
- 17 b. The student interferes with the student's own
18 learning or the educational process of others and requires
19 attention and assistance beyond that which the traditional
20 program can provide, or, while the student is under the
21 jurisdiction of the school either in or out of the classroom,
22 frequent conflicts of a disruptive nature occur.
- 23 c. The student has committed a serious offense which
24 warrants suspension or expulsion from school according to the
25 district school board's code of student conduct. For the
26 purposes of this program, "serious offense" is behavior which:
- 27 (I) Threatens the general welfare of students or
28 others with whom the student comes into contact;
- 29 (II) Includes violence;
- 30 (III) Includes possession of weapons or drugs; or
31

1 (IV) Is harassment or verbal abuse of school personnel
2 or other students.

3 6. Prior to assignment of students to second chance
4 schools, district school boards are encouraged to use
5 alternative programs, such as in-school suspension, which
6 provide instruction and counseling leading to improved student
7 behavior, a reduction in the incidence of truancy, and the
8 development of more effective interpersonal skills.

9 7. Students assigned to second chance schools must be
10 evaluated by the district school board's child study team
11 before placement in a second chance school. The study team
12 shall ensure that students are not eligible for placement in a
13 program for emotionally disturbed children.

14 8. Students who exhibit academic and social progress
15 and who wish to return to a traditional school shall complete
16 a character development and law education program and
17 demonstrate preparedness to reenter the regular school setting
18 prior to reentering a traditional school.

19 (2)(a) Each district school board may establish
20 dropout prevention and academic intervention programs at the
21 elementary, middle, junior high school, or high school level.
22 Programs designed to eliminate patterns of excessive
23 absenteeism or habitual truancy shall emphasize academic
24 performance and may provide specific instruction in the areas
25 of career education, preemployment training, and behavioral
26 management. Such programs shall utilize instructional teaching
27 methods appropriate to the specific needs of the student.

28 (b) Each school that establishes a dropout prevention
29 and academic intervention program at that school site shall
30 reflect that program in the school improvement plan as
31 required under s. 1001.42(16).

1 (3) Each district school board receiving state funding
2 for dropout prevention and academic intervention programs
3 through the General Appropriations Act shall submit
4 information through an annual report to the Department of
5 Education's database documenting the extent to which each of
6 the district's dropout prevention and academic intervention
7 programs has been successful in the areas of graduation rate,
8 dropout rate, attendance rate, and retention/promotion rate.
9 The department shall compile this information into an annual
10 report which shall be submitted to the presiding officers of
11 the Legislature by February 15.

12 (4) Each district school board shall establish
13 procedures for ensuring that teachers assigned to dropout
14 prevention and academic intervention programs possess the
15 affective, pedagogical, and content-related skills necessary
16 to meet the needs of these students.

17 (5) Each district school board providing a dropout
18 prevention and academic intervention program pursuant to this
19 section shall maintain for each participating student records
20 documenting the student's eligibility, the length of
21 participation, the type of program to which the student was
22 assigned or the type of academic intervention services
23 provided, and an evaluation of the student's academic and
24 behavioral performance while in the program. The school
25 principal or his or her designee shall, prior to placement in
26 a dropout prevention and academic intervention program or the
27 provision of an academic service, provide written notice of
28 placement or services by certified mail, return receipt
29 requested, to the student's parent. The parent of the student
30 shall sign an acknowledgment of the notice of placement or
31 service and return the signed acknowledgment to the principal

1 within 3 days after receipt of the notice. The parents of a
2 student assigned to such a dropout prevention and academic
3 intervention program shall be notified in writing and entitled
4 to an administrative review of any action by school personnel
5 relating to such placement pursuant to the provisions of
6 chapter 120.

7 (6) District school board dropout prevention and
8 academic intervention programs shall be coordinated with
9 social service, law enforcement, prosecutorial, and juvenile
10 justice agencies and juvenile assessment centers in the school
11 district. Notwithstanding the provisions of s. 1002.22, these
12 agencies are authorized to exchange information contained in
13 student records and juvenile justice records. Such information
14 is confidential and exempt from the provisions of s.
15 119.07(1). District school boards and other agencies receiving
16 such information shall use the information only for official
17 purposes connected with the certification of students for
18 admission to and for the administration of the dropout
19 prevention and academic intervention program, and shall
20 maintain the confidentiality of such information unless
21 otherwise provided by law or rule.

22 (7) The State Board of Education shall have the
23 authority pursuant to ss. 120.536(1) and 120.54 to adopt rules
24 necessary to implement the provisions of this section; such
25 rules shall require the minimum amount of necessary paperwork
26 and reporting.

27 Section 148. Section 1003.54, Florida Statutes, is
28 created to read:

29 1003.54 Teenage parent programs.--

30 (1) Each district school board shall maintain a
31 teenage parent program.

1 (2) "Teenage parent programs" means educational
2 programs designed to provide a specialized curriculum to meet
3 the needs of students who are pregnant or students who are
4 mothers or fathers and the children of the students.

5 (3)(a) The program shall provide pregnant students or
6 students who are parents and the children of these students
7 with a comprehensive teenage parent program. The program shall
8 provide pregnant students or students who are parents with the
9 option of participating in regular classroom activities or
10 enrolling in a special program designed to meet their needs
11 pursuant to s. 1003.21. Students participating in teenage
12 parent programs shall be exempt from minimum attendance
13 requirements for absences related to pregnancy or parenting,
14 but shall be required to make up work missed due to absence.

15 (b) The curriculum shall include instruction in such
16 topics as prenatal and postnatal health care, parenting
17 skills, benefits of sexual abstinence, and consequences of
18 subsequent pregnancies. Parenting skills should include
19 instruction in the stages of child growth and development,
20 methods for aiding in the intellectual, language, physical,
21 and social development of children, and guidance on
22 constructive play activities.

23 (c) Provision for necessary child care, health care,
24 social services, parent education, and transportation shall be
25 ancillary service components of teenage parent programs.
26 Ancillary services may be provided through the coordination of
27 existing programs and services and through joint agreements
28 between district school boards and local school readiness
29 coalitions or other appropriate public and private providers.

30
31

1 (d) The district school board shall make adequate
2 provisions for pregnant and parenting teenagers to complete
3 the coursework necessary to earn a high school diploma.

4 (e) Children enrolled in child care provided by the
5 district shall be funded at the special program cost factor
6 pursuant to s. 1011.62 if the parent or parents are enrolled
7 full time in a public school in the district.

8 (4) Districts may modify courses listed in the State
9 Course Code Directory for the purpose of providing teenage
10 parent programs pursuant to the provisions of this section.
11 Such modifications must be approved by the commissioner and
12 may include lengthening or shortening of the school time
13 allotted for in-class study, alternate methods of assessment
14 of student performance, and the integration of curriculum
15 frameworks or student performance standards to produce
16 interdisciplinary units of instruction.

17 (5) The State Board of Education shall adopt rules
18 necessary to implement the provisions of this section.

19 Section 149. Section 1003.55, Florida Statutes, is
20 created to read:

21 1003.55 Instructional programs for blind or visually
22 impaired students and deaf or hard-of-hearing students.--

23 (1) The Department of Education may establish a
24 coordinating unit and instructional materials center for
25 visually impaired students and deaf or hard-of-hearing
26 students to provide staff and resources for the coordination,
27 cataloging, standardizing, producing, procuring, storing, and
28 distributing of braille, large print, tangible apparatus,
29 captioned films and video tapes, and other specialized
30 educational materials needed by these students and other
31 exceptional students. The coordinating unit shall have as its

1 major purpose the improvement of instructional programs for
2 visually impaired students and deaf or hard-of-hearing
3 students and may, as a second priority, extend appropriate
4 services to other exceptional students, consistent with
5 provisions and criteria established, to the extent that
6 resources are available.
7 (2) The unit shall be operated under rules adopted by
8 the State Board of Education.
9 (3) As used in this section, the term:
10 (a) "Blind student" means a student who is eligible
11 for special education services and who:
12 1. Has a visual acuity of 20/200 or less in the better
13 eye with correcting lenses or has a limited field of vision
14 such that the widest diameter subtends an angular distance of
15 no greater than 20 degrees; or
16 2. Has a medically indicated expectation of visual
17 deterioration.
18 (b) "Braille" means the system of reading and writing
19 through touch commonly known as standard English braille.
20 (c) "Individualized education program" means a written
21 statement developed for a student eligible for special
22 education services pursuant to s. 602(a)(20), Part A of the
23 Individuals with Disabilities Education Act, 20 U.S.C. s.
24 1401(a).
25 (4) In developing an individualized written education
26 program for each blind student, the presumption shall be that
27 blind students can communicate effectively and efficiently
28 with the same level of proficiency expected of the students'
29 peers of comparable ability and grade level. Accordingly,
30 proficiency in reading and writing braille shall be considered
31

1 during the individualized planning and assessment processes in
2 this context.

3 (5) Any publisher of a textbook adopted pursuant to
4 the state instructional materials adoption process shall
5 furnish the Department of Education with a computer file in an
6 electronic format specified by the department at least 2 years
7 in advance that is readily translatable to braille and can be
8 used for large print or speech access. Any textbook
9 reproduced pursuant to the provisions of this subsection shall
10 be purchased at a price equal to the price paid for the
11 textbook as adopted. The Department of Education shall not
12 reproduce textbooks obtained pursuant to this subsection in
13 any manner that would generate revenues for the department
14 from the use of such computer files or that would preclude the
15 rightful payment of fees to the publisher for use of all or
16 some portion of the textbook.

17 Section 150. Section 1003.56, Florida Statutes, is
18 created to read:

19 1003.56 English language instruction for limited
20 English proficient students.--

21 (1) Instruction in the English language shall be
22 provided to limited English proficient students. Such
23 instruction shall be designed to develop the student's mastery
24 of the four language skills, including listening, speaking,
25 reading, and writing, as rapidly as possible.

26 (2)(a) "Limited English proficient" or "limited
27 English proficiency," when used with reference to an
28 individual, means:

29 1.a. An individual who was not born in the United
30 States and whose native language is a language other than
31 English;

1 b. An individual who comes from a home environment
2 where a language other than English is spoken in the home; or
3 c. An individual who is an American Indian or Alaskan
4 native and who comes from an environment where a language
5 other than English has had a significant impact on his or her
6 level of English language proficiency; and
7 2. Who, by reason thereof, has sufficient difficulty
8 speaking, reading, writing, or listening to the English
9 language to deny such individual the opportunity to learn
10 successfully in classrooms where the language of instruction
11 is English.
12 (b) "Home language" or "native language," when used
13 with reference to an individual of limited English
14 proficiency, means the language normally used by such
15 individual or, in the case of a student, the language normally
16 used by the parents of the student.
17 (c) "ESOL" means English for Speakers of Other
18 Languages and:
19 1. When modifying instruction, the strategy used to
20 teach limited English proficient students; or
21 2. When modifying program, the program funded in the
22 Florida Education Finance Program, listed under English for
23 Speakers of Other Languages in s. 1011.62.
24 (3) Each district school board shall implement the
25 following procedures:
26 (a) Develop and submit a plan for providing English
27 language instruction for limited English proficient students
28 to the Department of Education for review and approval.
29 (b) Identify limited English proficient students
30 through assessment.
31

1 (c) Provide for student exit from and reclassification
2 into the program.

3 (d) Provide limited English proficient students ESOL
4 instruction in English and ESOL instruction or home language
5 instruction in the basic subject areas of reading,
6 mathematics, science, social studies, and computer literacy.

7 (e) Maintain a student plan.

8 (f) Provide qualified teachers.

9 (g) Provide equal access to other programs for
10 eligible limited English proficient students based on need.

11 (h) Provide for parental involvement in the program.

12 (4) Each district school board's program for limited
13 English proficient students shall be evaluated and monitored
14 periodically.

15 (5) The State Board of Education shall adopt rules for
16 the purpose of implementing this section.

17 Section 151. Section 1003.57, Florida Statutes, is
18 created to read:

19 1003.57 Exceptional students instruction.--Each
20 district school board shall provide for an appropriate program
21 of special instruction, facilities, and services for
22 exceptional students as prescribed by the State Board of
23 Education as acceptable, including provisions that:

24 (1) The district school board provide the necessary
25 professional services for diagnosis and evaluation of
26 exceptional students.

27 (2) The district school board provide the special
28 instruction, classes, and services, either within the district
29 school system, in cooperation with other district school
30 systems, or through contractual arrangements with approved
31

1 private schools or community facilities that meet standards
2 established by the commissioner.

3 (3) The district school board annually provide
4 information describing the Florida School for the Deaf and the
5 Blind and all other programs and methods of instruction
6 available to the parent of a sensory-impaired student.

7 (4) The district school board, once every 3 years,
8 submit to the department its proposed procedures for the
9 provision of special instruction and services for exceptional
10 students.

11 (5) No student be given special instruction or
12 services as an exceptional student until after he or she has
13 been properly evaluated, classified, and placed in the manner
14 prescribed by rules of the State Board of Education. The
15 parent of an exceptional student evaluated and placed or
16 denied placement in a program of special education shall be
17 notified of each such evaluation and placement or denial. Such
18 notice shall contain a statement informing the parent that he
19 or she is entitled to a due process hearing on the
20 identification, evaluation, and placement, or lack thereof.
21 Such hearings shall be exempt from the provisions of ss.
22 120.569, 120.57, and 286.011, except to the extent that the
23 State Board of Education adopts rules establishing other
24 procedures and any records created as a result of such
25 hearings shall be confidential and exempt from the provisions
26 of s. 119.07(1). The hearing must be conducted by an
27 administrative law judge from the Division of Administrative
28 Hearings of the Department of Management Services. The
29 decision of the administrative law judge shall be final,
30 except that any party aggrieved by the finding and decision
31 rendered by the administrative law judge shall have the right

1 to bring a civil action in the circuit court. In such an
2 action, the court shall receive the records of the
3 administrative hearing and shall hear additional evidence at
4 the request of either party. In the alternative, any party
5 aggrieved by the finding and decision rendered by the
6 administrative law judge shall have the right to request an
7 impartial review of the administrative law judge's order by
8 the district court of appeal as provided by s. 120.68.
9 Notwithstanding any law to the contrary, during the pendency
10 of any proceeding conducted pursuant to this section, unless
11 the district school board and the parents otherwise agree, the
12 student shall remain in his or her then-current educational
13 assignment or, if applying for initial admission to a public
14 school, shall be assigned, with the consent of the parents, in
15 the public school program until all such proceedings have been
16 completed.

17 (6) In providing for the education of exceptional
18 students, the district school superintendent, principals, and
19 teachers shall utilize the regular school facilities and adapt
20 them to the needs of exceptional students to the maximum
21 extent appropriate. Segregation of exceptional students shall
22 occur only if the nature or severity of the exceptionality is
23 such that education in regular classes with the use of
24 supplementary aids and services cannot be achieved
25 satisfactorily.

26 Section 152. Section 1003.58, Florida Statutes, is
27 created to read:

28 1003.58 Students in residential care facilities.--Each
29 district school board shall provide educational programs
30 according to rules of the State Board of Education to students
31

1 who reside in residential care facilities operated by the
2 Department of Children and Family Services.

3 (1) The district school board shall not be charged any
4 rent, maintenance, utilities, or overhead on such facilities.
5 Maintenance, repairs, and remodeling of existing facilities
6 shall be provided by the Department of Children and Family
7 Services.

8 (2) If additional facilities are required, the
9 district school board and the Department of Children and
10 Family Services shall agree on the appropriate site based on
11 the instructional needs of the students. When the most
12 appropriate site for instruction is on district school board
13 property, a special capital outlay request shall be made by
14 the commissioner in accordance with s. 1013.60. When the most
15 appropriate site is on state property, state capital outlay
16 funds shall be requested by the Department of Children and
17 Family Services as provided by s. 216.043 and shall be
18 submitted as specified by s. 216.023. Any instructional
19 facility to be built on state property shall have educational
20 specifications jointly developed by the school district and
21 the Department of Children and Family Services and approved by
22 the Department of Education. The size of space and occupant
23 design capacity criteria as provided by state board rules
24 shall be used for remodeling or new construction whether
25 facilities are provided on state property or district school
26 board property. The planning of such additional facilities
27 shall incorporate current Department of Children and Family
28 Services deinstitutionalization plans.

29 (3) The district school board shall have full and
30 complete authority in the matter of the assignment and
31 placement of such students in educational programs. The parent

1 of an exceptional student shall have the same due process
2 rights as are provided under s. 1003.57(5).

3 (4) The district school board shall have a written
4 agreement with the Department of Children and Family Services
5 outlining the respective duties and responsibilities of each
6 party.

7
8 Notwithstanding the provisions herein, the educational program
9 at the Marianna Sunland Center in Jackson County shall be
10 operated by the Department of Education, either directly or
11 through grants or contractual agreements with other public or
12 duly accredited educational agencies approved by the
13 Department of Education.

14 Section 153. Part VI of chapter 1003, Florida
15 Statutes, shall be entitled "Pilot Public K-12 Education
16 Programs" and shall consist of ss. 1003.61-1003.63.

17 Section 154. Section 1003.61, Florida Statutes, is
18 created to read:

19 1003.61 Pilot attendance project.--It is the purpose
20 of this section to require the Manatee County District School
21 Board to implement a pilot project that raises the compulsory
22 age of attendance for children from the age of 16 years to the
23 age of 18 years. The pilot project applies to each child who
24 has not attained the age of 16 years by September 30 of the
25 school year in which a school board policy is adopted.

26 (1) Beginning July 1, 1999, the Manatee County
27 District School Board shall implement a pilot project
28 consistent with policy adopted by the school board to raise
29 the compulsory age of attendance for children from the age of
30 16 years to the age of 18 years.

31

1 (2) The district school board must, before the
2 beginning of the school year, adopt a policy for raising the
3 compulsory age of attendance for children from the age of 16
4 years to 18 years.

5 (a) Before the adoption of the policy, the district
6 school board must provide a notice of intent to adopt a policy
7 to raise the compulsory age of attendance for children from
8 the age of 16 years to the age of 18 years. The notice must be
9 provided to the parent of each child who is 15 years of age
10 and who is enrolled in a school in the district.

11 (b) Within 2 weeks after adoption of the school board
12 policy, the district school board must provide notice of the
13 policy to the parent of each child who is 15 years of age and
14 who is enrolled in a school in the district. The notice must
15 also provide information related to the penalties for refusing
16 or failing to comply with the compulsory attendance
17 requirements and information on alternative education programs
18 offered within the school district.

19 (3) All state laws and State Board of Education rules
20 related to students subject to compulsory school attendance
21 apply to the district school board. Notwithstanding the
22 provisions of s. 1003.21, the formal declaration of intent to
23 terminate school enrollment does not apply to the district
24 school board.

25 (4) The district school board must evaluate the effect
26 of its adopted policy raising the compulsory age of attendance
27 on school attendance and on the school district's dropout
28 rate, as well as on the costs associated with the pilot
29 project. The school district shall report its findings to the
30 President of the Senate, the Speaker of the House of
31 Representatives, the minority leader of each house of the

1 Legislature, the Governor, and the Commissioner of Education
2 not later than August 1 following each year that the pilot
3 project is in operation.

4 Section 155. Section 1003.62, Florida Statutes, is
5 created to read:

6 1003.62 Charter school districts pilot program.--The
7 State Board of Education is authorized to enter into a
8 performance contract with up to six district school boards for
9 the purpose of establishing them as charter school districts.
10 The State Board of Education shall give priority to
11 Hillsborough and Volusia Counties upon the submission of a
12 completed precharter agreement or charter proposal for a
13 charter school district. The purpose of this pilot program is
14 to examine a new relationship between the State Board of
15 Education and district school boards that may produce
16 significant improvements in student achievement and school
17 management, while complying with constitutional requirements
18 assigned to each entity.

19 (1) CHARTER DISTRICT.--A charter school district is a
20 school district in Florida in which the district school board
21 has submitted and the State Board of Education has approved a
22 charter proposal that exchanges statutory and rule exemption
23 for agreement to meet performance goals in the proposal. The
24 charter school district shall be chartered for 3 years, at the
25 end of which the performance shall be evaluated.

26 (2) EXEMPTION FROM STATUTES AND RULES.--Charter school
27 districts shall be exempt from state statutes and specified
28 State Board of Education rules. The district school board of a
29 charter school district shall not be exempt from any statute
30 governing election of district school board members, public
31 meetings and public records requirements, financial

1 disclosure, conflicts of interest, operation in the sunshine,
2 or any provisions outside the Florida K-20 Education Code.

3 (3) GOVERNING BOARD.--The governing board of the
4 charter school district shall be the duly elected district
5 school board. The district school board shall be responsible
6 for supervising the schools in the charter district and is
7 authorized to charter each of its existing public schools
8 pursuant to s. 1002.33, apply for deregulation of its public
9 schools pursuant to s. 1003.63, or otherwise establish
10 performance-based contractual relationships with its public
11 schools for the purpose of giving them greater autonomy with
12 accountability for performance.

13 (4) PRECHARTER AGREEMENT.--The State Board of
14 Education is authorized to approve a precharter agreement with
15 a potential charter district. The agreement may grant limited
16 flexibility and direction for developing the full charter
17 proposal.

18 (5) TIME PERIOD FOR PILOT.--The pilot program shall be
19 authorized for a period of 3 full school years commencing with
20 award of a charter. The charter may be renewed upon action of
21 the State Board of Education.

22 (6) REPORTS.--The State Board of Education shall
23 annually report on the implementation of the charter school
24 district pilot program. Upon the completion of the first
25 3-year term, the State Board of Education, through the
26 Commissioner of Education, shall submit to the Legislature a
27 full evaluation of the effectiveness of the program.

28 (7) RULEMAKING.--The State Board of Education shall
29 have the authority to enact rules to implement this section in
30 accordance with ss. 120.536 and 120.54.

31

1 Section 156. Section 1003.63, Florida Statutes, is
2 created to read:

3 1003.63 Deregulated public schools pilot program.--

4 (1) PILOT PROGRAM.--To provide public schools the same
5 flexibility and accountability afforded charter schools, pilot
6 programs for deregulated public schools shall be conducted.
7 The following districts are authorized to conduct pilot
8 programs in 1998-1999: Palm Beach, Pinellas, Seminole, Leon,
9 Walton, and Citrus Counties. The schools and district school
10 boards which are participating in the pilot program as of
11 January 1, 1999, are authorized to continue the pilot program
12 through the 2003-2004 school year. Lee County is authorized to
13 conduct the pilot program beginning in the 1999-2000 school
14 year through the 2003-2004 school year.

15 (2) PURPOSE.--The purpose of the pilot program for
16 deregulated public schools shall be to:

17 (a) Improve student learning.

18 (b) Increase learning opportunities for all students,
19 with special emphasis on expanded learning experiences for
20 students who are identified as academically low achieving.

21 (c) Encourage the use of different and innovative
22 learning methods.

23 (d) Increase choice of learning opportunities for
24 students.

25 (e) Establish a new form of accountability for
26 schools.

27 (f) Require the measurement of learning outcomes and
28 create innovative measurement tools.

29 (g) Make the school the unit for improvement.

30 (h) Relieve schools of paperwork and procedures that
31 are required by the state and the district school board for

1 purposes other than health, safety, equal opportunity, fiscal
2 accountability and documentation of student achievement.

3 (3) PROPOSAL.--

4 (a) A proposal to be a deregulated school must be
5 developed by the school principal and the school advisory
6 council. A majority of the members of the school advisory
7 council must approve the proposal, and the principal and the
8 school advisory council chair must sign the proposal. At least
9 50 percent of the teachers employed at the school must approve
10 the proposal. The school must conduct a survey to show
11 parental support for the proposal.

12 (b) A district school board shall receive and review
13 all proposals for a deregulated public school. A district
14 school board must by a majority vote approve or deny a
15 proposal no later than 30 days after the proposal is received.
16 If a proposal is denied, the district school board must,
17 within 10 calendar days, articulate in writing the specific
18 reasons based upon good cause supporting its denial of the
19 proposal.

20 (c) The Department of Education may provide technical
21 assistance to an applicant upon written request.

22 (d) The terms and conditions for the operation of a
23 deregulated public school shall be set forth in the proposal.
24 The district school board shall not impose unreasonable rules
25 or regulations that violate the intent of giving schools
26 greater flexibility to meet educational goals.

27 (4) ELIGIBLE STUDENTS.--

28 (a) A deregulated school shall be open to all students
29 residing in the school's attendance boundaries as determined
30 by the district school board.

31

1 (b) The deregulated public school shall have maximum
2 flexibility to enroll students under the district school board
3 open enrollment plan.

4 (5) REQUIREMENTS.--Like other public schools, a
5 deregulated public school shall:

6 (a) Be nonsectarian in its programs, admission
7 policies, employment practices, and operations.

8 (b) Not charge tuition or fees, except those fees
9 normally charged by other public schools.

10 (c) Meet all applicable state and local health,
11 safety, and civil rights requirements.

12 (d) Not violate the antidiscrimination provisions of
13 s. 1000.05.

14 (e) Be subject to an annual financial audit in a
15 manner similar to that of other public schools in the
16 district.

17 (6) ELEMENTS OF THE PROPOSAL.--The major issues
18 involving the operation of a deregulated public school shall
19 be considered in advance and written into the proposal.

20 (a) The proposal shall address, and criteria for
21 approval of the proposal shall be based on:

22 1. The school's mission and the students to be served.

23 2. The focus of the curriculum, the instructional
24 methods to be used, and any distinctive instructional
25 techniques to be employed.

26 3. The current baseline standard of achievement and
27 the outcomes to be achieved and the method of measurement that
28 will be used.

29 4. The methods used to identify the educational
30 strengths and needs of students and how well educational goals
31 and performance standards are met by students attending the

1 school. Students in deregulated public schools shall, at a
2 minimum, participate in the statewide assessment program.
3 5. In secondary schools, a method for determining that
4 a student has satisfied the requirements for graduation in s.
5 1003.43.
6 6. A method for resolving conflicts between the school
7 and the district.
8 7. The admissions procedures and dismissal procedures,
9 including the school's code of student conduct.
10 8. The ways by which the school's racial/ethnic
11 balance reflects the community it serves or reflects the
12 racial/ethnic range of other public schools in the same school
13 district.
14 9. The financial and administrative management of the
15 school including a statement of the areas in which the school
16 will have administrative and fiscal autonomy and the areas in
17 which the school will follow district school board fiscal and
18 administrative policies.
19 10. The manner in which the school will be insured,
20 including whether or not the school will be required to have
21 liability insurance, and, if so, the terms and conditions
22 thereof and the amounts of coverage.
23 11. The qualifications to be required of the teachers.
24 (b) The school shall make annual progress reports to
25 the district, which upon verification shall be forwarded to
26 the Commissioner of Education at the same time as other annual
27 school accountability reports. The report shall contain at
28 least the following information:
29 1. The school's progress towards achieving the goals
30 outlined in its proposal.
31

1 2. The information required in the annual school
2 report pursuant to s. 1008.345.

3 3. Financial records of the school, including revenues
4 and expenditures.

5 4. Salary and benefit levels of school employees.

6 (c) A district school board shall ensure that the
7 proposal is innovative and consistent with the state education
8 goals established by s. 1000.03(5).

9 (d) Upon receipt of the annual report required by
10 paragraph (b), the Department of Education shall provide the
11 State Board of Education, the Commissioner of Education, the
12 President of the Senate, and the Speaker of the House of
13 Representatives with a copy of each report and an analysis and
14 comparison of the overall performance of students, to include
15 all students in deregulated public schools whose scores are
16 counted as part of the statewide assessment tests, versus
17 comparable public school students in the district as
18 determined by FCAT and district assessment tests and, as
19 appropriate, the Florida Writes Assessment Test, and other
20 assessments administered pursuant to s. 1008.22(3).

21 (7) EXEMPTION FROM STATUTES.--

22 (a) A deregulated public school shall operate in
23 accordance with its proposal and shall be exempt from all
24 statutes of the Florida K-20 Education Code, except those
25 pertaining to civil rights and student health, safety, and
26 welfare, or as otherwise required by this section. A
27 deregulated public school shall not be exempt from the
28 following statutes: chapter 119, relating to public records,
29 and s. 286.011, relating to public meetings and records,
30 public inspection, and penalties. The school district, upon
31 request of a deregulated public school, may apply to the State

1 Board of Education for a waiver of provisions of law
2 applicable to deregulated public schools under this section,
3 except that the provisions of chapter 1010 or chapter 1011
4 shall not be eligible for waiver if the waiver would affect
5 funding allocations or create inequity in public school
6 funding. The State Board of Education may grant the waiver if
7 necessary to implement the school program.

8 (b) A deregulated public school may employ or contract
9 with skilled selected noncertified personnel to provide
10 instructional services or to assist instructional staff
11 members as education paraprofessionals in the same manner as
12 defined in chapter 1012. A deregulated public school may not
13 employ an individual to provide instructional services or to
14 serve as an education paraprofessional if the individual's
15 certification or licensure as an educator is suspended or
16 revoked by this or any other state. The qualifications of
17 teachers shall be disclosed to parents.

18 (c) A deregulated public school shall employ or
19 contract with employees who have been fingerprinted as
20 provided in s. 1012.32.

21 (8) REVENUE.--Students enrolled in a deregulated
22 public school shall be funded in a basic program or a special
23 program in the same manner as students enrolled in other
24 public schools in the school district.

25 (9) LENGTH OF SCHOOL YEAR.--A deregulated public
26 school shall provide instruction for at least the number of
27 days required by law for other public schools, and may provide
28 instruction for additional days.

29 (10) FACILITIES.--A deregulated public school shall
30 utilize facilities which comply with the State Uniform
31 Building Code for Public Educational Facilities Construction

1 adopted pursuant to s. 1013.37, or with applicable state
2 minimum building codes pursuant to chapter 553 and state
3 minimum fire protection codes pursuant to s. 633.025, as
4 adopted by the authority in whose jurisdiction the facility is
5 located.

6 Section 157. Chapter 1004, Florida Statutes, shall be
7 entitled "Public Postsecondary Education" and shall consist of
8 ss. 1004.01-1004.98.

9 Section 158. Part I of chapter 1004, Florida Statutes,
10 shall be entitled "General Provisions" and shall consist of
11 ss. 1004.01-1004.06.

12 Section 159. Section 1004.01, Florida Statutes, is
13 created to read:

14 1004.01 Statement of purpose and mission.--

15 (1) The Legislature finds it in the public interest to
16 provide a system of postsecondary education which is of the
17 highest possible quality; which enables all students to
18 participate in the search for knowledge and individual
19 development; which stresses undergraduate teaching as its main
20 priority; which offers selected professional, graduate, and
21 research programs with emphasis on state and national needs;
22 which fosters diversity of educational opportunity; which
23 promotes service to the public; which makes effective and
24 efficient use of human and physical resources; which functions
25 cooperatively with other educational institutions and systems;
26 and which promotes internal coordination and the wisest
27 possible use of resources.

28 (2) The mission of the state system of postsecondary
29 education is to develop human resources, to discover and
30 disseminate knowledge, to extend knowledge and its application
31 beyond the boundaries of its campuses, and to develop in

1 students heightened intellectual, cultural, and humane
2 sensitivities; scientific, professional, and technological
3 expertise; and a sense of purpose. Inherent in this broad
4 mission are methods of instruction, research, extended
5 training, and public service designed to educate people and
6 improve the human condition.

7 Section 160. Section 1004.02, Florida Statutes, is
8 created to read:

9 1004.02 Definitions.--As used in this chapter:

10 (1) "Adult basic education" means courses of
11 instruction designed to improve the employability of the
12 state's workforce through instruction in mathematics, reading,
13 language, and workforce readiness skills at grade level
14 equivalency 0-8.9.

15 (2) "Adult ESOL" or "adult ESL" means noncredit
16 English literacy courses designed to improve the employability
17 of the state's workforce through acquisition of communication
18 skills and cultural competencies that enhance ability to read,
19 write, speak, and listen in English. ESOL means English for
20 Speakers of Other Languages. ESL means English as a Second
21 Language. The two terms are interchangeable.

22 (3) "Adult general education" means comprehensive
23 instructional programs designed to improve the employability
24 of the state's workforce through adult basic education, adult
25 secondary education, English for Speakers of Other Languages,
26 vocational-preparatory instruction, and instruction for adults
27 with disabilities.

28 (4) "Adult high school credit program" means the award
29 of credits upon completion of courses and passing of state
30 mandated assessments necessary to qualify for a high school
31 diploma. Except as provided elsewhere in law, the graduation

1 standards for adults shall be the same as those for secondary
2 students.

3 (5) "Adult secondary education" means courses through
4 which a person receives high school credit that leads to the
5 award of a high school diploma or courses of instruction
6 through which a student prepares to take the General
7 Educational Development test.

8 (6) "Adult student" is a student who is beyond the
9 compulsory school age and who has legally left elementary or
10 secondary school, or a high school student who is taking an
11 adult course required for high school graduation.

12 (7) "Adult with disability" means an individual who
13 has a physical or mental impairment that substantially limits
14 one or more major life activities, has a record of such
15 impairment, or is regarded as having such an impairment, and
16 who requires modifications to the educational program,
17 adaptive equipment, or specialized instructional methods and
18 services in order to participate in workforce development
19 programs that lead to competitive employment.

20 (8) "Applied technology diploma program" means a
21 course of study that is part of a technical degree program, is
22 less than 60 credit hours, and leads to employment in a
23 specific occupation. An applied technology diploma program may
24 consist of either technical credit or college credit. A public
25 school district may offer an applied technology diploma
26 program only as technical credit, with college credit awarded
27 to a student upon articulation to a community college.
28 Statewide articulation among public schools and community
29 colleges is guaranteed by s. 1007.23, and is subject to
30 guidelines and standards adopted by the State Board of
31 Education pursuant to ss. 1007.24 and 1007.25.

1 (9) "Basic literacy," means the demonstration of
2 academic competence from 2.0 through 5.9 educational grade
3 levels as measured by means approved for this purpose by the
4 State Board of Education.

5 (10) "Beginning literacy" means the demonstration of
6 academic competence from 0 through 1.9 educational grade
7 levels as measured by means approved for this purpose by the
8 State Board of Education.

9 (11) "College-preparatory instruction" means courses
10 through which a high school graduate who applies for any
11 college credit program may attain the communication and
12 computation skills necessary to enroll in college credit
13 instruction.

14 (12) "Community education" means the use of a school
15 or other public facility as a community center operated in
16 conjunction with other public, private, and governmental
17 organizations for the purpose of providing educational,
18 recreational, social, cultural, health, and community services
19 for persons in the community in accordance with the needs,
20 interests, and concerns of that community, including lifelong
21 learning.

22 (13) "Continuing workforce education" means
23 instruction that does not result in a technical certificate,
24 diploma, associate in applied science degree, or associate in
25 science degree. Continuing workforce education is for:

26 (a) Individuals who are required to have training for
27 licensure renewal or certification renewal by a regulatory
28 agency or credentialing body;

29 (b) New or expanding businesses as described in
30 chapter 288;

31

1 (c) Business, industry, and government agencies whose
2 products or services are changing so that retraining of
3 employees is necessary or whose employees need training in
4 specific skills to increase efficiency and productivity; or

5 (d) Individuals who are enhancing occupational skills
6 necessary to maintain current employment, to cross train, or
7 to upgrade employment.

8 (14) "Technical degree education program" means a
9 course of study that leads to an associate in applied science
10 degree or an associate in science degree. A technical degree
11 program may contain within it one or more program progression
12 points and may lead to certificates or diplomas within the
13 course of study. The term is interchangeable with the term
14 "degree career education program." For licensure purposes, the
15 term "associate in science degree" is interchangeable with
16 "associate in applied science degree."

17 (15) "Family literacy" means a program for adults with
18 a literacy component for parents and children or other
19 intergenerational literacy components.

20 (16) "Functional literacy," which is also referred to
21 as "intermediate adult basic education," means the
22 demonstration of academic competence from 6.0 through 8.9
23 educational grade levels as measured by means approved for
24 this purpose by the State Board of Education.

25 (17) "General Educational Development (GED) test
26 preparation" means courses of instruction designed to prepare
27 adults for success on GED subject area tests leading to
28 qualification for a State of Florida high school diploma.

29 (18) "Lifelong learning" means a noncredit course or
30 activity offered by a school district or community college
31 that seeks to address community social and economic issues

1 related to health and human relations, government, parenting,
2 consumer economics, and senior citizens.

3 (19) "Local educational agency" means a community
4 college or school district.

5 (20) "Local sponsor" means a district school board,
6 community college board of trustees, public library, other
7 public entity, or private nonprofit entity, or any combination
8 of these entities, that provides adult literacy instruction.

9 (21) "Technical certificate program" means a course of
10 study that leads to at least one occupational completion
11 point. The program may also confer credit that may articulate
12 with a diploma or technical degree education program, if
13 authorized by rules of the State Board of Education. Any
14 credit instruction designed to articulate to a degree program
15 is subject to guidelines and standards adopted by the
16 Department of Education pursuant to chapter 1007. The term is
17 interchangeable with the term "certificate career and
18 technical education program."

19 (22) "Occupational completion point" means the
20 occupational competencies that qualify a person to enter an
21 occupation that is linked to a career and technical program.

22 (23) "Career and technical education planning region"
23 means the geographic area in which career and technical or
24 adult education is provided. Each career and technical region
25 is contiguous with one of the 28 community college service
26 areas.

27 (24) "Vocational-preparatory instruction" means adult
28 general education through which persons attain academic and
29 workforce readiness skills at the level of functional literacy
30 (grade levels 6.0-8.9) or higher so that such persons may

31

1 pursue technical certificate education or higher-level
2 technical education.

3 (25) "Career and technical program" means a group of
4 identified competencies leading to occupations identified by a
5 Classification of Instructional Programs number.

6 (26) "Workforce development education" means adult
7 general education or career and technical education and may
8 consist of a continuing workforce education course or a
9 program of study leading to an occupational completion point,
10 a technical certificate, an applied technology diploma, or a
11 technical degree.

12 (27) "Workforce literacy" means the basic skills
13 necessary to perform in entry-level occupations or the skills
14 necessary to adapt to technological advances in the workplace.

15 Section 161. Section 1004.03, Florida Statutes, is
16 created to read:

17 1004.03 Program approval.--

18 (1) The State Board of Education shall establish
19 criteria for the approval of new programs at state
20 universities, which criteria include, but are not limited to,
21 the following:

22 (a) New programs may not be approved unless the same
23 objectives cannot be met through use of educational
24 technology.

25 (b) Unnecessary duplication of programs offered by
26 public and independent institutions shall be avoided.

27 (c) Cooperative programs, particularly within regions,
28 should be encouraged.

29 (d) New programs shall be approved only if they are
30 consistent with the state master plans adopted by the State
31 Board of Education.

1 (e) A new graduate-level program may be approved if:
2 1. The university has taken into account the offerings
3 of its counterparts, including institutions in other sectors,
4 particularly at the regional level.
5 2. The addition of the program will not alter the
6 emphasis on undergraduate education.
7 3. The regional need and demand for the graduate
8 program was addressed and the community needs are obvious.
9 (2) The State Board of Education shall establish
10 criteria for the approval of new programs at community
11 colleges, which criteria include, but are not limited to, the
12 following:
13 (a) New programs may not be approved unless the same
14 objectives cannot be met through use of educational
15 technology.
16 (b) Unnecessary duplication of programs offered by
17 independent institutions shall be avoided.
18 (c) Cooperative programs, particularly within regions,
19 should be encouraged.
20 (d) New programs may be approved only if they are
21 consistent with the state master plan adopted by the State
22 Board of Education.
23 Section 162. Section 1004.04, Florida Statutes, is
24 created to read:
25 1004.04 Public accountability and state approval for
26 teacher preparation programs.--
27 (1) INTENT.--The Legislature recognizes that skilled
28 teachers make an important contribution to a system that
29 allows students to obtain a high-quality education. The intent
30 of the Legislature is to establish a system for development
31 and approval of teacher preparation programs that will free

1 postsecondary teacher preparation institutions to employ
2 varied and innovative teacher preparation techniques while
3 being held accountable for producing graduates with the
4 competencies and skills necessary to achieve the state
5 education goals; help the state's diverse student population,
6 including students with limited English proficiency, meet high
7 standards for academic achievement; maintain safe, secure
8 classroom learning environments; and sustain the state system
9 of school improvement and education accountability established
10 pursuant to ss. 1000.03(5) and 1008.345. The State Board of
11 Education shall adopt rules pursuant to ss. 120.536(1) and
12 120.54 that establish uniform core curricula for each
13 state-approved teacher preparation program.

14 (2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
15 system developed by the Department of Education in
16 collaboration with postsecondary educational institutions
17 shall assist departments and colleges of education in the
18 restructuring of their programs to meet the need for producing
19 quality teachers now and in the future. The system must be
20 designed to assist teacher educators in conceptualizing,
21 developing, implementing, and evaluating programs that meet
22 state-adopted standards. These standards shall emphasize
23 quality indicators drawn from research, professional
24 literature, recognized guidelines, Florida essential teaching
25 competencies and educator-accomplished practices, effective
26 classroom practices, and the outcomes of the state system of
27 school improvement and education accountability, as well as
28 performance measures. Departments and colleges of education
29 shall emphasize the state system of school improvement and
30 education accountability concepts and standards, including
31 Sunshine State Standards. State-approved teacher preparation

1 programs must incorporate appropriate English for Speakers of
2 Other Languages instruction so that program graduates will
3 have completed the requirements for teaching limited English
4 proficient students in Florida public schools.

5 (3) INITIAL STATE PROGRAM APPROVAL.--

6 (a) A program approval process based on standards
7 adopted pursuant to subsection (2) must be established for
8 postsecondary teacher preparation programs, phased in
9 according to timelines determined by the Department of
10 Education, and fully implemented for all teacher preparation
11 programs in the state. Each program shall be approved by the
12 department, consistent with the intent set forth in subsection
13 (1) and based primarily upon significant, objective, and
14 quantifiable graduate performance measures.

15 (b) Each teacher preparation program approved by the
16 Department of Education, as provided for by this section,
17 shall require students to meet the following as prerequisites
18 for admission into the program:

19 1. Have a grade point average of at least 2.5 on a 4.0
20 scale for the general education component of undergraduate
21 studies or have completed the requirements for a baccalaureate
22 degree with a minimum grade point average of 2.5 on a 4.0
23 scale from any college or university accredited by a regional
24 accrediting association as defined by State Board of Education
25 rule.

26 2. Demonstrate mastery of general knowledge, including
27 the ability to read, write, and compute, by passing the
28 College Level Academic Skills Test, a corresponding component
29 of the National Teachers Examination series, or a similar test
30 pursuant to rules of the State Board of Education.

31

1 Each teacher preparation program may waive these admissions
2 requirements for up to 10 percent of the students admitted.
3 Programs shall implement strategies to ensure that students
4 admitted under a waiver receive assistance to demonstrate
5 competencies to successfully meet requirements for
6 certification.

7 (4) CONTINUED PROGRAM APPROVAL.--Notwithstanding
8 subsection (3), failure by a public or nonpublic teacher
9 preparation program to meet the criteria for continued program
10 approval shall result in loss of program approval. The
11 Department of Education, in collaboration with the departments
12 and colleges of education, shall develop procedures for
13 continued program approval that document the continuous
14 improvement of program processes and graduates' performance.

15 (a) Continued approval of specific teacher preparation
16 programs at each public and nonpublic postsecondary
17 educational institution within the state is contingent upon
18 the passing of the written examination required by s. 1012.56
19 by at least 90 percent of the graduates of the program who
20 take the examination. On request of an institution, the
21 Department of Education shall provide an analysis of the
22 performance of the graduates of such institution with respect
23 to the competencies assessed by the examination required by s.
24 1012.56.

25 (b) Additional criteria for continued program approval
26 for public institutions may be approved by the State Board of
27 Education. Such criteria must emphasize instruction in
28 classroom management and must provide for the evaluation of
29 the teacher candidates' performance in this area. The criteria
30 shall also require instruction in working with underachieving
31 students. Program evaluation procedures must include, but are

1 not limited to, program graduates' satisfaction with
2 instruction and the program's responsiveness to local school
3 districts. Additional criteria for continued program approval
4 for nonpublic institutions shall be developed in the same
5 manner as for public institutions; however, such criteria must
6 be based upon significant, objective, and quantifiable
7 graduate performance measures. Responsibility for collecting
8 data on outcome measures through survey instruments and other
9 appropriate means shall be shared by the postsecondary
10 educational institutions and the Department of Education. By
11 January 1 of each year, the Department of Education shall
12 report this information for each postsecondary educational
13 institution that has state-approved programs of teacher
14 education to the Governor, the State Board of Education, the
15 Commissioner of Education, the President of the Senate, the
16 Speaker of the House of Representatives, all Florida
17 postsecondary teacher preparation programs, and interested
18 members of the public. This report must analyze the data and
19 make recommendations for improving teacher preparation
20 programs in the state.

21 (c) Continued approval for a teacher preparation
22 program is contingent upon the results of annual reviews of
23 the program conducted by the postsecondary educational
24 institution, using procedures and criteria outlined in an
25 institutional program evaluation plan approved by the
26 Department of Education. This plan must incorporate the
27 criteria established in paragraphs (a) and (b) and include
28 provisions for involving primary stakeholders, such as program
29 graduates, district school personnel, classroom teachers,
30 principals, community agencies, and business representatives
31 in the evaluation process. Upon request by an institution, the

1 department shall provide assistance in developing, enhancing,
2 or reviewing the institutional program evaluation plan and
3 training evaluation team members.

4 (d) Continued approval for a teacher preparation
5 program is contingent upon standards being in place that are
6 designed to adequately prepare elementary, middle, and high
7 school teachers to instruct their students in higher-level
8 mathematics concepts and in the use of technology at the
9 appropriate grade level.

10 (e) Continued approval of teacher preparation programs
11 is contingent upon compliance with the student admission
12 requirements of subsection (3) and upon the receipt of at
13 least a satisfactory rating from public schools and private
14 schools that employ graduates of the program. Employer
15 satisfaction shall be determined by an annually administered
16 survey instrument approved by the Department of Education
17 that, at a minimum, must include employer satisfaction of the
18 graduates' ability to do the following:

19 1. Write and speak in a logical and understandable
20 style with appropriate grammar.

21 2. Recognize signs of students' difficulty with the
22 reading and computational process and apply appropriate
23 measures to improve students' reading and computational
24 performance.

25 3. Use and integrate appropriate technology in
26 teaching and learning processes.

27 4. Demonstrate knowledge and understanding of Sunshine
28 State Standards.

29 (f)1. Each Florida public and private institution that
30 offers a state-approved teacher preparation program must
31 annually report information regarding these programs to the

1 state and the general public. This information shall be
2 reported in a uniform and comprehensible manner that is
3 consistent with definitions and methods approved by the
4 Commissioner of the National Center for Educational Statistics
5 and that is approved by the State Board of Education. This
6 information must include, at a minimum:

7 a. The percent of graduates obtaining full-time
8 teaching employment within the first year of graduation.

9 b. The average length of stay of graduates in their
10 full-time teaching positions.

11 c. Satisfaction ratings required in paragraph (e).

12 2. Each public and private institution offering
13 training for school readiness related professions, including
14 training in the fields of child care and early childhood
15 education, whether offering technical credit, associate in
16 applied science degree programs, associate in science degree
17 programs, or associate in arts degree programs, shall annually
18 report information regarding these programs to the state and
19 the general public in a uniform and comprehensible manner that
20 conforms with definitions and methods approved by the State
21 Board of Education. This information must include, at a
22 minimum:

23 a. Average length of stay of graduates in their
24 positions.

25 b. Satisfaction ratings of graduates' employers.

26
27 This information shall be reported through publications,
28 including college and university catalogs and promotional
29 materials sent to potential applicants, secondary school
30 guidance counselors, and prospective employers of the
31 institution's program graduates.

1 (5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
2 instructors, school district personnel and instructional
3 personnel, and school sites preparing instructional personnel
4 through preservice field experience courses and internships
5 shall meet special requirements.

6 (a) All instructors in postsecondary teacher
7 preparation programs who instruct or supervise preservice
8 field experience courses or internships shall have at least
9 one of the following: specialized training in clinical
10 supervision; a valid professional teaching certificate
11 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of
12 successful teaching experience in prekindergarten through
13 grade 12.

14 (b) All school district personnel and instructional
15 personnel who supervise or direct teacher preparation students
16 during field experience courses or internships must have
17 evidence of "clinical educator" training and must successfully
18 demonstrate effective classroom management strategies that
19 consistently result in improved student performance. The State
20 Board of Education shall approve the training requirements.

21 (c) Preservice field experience programs must provide
22 specific guidance and demonstration of effective classroom
23 management strategies, strategies for incorporating technology
24 into classroom instruction, and ways to link instructional
25 plans to the Sunshine State Standards, as appropriate. The
26 length of structured field experiences may be extended to
27 ensure that candidates achieve the competencies needed to meet
28 certification requirements.

29 (d) Postsecondary teacher preparation programs in
30 cooperation with district school boards and approved private
31 school associations shall select the school sites for

1 preservice field experience activities. These sites must
2 represent the full spectrum of school communities, including,
3 but not limited to, schools located in urban settings. In
4 order to be selected, school sites must demonstrate commitment
5 to the education of public school students and to the
6 preparation of future teachers.

7 (6) STANDARDS OF EXCELLENCE.--The State Board of
8 Education shall approve standards of excellence for teacher
9 preparation. These standards must exceed the requirements for
10 program approval pursuant to subsection (3) and must
11 incorporate state and national recommendations for exemplary
12 teacher preparation programs.

13 (7) NATIONAL BOARD STANDARDS.--The State Board of
14 Education shall review standards and recommendations developed
15 by the National Board for Professional Teaching Standards and
16 may incorporate those parts deemed appropriate into criteria
17 for continued state program approval, standards of excellence,
18 and requirements for inservice education.

19 (8) COMMUNITY COLLEGES.--To the extent practical,
20 postsecondary educational institutions offering teacher
21 preparation programs shall establish articulation agreements
22 on a core of liberal arts courses and introductory
23 professional courses with field experience components which
24 shall be offered at community colleges.

25 (9) PRETEACHER AND TEACHER EDUCATION PILOT
26 PROGRAMS.--State universities and community colleges may
27 establish preteacher education and teacher education pilot
28 programs to encourage promising minority students to prepare
29 for a career in education. These pilot programs shall be
30 designed to recruit and provide additional academic, clinical,
31 and counseling support for students whom the institution

1 judges to be potentially successful teacher education
2 candidates, but who may not meet teacher education program
3 admission standards. Priority consideration shall be given to
4 those pilot programs that are jointly submitted by community
5 colleges and state universities.

6 (a) These pilot programs shall be approved by the
7 State Board of Education and shall be designed to provide help
8 and support for program participants during the preteacher
9 education period of general academic preparation at a
10 community college or state university and during professional
11 preparation in a state-approved teacher education program.
12 Emphasis shall be placed on development of the basic skills
13 needed by successful teachers.

14 (b) State universities and community colleges may
15 admit into the pilot program those incoming students who
16 demonstrate an interest in teaching as a career, but who may
17 not meet the requirements for entrance into an approved
18 teacher education program.

19 1. Flexibility may be given to colleges of education
20 to develop and market innovative teacher training programs
21 directed at specific target groups such as graduates from the
22 colleges of arts and sciences, employed education
23 paraprofessionals, substitute teachers, early federal
24 retirees, and nontraditional college students. Programs must
25 be submitted to the State Board of Education for approval.

26 2. Academically successful graduates in the fields of
27 liberal arts and science may be encouraged to embark upon a
28 career in education.

29 3. Models may be developed to provide a positive
30 initial experience in teaching in order to encourage

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1 retention. Priority should be given to models that encourage
2 minority graduates.

3 (c) In order to be certified, a graduate from a pilot
4 program shall meet all requirements for teacher certification
5 specified by s. 1012.56. Should a graduate of a pilot program
6 not meet the requirements of s. 1012.56, that person shall not
7 be included in the calculations required by paragraph (4)(a)
8 and State Board of Education rules for continued program
9 approval, or in the statutes used by the State Board of
10 Education in deciding which teacher education programs to
11 approve.

12 (d) Institutions participating in the pilot program
13 shall submit an annual report evaluating the success of the
14 program to the Commissioner of Education by March 1 of each
15 year. The report shall contain, but shall not be limited to:
16 the number of pilot program participants, including the number
17 participating in general education and the number admitted to
18 approved teacher education programs, the number of pilot
19 program graduates, and the number of pilot program graduates
20 who met the requirements of s. 1012.56. The commissioner shall
21 consider the number of participants recruited, the number of
22 graduates, and the number of graduates successfully meeting
23 the requirements of s. 1012.56 reported by each institution,
24 and shall make an annual recommendation to the State Board of
25 Education regarding the institution's continued participation
26 in the pilot program.

27 (10) TEACHER EDUCATION PILOT PROGRAMS FOR
28 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
29 shall be established at the University of Central Florida, the
30 University of North Florida, and the University of South
31 Florida. These programs shall include a year-long paid

1 teaching assignment and competency-based learning experiences
2 and shall be designed to encourage high-achieving students, as
3 identified by the institution, to pursue a career in
4 education. Students chosen to participate in the pilot
5 programs shall agree to teach for at least 1 year after they
6 receive their degrees. Criteria for identifying
7 high-achieving students shall be developed by the institution
8 and shall include, at a minimum, requirements that the student
9 have a 3.3 grade point average or above and that the student
10 has demonstrated mastery of general knowledge pursuant to s.
11 1012.56. The year-long paid teaching assignment shall begin
12 after completion of the equivalent of 3 years of the state
13 university teacher preparation program.

14 (a) Each pilot program shall be designed to include:
15 1. A year-long paid teaching assignment at a specified
16 school site during the fourth year of the state university
17 teacher preparation program, which includes intense
18 supervision by a support team trained in clinical education.
19 The support team shall include a state university supervisor
20 and experienced school-based mentors. A mentor teacher shall
21 be assigned to each fourth year employed teacher to implement
22 an individualized learning plan. This mentor teacher will be
23 considered an adjunct professor for purposes of this program
24 and may receive credit for time spent as a mentor teacher in
25 the program. The mentor teacher must have a master's degree
26 or above, a minimum of 3 years of teaching experience, and
27 clinical education training or certification by the National
28 Board of Professional Teaching Standards. Experiences and
29 instruction may be delivered by other mentors, assigned
30 teachers, professors, individualized learning, and

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1 demonstrations. Students in this paid teaching assignment
2 shall assume full responsibility of all teaching duties.
3 2. Professional education curriculum requirements that
4 address the educator-accomplished practices and other
5 competencies specified in state board rule.
6 3. A modified instructional delivery system that
7 provides onsite training during the paid teaching assignment
8 in the professional education areas and competencies specified
9 in this subsection. The institutions participating in this
10 pilot program shall be given a waiver to provide a modified
11 instructional delivery system meeting criteria that allows
12 earned credit through nontraditional approaches. The modified
13 system may provide for an initial evaluation of the
14 candidate's competencies to determine an appropriate
15 individualized professional development plan and may provide
16 for earned credit by:
17 a. Internet learning and competency acquisition.
18 b. Learning acquired by observing demonstrations and
19 being observed in application.
20 c. Independent study or instruction by mentor teachers
21 or adjunct teachers.
22 4. Satisfactory demonstration of the
23 educator-accomplished practices and content area competencies
24 for program completion.
25 5. For program completion, required achievement of
26 passing scores on all tests required for certification by
27 State Board of Education rules.
28 (b) Beginning in July 2003, each institution
29 participating in the pilot program shall submit to the
30 Commissioner of Education an annual report evaluating the
31 effectiveness of the program. The report shall include, but

1 shall not be limited to, the number of students selected for
2 the pilot program, the number of students successfully
3 completing the pilot program, the number of program
4 participants who passed all required examinations, the number
5 of program participants who successfully demonstrated all
6 required competencies, and a followup study to determine the
7 number of pilot program completers who were employed in a
8 teaching position and employers' satisfaction with the
9 performance of pilot program completers.

10 (c) This subsection shall be implemented to the extent
11 specifically funded in the General Appropriations Act.

12 (11) RULES.--The State Board of Education shall adopt
13 necessary rules pursuant to ss. 120.536(1) and 120.54 to
14 implement this section.

15 Section 163. Section 1004.05, Florida Statutes, is
16 created to read:

17 1004.05 Substance abuse training programs.--

18 (1) Each state university and community college may
19 develop courses designed for public school teachers,
20 counselors, physicians, law enforcement personnel, and other
21 professionals to assist them in recognizing symptoms of
22 substance abuse impairment and identifying appropriate service
23 providers for referral and treatment.

24 (2) Such courses may be made available to students who
25 are currently enrolled and for continuing education units.

26 Section 164. Section 1004.06, Florida Statutes, is
27 created to read:

28 1004.06 Prohibited expenditures.--No community
29 college, state university, community college direct-support
30 organization, or state university direct-support organization
31 shall expend any funds, regardless of source, to purchase

1 membership in, or goods and services from, any organization
2 that discriminates on the basis of race, national origin,
3 gender, or religion.

4 Section 165. Part II of chapter 1004, Florida
5 Statutes, shall be entitled "State Universities" and shall
6 consist of ss. 1004.21-1004.62.

7 Section 166. Part II.a. of chapter 1004, Florida
8 Statutes, shall be entitled "General Provisions" and shall
9 consist of ss. 1004.21-1004.32.

10 Section 167. Section 1004.21, Florida Statutes, is
11 created to read:

12 1004.21 State universities; legislative intent.--It is
13 the legislative intent that state universities be constituted
14 as public corporations of the state and be operated by a board
15 of trustees as provided in s. 1001.74.

16 Section 168. Section 1004.22, Florida Statutes, is
17 created to read:

18 1004.22 Divisions of sponsored research at state
19 universities.--

20 (1) Each university is authorized to create, as it
21 deems advisable, divisions of sponsored research which will
22 serve the function of administration and promotion of the
23 programs of research, including sponsored training programs,
24 of the university at which they are located. A division of
25 sponsored research created under the provisions of this
26 section shall be under the supervision of the president of
27 that university.

28 (2) The university shall set such policies to regulate
29 the activities of the divisions of sponsored research as it
30 may consider necessary to effectuate the purposes of this act
31 and to administer the research programs in a manner which

1 assures efficiency and effectiveness, producing the maximum
2 benefit for the educational programs and maximum service to
3 the state. To this end, materials that relate to methods of
4 manufacture or production, potential trade secrets,
5 potentially patentable material, actual trade secrets,
6 business transactions, or proprietary information received,
7 generated, ascertained, or discovered during the course of
8 research conducted within the state universities shall be
9 confidential and exempt from the provisions of s. 119.07(1),
10 except that a division of sponsored research shall make
11 available upon request the title and description of a research
12 project, the name of the researcher, and the amount and source
13 of funding provided for such project.

14 (3) The president of the university where a division
15 of sponsored research is created, or his or her designee, is
16 authorized to negotiate, enter into, and execute research
17 contracts; to solicit and accept research grants and
18 donations; and to fix and collect fees, other payments, and
19 donations that may accrue by reason thereof. The president or
20 his or her designee may negotiate, enter into, and execute
21 contracts on a cost-reimbursement basis and may provide
22 temporary financing of such costs prior to reimbursement from
23 moneys on deposit in a sponsored research development fund,
24 except as may be prohibited elsewhere by law.

25 (4) A division of sponsored research shall be financed
26 from the moneys of a university which are on deposit or
27 received for use in the research or related programs of that
28 particular university. Such moneys shall be deposited by the
29 university in a permanent sponsored research development fund.

30 (5) Moneys deposited in the permanent sponsored
31 research development fund of a university shall be disbursed

1 in accordance with the terms of the contract, grant, or
2 donation under which they are received. Moneys received for
3 overhead or indirect costs and other moneys not required for
4 the payment of direct costs shall be applied to the cost of
5 operating the division of sponsored research. Any surplus
6 moneys shall be used to support other research or sponsored
7 training programs in any area of the university.
8 Transportation and per diem expense allowances shall be the
9 same as those provided by law in s. 112.061, except that
10 personnel performing travel under a sponsored research
11 subcontract may be reimbursed for travel expenses in
12 accordance with the provisions of the applicable prime
13 contract or grant and the travel allowances established by the
14 subcontractor, subject to the requirements of subsection (7),
15 or except as provided in subsection (11).

16 (6)(a) Each university shall submit to the State Board
17 of Education a report of the activities of each division of
18 sponsored research together with an estimated budget for the
19 next fiscal year.

20 (b) Not less than 90 days prior to the convening of
21 each regular session of the Legislature in which an
22 appropriation shall be made, the State Board of Education
23 shall submit to the chair of the appropriations committee of
24 each house of the Legislature a compiled report, together with
25 a compiled estimated budget for the next fiscal year. A copy
26 of such report and estimated budget shall be furnished to the
27 Governor, as the chief budget officer of the state.

28 (7) All purchases of a division of sponsored research
29 shall be made in accordance with the policies and procedures
30 of the university; however, upon certification addressed to
31 the university president that it is necessary for the

1 efficient or expeditious prosecution of a research project,
2 the president may exempt the purchase of material, supplies,
3 equipment, or services for research purposes shall be exempt
4 from the general purchasing requirement of the Florida
5 Statutes.

6 (8) The university may authorize the construction,
7 alteration, or remodeling of buildings when the funds used are
8 derived entirely from the sponsored research development fund
9 of a university or from that fund in combination with other
10 nonstate sources, provided that such construction, alteration,
11 or remodeling is for use exclusively in the area of research;
12 it also may authorize the acquisition of real property when
13 the cost is entirely from said funds. Title to all real
14 property purchased prior to January 7, 2003, or with funds
15 appropriated by the Legislature shall vest in the Board of
16 Trustees of the Internal Improvement Trust Fund and shall only
17 be transferred or conveyed by it.

18 (9) The sponsored research programs of the Institute
19 of Food and Agricultural Sciences, the University of Florida
20 Health Science Center, and the engineering and industrial
21 experiment station shall continue to be centered at the
22 University of Florida as heretofore provided by law. Indirect
23 cost reimbursements of all grants deposited in the Division of
24 Sponsored Research shall be distributed directly to the above
25 units in direct proportion to the amounts earned by each unit.

26 (10) The operation of the divisions of sponsored
27 research and the conduct of the sponsored research program are
28 expressly exempted from the provisions of any other laws or
29 portions of laws in conflict herewith and are, subject to the
30 requirements of subsection (7), exempted from the provisions
31 of chapters 215, 216, and 283.

1 (11) The divisions of sponsored research may pay, by
2 advancement or reimbursement, or a combination thereof, the
3 costs of per diem of university employees and of other
4 authorized persons, as defined in s. 112.061(2)(e), for
5 foreign travel up to the current rates as stated in the grant
6 and contract terms and may also pay incidental expenses as
7 authorized by s. 112.061(8). This subsection applies to any
8 university employee traveling in foreign countries for
9 sponsored programs of the university, if such travel expenses
10 are approved in the terms of the contract or grant. The
11 provisions of s. 112.061, other than those relating to per
12 diem, apply to the travel described in this subsection. As
13 used in this subsection, "foreign travel" means any travel
14 outside the United States and its territories and possessions
15 and Canada. Persons traveling in foreign countries pursuant
16 to this section shall not be entitled to reimbursements or
17 advancements pursuant to s. 112.061(6)(a)2. for such travel.

18 (12) Each division of sponsored research is authorized
19 to advance funds to any principal investigator who, under the
20 contract or grant terms, will be performing a portion of his
21 or her research at a site that is remote from the university.
22 Funds shall be advanced only to employees who have executed a
23 proper power of attorney with the university to ensure the
24 proper collection of such advanced funds if it becomes
25 necessary. As used in this subsection, the term "remote"
26 means so far removed from the university as to render normal
27 purchasing and payroll functions ineffective.

28 (13) Each university board of trustees is authorized
29 to adopt rules, as necessary, to administer this section.

30 Section 169. Section 1004.23, Florida Statutes, is
31 created to read:

1 1004.23 Universities; powers; patents, copyrights, and
2 trademarks.--Any other law to the contrary notwithstanding,
3 each state university is authorized, in its own name, to:
4 (1) Perform all things necessary to secure letters of
5 patent, copyrights, and trademarks on any work products and to
6 enforce its rights therein. The university shall consider
7 contributions by university personnel in the development of
8 trademarks, copyrights, and patents and shall enter into
9 written contracts with such personnel establishing the
10 interests of the university and such personnel in each
11 trademark, copyright, or patent.
12 (2) License, lease, assign, or otherwise give written
13 consent to any person, firm, or corporation for the
14 manufacture or use thereof, on a royalty basis or for such
15 other consideration as the university shall deem proper.
16 (3) Take any action necessary, including legal action,
17 to protect the same against improper or unlawful use or
18 infringement.
19 (4) Enforce the collection of any sums due the
20 university for the manufacture or use thereof by any other
21 party.
22 (5) Sell any of the same and execute all instruments
23 necessary to consummate any such sale.
24 (6) Do all other acts necessary and proper for the
25 execution of powers and duties herein conferred upon the
26 university, including adopting rules, as necessary, in order
27 to administer this section. Any proceeds therefrom shall be
28 deposited and expended in accordance with s. 1004.22. Any
29 action taken by the university in securing or exploiting such
30 trademarks, copyrights, or patents shall, within 30 days, be
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1 reported in writing by the president to the Department of
2 State.

3 Section 170. Section 1004.24, Florida Statutes, is
4 created to read:

5 1004.24 State Board of Education authorized to secure
6 liability insurance.--

7 (1) The State Board of Education is authorized to
8 secure, or otherwise provide as a self-insurer, or by a
9 combination thereof, comprehensive general liability
10 insurance, including professional liability for health care
11 and veterinary sciences, for:

12 (a) The State Board of Education and its officers and
13 members.

14 (b) A university board of trustees and its officers
15 and members.

16 (c) The faculty and other employees and agents of a
17 university board of trustees.

18 (d) The students of a state university.

19 (e) A state university or any college, school,
20 institute, center, or program thereof.

21 (f) Any not-for-profit corporation organized pursuant
22 to chapter 617, and the directors, officers, employees, and
23 agents thereof, which is affiliated with a state university,
24 if the corporation is operated for the benefit of the state
25 university in a manner consistent with the best interests of
26 the state, and if such participation is approved by a
27 self-insurance program council, the university president, and
28 the board of trustees.

29 (2) In the event the State Board of Education adopts a
30 self-insurance program, a governing council chaired by the
31 vice president for health affairs or his or her academic

1 equivalent shall be established to administer the program and
2 its duties and responsibilities, including the administration
3 of self-insurance program assets and expenditure policies,
4 which shall be defined in rules as authorized by this section.
5 The council shall have an annual actuary review performed to
6 establish funding requirements to maintain the fiscal
7 integrity of the self-insurance program. The assets of a
8 self-insurance program shall be deposited outside the State
9 Treasury and shall be administered in accordance with rules as
10 authorized by this section.

11 (3) Any self-insurance program created under this
12 section shall be funded by the entities and individuals
13 protected by such program. There shall be no funds
14 appropriated to any self-insurance program. The assets of the
15 self-insurance program shall be the property of the State
16 Board of Education and shall be used only to pay the
17 administrative expenses of the self-insurance program and to
18 pay any claim, judgment, or claims bill arising out of
19 activities for which the self-insurance program was created.
20 Investment income that is in excess of that income necessary
21 to ensure the solvency of a self-insurance program as
22 established by a casualty actuary may be used to defray the
23 annual contribution paid into the program by the entities and
24 individuals protected by the program.

25 (4) No self-insurance program adopted by the State
26 Board of Education may sue or be sued. The claims files of any
27 such program are privileged and confidential, exempt from the
28 provisions of s. 119.07(1), and are only for the use of the
29 program in fulfilling its duties. Any self-insurance trust
30 fund and revenues generated by that fund shall only be used to
31 pay claims and administration expenses.

1 (5) Each self-insurance program council shall make
2 provision for an annual postaudit of its financial accounts to
3 be conducted by an independent certified public accountant.
4 The annual audit report must include a management letter and
5 shall be submitted to the State Board of Education for review.
6 The State Board of Education shall have the authority to
7 require and receive from the self-insurance program council or
8 from its independent auditor any detail or supplemental data
9 relative to the operation of the self-insurance program.

10 (6) The State Board of Education may make such rules
11 as are necessary to carry out the provisions of this section.

12 Section 171. Section 1004.25, Florida Statutes, is
13 created to read:

14 1004.25 State universities; payment of costs of civil
15 action.--A university may defray all costs of defending any
16 civil action brought against any officer or employee of the
17 university for any act or omission arising out of and in the
18 course of the performance of his or her duties and
19 responsibilities, which costs may include reasonable
20 attorney's fees and expenses together with costs of appeal,
21 and may save harmless and protect such person from any
22 financial loss resulting from the lawful performance of his or
23 her duties and responsibilities. Claims based on such actions
24 or omissions may be settled prior to or after the filing of
25 suit thereon. The university may arrange for and pay the
26 premium for appropriate insurance to cover all such losses and
27 expenses. The university may use funds available, not subject
28 to the obligation of contract, covenant, or trust, to carry
29 out the purposes of this section in the amount necessary.
30 Failure by the university to perform any act authorized by

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1 this section shall not constitute a cause of action against
2 the university or its members, officers, or employees.

3 Section 172. Section 1004.28, Florida Statutes, is
4 created to read:

5 1004.28 Direct-support organizations; use of property;
6 board of directors; activities; audit; facilities.--

7 (1) DEFINITIONS.--For the purposes of this section:

8 (a) "University direct-support organization" means an
9 organization which is:

10 1. A Florida corporation not for profit incorporated
11 under the provisions of chapter 617 and approved by the
12 Department of State.

13 2. Organized and operated exclusively to receive,
14 hold, invest, and administer property and to make expenditures
15 to or for the benefit of a state university in Florida or for
16 the benefit of a research and development park or research and
17 development authority affiliated with a state university and
18 organized under part V of chapter 159.

19 3. An organization that a state university board of
20 trustees, after review, has certified to be operating in a
21 manner consistent with the goals of the university and in the
22 best interest of the state. Any organization that is denied
23 certification by the board of trustees shall not use the name
24 of the university that it serves.

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

27 (2) USE OF PROPERTY.--

28 (a) Each state university board of trustees is
29 authorized to permit the use of property, facilities, and
30 personal services at any state university by any university
31 direct-support organization, and, subject to the provisions of

1 this section, direct-support organizations may establish
2 accounts with the State Board of Administration for investment
3 of funds pursuant to part IV of chapter 218.

4 (b) The board of trustees shall prescribe by rule
5 conditions with which a university direct-support organization
6 must comply in order to use property, facilities, or personal
7 services at any state university. Such rules shall provide
8 for budget and audit review and oversight by the board of
9 trustees.

10 (c) The board of trustees shall not permit the use of
11 property, facilities, or personal services at any state
12 university by any university direct-support organization that
13 does not provide equal employment opportunities to all persons
14 regardless of race, color, religion, gender, age, or national
15 origin.

16 (3) BOARD OF DIRECTORS.--The chair of the university
17 board of trustees may appoint a representative to the board of
18 directors and the executive committee of any direct-support
19 organization established under this section. The president of
20 the university for which the direct-support organization is
21 established, or his or her designee, shall also serve on the
22 board of directors and the executive committee of any
23 direct-support organization established to benefit that
24 university.

25 (4) ACTIVITIES; RESTRICTION.--A university
26 direct-support organization is prohibited from giving, either
27 directly or indirectly, any gift to a political committee or
28 committee of continuous existence as defined in s. 106.011 for
29 any purpose other than those certified by a majority roll call
30 vote of the governing board of the direct-support organization

31

1 at a regularly scheduled meeting as being directly related to
2 the educational mission of the university.

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

25 (6) FACILITIES.--In addition to issuance of
26 indebtedness pursuant to s. 1010.60(2), each direct-support
27 organization is authorized to enter into agreements to
28 finance, design and construct, lease, lease-purchase,
29 purchase, or operate facilities necessary and desirable to
30 serve the needs and purposes of the university, as determined
31 by the systemwide strategic plan adopted by the State Board of

1 Education. Such agreements are subject to the provisions of
2 s. 1013.171.

3 (7) ANNUAL BUDGETS AND REPORTS.--Each direct-support
4 organization shall submit to the university president and the
5 State Board of Education its federal Internal Revenue Service
6 Application for Recognition of Exemption form (Form 1023) and
7 its federal Internal Revenue Service Return of Organization
8 Exempt from Income Tax form (Form 990).

9 Section 173. Section 1004.29, Florida Statutes, is
10 created to read:

11 1004.29 University health services support
12 organizations.--

13 (1) Each state university is authorized to establish
14 university health services support organizations which shall
15 have the ability to enter into, for the benefit of the
16 university academic health sciences center, arrangements with
17 other entities as providers in other integrated health care
18 systems or similar entities. To the extent required by law or
19 rule, university health services support organizations shall
20 become licensed as insurance companies, pursuant to chapter
21 624, or be certified as health maintenance organizations,
22 pursuant to chapter 641. University health services support
23 organizations shall have sole responsibility for the acts,
24 debts, liabilities, and obligations of the organization. In
25 no case shall the state or university have any responsibility
26 for such acts, debts, liabilities, and obligations incurred or
27 assumed by university health services support organizations.

28 (2) Each university health services support
29 organization shall be a Florida corporation not for profit,
30 incorporated under the provisions of chapter 617 and approved
31 by the Department of State.

1 (3) A state university board of trustees may
2 prescribe, by rule, conditions with which a university health
3 services support organization must comply in order to be
4 certified and to use property, facilities, or personal
5 services at any state university. The rules must provide for
6 budget, audit review, and oversight by the board of trustees.
7 Such rules shall provide that the university health services
8 support organization may provide salary supplements and other
9 compensation or benefits for university faculty and staff
10 employees only as set forth in the organization's budget,
11 which shall be subject to approval by the university
12 president.

13 (4) The chair of the university board of trustees may
14 appoint a representative to the board of directors and the
15 executive committee of any university health services support
16 organization established under this section. The president of
17 the university for which the university health services
18 support organization is established, or the president's
19 designee, shall also serve on the board of directors and the
20 executive committee of any university health services support
21 organization established to benefit that university.

22 (5) Each university health services support
23 organization shall provide for an annual financial audit in
24 accordance with s. 1004.28(5). The auditor's report,
25 management letter, and any supplemental data requested by the
26 State Board of Education, the university board of trustees,
27 and the Auditor General shall be considered public records,
28 pursuant to s. 119.07.

29 Section 174. Section 1004.30, Florida Statutes, is
30 created to read:

31

1 1004.30 University health services support
2 organization; confidentiality of information.--
3 (1) All meetings of a governing board of a university
4 health services support organization and all university health
5 services support organization records shall be open and
6 available to the public in accordance with s. 286.011 and s.
7 24(b), Art. I of the State Constitution and chapter 119 and s.
8 24(a), Art. I of the State Constitution, respectively, unless
9 made confidential or exempt by law. Records required by the
10 Department of Insurance to discharge its duties shall be made
11 available to the department upon request.
12 (2) The following university health services support
13 organization's records and information are confidential and
14 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
15 I of the State Constitution:
16 (a) Contracts for managed care arrangements under
17 which the university health services support organization
18 provides health care services, preferred provider organization
19 contracts, health maintenance organization contracts, alliance
20 network arrangements, and exclusive provider organization
21 contracts, and any documents directly relating to the
22 negotiation, performance, and implementation of any such
23 contracts for managed care arrangements or alliance network
24 arrangements. As used in this paragraph, the term "managed
25 care" means systems or techniques generally used by
26 third-party payors or their agents to affect access to and
27 control payment for health care services. Managed-care
28 techniques most often include one or more of the following:
29 prior, concurrent, and retrospective review of the medical
30 necessity and appropriateness of services or site of services;
31 contracts with selected health care providers; financial

1 incentives or disincentives related to the use of specific
2 providers, services, or service sites; controlled access to
3 and coordination of services by a case manager; and payor
4 efforts to identify treatment alternatives and modify benefit
5 restrictions for high-cost patient care.

6 (b) Each university health services support
7 organization's marketing plan the disclosure of which may
8 reasonably be expected by the organization's governing board
9 to be used by a competitor or an affiliated provider of the
10 organization to frustrate, circumvent, or exploit the purposes
11 of the plan before it is implemented and which is not
12 otherwise known or cannot be legally obtained by a competitor
13 or an affiliated provider. However, documents that are
14 submitted to the organization's governing board as part of the
15 board's approval of the organization's budget, and the budget
16 itself, are not confidential and exempt.

17 (c) Trade secrets, as defined in s. 688.002, including
18 reimbursement methodologies and rates.

19 (d) The records of the peer review panels, committees,
20 governing board, and agents of the university health services
21 support organization which relate solely to the evaluation of
22 health care services and professional credentials of health
23 care providers and physicians employed by or providing
24 services under contract to the university health services
25 support organization. The exemptions created by this
26 paragraph shall not be construed to impair any otherwise
27 established rights of an individual health care provider to
28 inspect documents concerning the determination of such
29 provider's professional credentials.

30 (3) Any portion of a governing board or peer review
31 panel or committee meeting during which a confidential and

1 exempt contract, document, record, marketing plan, or trade
2 secret, as provided for in subsection (2), is discussed is
3 exempt from the provisions of s. 286.011 and s. 24(b), Art. I
4 of the State Constitution.

5 (4) Those portions of any public record, such as a
6 tape recording, minutes, and notes, generated during that
7 portion of a governing board or peer review panel or committee
8 meeting which is closed to the public pursuant to this
9 section, which contain information relating to contracts,
10 documents, records, marketing plans, or trade secrets which
11 are made confidential and exempt by this section, are
12 confidential and exempt from the provisions of s. 119.07(1)
13 and s. 24(a), Art. I of the State Constitution.

14 (5) The exemptions from s. 119.07(1) and s. 24(a),
15 Art. I of the State Constitution and s. 286.011 and s. 24(b),
16 Art. I of the State Constitution provided in this section do
17 not apply if the governing board of a university health
18 services support organization votes to lease, sell, or
19 transfer all or any substantial part of the facilities or
20 property of the university health services support
21 organization to a nonpublic entity.

22 (6) Any person may petition a court of competent
23 jurisdiction for an order for the public release of those
24 portions of any public record, such as a tape recording,
25 minutes, or notes, generated during that portion of a
26 governing board meeting which is closed to the public pursuant
27 to subsection (3), which record is made confidential and
28 exempt by subsection (4). Any action pursuant to this
29 subsection must be brought in the county where the principal
30 office of the university health services support organization
31 is located, as reflected in the records of the Secretary of

1 State. In any order for the public release of a record
2 pursuant to this subsection, the court shall make a finding
3 that a compelling public interest is served by the release of
4 the record or portions thereof which exceeds the public
5 necessity for maintaining the confidentiality of such record
6 as described in s. 2, chapter 96-171, Laws of Florida, and
7 that the release of the record will not cause damage to or
8 adversely affect the interests of private persons, business
9 entities, the university health services support organization,
10 or the affiliated university.

11 (7) Those portions of any public record, such as a
12 tape recording, minutes, or notes, generated during that
13 portion of a governing board meeting at which negotiations for
14 contracts for managed-care arrangements occur, are reported
15 on, or are acted on by the governing board, which record is
16 made confidential and exempt by subsection (4), shall become
17 public records 2 years after the termination or completion of
18 the term of the contract to which such negotiations relate or,
19 if no contract was executed, 2 years after the termination of
20 the negotiations. Notwithstanding paragraph (2)(a) and
21 subsection (4), a university health services support
22 organization must make available, upon request, the title and
23 general description of a contract for managed-care
24 arrangements, the names of the contracting parties, and the
25 duration of the contract term. All contracts for managed-care
26 arrangements which are made confidential and exempt by
27 paragraph (2)(a), except those portions of any contract
28 containing trade secrets which are made confidential and
29 exempt by paragraph (2)(c), shall become public 2 years after
30 the termination or completion of the term of the contract.

31

1 (8) A university health services support organization
2 may petition a court of competent jurisdiction to continue the
3 confidentiality of any public record made nonconfidential by
4 this section, upon a showing of good cause. In determining
5 good cause, the court shall balance the property, privacy, and
6 economic interests of any affected person or business entity
7 with those of the university health services support
8 organization and with the public interest and must make a
9 finding that a substantial public interest is served by the
10 continued confidentiality of the public record for an
11 additional time period. The length of time for this continued
12 exemption may be no longer than is necessary to protect that
13 substantial public interest.

14 (9) This act does not preclude discovery of records
15 and information that are otherwise discoverable under the
16 Florida Rules of Civil Procedure or any statutory provision
17 allowing discovery or presuit disclosure of such records and
18 information for the purpose of civil actions.

19 Section 175. Section 1004.31, Florida Statutes, is
20 created to read:

21 1004.31 Assent to Hatch Act and Morrill Land-Grant
22 Act.--The assent of the Legislature is given to the provisions
23 and requirements of the Acts of Congress commonly known as the
24 "Hatch Act of 1887," the "First Morrill Act of 1862," the
25 "Second Morrill Act of 1890," and all acts supplemental
26 thereto. The University of Florida Board of Trustees may
27 receive grants of money appropriated for the benefit of the
28 University of Florida Institute of Food and Agricultural
29 Sciences in the case of the First Morrill Act, the Hatch Act,
30 and all acts supplemental thereto. The Florida Agricultural
31 and Mechanical University Board of Trustees may receive grants

1 of money appropriated for the benefit of Florida Agricultural
2 and Mechanical University in the case of the Second Morrill
3 Act and all acts supplemental thereto. The provisions of
4 chapter 3564, 1885, Laws of Florida, and s. 7, chapter 1776,
5 1870, Laws of Florida, are made applicable to said
6 universities insofar as the same are or can be made effective;
7 and all estate, right, property claim, and emoluments, and the
8 rents and issues thereof, or any substitutions thereof, and
9 all claims and demands arising or that may or can arise
10 thereunder, or any Act of Congress in that regard, are hereby
11 preserved, maintained, and transferred to the University of
12 Florida Board of Trustees and the Florida Agricultural and
13 Mechanical University Board of Trustees for the use and
14 benefit of said universities under the terms of said acts.

15 Section 176. Section 1004.32, Florida Statutes, is
16 created to read:

17 1004.32 New College of Florida.--

18 (1) MISSION AND GOALS.--New College of Florida serves
19 a distinctive mission as the 4-year residential liberal arts
20 honors college of the State of Florida. To maintain this
21 mission, New College of Florida has the following goals:

22 (a) To provide a quality education to students of high
23 ability who, because of their ability, deserve a program of
24 study that is both demanding and stimulating.

25 (b) To engage in undergraduate educational reform by
26 combining educational innovation with educational excellence.

27 (c) To provide programs of study that allow students
28 to design their educational experience as much as possible in
29 accordance with their individual interests, values, and
30 abilities.

31

1 (d) To challenge undergraduates not only to master
2 existing bodies of knowledge but also to extend the frontiers
3 of knowledge through original research.

4 (2) ACCREDITATION.--As soon as possible, New College
5 of Florida shall apply to the Commission on Colleges of the
6 Southern Association of Colleges and Schools for separate
7 accreditation.

8 (3) BOARD OF TRUSTEES.--The Governor shall appoint 12
9 members to the Board of Trustees, to serve 4-year staggered
10 terms, as follows:

11 (a) Three residents of Sarasota County.

12 (b) Two residents of Manatee County.

13 (c) Until the expiration date of the terms of office
14 of the members who are on the board June 30, 2001, seven
15 members selected from the Board of Trustees of the New College
16 Foundation.

17
18 In addition, the student body president shall serve ex officio
19 as a voting member of the board of trustees.

20 Section 177. Part II.b. of chapter 1004, Florida
21 Statutes, shall be entitled "Branch Campuses, Centers,
22 Institutes, and Special Programs" and shall consist of ss.
23 1004.33-1004.62.

24 Section 178. Section 1004.33, Florida Statutes, is
25 created to read:

26 1004.33 The University of South Florida St.
27 Petersburg.--

28 (1) The St. Petersburg campus of the University of
29 South Florida is established and shall be known as the
30 "University of South Florida St. Petersburg."

31

1 (a) The Legislature intends that the University of
2 South Florida St. Petersburg be operated and maintained as a
3 separate organizational and budget entity of the University of
4 South Florida, and that all legislative appropriations for the
5 University of South Florida St. Petersburg be set forth as
6 separate line items in the annual General Appropriations Act.

7 (b) The University of South Florida St. Petersburg
8 shall have a Campus Board and a Campus Executive Officer.

9 (c) As soon as possible, but no later than the
10 effective date of this act, the President of the University of
11 South Florida shall begin the process of application to the
12 Commission on Colleges of the Southern Association of Colleges
13 and Schools for separate accreditation of the University of
14 South Florida St. Petersburg. If the application is not
15 approved or is provisionally approved, the University of South
16 Florida shall correct any identified deficiencies and shall
17 continue to work for accreditation.

18 (2) The Board of Trustees of the University of South
19 Florida shall appoint to the Campus Board, from
20 recommendations of the President of the University of South
21 Florida, five residents of Pinellas County. If a resident of
22 Pinellas County is appointed to the Board of Trustees of the
23 University of South Florida, the board shall appoint that
24 member to serve jointly as a member of the Campus Board. If
25 more than one Pinellas County resident is appointed to the
26 Board of Trustees, the board shall select one joint member.
27 The Board of Trustees may reappoint a member to the Campus
28 Board for one additional term. The Campus Board has the powers
29 and duties provided by law, which include the authority to:

30 (a) Review and approve an annual legislative budget
31 request to be submitted to the Commissioner of Education. The

1 Campus Executive Officer shall prepare the legislative budget
2 request in accordance with guidelines established by the State
3 Board of Education. This request must include items for campus
4 operations and fixed capital outlay.

5 (b) Approve and submit an annual operating plan and
6 budget for review and consultation by the Board of Trustees of
7 the University of South Florida. The campus operating budget
8 must reflect the actual funding available to that campus from
9 separate line-item appropriations contained in each annual
10 General Appropriations Act, which line-item appropriations
11 must initially reflect the funds reported to the Legislature
12 for the University of South Florida St. Petersburg campus for
13 fiscal year 2000-2001 and any additional funds provided in the
14 fiscal year 2001-2002 legislative appropriation.

15 (c) Enter into central support services contracts with
16 the Board of Trustees of the University of South Florida for
17 any services that the St. Petersburg campus cannot provide
18 more economically, including payroll processing, accounting,
19 technology, construction administration, and other desired
20 services. However, all legal services for the campus must be
21 provided by a central services contract with the university.
22 The Board of Trustees of the University of South Florida and
23 the Campus Board shall determine in a letter of agreement any
24 allocation or sharing of student fee revenue between the
25 University of South Florida's main campus and the St.
26 Petersburg campus.

27
28 The Board of Trustees of the University of South Florida may
29 lawfully delegate other powers and duties to the Campus Board
30 for the efficient operation and improvement of the campus and
31 for the purpose of vesting in the campus the attributes

1 necessary to meet the requirements for separate accreditation
2 by the Southern Association of Colleges and Schools.
3 (3) The University of South Florida St. Petersburg
4 shall be administered by a Campus Executive Officer who shall
5 be appointed by, report directly to, and serve at the pleasure
6 of the President of the University of South Florida. The
7 President shall consult with the Campus Board before hiring or
8 terminating the Campus Executive Officer. The Campus Executive
9 Officer has authority and responsibility as provided in law,
10 including the authority to:
11 (a) Administer campus operations within the annual
12 operating budget as approved by the Campus Board.
13 (b) Recommend to the Campus Board an annual
14 legislative budget request that includes funding for campus
15 operations and fixed capital outlay.
16 (c) Recommend to the Campus Board an annual campus
17 operating budget.
18 (d) Recommend to the Campus Board appropriate services
19 and terms and conditions to be included in annual central
20 support services contracts.
21 (e) Carry out any additional responsibilities assigned
22 or delegated by the President of the University of South
23 Florida for the efficient operation and improvement of the
24 campus, especially any authority necessary for the purpose of
25 vesting in the campus attributes necessary to meet the
26 requirements for separate accreditation.
27 (4) Students enrolled at the University of South
28 Florida, including those enrolled at a branch campus, have the
29 same rights and obligations as provided by law, policy, or
30 rule adopted by the University of South Florida, the Florida
31 Department of Education, or other lawful entity. The

1 University of South Florida shall provide a comprehensive and
2 coordinated system of student registration so that a student
3 enrolled at any campus of the University of South Florida has
4 the ability to register for courses at any other campus of the
5 University of South Florida.

6 (5) The following entities are not affected by this
7 section and remain under the administrative control of the
8 University of South Florida:

9 (a) The University of South Florida College of Marine
10 Science, which is a component college of the main campus.

11 (b) The Florida Institute of Oceanography, which is a
12 Type One Institute.

13 (c) The University of South Florida Pediatric Research
14 Center.

15 (d) The University of South Florida/USGS joint
16 facility.

17 Section 179. Section 1004.34, Florida Statutes, is
18 created to read:

19 1004.34 The University of South Florida
20 Sarasota/Manatee.--

21 (1) The Sarasota/Manatee campus of the University of
22 South Florida is established and shall be known as the
23 "University of South Florida Sarasota/Manatee."

24 (a) The Legislature intends that the University of
25 South Florida Sarasota/Manatee be operated and maintained as a
26 separate organizational and budget entity of the University of
27 South Florida and that all legislative appropriations for the
28 University of South Florida Sarasota/Manatee be set forth as
29 separate line items in the annual General Appropriations Act.

30 (b) The University of South Florida Sarasota/Manatee
31 shall have a Campus Board and a Campus Executive Officer.

1 (c) As soon as possible, but no later than July 1,
2 2002, the President of the University of South Florida shall
3 begin the process of application to the Commission on Colleges
4 of the Southern Association of Colleges and Schools for
5 separate accreditation of the University of South Florida
6 Sarasota/Manatee. If the application is not approved or is
7 provisionally approved, the University of South Florida shall
8 correct any identified deficiencies and shall continue to work
9 for accreditation.

10 (2) The Board of Trustees of the University of South
11 Florida shall appoint to the Campus Board, from
12 recommendations of the President of the University of South
13 Florida, three residents of Manatee County and two residents
14 of Sarasota County, to serve 4-year staggered terms. If one or
15 more residents of Sarasota County or Manatee County are
16 appointed to the Board of Trustees of the University of South
17 Florida, the board shall, at the next vacancy of the Campus
18 Board, appoint one of those members to serve jointly as a
19 member of the Campus Board. The Board of Trustees may
20 reappoint a member to the Campus Board for one additional
21 term. The Campus Board has the powers and duties provided by
22 law, which include the authority to:

23 (a) Review and approve an annual legislative budget
24 request to be submitted to the Commissioner of Education. The
25 Campus Executive Officer shall prepare the legislative budget
26 request in accordance with guidelines established by the State
27 Board of Education. This request must include items for campus
28 operations and fixed capital outlay.

29 (b) Approve and submit an annual operating plan and
30 budget for review and consultation by the Board of Trustees of
31 the University of South Florida. The campus operating budget

1 must reflect the actual funding available to that campus from
2 separate line-item appropriations contained in each annual
3 General Appropriations Act, which line-item appropriations
4 must initially reflect the funds reported to the Legislature
5 for the University of South Florida Sarasota/Manatee campus
6 for fiscal year 2000-2001 and any additional funds provided in
7 the fiscal year 2001-2002 legislative appropriation.

8 (c) Enter into central support services contracts with
9 the Board of Trustees of the University of South Florida for
10 any services that the campus at Sarasota/Manatee cannot
11 provide more economically, including payroll processing,
12 accounting, technology, construction administration, and other
13 desired services. However, all legal services for the campus
14 must be provided by a central services contract with the
15 university. The Board of Trustees of the University of South
16 Florida and the Campus Board shall determine in a letter of
17 agreement any allocation or sharing of student fee revenue
18 between the University of South Florida's main campus and the
19 Sarasota/Manatee campus.

20
21 The Board of Trustees of the University of South Florida may
22 lawfully delegate other powers and duties to the Campus Board
23 for the efficient operation and improvement of the campus and
24 for the purpose of vesting in the campus the attributes
25 necessary to meet the requirements for separate accreditation
26 by the Southern Association of Colleges and Schools.

27 (3) The University of South Florida Sarasota/Manatee
28 shall be administered by a Campus Executive Officer who shall
29 be appointed by, report directly to, and serve at the pleasure
30 of the President of the University of South Florida. The
31 President shall consult with the Campus Board before hiring or

1 terminating the Campus Executive Officer. The Campus Executive
2 Officer has authority and responsibility as provided in law,
3 including the authority to:
4 (a) Administer campus operations within the annual
5 operating budget as approved by the Campus Board.
6 (b) Recommend to the Campus Board an annual
7 legislative budget request that includes funding for campus
8 operations and fixed capital outlay.
9 (c) Recommend to the Campus Board an annual campus
10 operating budget.
11 (d) Recommend to the Campus Board appropriate services
12 and terms and conditions to be included in annual central
13 support services contracts.
14 (e) Carry out any additional responsibilities assigned
15 or delegated by the President of the University of South
16 Florida for the efficient operation and improvement of the
17 campus, especially any authority necessary for the purpose of
18 vesting in the campus attributes necessary to meet the
19 requirements for separate accreditation.
20 (4) Students enrolled at the University of South
21 Florida, including those enrolled at a branch campus, have the
22 same rights and obligations as provided by law, policy, or
23 rule adopted by the University of South Florida, the Florida
24 Department of Education, or other lawful entity. The
25 University of South Florida shall provide a comprehensive and
26 coordinated system of student registration so that a student
27 enrolled at any campus of the University of South Florida has
28 the ability to register for courses at any other campus of the
29 University of South Florida.
30
31

1 (5) Promote technology transfer between the research
2 operations of the University of South Florida and local
3 economic development agencies.

4 Section 180. Section 1004.35, Florida Statutes, is
5 created to read:

6 1004.35 Broward County campuses of Florida Atlantic
7 University; coordination with other institutions.--The State
8 Board of Education and Florida Atlantic University shall
9 consult with Broward Community College and Florida
10 International University in coordinating course offerings at
11 the postsecondary level in Broward County. Florida Atlantic
12 University may contract with the Board of Trustees of Broward
13 Community College and with Florida International University to
14 provide instruction in courses offered at the Southeast
15 Campus. Florida Atlantic University shall increase course
16 offerings at the Southeast Campus as facilities become
17 available.

18 Section 181. Section 1004.36, Florida Statutes, is
19 created to read:

20 1004.36 Florida Atlantic University campuses.--

21 (1) The Broward County campuses of Florida Atlantic
22 University are hereby established as a partner of the Florida
23 Atlantic University campus in Boca Raton. The Broward County
24 campuses of Florida Atlantic University shall be known as
25 "Florida Atlantic University Broward." The Boca Raton campuses
26 of Florida Atlantic University shall be known as "Florida
27 Atlantic University Boca Raton." The office of the president
28 shall be at the campus in Boca Raton.

29 (2) Florida Atlantic University shall develop and
30 administer a separate budget for Florida Atlantic University
31 Broward. The budget shall include, at a minimum, an allocation

1 of those operating and capital outlay funds appropriated
2 annually by the Legislature in the General Appropriations Act
3 for the Broward campuses; a proportional share, based on
4 student credit hours produced at the Broward campuses, of any
5 allocations received by the university from student tuition
6 and fees, except for athletic fees, specifically authorized by
7 law; all overhead charges from sponsored research conducted on
8 the Broward campuses; and all revenues derived from vending
9 funds, auxiliary enterprises and contracts, and grants and
10 donations, as authorized by s. 1011.91, which result from
11 activities on Broward campuses. Florida Atlantic University
12 Broward and Florida Atlantic University Boca Raton may pay
13 reasonable charges to appropriate levels of administration of
14 Florida Atlantic University for services delivered
15 universitywide.

16 (3) The Florida Atlantic University Board of Trustees
17 shall take all actions necessary to ensure that Florida
18 Atlantic University Broward and Florida Atlantic University
19 Boca Raton are partners in the overall policymaking and
20 academic governance structures of the university. Annual
21 legislative budget requests for operations and facilities
22 shall separately identify those funds requested for Florida
23 Atlantic University Broward and Florida Atlantic University
24 Boca Raton. Florida Atlantic University Broward and Florida
25 Atlantic University Boca Raton shall have local management
26 authority over their campus faculty, staff, and programs, but
27 there shall be universitywide standards and processes for
28 evaluating requests for promotion and tenure; there shall be
29 complete transferability of credits and uniform programs
30 across campuses; and colleges operating on multiple campuses
31 shall have only one dean for each college. Florida Atlantic

1 University Broward shall establish a faculty senate and may
2 establish a direct-support organization. Any such
3 direct-support organization shall be subject to s. 1004.28(5).

4 (4) The State Board of Education, as a function of its
5 comprehensive master planning process, shall continue to
6 evaluate the need for undergraduate programs in Broward County
7 and shall assess the extent to which existing postsecondary
8 programs are addressing those needs.

9 Section 182. Section 1004.37, Florida Statutes, is
10 created to read:

11 1004.37 County or area extension programs; cooperation
12 between counties and University of Florida and Florida
13 Agricultural and Mechanical University.--

14 (1) The Florida Cooperative Extension Service is
15 administered through the University of Florida and is
16 supported programmatically by the University of Florida and
17 Florida Agricultural and Mechanical University in
18 collaboration with individual county governments. County or
19 area extension programs will be developed, based on local
20 situations, needs, and problems, supported by scientific and
21 technical information developed by the University of Florida,
22 Florida Agricultural and Mechanical University, the United
23 States Department of Agriculture, and other sources of
24 research information. This information will be made available
25 through the local program, with the aid of research scientists
26 and extension specialists of the University of Florida
27 Institute of Food and Agricultural Sciences and Florida
28 Agricultural and Mechanical University.

29 (2) In each county or other geographic subdivision the
30 board of county commissioners or other legally constituted
31 governing body will annually determine the extent of its

1 financial participation in cooperative extension work. The
2 extent of such financial participation by the counties will
3 influence the number of county extension agents and clerical
4 staff employed and the scope of the local extension program.
5 (3) Boards of county commissioners or other legally
6 constituted governing bodies will approve or disapprove of
7 persons recommended for extension positions in the county. If
8 the governing body of the county notifies the extension
9 service by resolution that it wants a list of three qualified
10 candidates, then the extension service shall, for each
11 position, make its recommendation by submitting a list of not
12 fewer than three qualified persons, or all qualified persons
13 if three or fewer. From this list, the board of county
14 commissioners, or other legally constituted governing body,
15 shall make its selection. If none of the persons recommended
16 are approved, the extension service shall continue to submit
17 lists of not fewer than three additional qualified persons
18 until one person is selected. If the governing body of the
19 county does not forward such a resolution to the extension
20 service, the extension service shall recommend one qualified
21 candidate to the governing body. If a person recommended is
22 not approved, the extension service shall recommend another
23 qualified candidate and shall repeat this procedure as
24 necessary until one person is selected. Extension agents so
25 appointed will be staff members of the University of Florida
26 or Florida Agricultural and Mechanical University, depending
27 on the source of funds. It is the responsibility of the
28 cooperative extension service to determine qualifications for
29 positions.

30 (4) Although county extension agents are jointly
31 employed by the state universities and federal and county

1 governments for the purposes of administration of the
2 cooperative extension service, the personnel policies and
3 procedures of the University of Florida or Florida
4 Agricultural and Mechanical University, depending on
5 appointment, will apply except in those instances when federal
6 legislation or the basic memorandum of understanding is
7 applicable.

8 (5) The University of Florida will provide county
9 extension personnel in the county with supervision and
10 resources for planning and programming and is responsible for
11 the programming process. The Florida Cooperative Extension
12 Service will make available needed program materials to the
13 extension agents through the subject matter specialists or
14 through other resource persons available from within the
15 university. It will be responsible for maintaining a high
16 level of technical competence in the county extension staff
17 through a continuous program of inservice training.

18 (6) The county extension director will report
19 periodically to the board of county commissioners or other
20 legally constituted governing body on programs underway and
21 results in the county. Each board of county commissioners or
22 other legally constituted governing body will develop a plan
23 which will enable it to be kept informed on the progress and
24 results of the local extension program so that its own
25 knowledge of program needs and problems may become a part of
26 the educational work carried on by the agents. Such plan shall
27 provide for a means of communicating the board's satisfaction
28 with the extension program to the county extension director
29 and the cooperative extension service.

30 Section 183. Section 1004.38, Florida Statutes, is
31 created to read:

1 1004.38 Master of science program in speech-language
2 pathology; Florida International University.--A master of
3 science degree program in speech-language pathology is hereby
4 authorized at Florida International University.

5 Section 184. Section 1004.39, Florida Statutes, is
6 created to read:

7 1004.39 College of law at Florida International
8 University.--

9 (1) A college of law is authorized at Florida
10 International University.

11 (2) The college of law at Florida International
12 University must be operated in compliance with the standards
13 approved by nationally recognized associations for accredited
14 colleges of law.

15 (3) The college of law at Florida International
16 University, to the extent consistent with the standards
17 required by the American Bar Association or any other
18 nationally recognized association for the accreditation of
19 colleges of law, shall develop a law library collection
20 utilizing electronic formats and mediums.

21 (4) The college of law at Florida International
22 University shall develop and institute a program that is
23 consistent with sound legal education principles as determined
24 by the American Bar Association or any other nationally
25 recognized association for the accreditation of colleges of
26 law and that, to the extent consistent with such sound legal
27 education principles, is structured to serve the legal needs
28 of traditionally underserved portions of the population by
29 providing an opportunity for participation in a legal clinic
30 program or pro bono legal service.

31

1 (5) The Florida International University Board of
2 Trustees shall commence the planning of a college of law at
3 Florida International University. In planning the college of
4 law, the Florida International University Board of Trustees
5 and the State Board of Education may accept grants, donations,
6 gifts, and moneys available for this purpose, including moneys
7 for planning and constructing the college. The Florida
8 International University Board of Trustees may procure and
9 accept any federal funds that are available for the planning,
10 creation, and establishment of the college of law. Classes
11 must commence by the fall semester 2003. If the American Bar
12 Association or any other nationally recognized association for
13 the accreditation of colleges of law issues a third
14 disapproval of an application for provisional approval or for
15 full approval or fails to grant, within 5 years following the
16 graduation of the first class, a provisional approval, to the
17 college of law at Florida International University, the State
18 Board of Education shall make recommendations to the Governor
19 and the Legislature as to whether the college of law will
20 cease operations at the end of the full academic year
21 subsequent to the receipt by the college of law of any such
22 third disapproval, or whether the college of law will continue
23 operations and any conditions for continued operations. If the
24 college of law ceases operations pursuant to this section, the
25 following conditions apply:

26 (a) The authority for the college of law at Florida
27 International University and the authority of the Florida
28 International University Board of Trustees and the State Board
29 of Education provided in this section shall terminate upon the
30 cessation of operations of the college of law at Florida
31 International University. The college of law at Florida

1 International University shall receive no moneys allocated for
2 the planning, construction, or operation of the college of law
3 after its cessation of operations other than moneys to be
4 expended for the cessation of operations of the college of
5 law. Any moneys allocated to the college of law at Florida
6 International University not expended prior to or scheduled to
7 be expended after the date of the cessation of the college of
8 law shall be appropriated for other use by the Legislature of
9 the State of Florida.

10 (b) Any buildings of the college of law at Florida
11 International University constructed from the expenditure of
12 capital outlay funds appropriated by the Legislature shall be
13 owned by the Board of Trustees of the Internal Improvement
14 Trust Fund and managed by the Florida International University
15 Board of Trustees upon the cessation of the college of law.

16
17 Nothing in this section shall undermine commitments to current
18 students receiving support as of the date of the enactment of
19 this section from the law school scholarship program of the
20 Florida Education Fund as provided in s. 1009.70(8). Students
21 attending the college of law at Florida International
22 University shall be eligible for financial, academic, or other
23 support from the Florida Education Fund as provided in s.
24 1009.70(8) without the college's obtaining accreditation by
25 the American Bar Association.

26 (6) The college of law at Florida International
27 University shall be dedicated to providing opportunities for
28 minorities to attain representation within the legal
29 profession proportionate to their representation in the
30 general population; however, the college of law shall not

31

1 include preferences in the admissions process for applicants
2 on the basis of race, national origin, or gender.

3 Section 185. Section 1004.40, Florida Statutes, is
4 created to read:

5 1004.40 College of law at Florida Agricultural and
6 Mechanical University.--

7 (1) A college of law is authorized at Florida
8 Agricultural and Mechanical University.

9 (2) The college of law at Florida Agricultural and
10 Mechanical University must be operated in compliance with the
11 standards approved by nationally recognized associations for
12 accredited colleges of law.

13 (3) The college of law at Florida Agricultural and
14 Mechanical University, to the extent consistent with the
15 standards required by the American Bar Association or any
16 other nationally recognized association for the accreditation
17 of colleges of law, shall develop a law library collection
18 utilizing electronic formats and mediums.

19 (4) The college of law at Florida Agricultural and
20 Mechanical University shall develop and institute a program
21 that is consistent with sound legal education principles as
22 determined by the American Bar Association or any other
23 nationally recognized association for the accreditation of
24 colleges of law and that, to the extent consistent with such
25 sound legal education principles, is structured to serve the
26 legal needs of traditionally underserved portions of the
27 population by providing an opportunity for participation in a
28 legal clinic program or pro bono legal service.

29 (5) The Florida Agricultural and Mechanical University
30 Board of Trustees shall commence the planning of a college of
31 law under the auspices of Florida Agricultural and Mechanical

1 University to be located in the I-4 corridor area. In planning
2 the college of law, the Florida Agricultural and Mechanical
3 University Board of Trustees and the State Board of Education
4 may accept grants, donations, gifts, and moneys available for
5 this purpose, including moneys for planning and constructing
6 the college. The Florida Agricultural and Mechanical
7 University Board of Trustees may procure and accept any
8 federal funds that are available for the planning, creation,
9 and establishment of the college of law. Classes must commence
10 by the fall semester 2003. If the American Bar Association or
11 any other nationally recognized association for the
12 accreditation of colleges of law issues a third disapproval of
13 an application for provisional approval or for full approval
14 or fails to grant, within 5 years following the graduation of
15 the first class, a provisional approval, to the college of law
16 at Florida Agricultural and Mechanical University, the State
17 Board of Education shall make recommendations to the Governor
18 and Legislature as to whether the college of law will cease
19 operations at the end of the full academic year subsequent to
20 the receipt by the college of law of any such third
21 disapproval, or whether the college of law will continue
22 operations and any conditions for continued operations. If the
23 college of law ceases operations of the college of law
24 pursuant to this section, the following conditions apply:

25 (a) The authority for the college of law at Florida
26 Agricultural and Mechanical University and the authority of
27 the Florida Agricultural and Mechanical University Board of
28 Trustees and the State Board of Education provided in this
29 section shall terminate upon the cessation of operations of
30 the college of law at Florida Agricultural and Mechanical
31 University. The college of law at Florida Agricultural and

1 Mechanical University shall receive no moneys allocated for
2 the planning, construction, or operation of the college of law
3 after its cessation of operations other than moneys to be
4 expended for the cessation of operations of the college of
5 law. Any moneys allocated to the college of law at Florida
6 Agricultural and Mechanical University not expended prior to
7 or scheduled to be expended after the date of the cessation of
8 the college of law shall be appropriated for other use by the
9 Legislature of the State of Florida.

10 (b) Any buildings of the college of law at Florida
11 Agricultural and Mechanical University constructed from the
12 expenditure of capital outlay funds appropriated by the
13 Legislature shall be owned by the Board of Trustees of the
14 Internal Improvement Trust Fund and managed by the Florida
15 Agricultural and Mechanical University Board of Trustees upon
16 the cessation of the college of law.

17
18 Nothing in this section shall undermine commitments to current
19 students receiving support as of the date of the enactment of
20 this section from the law school scholarship program of the
21 Florida Education Fund as provided in s. 1009.70(8). Students
22 attending the college of law at Florida Agricultural and
23 Mechanical University shall be eligible for financial,
24 academic, or other support from the Florida Education Fund as
25 provided in s. 1009.70(8) without the college's obtaining
26 accreditation by the American Bar Association.

27 (6) The college of law at Florida Agricultural and
28 Mechanical University shall be dedicated to providing
29 opportunities for minorities to attain representation within
30 the legal profession proportionate to their representation in
31 the general population; however, the college of law shall not

1 include preferences in the admissions process for applicants
2 on the basis of race, national origin, or gender.

3 Section 186. Section 1004.41, Florida Statutes, is
4 created to read:

5 1004.41 University of Florida; J. Hillis Miller Health
6 Center.--

7 (1) There is established the J. Hillis Miller Health
8 Center at the University of Florida, including campuses at
9 Gainesville and Jacksonville and affiliated teaching
10 hospitals, which shall include the following colleges:

11 (a) College of Dentistry.

12 (b) College of Health Professions.

13 (c) College of Medicine.

14 (d) College of Nursing.

15 (e) College of Pharmacy.

16 (f) College of Veterinary Medicine and related
17 teaching hospitals.

18 (2) Each college of the health center shall be so
19 maintained and operated as to comply with the standards
20 approved by a nationally recognized association for
21 accreditation.

22 (3)(a) The University of Florida Health Center
23 Operations and Maintenance Trust Fund shall be administered by
24 the University of Florida Board of Trustees. Funds shall be
25 credited to the trust fund from the sale of goods and services
26 performed by the University of Florida Veterinary Medicine
27 Teaching Hospital. The purpose of the trust fund is to support
28 the instruction, research, and service missions of the
29 University of Florida College of Veterinary Medicine.

30 (b) Notwithstanding the provisions of s. 216.301, and
31 pursuant to s. 216.351, any balance in the trust fund at the

1 end of any fiscal year shall remain in the trust fund and
2 shall be available for carrying out the purposes of the trust
3 fund.

4 (4)(a) The University of Florida Board of Trustees
5 shall lease the hospital facilities of the health center,
6 known as the Shands Teaching Hospital and Clinics on the
7 campus of the University of Florida and all furnishings,
8 equipment, and other chattels or choses in action used in the
9 operation of the hospital, to a private not-for-profit
10 corporation organized solely for the purpose of operating the
11 hospital and ancillary health care facilities of the health
12 center and other health care facilities and programs
13 determined to be necessary by the board of the nonprofit
14 corporation. The rental for the hospital facilities shall be
15 an amount equal to the debt service on bonds or revenue
16 certificates issued solely for capital improvements to the
17 hospital facilities or as otherwise provided by law.

18 (b) The University of Florida Board of Trustees shall
19 provide in the lease or by separate contract or agreement with
20 the not-for-profit corporation for the following:

21 1. Approval of the articles of incorporation of the
22 not-for-profit corporation by the University of Florida Board
23 of Trustees and the governance of the not-for-profit
24 corporation by a board of directors appointed and chaired by
25 the President of the University of Florida and vice-chaired by
26 the Vice President for Health Affairs of the University of
27 Florida.

28 2. The use of hospital facilities and personnel in
29 support of the research programs and of the teaching role of
30 the health center.

31

1 3. The continued recognition of the collective
2 bargaining units and collective bargaining agreements as
3 currently composed and recognition of the certified labor
4 organizations representing those units and agreements.

5 4. The use of hospital facilities and personnel in
6 connection with research programs conducted by the health
7 center.

8 5. Reimbursement to the hospital for indigent
9 patients, state-mandated programs, underfunded state programs,
10 and costs to the hospital for support of the teaching and
11 research programs of the health center. Such reimbursement
12 shall be appropriated to either the health center or the
13 hospital each year by the Legislature after review and
14 approval of the request for funds.

15 (c) The University of Florida Board of Trustees may,
16 with the approval of the Legislature, increase the hospital
17 facilities or remodel or renovate them, provided that the
18 rental paid by the hospital for such new, remodeled, or
19 renovated facilities is sufficient to amortize the costs
20 thereof over a reasonable period of time or fund the debt
21 service for any bonds or revenue certificates issued to
22 finance such improvements.

23 (d) The University of Florida Board of Trustees is
24 authorized to provide to the not-for-profit corporation
25 leasing the hospital facilities and its not-for-profit
26 subsidiaries comprehensive general liability insurance
27 including professional liability from a self-insurance trust
28 program established pursuant to s. 1004.24.

29 (e) In the event that the lease of the hospital
30 facilities to the not-for-profit corporation is terminated for
31 any reason, the University of Florida Board of Trustees shall

1 resume management and operation of the hospital facilities.
2 In such event, the Administration Commission is authorized to
3 appropriate revenues generated from the operation of the
4 hospital facilities to the University of Florida Board of
5 Trustees to pay the costs and expenses of operating the
6 hospital facility for the remainder of the fiscal year in
7 which such termination occurs.

8 (f) The University of Florida Board of Trustees is
9 authorized to provide to Shands Jacksonville Healthcare, Inc.,
10 and its not-for-profit subsidiaries and affiliates and any
11 successor corporation that acts in support of the board of
12 trustees, comprehensive general liability coverage, including
13 professional liability, from the self-insurance programs
14 established pursuant to s. 1004.24.

15 Section 187. Section 1004.42, Florida Statutes, is
16 created to read:

17 1004.42 Florida State University College of
18 Medicine.--

19 (1) CREATION.--There is hereby established a 4-year
20 allopathic medical school within the Florida State University,
21 to be known as the Florida State University College of
22 Medicine, with a principal focus on recruiting and training
23 medical professionals to meet the primary health care needs of
24 the state, especially the needs of the state's elderly, rural,
25 minority, and other underserved citizens.

26 (2) LEGISLATIVE INTENT.--It is the intent of the
27 Legislature that the Florida State University College of
28 Medicine represent a new model for the training of allopathic
29 physician healers for the citizens of the state. In accordance
30 with this intent, the governing philosophy of the College of
31 Medicine should include the training of students, in a humane

1 environment, in the scientific, clinical, and behavioral
2 practices required to deliver patient-centered health care.
3 Key components of the College of Medicine, which would build
4 on the foundation of the 30-year-old Florida State University
5 Program in Medical Sciences (PIMS), would include: admission
6 of diverse types of students who possess good communication
7 skills and are compassionate individuals, representative of
8 the population of the state; basic and behavioral sciences
9 training utilizing medical problem-based teaching; and
10 clinical training at several dispersed sites throughout the
11 state in existing community hospitals, clinics, and doctors'
12 offices. The Legislature further intends that study of the
13 aging human be a continuing focus throughout the 4-year
14 curriculum and that use of information technology be a key
15 component of all parts of the educational program.

16 (3) PURPOSE.--The College of Medicine shall be
17 dedicated to: preparing physicians to practice primary care,
18 geriatric, and rural medicine, to make appropriate use of
19 emerging technologies, and to function successfully in a
20 rapidly changing health care environment; advancing knowledge
21 in the applied biomedical and behavioral sciences, geriatric
22 research, autism, cancer, and chronic diseases; training
23 future scientists to assume leadership in health care delivery
24 and academic medicine; and providing access to medical
25 education for groups which are underrepresented in the medical
26 profession.

27 (4) TRANSITION; ORGANIZATIONAL STRUCTURE; ADMISSIONS
28 PROCESS.--The General Appropriations Act for fiscal year
29 1999-2000 included initial funding for facilities and
30 operations to provide a transition from the Program in Medical
31 Sciences (PIMS) to a College of Medicine at the Florida State

1 University. For transitional purposes, the Program in Medical
2 Sciences (PIMS) in the College of Arts and Sciences at the
3 Florida State University shall be reorganized and
4 restructured, as soon as practicable, as the Institute of
5 Human Medical Sciences. At such time as the 4-year educational
6 program development is underway and a sufficient number of
7 basic and behavioral sciences and clinical faculty are
8 recruited, the Institute of Human Medical Sciences shall
9 evolve into the Florida State University College of Medicine,
10 with appropriate departments. The current admissions procedure
11 utilized by the Program in Medical Sciences (PIMS) shall
12 provide the basis for the design of an admissions process for
13 the College of Medicine, with selection criteria that focus on
14 identifying future primary care physicians who have
15 demonstrated interest in serving underserved areas. Enrollment
16 levels at the College of Medicine are planned to not exceed
17 120 students per class, and shall be phased in from 30
18 students in the Program in Medical Sciences (PIMS), to 40
19 students admitted to the College of Medicine as the charter
20 class in Fall 2001, and 20 additional students admitted to the
21 College of Medicine in each class thereafter until the maximum
22 class size is reached.

23 (5) PARTNER ORGANIZATIONS FOR CLINICAL INSTRUCTION;
24 GRADUATE PROGRAMS.--To provide broad-based clinical
25 instruction in both rural and urban settings for students in
26 the community-based medical education program, the College of
27 Medicine, through creation of nonprofit corporations, shall
28 seek affiliation agreements with health care systems and
29 organizations, local hospitals, medical schools, and military
30 health care facilities in the following targeted communities:
31 Pensacola, Tallahassee, Orlando, Sarasota, Jacksonville, and

- 1 the rural areas of the state. Selected hospitals in the target
2 communities include, but are not limited to, the following:
- 3 (a) Baptist Health Care in Pensacola.
 - 4 (b) Sacred Heart Health System in Pensacola.
 - 5 (c) West Florida Regional Medical Center in Pensacola.
 - 6 (d) Tallahassee Memorial Healthcare in Tallahassee.
 - 7 (e) Florida Hospital Health System in Orlando.
 - 8 (f) Sarasota Memorial Health Care System in Sarasota.
 - 9 (g) Mayo Clinic in Jacksonville.
 - 10 (h) Lee Memorial Health System, Inc., in Fort Myers.
 - 11 (i) Rural hospitals in the state.

12
13 The College of Medicine shall also explore all alternatives
14 for cooperation with established graduate medical education
15 programs in the state to develop a plan to retain its
16 graduates in residency programs in Florida.

17 (6) ACCREDITATION.--The College of Medicine shall
18 develop a program which conforms to the accreditation
19 standards of the Liaison Committee on Medical Education
20 (LCME).

21 (7) CURRICULA; CLINICAL ROTATION TRAINING SITES.--
22 (a) The preclinical curriculum shall draw on the
23 Florida State University's Program in Medical Sciences (PIMS)
24 experience and national trends in basic and behavioral
25 sciences instruction, including use of technology for
26 distributed and distance learning. First-year instruction
27 shall include a lecture mode and problem-based learning. In
28 the second year, a small-group, problem-based learning
29 approach shall provide more advanced treatment of each
30 academic subject in a patient-centered context. Various
31 short-term clinical exposures shall be programmed throughout

1 the preclinical years, including rural, geriatric, and
2 minority health, and contemporary practice patterns in these
3 areas.

4 (b) During the third and fourth years, the curriculum
5 shall follow a distributed, community-based model with a
6 special focus on rural health. Subgroups of students shall be
7 assigned to clinical rotation training sites in local
8 communities in roughly equal numbers, as follows:

9 1. Group 1 - Tallahassee.

10 2. Group 2 - Pensacola.

11 3. Group 3 - Orlando.

12 4. Group 4 - Sarasota.

13 5. Group 5 - Jacksonville.

14 6. Group 6 - To be determined prior to 2005, based on
15 emerging state needs.

16 7. Group 7 - Rural Physician Associate Program (RPAP).

17 (8) MEDICAL NEEDS OF THE ELDERLY.--The College of
18 Medicine shall develop a comprehensive program to ensure
19 training in the medical needs of the elderly and incorporate
20 principles embodied in the curriculum guidelines of the
21 American Geriatric Society. The College of Medicine shall
22 have as one of its primary missions the improvement of medical
23 education for physicians who will treat elder citizens. To
24 accomplish this mission, the College of Medicine shall
25 establish an academic leadership position in geriatrics,
26 create an external elder care advisory committee, and
27 implement an extensive faculty development plan. For student
28 recruitment purposes, the current Program in Medical Sciences
29 (PIMS) selection criteria shall be expanded to include
30 consideration of students who have expressed an interest in

31

1 elder care and who have demonstrated, through life choices, a
2 commitment to serve older persons.

3 (9) MEDICAL NEEDS OF UNDERSERVED AREAS.--To address
4 the medical needs of the state's rural and underserved
5 populations, the College of Medicine shall develop a
6 Department of Family Medicine with a significant rural
7 training track that provides students with early and frequent
8 clinical experiences in community-based settings to train and
9 produce highly skilled primary care physicians. The College
10 of Medicine shall consider developing new, rural-based family
11 practice clinical training programs and shall establish a
12 partnership with the West Florida Area Health Education Center
13 to assist in developing partnerships and programs to provide
14 incentives and support for physicians to practice in primary
15 care, geriatric, and rural medicine in underserved areas of
16 the state.

17 (10) INCREASING PARTICIPATION OF UNDERREPRESENTED
18 GROUPS.--To increase the participation of underrepresented
19 groups and socially and economically disadvantaged youth in
20 science and medical programs, the College of Medicine shall
21 continue the outreach efforts of the Program in Medical
22 Sciences (PIMS) to middle and high school minority students,
23 including the Science Students Together Reaching Instructional
24 Diversity and Excellence (SSTRIDE), and shall build an
25 endowment income to support recruitment programs and
26 scholarship and financial aid packages for these students. To
27 develop a base of qualified potential medical school
28 candidates from underrepresented groups, the College of
29 Medicine shall coordinate with the undergraduate premedical
30 and science programs currently offered at the Florida State
31 University, develop relationships with potential feeder

1 institutions, including 4-year institutions and community
2 colleges, and pursue grant funds to support programs, as well
3 as support scholarship and financial aid packages. The College
4 of Medicine shall develop plans for a postbaccalaureate,
5 1-year academic program that provides a second chance to a
6 limited number of students per year who have been declined
7 medical school admission, who are state residents, and who
8 meet established criteria as socially and economically
9 disadvantaged. The College of Medicine shall make every
10 effort, through recruitment and retention, to employ a faculty
11 and support staff that reflect the heterogeneous nature of the
12 state's general population.

13 (11) TECHNOLOGY.--To create technology-rich learning
14 environments, the College of Medicine shall build on the
15 considerable infrastructure that already supports the many
16 technology resources of the Florida State University and shall
17 expand the infrastructure to conduct an effective medical
18 education program, including connectivity between the main
19 campus, community-based training locations, and rural clinic
20 locations. Additional technology programs shall include
21 extensive professional development opportunities for faculty;
22 an on-line library of academic and medical resources for
23 students, faculty, and community preceptors; and
24 technology-sharing agreements with other medical schools to
25 allow for the exchange of technology applications among
26 medical school faculty for the purpose of enhancing medical
27 education. The College of Medicine shall explore the
28 opportunities afforded by Mayo Clinic in Jacksonville through
29 clerkships, visiting professors or lectures through the
30 existing telecommunications systems, and collaboration in
31 research activities at the Mayo Clinic's Jacksonville campus.

1 (12) ADMINISTRATION; FACULTY.--Each of the major
2 community-based clinical rotation training sites described in
3 subsection (7) shall have a community dean and a student
4 affairs/administrative officer. Teaching faculty for the
5 community-based clinical training component shall be community
6 physicians serving part-time appointments. Sixty faculty
7 members shall be recruited to serve in the basic and
8 behavioral sciences department. The College of Medicine shall
9 have a small core staff of on-campus, full-time faculty and
10 administrators at the Florida State University, including a
11 dean, a senior associate dean for educational programs, an
12 associate dean for clinical education, a chief
13 financial/administrative officer, an admissions/student
14 affairs officer, an instructional resources coordinator, a
15 coordinator for graduate and continuing medical education, and
16 several mission focus coordinators.

17 (13) COLLABORATION WITH OTHER PROFESSIONALS.--To
18 provide students with the skills, knowledge, and values needed
19 to practice medicine in the evolving national system of health
20 care delivery, the College of Medicine shall fully integrate
21 modern health care delivery concepts into its curriculum. For
22 this purpose, the College of Medicine shall develop a
23 partnership with one or more health care organizations in the
24 state and shall recruit faculty with strong health care
25 delivery competencies. Faculty from other disciplines at the
26 Florida State University shall be utilized to develop
27 team-based approaches to core competencies in the delivery of
28 health care.

29 (14) INDEMNIFICATION FROM LIABILITY.--This section
30 shall be construed to authorize the Florida State University
31 Board of Trustees to negotiate and purchase policies of

1 insurance to indemnify from any liability those individuals or
2 entities providing sponsorship or training to the students of
3 the medical school, professionals employed by the medical
4 school, and students of the medical school.

5 Section 188. Section 1004.43, Florida Statutes, is
6 created to read:

7 1004.43 H. Lee Moffitt Cancer Center and Research
8 Institute.--There is established the H. Lee Moffitt Cancer
9 Center and Research Institute at the University of South
10 Florida.

11 (1) The State Board of Education shall enter into an
12 agreement for the utilization of the facilities on the campus
13 of the University of South Florida to be known as the H. Lee
14 Moffitt Cancer Center and Research Institute, including all
15 furnishings, equipment, and other chattels used in the
16 operation of said facilities, with a Florida not-for-profit
17 corporation organized solely for the purpose of governing and
18 operating the H. Lee Moffitt Cancer Center and Research
19 Institute. This not-for-profit corporation, acting as an
20 instrumentality of the State of Florida, shall govern and
21 operate the H. Lee Moffitt Cancer Center and Research
22 Institute in accordance with the terms of the agreement
23 between the State Board of Education and the not-for-profit
24 corporation. The not-for-profit corporation may, with the
25 prior approval of the State Board of Education, create
26 not-for-profit corporate subsidiaries to fulfill its mission.
27 The not-for-profit corporation and its subsidiaries are
28 authorized to receive, hold, invest, and administer property
29 and any moneys received from private, local, state, and
30 federal sources, as well as technical and professional income
31 generated or derived from practice activities of the

1 institute, for the benefit of the institute and the
2 fulfillment of its mission. The affairs of the corporation
3 shall be managed by a board of directors who shall serve
4 without compensation. The President of the University of
5 South Florida and the chair of the State Board of Education,
6 or his or her designee, shall be directors of the
7 not-for-profit corporation, together with 5 representatives of
8 the state universities and no more than 14 nor fewer than 10
9 directors who are not medical doctors or state employees.
10 Each director shall have only one vote, shall serve a term of
11 3 years, and may be reelected to the board. Other than the
12 President of the University of South Florida and the chair of
13 the State Board of Education, directors shall be elected by a
14 majority vote of the board. The chair of the board of
15 directors shall be selected by majority vote of the directors.

16 (2) The State Board of Education shall provide in the
17 agreement with the not-for-profit corporation for the
18 following:

19 (a) Approval of the articles of incorporation of the
20 not-for-profit corporation by the State Board of Education.

21 (b) Approval of the articles of incorporation of any
22 not-for-profit corporate subsidiary created by the
23 not-for-profit corporation.

24 (c) Utilization of hospital facilities and personnel
25 by the not-for-profit corporation and its subsidiaries for
26 mutually approved teaching and research programs conducted by
27 the University of South Florida or other accredited medical
28 schools or research institutes.

29 (d) Preparation of an annual financial audit of the
30 not-for-profit corporation's accounts and records and the
31 accounts and records of any subsidiaries to be conducted by an

1 independent certified public accountant. The annual audit
2 report shall include a management letter, as defined in s.
3 11.45, and shall be submitted to the Auditor General and the
4 State Board of Education. The State Board of Education, the
5 Auditor General, and the Office of Program Policy Analysis and
6 Government Accountability shall have the authority to require
7 and receive from the not-for-profit corporation and any
8 subsidiaries or from their independent auditor any detail or
9 supplemental data relative to the operation of the
10 not-for-profit corporation or subsidiary.

11 (e) Provision by the not-for-profit corporation and
12 its subsidiaries of equal employment opportunities to all
13 persons regardless of race, color, religion, sex, age, or
14 national origin.

15 (3) The State Board of Education is authorized to
16 secure comprehensive general liability protection, including
17 professional liability protection, for the not-for-profit
18 corporation and its subsidiaries pursuant to s. 1004.24.

19 (4) In the event that the agreement between the
20 not-for-profit corporation and the State Board of Education is
21 terminated for any reason, the State Board of Education shall
22 resume governance and operation of said facilities.

23 (5) The institute shall be administered by a chief
24 executive officer who shall serve at the pleasure of the board
25 of directors of the not-for-profit corporation and who shall
26 have the following powers and duties subject to the approval
27 of the board of directors:

28 (a) The chief executive officer shall establish
29 programs which fulfill the mission of the institute in
30 research, education, treatment, prevention, and the early
31 detection of cancer; however, the chief executive officer

1 shall not establish academic programs for which academic
2 credit is awarded and which terminate in the conference of a
3 degree without prior approval of the State Board of Education.

4 (b) The chief executive officer shall have control
5 over the budget and the dollars appropriated or donated to the
6 institute from private, local, state, and federal sources, as
7 well as technical and professional income generated or derived
8 from practice activities of the institute. However,
9 professional income generated by university faculty from
10 practice activities at the institute shall be shared between
11 the institute and the university as determined by the chief
12 executive officer and the appropriate university dean or vice
13 president.

14 (c) The chief executive officer shall appoint members
15 to carry out the research, patient care, and educational
16 activities of the institute and determine compensation,
17 benefits, and terms of service. Members of the institute
18 shall be eligible to hold concurrent appointments at
19 affiliated academic institutions. University faculty shall be
20 eligible to hold concurrent appointments at the institute.

21 (d) The chief executive officer shall have control
22 over the use and assignment of space and equipment within the
23 facilities.

24 (e) The chief executive officer shall have the power
25 to create the administrative structure necessary to carry out
26 the mission of the institute.

27 (f) The chief executive officer shall have a reporting
28 relationship to the Commissioner of Education.

29 (g) The chief executive officer shall provide a copy
30 of the institute's annual report to the Governor and Cabinet,
31 the President of the Senate, the Speaker of the House of

1 Representatives, and the chair of the State Board of
2 Education.

3 (6) The board of directors of the not-for-profit
4 corporation shall create a council of scientific advisers to
5 the chief executive officer comprised of leading researchers,
6 physicians, and scientists. This council shall review programs
7 and recommend research priorities and initiatives so as to
8 maximize the state's investment in the institute. The council
9 shall be appointed by the board of directors of the
10 not-for-profit corporation and shall include five appointees
11 of the State Board of Education. Each member of the council
12 shall be appointed to serve a 2-year term and may be
13 reappointed to the council.

14 (7) In carrying out the provisions of this section,
15 the not-for-profit corporation and its subsidiaries are not
16 "agencies" within the meaning of s. 20.03(11).

17 (8)(a) Records of the not-for-profit corporation and
18 of its subsidiaries are public records unless made
19 confidential or exempt by law.

20 (b) Proprietary confidential business information is
21 confidential and exempt from the provisions of s. 119.07(1)
22 and s. 24(a), Art. I of the State Constitution. However, the
23 Auditor General, the Office of Program Policy Analysis and
24 Government Accountability, and the State Board of Education,
25 pursuant to their oversight and auditing functions, must be
26 given access to all proprietary confidential business
27 information upon request and without subpoena and must
28 maintain the confidentiality of information so received. As
29 used in this paragraph, the term "proprietary confidential
30 business information" means information, regardless of its
31 form or characteristics, which is owned or controlled by the

1 not-for-profit corporation or its subsidiaries; is intended to
2 be and is treated by the not-for-profit corporation or its
3 subsidiaries as private and the disclosure of which would harm
4 the business operations of the not-for-profit corporation or
5 its subsidiaries; has not been intentionally disclosed by the
6 corporation or its subsidiaries unless pursuant to law, an
7 order of a court or administrative body, a legislative
8 proceeding pursuant to s. 5, Art. III of the State
9 Constitution, or a private agreement that provides that the
10 information may be released to the public; and which is
11 information concerning:

12 1. Internal auditing controls and reports of internal
13 auditors;

14 2. Matters reasonably encompassed in privileged
15 attorney-client communications;

16 3. Contracts for managed-care arrangements, including
17 preferred provider organization contracts, health maintenance
18 organization contracts, and exclusive provider organization
19 contracts, and any documents directly relating to the
20 negotiation, performance, and implementation of any such
21 contracts for managed-care arrangements;

22 4. Bids or other contractual data, banking records,
23 and credit agreements the disclosure of which would impair the
24 efforts of the not-for-profit corporation or its subsidiaries
25 to contract for goods or services on favorable terms;

26 5. Information relating to private contractual data,
27 the disclosure of which would impair the competitive interest
28 of the provider of the information;

29 6. Corporate officer and employee personnel
30 information;

31

1 7. Information relating to the proceedings and records
2 of credentialing panels and committees and of the governing
3 board of the not-for-profit corporation or its subsidiaries
4 relating to credentialing;

5 8. Minutes of meetings of the governing board of the
6 not-for-profit corporation and its subsidiaries, except
7 minutes of meetings open to the public pursuant to subsection
8 (9);

9 9. Information that reveals plans for marketing
10 services that the corporation or its subsidiaries reasonably
11 expect to be provided by competitors;

12 10. Trade secrets as defined in s. 688.002, including
13 reimbursement methodologies or rates; or

14 11. The identity of donors or prospective donors of
15 property who wish to remain anonymous or any information
16 identifying such donors or prospective donors. The anonymity
17 of these donors or prospective donors must be maintained in
18 the auditor's report.

19
20 As used in this paragraph, the term "managed care" means
21 systems or techniques generally used by third-party payors or
22 their agents to affect access to and control payment for
23 health care services. Managed-care techniques most often
24 include one or more of the following: prior, concurrent, and
25 retrospective review of the medical necessity and
26 appropriateness of services or site of services; contracts
27 with selected health care providers; financial incentives or
28 disincentives related to the use of specific providers,
29 services, or service sites; controlled access to and
30 coordination of services by a case manager; and payor efforts

31

1 to identify treatment alternatives and modify benefit
2 restrictions for high-cost patient care.

3 (9) Meetings of the governing board of the
4 not-for-profit corporation and meetings of the subsidiaries of
5 the not-for-profit corporation at which the expenditure of
6 dollars appropriated to the not-for-profit corporation by the
7 state are discussed or reported must remain open to the public
8 in accordance with s. 286.011 and s. 24(b), Art. I of the
9 State Constitution, unless made confidential or exempt by law.
10 Other meetings of the governing board of the not-for-profit
11 corporation and of the subsidiaries of the not-for-profit
12 corporation are exempt from s. 286.011 and s. 24(b), Art. I of
13 the State Constitution.

14 Section 189. Section 1004.435, Florida Statutes, is
15 created to read:

16 1004.435 Cancer control and research.--

17 (1) SHORT TITLE.--This section shall be known and may
18 be cited as the "Cancer Control and Research Act."

19 (2) LEGISLATIVE INTENT.--It is the finding of the
20 Legislature that:

21 (a) Advances in scientific knowledge have led to the
22 development of preventive and therapeutic capabilities in the
23 control of cancer. Such knowledge and therapy must be made
24 available to all citizens of this state through educational
25 and therapeutic programs.

26 (b) The present state of our knowledge concerning the
27 prevalence, cause or associated factors, and treatment of
28 cancer have resulted primarily from a vast federal investment
29 into basic and clinical research, some of which is expended in
30 this state. These research activities must continue, but
31 programs must be established to extend this knowledge in

1 preventive measures and patient treatment throughout the
2 state.

3 (c) Research in cancer has implicated the environment
4 as a causal factor for many types of cancer, i.e., sunshine, X
5 rays, diet, smoking, etc., and programs are needed to further
6 document such cause and effect relationships. Proven causes
7 of cancer should be publicized and be the subject of
8 educational programs for the prevention of cancer.

9 (d) An effective cancer control program would mobilize
10 the scientific, educational, and medical resources that
11 presently exist into an intense attack against this dread
12 disease.

13 (3) DEFINITIONS.--The following words and phrases when
14 used in this section have, unless the context clearly
15 indicates otherwise, the meanings given to them in this
16 subsection:

17 (a) "Cancer" means all malignant neoplasms, regardless
18 of the tissue of origin, including lymphoma and leukemia.

19 (b) "Council" means the Florida Cancer Control and
20 Research Advisory Council, which is an advisory body appointed
21 to function on a continuing basis for the study of cancer and
22 which recommends solutions and policy alternatives to the
23 State Board of Education and the secretary and which is
24 established by this section.

25 (c) "Department" means the Department of Health.

26 (d) "Fund" means the Florida Cancer Control and
27 Research Fund established by this section.

28 (e) "Qualified nonprofit association" means any
29 association, incorporated or unincorporated, that has received
30 tax-exempt status from the Internal Revenue Service.

31 (f) "Secretary" means the Secretary of Health.

1 (4) FLORIDA CANCER CONTROL AND RESEARCH ADVISORY
2 COUNCIL; CREATION; COMPOSITION.--
3 (a) There is created within the H. Lee Moffitt Cancer
4 Center and Research Institute, Inc., the Florida Cancer
5 Control and Research Advisory Council. The council shall
6 consist of 35 members, which includes the chairperson, all of
7 whom must be residents of this state. All members, except
8 those appointed by the Speaker of the House of Representatives
9 and the President of the Senate, must be appointed by the
10 Governor. At least one of the members appointed by the
11 Governor must be 60 years of age or older. One member must be
12 a representative of the American Cancer Society; one member
13 must be a representative of the Florida Tumor Registrars
14 Association; one member must be a representative of the
15 Sylvester Comprehensive Cancer Center of the University of
16 Miami; one member must be a representative of the Department
17 of Health; one member must be a representative of the
18 University of Florida Shands Cancer Center; one member must be
19 a representative of the Agency for Health Care Administration;
20 one member must be a representative of the Florida Nurses
21 Association; one member must be a representative of the
22 Florida Osteopathic Medical Association; one member must be a
23 representative of the American College of Surgeons; one member
24 must be a representative of the School of Medicine of the
25 University of Miami; one member must be a representative of
26 the College of Medicine of the University of Florida; one
27 member must be a representative of NOVA Southeastern College
28 of Osteopathic Medicine; one member must be a representative
29 of the College of Medicine of the University of South Florida;
30 one member must be a representative of the College of Public
31 Health of the University of South Florida; one member must be

1 a representative of the Florida Society of Clinical Oncology;
2 one member must be a representative of the Florida Obstetric
3 and Gynecologic Society who has had training in the specialty
4 of gynecologic oncology; one member must be a representative
5 of the Florida Medical Association; one member must be a
6 member of the Florida Pediatric Society; one member must be a
7 representative of the Florida Radiological Society; one member
8 must be a representative of the Florida Society of
9 Pathologists; one member must be a representative of the H.
10 Lee Moffitt Cancer Center and Research Institute, Inc.; three
11 members must be representatives of the general public acting
12 as consumer advocates; one member must be a member of the
13 House of Representatives appointed by the Speaker of the House
14 of Representatives; one member must be a member of the Senate
15 appointed by the President of the Senate; one member must be a
16 representative of the Department of Education; one member must
17 be a representative of the Florida Dental Association; one
18 member must be a representative of the Florida Hospital
19 Association; one member must be a representative of the
20 Association of Community Cancer Centers; one member shall be a
21 representative from a statutory teaching hospital affiliated
22 with a community-based cancer center; one member must be a
23 representative of the Florida Association of Pediatric Tumor
24 Programs, Inc.; one member must be a representative of the
25 Cancer Information Service; one member must be a
26 representative of the Florida Agricultural and Mechanical
27 University Institute of Public Health; and one member must be
28 a representative of the Florida Society of Oncology Social
29 Workers. Of the members of the council appointed by the
30 Governor, at least 10 must be individuals who are minority
31 persons as defined by s. 288.703(3).

1 (b) The terms of the members shall be 4 years from
2 their respective dates of appointment.

3 (c) A chairperson shall be appointed by the Governor
4 for a term of 2 years. The chairperson shall appoint an
5 executive committee of no fewer than three persons to serve at
6 the pleasure of the chairperson. This committee will prepare
7 material for the council but make no final decisions.

8 (d) The council shall meet no less than semiannually
9 at the call of the chairperson or, in his or her absence or
10 incapacity, at the call of the secretary. Sixteen members
11 constitute a quorum for the purpose of exercising all of the
12 powers of the council. A vote of the majority of the members
13 present is sufficient for all actions of the council.

14 (e) The council members shall serve without pay.
15 Pursuant to the provisions of s. 112.061, the council members
16 may be entitled to be reimbursed for per diem and travel
17 expenses.

18 (f) No member of the council shall participate in any
19 discussion or decision to recommend grants or contracts to any
20 qualified nonprofit association or to any agency of this state
21 or its political subdivisions with which the member is
22 associated as a member of the governing body or as an employee
23 or with which the member has entered into a contractual
24 arrangement.

25 (g) The council may prescribe, amend, and repeal
26 bylaws governing the manner in which the business of the
27 council is conducted.

28 (h) The council shall advise the State Board of
29 Education, the secretary, and the Legislature with respect to
30 cancer control and research in this state.

31

1 (i) The council shall approve each year a program for
2 cancer control and research to be known as the "Florida Cancer
3 Plan" which shall be consistent with the State Health Plan and
4 integrated and coordinated with existing programs in this
5 state.

6 (j) The council shall formulate and recommend to the
7 secretary a plan for the care and treatment of persons
8 suffering from cancer and recommend the establishment of
9 standard requirements for the organization, equipment, and
10 conduct of cancer units or departments in hospitals and
11 clinics in this state. The council may recommend to the
12 secretary the designation of cancer units following a survey
13 of the needs and facilities for treatment of cancer in the
14 various localities throughout the state. The secretary shall
15 consider the plan in developing departmental priorities and
16 funding priorities and standards under chapter 395.

17 (k) The council is responsible for including in the
18 Florida Cancer Plan recommendations for the coordination and
19 integration of medical, nursing, paramedical, lay, and other
20 plans concerned with cancer control and research. Committees
21 shall be formed by the council so that the following areas
22 will be established as entities for actions:

23 1. Cancer plan evaluation: tumor registry, data
24 retrieval systems, and epidemiology of cancer in the state and
25 its relation to other areas.

26 2. Cancer prevention.

27 3. Cancer detection.

28 4. Cancer patient management: treatment,
29 rehabilitation, terminal care, and other patient-oriented
30 activities.

31 5. Cancer education: lay and professional.

1 6. Unproven methods of cancer therapy: quackery and
2 unorthodox therapies.

3 7. Investigator-initiated project research.

4 (1) In order to implement in whole or in part the
5 Florida Cancer Plan, the council shall recommend to the State
6 Board of Education or the secretary the awarding of grants and
7 contracts to qualified profit or nonprofit associations or
8 governmental agencies in order to plan, establish, or conduct
9 programs in cancer control or prevention, cancer education and
10 training, and cancer research.

11 (m) If funds are specifically appropriated by the
12 Legislature, the council shall develop or purchase
13 standardized written summaries, written in layperson's terms
14 and in language easily understood by the average adult
15 patient, informing actual and high-risk breast cancer
16 patients, prostate cancer patients, and men who are
17 considering prostate cancer screening of the medically viable
18 treatment alternatives available to them in the effective
19 management of breast cancer and prostate cancer; describing
20 such treatment alternatives; and explaining the relative
21 advantages, disadvantages, and risks associated therewith.
22 The breast cancer summary, upon its completion, shall be
23 printed in the form of a pamphlet or booklet and made
24 continuously available to physicians and surgeons in this
25 state for their use in accordance with s. 458.324 and to
26 osteopathic physicians in this state for their use in
27 accordance with s. 459.0125. The council shall periodically
28 update both summaries to reflect current standards of medical
29 practice in the treatment of breast cancer and prostate
30 cancer. The council shall develop and implement educational
31 programs, including distribution of the summaries developed or

1 purchased under this paragraph, to inform citizen groups,
2 associations, and voluntary organizations about early
3 detection and treatment of breast cancer and prostate cancer.
4 (n) The council shall have the responsibility to
5 advise the State Board of Education and the secretary on
6 methods of enforcing and implementing laws already enacted and
7 concerned with cancer control, research, and education.
8 (o) The council may recommend to the State Board of
9 Education or the secretary rules not inconsistent with law as
10 it may deem necessary for the performance of its duties and
11 the proper administration of this section.
12 (p) The council shall formulate and put into effect a
13 continuing educational program for the prevention of cancer
14 and its early diagnosis and disseminate to hospitals, cancer
15 patients, and the public information concerning the proper
16 treatment of cancer.
17 (q) The council shall be physically located at the H.
18 Lee Moffitt Cancer Center and Research Institute, Inc., at the
19 University of South Florida.
20 (r) On February 15 of each year, the council shall
21 report to the Governor and to the Legislature.
22 (5) RESPONSIBILITIES OF THE STATE BOARD OF EDUCATION,
23 THE H. LEE MOFFITT CANCER CENTER AND RESEARCH INSTITUTE, INC.,
24 AND THE SECRETARY.--
25 (a) The State Board of Education or the secretary,
26 after consultation with the council, shall award grants and
27 contracts to qualified nonprofit associations and governmental
28 agencies in order to plan, establish, or conduct programs in
29 cancer control and prevention, cancer education and training,
30 and cancer research.
31

1 (b) The H. Lee Moffitt Cancer Center and Research
2 Institute, Inc., shall provide such staff, information, and
3 other assistance as reasonably necessary for the completion of
4 the responsibilities of the council.

5 (c) The State Board of Education or the secretary,
6 after consultation with the council, may adopt rules necessary
7 for the implementation of this section.

8 (d) The secretary, after consultation with the
9 council, shall make rules specifying to what extent and on
10 what terms and conditions cancer patients of the state may
11 receive financial aid for the diagnosis and treatment of
12 cancer in any hospital or clinic selected. The department may
13 furnish to citizens of this state who are afflicted with
14 cancer financial aid to the extent of the appropriation
15 provided for that purpose in a manner which in its opinion
16 will afford the greatest benefit to those afflicted and may
17 make arrangements with hospitals, laboratories, or clinics to
18 afford proper care and treatment for cancer patients in this
19 state.

20 (6) FLORIDA CANCER CONTROL AND RESEARCH FUND.--

21 (a) There is created the Florida Cancer Control and
22 Research Fund consisting of funds appropriated therefor from
23 the General Revenue Fund and any gifts, grants, or funds
24 received from other sources.

25 (b) The fund shall be used exclusively for grants and
26 contracts to qualified nonprofit associations or governmental
27 agencies for the purpose of cancer control and prevention,
28 cancer education and training, cancer research, and all
29 expenses incurred in connection with the administration of
30 this section and the programs funded through the grants and
31

1 contracts authorized by the State Board of Education or the
2 secretary.

3 Section 190. Section 1004.44, Florida Statutes, is
4 created to read:

5 1004.44 Louis de la Parte Florida Mental Health
6 Institute.--There is established the Louis de la Parte Florida
7 Mental Health Institute within the University of South
8 Florida.

9 (1) The purpose of the institute is to strengthen
10 mental health services throughout the state by providing
11 technical assistance and support services to mental health
12 agencies and mental health professionals. Such assistance and
13 services shall include:

14 (a) Technical training and specialized education.

15 (b) Development, implementation, and evaluation of
16 mental health service programs.

17 (c) Evaluation of availability and effectiveness of
18 existing mental health services.

19 (d) Analysis of factors that influence the incidence
20 and prevalence of mental and emotional disorders.

21 (e) Dissemination of information about innovations in
22 mental health services.

23 (f) Consultation on all aspects of program development
24 and implementation.

25 (g) Provisions for direct client services, provided
26 for a limited period of time either in the institute facility
27 or in other facilities within the state, and limited to
28 purposes of research or training.

29 (2) The Department of Children and Family Services is
30 authorized to designate the Louis de la Parte Florida Mental
31 Health Institute a treatment facility for the purpose of

1 accepting voluntary and involuntary clients in accordance with
2 institute programs. Clients to be admitted are exempted from
3 prior screening by a community mental health center.

4 (3) The institute may provide direct services in
5 coordination with other agencies. The institute may also
6 provide support services to state agencies through joint
7 programs, collaborative agreements, contracts, and grants.

8 (4) The institute shall operate under the authority of
9 the President of the University of South Florida and shall
10 employ a mental health professional as director. The director
11 shall hold a faculty appointment in a university's college or
12 department related to mental health within the university.
13 The director has primary responsibility for establishing
14 active liaisons with the community of mental health
15 professionals and other related constituencies in the state
16 and may, with approval of the university president, establish
17 appropriate statewide advisory groups to assist in developing
18 these communication links.

19 Section 191. Section 1004.445, Florida Statutes, is
20 created to read:

21 1004.445 Florida Alzheimer's Center and Research
22 Institute.--

23 (1) There is established the Florida Alzheimer's
24 Center and Research Institute at the University of South
25 Florida.

26 (2)(a) The State Board of Education shall enter into
27 an agreement for the utilization of the facilities on the
28 campus of the University of South Florida to be known as the
29 Florida Alzheimer's Center and Research Institute, including
30 all furnishings, equipment, and other chattels used in the
31 operation of said facilities, with a Florida not-for-profit

1 corporation organized solely for the purpose of governing and
2 operating the Florida Alzheimer's Center and Research
3 Institute. This not-for-profit corporation, acting as an
4 instrumentality of the state, shall govern and operate the
5 Florida Alzheimer's Center and Research Institute in
6 accordance with the terms of the agreement between the State
7 Board of Education and the not-for-profit corporation. The
8 not-for-profit corporation may, with the prior approval of the
9 State Board of Education, create not-for-profit corporate
10 subsidiaries to fulfill its mission. The not-for-profit
11 corporation and its subsidiaries are authorized to receive,
12 hold, invest, and administer property and any moneys received
13 from private, local, state, and federal sources, as well as
14 technical and professional income generated or derived from
15 practice activities of the institute, for the benefit of the
16 institute and the fulfillment of its mission.

17 (b)1. The affairs of the not-for-profit corporation
18 shall be managed by a board of directors who shall serve
19 without compensation. The board of directors shall consist of
20 the President of the University of South Florida and the chair
21 of the State Board of Education, or their designees, five
22 representatives of the state universities, and no fewer than
23 nine nor more than 14 representatives of the public who are
24 neither medical doctors nor state employees. Each director
25 who is a representative of a state university or of the public
26 shall serve a term of 3 years. The chair of the board of
27 directors shall be selected by a majority vote of the
28 directors. Each director shall have only one vote.

29 2. The initial board of directors shall consist of the
30 President of the University of South Florida and the chair of
31 the State Board of Education, or their designees; the five

1 university representatives, of whom one shall be appointed by
2 the Governor, two by the President of the Senate, and two by
3 the Speaker of the House of Representatives; and nine public
4 representatives, of whom three shall be appointed by the
5 Governor, three by the President of the Senate, and three by
6 the Speaker of the House of Representatives. Upon the
7 expiration of the terms of the initial appointed directors,
8 all directors subject to 3-year terms of office under this
9 paragraph shall be elected by a majority vote of the directors
10 and the board may be expanded to include additional public
11 representative directors up to the maximum number allowed.
12 Any vacancy in office shall be filled for the remainder of the
13 term by majority vote of the directors. Any director may be
14 reelected.

15 (3) The State Board of Education shall provide in the
16 agreement with the not-for-profit corporation for the
17 following:

18 (a) Approval by the State Board of Education of the
19 articles of incorporation of the not-for-profit corporation.

20 (b) Approval by the State Board of Education of the
21 articles of incorporation of any not-for-profit corporate
22 subsidiary created by the not-for-profit corporation.

23 (c) Utilization of hospital facilities and personnel
24 by the not-for-profit corporation and its subsidiaries for
25 mutually approved teaching and research programs conducted by
26 the University of South Florida or other accredited medical
27 schools or research institutes.

28 (d) Preparation of an annual postaudit of the
29 not-for-profit corporation's financial accounts and the
30 financial accounts of any subsidiaries to be conducted by an
31 independent certified public accountant. The annual audit

1 report shall include management letters and shall be submitted
2 to the Auditor General and the State Board of Education for
3 review. The State Board of Education, the Auditor General,
4 and the Office of Program Policy Analysis and Government
5 Accountability shall have the authority to require and receive
6 from the not-for-profit corporation and any subsidiaries or
7 from their independent auditor any detail or supplemental data
8 relative to the operation of the not-for-profit corporation or
9 subsidiary.

10 (e) Provision by the not-for-profit corporation and
11 its subsidiaries of equal employment opportunities to all
12 persons regardless of race, color, religion, gender, age, or
13 national origin.

14 (4) The State Board of Education is authorized to
15 secure comprehensive general liability protection, including
16 professional liability protection, for the not-for-profit
17 corporation and its subsidiaries, pursuant to s. 1004.24.

18 (5) In the event that the agreement between the
19 not-for-profit corporation and the State Board of Education is
20 terminated for any reason, the State Board of Education shall
21 assume governance and operation of the facilities.

22 (6) The institute shall be administered by a chief
23 executive officer who shall be appointed by and serve at the
24 pleasure of the board of directors of the not-for-profit
25 corporation and who shall have the following powers and
26 duties, subject to the approval of the board of directors:

27 (a) The chief executive officer shall establish
28 programs that fulfill the mission of the institute in
29 research, education, treatment, prevention, and early
30 detection of Alzheimer's disease; however, the chief executive
31 officer may not establish academic programs for which academic

1 credit is awarded and which terminate in the conferring of a
2 degree without prior approval of the State Board of Education.

3 (b) The chief executive officer shall have control
4 over the budget and the moneys appropriated or donated to the
5 institute from private, local, state, and federal sources, as
6 well as technical and professional income generated or derived
7 from practice activities of the institute. However,
8 professional income generated by university faculty from
9 practice activities at the institute shall be shared between
10 the institute and the university as determined by the chief
11 executive officer and the appropriate university dean or vice
12 president.

13 (c) The chief executive officer shall appoint members
14 to carry out the research, patient care, and educational
15 activities of the institute and determine compensation,
16 benefits, and terms of service. Members of the institute
17 shall be eligible to hold concurrent appointments at
18 affiliated academic institutions. University faculty shall be
19 eligible to hold concurrent appointments at the institute.

20 (d) The chief executive officer shall have control
21 over the use and assignment of space and equipment within the
22 facilities.

23 (e) The chief executive officer shall have the power
24 to create the administrative structure necessary to carry out
25 the mission of the institute.

26 (f) The chief executive officer shall have a reporting
27 relationship to the Commissioner of Education.

28 (g) The chief executive officer shall provide a copy
29 of the institute's annual report to the Governor and Cabinet,
30 the President of the Senate, the Speaker of the House of

31

1 Representatives, and the chair of the State Board of
2 Education.

3 (7) The board of directors of the not-for-profit
4 corporation shall create a council of scientific advisers to
5 the chief executive officer comprised of leading researchers,
6 physicians, and scientists. The council shall review programs
7 and recommend research priorities and initiatives to maximize
8 the state's investment in the institute. The members of the
9 council shall be appointed by the board of directors of the
10 not-for-profit corporation, except for five members who shall
11 be appointed by the State Board of Education. Each member of
12 the council shall be appointed to serve a 2-year term and may
13 be reappointed to the council.

14 (8) In carrying out the provisions of this section,
15 the not-for-profit corporation and its subsidiaries are not
16 agencies within the meaning of s. 20.03(11).

17 Section 192. The sum of \$20 million is appropriated
18 for fiscal year 2002-2003 from the Public Education Capital
19 Outlay and Debt Service Trust Fund to the University of South
20 Florida for partial construction of a \$40 million research
21 facility at the university for the Florida Alzheimer's Center
22 and Research Institute.

23 Section 193. The sum of \$20 million is appropriated
24 for fiscal year 2002-2003 from the General Revenue Fund to the
25 University of South Florida for the operations of the Florida
26 Alzheimer's Center and Research Institute. From this amount
27 \$15 million shall be used by the institute to contract with
28 the following entities, at \$5 million each, to support the
29 purposes of this act: the Mayo Clinic in Jacksonville,
30 Florida; the University of Florida; and the University of
31 Miami.

1 Section 194. Section 1004.45, Florida Statutes, is
2 created to read:

3 1004.45 Ringling Center for Cultural Arts.--

4 (1) The Florida State University Ringling Center for
5 Cultural Arts is created. The center consists of the following
6 properties located in Sarasota County:

7 (a) The John and Mable Ringling Museum of Art composed
8 of:

9 1. The art museum.

10 2. The Ca' d'Zan (the Ringling residence).

11 3. The Ringling Museum of the Circus.

12 (b) The Florida State University Center for the Fine
13 and Performing Arts, including the Asolo Theater and the
14 Florida State University Center for the Performing Arts, both
15 of which shall provide for academic programs in theatre,
16 dance, art, art history, and museum management.

17
18 The center shall be operated by the Florida State University,
19 which shall be charged with encouraging participation by K-12
20 schools and by other postsecondary educational institutions,
21 public and private, in the educational and cultural enrichment
22 programs of the center.

23 (2)(a) The John and Mable Ringling Museum of Art is
24 designated as the official Art Museum of the State of Florida.
25 The purpose and function of the museum is to maintain and
26 preserve all objects of art and artifacts donated to the state
27 through the will of John Ringling; to acquire and preserve
28 objects of art or artifacts of historical or cultural
29 significance; to exhibit such objects to the public; to
30 undertake scholarly research and publication, including that
31 relating to the collection; to provide educational programs

1 for students at K-12 schools and those in college and graduate
2 school and enrichment programs for children and adults; to
3 assist other museums in the state and nation through education
4 programs and through loaning objects from the collection when
5 such loans do not threaten the safety and security of the
6 objects; to enhance knowledge and appreciation of the
7 collection; and to engage in other activities related to
8 visual arts which benefit the public. The museum shall also
9 engage in programs on the national and international level to
10 enhance further the cultural resources of the state.

11 (b) The Florida State University shall approve a John
12 and Mable Ringling Museum of Art direct-support organization.
13 Such direct-support organization shall consist of no more than
14 31 members appointed by the president of the university from a
15 list of nominees provided by the Ringling direct-support
16 organization. No fewer than one-third of the members must be
17 residents of Sarasota and Manatee Counties, and the remaining
18 members may reside elsewhere. The current members of the Board
19 of Trustees of the John and Mable Ringling Museum of Art may
20 be members of the direct-support organization. They shall
21 develop a charter and bylaws to govern their operation, and
22 these shall be subject to approval by the Florida State
23 University.

24 (c) The John and Mable Ringling Museum of Art
25 direct-support organization, operating under the charter and
26 bylaws and such contracts as are approved by the university,
27 shall set policies to maintain and preserve the collections of
28 the Art Museum; the Circus Museum; the furnishings and objects
29 in the Ringling home, referred to as the Ca' d'Zan; and other
30 objects of art and artifacts in the custody of the museum.
31 Title to all such collections, art objects, and artifacts of

1 the museums and its facilities shall remain with the Florida
2 State University, which shall assign state registration
3 numbers to, and conduct annual inventories of, all such
4 properties. The direct-support organization shall develop
5 policy for the museum, subject to the provisions of the John
6 Ringling will and the overall direction of the president of
7 the university; and it is invested with power and authority to
8 nominate a museum director who is appointed by and serves at
9 the pleasure of the president of the university and shall
10 report to the provost of the university or his or her
11 designee. The museum director, with the approval of the
12 provost or his or her designee, shall appoint other employees
13 in accordance with Florida Statutes and rules; remove the same
14 in accordance with Florida Statutes and rules; provide for the
15 proper keeping of accounts and records and budgeting of funds;
16 enter into contracts for professional programs of the museum
17 and for the support and maintenance of the museum; secure
18 public liability insurance; and do and perform every other
19 matter or thing requisite to the proper management,
20 maintenance, support, and control of the museum at the highest
21 efficiency economically possible, while taking into
22 consideration the purposes of the museum.

23 (d) Notwithstanding the provision of s. 287.057, the
24 John and Mable Ringling Museum of Art direct-support
25 organization may enter into contracts or agreements with or
26 without competitive bidding, in its discretion, for the
27 restoration of objects of art in the museum collection or for
28 the purchase of objects of art that are to be added to the
29 collection.

30 (e) Notwithstanding s. 273.055, the university may
31 sell any art object in the museum collection, which object has

1 been acquired after 1936, if the director and the
2 direct-support organization recommend such sale to the
3 president of the university and if they first determine that
4 the object is no longer appropriate for the collection. The
5 proceeds of the sale shall be deposited in the Ringling Museum
6 Art Acquisition, Restoration, and Conservation Trust Fund. The
7 university also may exchange any art object in the collection,
8 which object has been acquired after 1936, for an art object
9 or objects that the director and the museum direct-support
10 organization recommend to the university after judging these
11 to be of equivalent or greater value to the museum.

12 (f) An employee or member of the museum direct-support
13 organization may not receive a commission, fee, or financial
14 benefit in connection with the sale or exchange of a work of
15 art and may not be a business associate of any individual,
16 firm, or organization involved in the sale or exchange.

17 (g) The university, in consultation with the
18 direct-support organization, shall establish policies and may
19 adopt rules for the sale or exchange of works of art.

20 (h) The John and Mable Ringling Museum of Art
21 direct-support organization shall provide for an annual
22 financial audit in accordance with s. 1004.28(5). Florida
23 State University is authorized to require and receive from the
24 direct-support organization, or from its independent auditor,
25 any detail or supplemental data relative to the operation of
26 such organization. Information that, if released, would
27 identify donors who desire to remain anonymous, is
28 confidential and exempt from the provisions of s. 119.07(1).
29 Information that, if released, would identify prospective
30 donors is confidential and exempt from the provisions of s.
31 119.07(1) when the direct-support organization has identified

1 the prospective donor itself and has not obtained the name of
2 the prospective donor by copying, purchasing, or borrowing
3 names from another organization or source. Identities of such
4 donors and prospective donors shall not be revealed in the
5 auditor's report.

6 (i) The direct-support organization is given authority
7 to make temporary loans of paintings and other objects of art
8 or artifacts belonging to the John and Mable Ringling Museum
9 of Art for the purpose of public exhibition in art museums,
10 other museums, or institutions of higher learning wherever
11 located, including such museums or institutions in other
12 states or countries. Temporary loans may also be made to the
13 executive mansion in Tallahassee, chapters and affiliates of
14 the John and Mable Ringling Museum of Art, and, for education
15 purposes, to schools, public libraries, or other institutions
16 in the state, if such exhibition will benefit the general
17 public as the university deems wise and for the best interest
18 of the John and Mable Ringling Museum of Art and under
19 policies established by Florida State University for the
20 protection of the paintings and other objects of art and
21 artifacts. In making temporary loans, the direct-support
22 organization shall give first preference to art museums, other
23 museums, and institutions of higher learning.

24 (j) Notwithstanding any other provision of law, the
25 John and Mable Ringling Museum of Art direct-support
26 organization is eligible to match state funds in the Major
27 Gifts Trust Fund established pursuant to s. 1011.94 as
28 follows:

29 1. For the first \$1,353,750, matching shall be on the
30 basis of 75 cents in state matching for each dollar of private
31 funds.

1 2. For additional funds, matching shall be provided on
2 the same basis as is authorized in s. 1011.94.

3 Section 195. Section 1004.46, Florida Statutes, is
4 created to read:

5 1004.46 Multidisciplinary Center for Affordable
6 Housing.--

7 (1) The Multidisciplinary Center for Affordable
8 Housing is established within the School of Building
9 Construction of the College of Architecture of the University
10 of Florida with the collaboration of other related disciplines
11 such as agriculture, business administration, engineering,
12 law, and medicine. The center shall work in conjunction with
13 other state universities. The Multidisciplinary Center for
14 Affordable Housing shall:

15 (a) Conduct research relating to the problems and
16 solutions associated with the availability of affordable
17 housing in the state for families who are below the median
18 income level and widely disseminate the results of such
19 research to appropriate public and private audiences in the
20 state. Such research shall emphasize methods to improve the
21 planning, design, and production of affordable housing,
22 including, but not limited to, the financial, maintenance,
23 management, and regulatory aspects of residential development.

24 (b) Provide public services to local, regional, and
25 state agencies, units of government, and authorities by
26 helping them create regulatory climates that are amenable to
27 the introduction of affordable housing within their
28 jurisdictions.

29 (c) Conduct special research relating to firesafety.

30 (d) Provide a focus for the teaching of new technology
31 and skills relating to affordable housing in the state.

1 (e) Develop a base of informational and financial
2 support from the private sector for the activities of the
3 center.

4 (f) Develop prototypes for both multifamily and
5 single-family units.

6 (g) Establish a research agenda and general work plan
7 in cooperation with the Department of Community Affairs which
8 is the state agency responsible for research and planning for
9 affordable housing and for training and technical assistance
10 for providers of affordable housing.

11 (h) Submit a report to the Governor, the President of
12 the Senate, and the Speaker of the House of Representatives by
13 January 1 of each year. The annual report shall include
14 information relating to the activities of the center,
15 including collaborative efforts with public and private
16 entities, affordable housing models, and any other findings
17 and recommendations related to the production of safe, decent,
18 and affordable housing.

19 (2) The Director of the Multidisciplinary Center for
20 Affordable Housing shall be appointed by the Dean of the
21 College of Architecture of the University of Florida.

22 Section 196. Section 1004.47, Florida Statutes, is
23 created to read:

24 1004.47 Research activities relating to solid and
25 hazardous waste management.--Research, training, and service
26 activities related to solid and hazardous waste management
27 conducted by state universities shall be coordinated by the
28 State Board of Education. Proposals for research contracts and
29 grants; public service assignments; and responses to requests
30 for information and technical assistance by state and local
31 government, business, and industry shall be addressed by a

1 formal Type I Center process involving an advisory board of
2 university personnel appointed by the Commissioner of
3 Education and chaired and directed by an individual appointed
4 by the Commissioner of Education. The State Board of Education
5 shall consult with the Department of Environmental Protection
6 in developing the research programs and provide the department
7 with a copy of the proposed research program for review and
8 comment before the research is undertaken. Research contracts
9 shall be awarded to independent nonprofit colleges and
10 universities within the state which are accredited by the
11 Southern Association of Colleges and Schools on the same basis
12 as those research contracts awarded to the state universities.
13 Research activities shall include, but are not limited to, the
14 following areas:

15 (1) Methods and processes for recycling solid and
16 hazardous waste.

17 (2) Methods of treatment for detoxifying hazardous
18 waste.

19 (3) Technologies for disposing of solid and hazardous
20 waste.

21 Section 197. Section 1004.48, Florida Statutes, is
22 created to read:

23 1004.48 Research protocols to determine most
24 appropriate pollutant dispersal agents.--The Center for Solid
25 and Hazardous Waste Management shall coordinate the research
26 protocols for projects to determine the most appropriate
27 dispersal agents that can be used in an environmentally safe
28 manner in Florida waters as part of a pollutant cleanup
29 activity. Such research shall be used by the Department of
30 Environmental Protection in approving the use of such agents
31 by pollutant spill cleanup contractors and others who may be

1 required to use such agents in containing and cleaning up
2 pollutant spills in the waters of the state.

3 Section 198. Section 1004.49, Florida Statutes, is
4 created to read:

5 1004.49 Florida LAKEWATCH Program.--The Florida
6 LAKEWATCH Program is hereby created within the Department of
7 Fisheries and Aquaculture of the Institute of Food and
8 Agricultural Sciences at the University of Florida. The
9 purpose of the program is to provide public education and
10 training with respect to the water quality of Florida's lakes.
11 The Department of Fisheries and Aquaculture may, in
12 implementing the LAKEWATCH program:

13 (1) Train, supervise, and coordinate volunteers to
14 collect water quality data from Florida's lakes.

15 (2) Compile the data collected by volunteers.

16 (3) Disseminate information to the public about the
17 LAKEWATCH program.

18 (4) Provide or loan equipment to volunteers in the
19 program.

20 (5) Perform other functions as may be necessary or
21 beneficial in coordinating the LAKEWATCH program.

22
23 Data collected and compiled shall be used to establish trends
24 and provide general background information and shall in no
25 instance be used in a regulatory proceeding.

26 Section 199. Section 1004.50, Florida Statutes, is
27 created to read:

28 1004.50 Institute on Urban Policy and Commerce.--

29 (1) There is created the Institute on Urban Policy and
30 Commerce as a Type I Institute at Florida Agricultural and
31 Mechanical University to improve the quality of life in urban

1 communities through research, teaching, and outreach
2 activities.

3 (2) The major purposes of the institute are to pursue
4 basic and applied research on urban policy issues confronting
5 the inner-city areas and neighborhoods in the state; to
6 influence the equitable allocation and stewardship of federal,
7 state, and local financial resources; to train a new
8 generation of civic leaders and university students interested
9 in approaches to community planning and design; to assist with
10 the planning, development, and capacity building of urban area
11 nonprofit organizations and government agencies; to develop
12 and maintain a database relating to inner-city areas; and to
13 support the community development efforts of inner-city areas,
14 neighborhood-based organizations, and municipal agencies.

15 (3) The institute shall research and recommend
16 strategies concerning critical issues facing the underserved
17 population in urban communities, including, but not limited
18 to, transportation and physical infrastructure; affordable
19 housing; tourism and commerce; environmental restoration; job
20 development and retention; child care; public health; lifelong
21 learning; family intervention; public safety; and community
22 relations.

23 (4) The institute may establish regional urban centers
24 to be located in the inner cities of St. Petersburg, Tampa,
25 Jacksonville, Orlando, West Palm Beach, Fort Lauderdale,
26 Miami, Daytona Beach, and Pensacola to assist urban
27 communities on critical economic, social, and educational
28 problems affecting the underserved population.

29 (5) Before January 1 of each year, the institute shall
30 submit a report of its critical findings and recommendations
31 for the prior year to the President of the Senate, the Speaker

1 of the House of Representatives, and the appropriate
2 committees of the Legislature. The report shall be titled "The
3 State of Unmet Needs in Florida's Urban Communities" and shall
4 include, but is not limited to, a recommended list of
5 resources that could be made available for revitalizing urban
6 communities; significant accomplishments and activities of the
7 institute; and recommendations concerning the expansion,
8 improvement, or termination of the institute.

9 (6) The Governor shall submit an annual report to the
10 Legislature on the unmet needs in the state's urban
11 communities.

12 Section 200. Section 1004.51, Florida Statutes, is
13 created to read:

14 1004.51 Community and Faith-based Organizations
15 Initiative; Community and Library Technology Access
16 Partnership.--

17 (1) CREATION.--There is created the Community and
18 Faith-based Organizations Initiative which shall be
19 administered by the Institute on Urban Policy and Commerce at
20 Florida Agricultural and Mechanical University and the
21 Community and Library Technology Access Partnership which
22 shall be administered by the Division of Library and
23 Information Services of the Department of State.

24 (2) INTENT.--The purpose of the initiative is to
25 promote community development in low-income communities
26 through partnerships with not-for-profit community and
27 faith-based organizations. The purpose of the partnership is
28 to encourage public libraries eligible for e-rate discounted
29 telecommunications services to partner with community and
30 faith-based organizations to provide technology access and

31

1 training to assist other state efforts to close the digital
2 divide.
3 (3) AUTHORIZED ACTIVITIES.--
4 (a) Authorized activities of the initiative.--The
5 Institute on Urban Policy and Commerce at Florida Agricultural
6 and Mechanical University may conduct the following activities
7 as part of the Community and Faith-based Organizations
8 Initiative:
9 1. Create and operate training programs to enhance the
10 professional skills of individuals in community and
11 faith-based organizations.
12 2. Create and operate a program to select and place
13 students and recent graduates from business and related
14 professional schools as interns with community and faith-based
15 organizations for a period not to exceed 1 year, and provide
16 stipends for such interns.
17 3. Organize an annual conference for community and
18 faith-based organizations to discuss and share information on
19 best practices regarding issues relevant to the creation,
20 operation, and sustainability of these organizations.
21 4. Provide funding for the development of materials
22 for courses on topics in the area of community development,
23 and for research on economic, operational, and policy issues
24 relating to community development.
25 5. Provide financial assistance to community and
26 faith-based organizations through small grants for
27 partnerships with universities and the operation of programs
28 to build strong communities and future community development
29 leaders. The Institute on Urban Policy and Commerce at Florida
30 Agricultural and Mechanical University shall develop selection
31

1 criteria for awarding such grants which are based on the goals
2 of the initiative.

3
4 The institute, to the maximum extent possible, shall leverage
5 state funding for the initiative with any federal funding that
6 the institute may receive to support similar community-based
7 activities.

8 (b) Authorized activities of the partnership.--The
9 Division of Library and Information Services of the Department
10 of State may conduct the following activities as part of the
11 Community and Library Technology Access Partnership:

12 1. Provide funding for e-rate eligible public
13 libraries to provide technology access and training to
14 community and faith-based organizations. Funding provided
15 under this subparagraph must be for eligible public libraries
16 in distressed communities in the state. The division shall
17 consult with the Institute on Urban Policy and Commerce to
18 identify such communities and to develop criteria to be used
19 in evaluating funding proposals. The division shall coordinate
20 with the institute to ensure that, to the maximum extent
21 possible, the division and the institute leverage their
22 resources under the programs authorized by this section in
23 order to focus efforts on addressing the most distressed
24 communities in the state. The division shall include a
25 representative of the institute on a review team to evaluate
26 funding proposals under this subparagraph.

27 2. Provide a method of assessment and outcome
28 measurement for e-rate eligible public libraries to assess
29 progress in closing the digital divide and in training for
30 individuals to succeed in the emerging information economy.

31

1 (4) ELIGIBILITY.--A community or faith-based
2 organization receiving funding or other assistance under the
3 Community and Faith-based Organizations Initiative or the
4 Community Library Technology Access Partnership must be a
5 nonprofit organization holding a current exemption from
6 federal taxation under s. 501(c)(3) or (4) of the Internal
7 Revenue Code. Funding under this section shall not be used for
8 religious or sectarian purposes.

9 Section 201. Section 1004.52, Florida Statutes, is
10 created to read:

11 1004.52 Community computer access grant program.--

12 (1) The Legislature finds that there is a growing
13 digital divide in the state, manifested in the fact that many
14 youths from distressed urban communities do not possess the
15 degree and ease of access to computers and information
16 technologies which youths in other communities in the state
17 possess. This disparity in access to rapidly changing and
18 commercially significant technologies has a negative impact on
19 the educational, workforce development, and employment
20 competitiveness of these needy youths, and thereby impedes the
21 economic development of the distressed urban communities in
22 which these youths reside. Although many public libraries
23 offer users access to computers and are increasingly making
24 library materials available to the public through electronic
25 means, many youths from distressed urban communities do not
26 live near a library that has such technology and do not have
27 computers to access Internet-based virtual libraries.
28 Neighborhood organizations, such as churches, are more likely,
29 however, to be located in closer proximity to the homes of
30 these youths than are educational institutions or libraries,
31 and these youths are more likely to gain the desirable

1 computer access at church-related or other neighborhood
2 facilities than at other institutions. The Legislature
3 therefore finds that a public purpose is served in enhancing
4 the ability of youths from these communities to have access to
5 computers and the Internet within the neighborhoods in which
6 they reside.

7 (2) Subject to legislative appropriation, there is
8 created the Community High-Technology Investment Partnership
9 (CHIP) program to assist distressed urban communities in
10 securing computers for access by youths between the ages of 5
11 years and 18 years who reside in these communities. The
12 program shall be administered by the Institute on Urban Policy
13 and Commerce at Florida Agricultural and Mechanical University
14 pursuant to a performance-based contract with the Division of
15 Library and Information Services of the Department of State.
16 The division shall develop performance measures, standards,
17 and sanctions for the program. Performance measures must
18 include, but are not limited to: the number of youths
19 obtaining access to computers purchased under this program;
20 the number of hours computers are made available to youths;
21 and the number of hours spent by youths on computers purchased
22 under this program for educational purposes. The
23 administrative costs for administration of this program cannot
24 exceed 10 percent of the amount appropriated to the division
25 for the program.

26 (3)(a) Under this program, neighborhood facilities,
27 through their governing bodies, may apply to the institute for
28 grants to purchase computers that will be available for use by
29 eligible youths who reside in the immediate vicinity of the
30 neighborhood facility. For purposes of this program, eligible
31

1 neighborhood facilities include, but are not limited to,
2 facilities operated by:
3 1. Units of local government, including school
4 districts.
5 2. Nonprofit, faith-based organizations, including
6 neighborhood churches.
7 3. Nonprofit civic associations or homeowners'
8 associations.
9 4. Nonprofit organizations, the missions of which
10 include improving conditions for residents of distressed urban
11 communities.
12
13 To be eligible for funding under this program, a nonprofit
14 organization or association must hold a current exemption from
15 federal taxation under s. 501(c)(3) or (4) of the Internal
16 Revenue Code.
17 (b) Notwithstanding the eligibility of the
18 organizations identified in paragraph (a), the institute shall
19 give priority consideration for funding under this program to
20 applications submitted by neighborhood churches or by
21 neighborhood-based, nonprofit organizations that have as a
22 principal part of their missions the improvement of conditions
23 for residents of the same neighborhoods in which the
24 organizations are located. The institute also shall give
25 priority consideration to organizations that demonstrate that
26 they have not been awarded community enhancement or similar
27 community support grants from state or local government on a
28 regular basis in the past. The institute shall develop
29 weighted criteria to be used in evaluating applications from
30 such churches or organizations. Funding under this section
31 shall not be used for religious or sectarian purposes.

1 (4) The institute shall develop guidelines governing
2 the administration of this program and shall establish
3 criteria to be used in evaluating an application for funding.
4 At a minimum, the institute must find that:
5 (a) The neighborhood that is to be served by the grant
6 suffers from general economic distress.
7 (b) Eligible youths who reside in the vicinity of the
8 neighborhood facility have difficulty obtaining access to a
9 library or schools that have sufficient computers.
10 (c) The neighborhood facility has developed a detailed
11 plan, as required under subsection (5), for:
12 1. Providing youths who reside in the vicinity of the
13 facility with access to any computer purchased with grant
14 funds, including evening and weekend access when libraries and
15 schools are closed.
16 2. Promoting the maximum participation of neighborhood
17 youths in use of any computers purchased with grant funds.
18 (5) As part of an application for funding, the
19 neighborhood facility must submit a plan that demonstrates:
20 (a) The manner in which eligible youths who reside in
21 the immediate vicinity of the facility will be provided with
22 access to any computer purchased with grant funds, including
23 access during hours when libraries and schools are closed.
24 (b) The existence of safeguards to ensure that any
25 computer purchased with grant funds is reserved for the
26 educational use of eligible youths who reside in the immediate
27 vicinity of the facility and is not used to support the
28 business operations of the neighborhood facility or its
29 governing body.
30 (c) The existence, in the neighborhood facility, of
31 telecommunications infrastructure necessary to guarantee

1 access to the Internet through any computer purchased with
2 grant funds.

3 (6) To the maximum extent possible, funding shall be
4 awarded under this program in a manner designed to ensure the
5 participation of distressed urban communities from regions
6 throughout the state.

7 (7) The maximum amount of a grant which may be awarded
8 to any single neighborhood facility under this program is
9 \$25,000.

10 (8) Before the institute may allocate funds for a
11 grant under this program, the institute and the eligible
12 neighborhood facility must execute a grant agreement that
13 governs the terms and conditions of the grant.

14 (9) The institute, based upon guidance from the State
15 Technology Office and the state's Chief Information Officer,
16 shall establish minimum requirements governing the
17 specifications and capabilities of any computers purchased
18 with funds awarded under this grant program.

19 Section 202. Section 1004.53, Florida Statutes, is
20 created to read:

21 1004.53 Interdisciplinary Center for Brownfield
22 Rehabilitation Assistance.--The Center for Brownfield
23 Rehabilitation Assistance in the Environmental Sciences and
24 Policy Program is established in the College of Arts and
25 Sciences at the University of South Florida with the
26 collaboration of other related disciplines such as business
27 administration, environmental science, and medicine. The
28 center shall work in conjunction with other state
29 universities. The Center for Brownfield Rehabilitation
30 Assistance shall:

31

1 (1) Conduct research relating to problems and
2 solutions associated with rehabilitation and restoration of
3 brownfield areas as defined in s. 376.79. The research must
4 include identifying innovative solutions to removing
5 contamination from brownfield sites to reduce the threats to
6 drinking water supplies and other potential public health
7 threats from contaminated sites.

8 (2) Provide public service to local, regional, and
9 state agencies, units of government, and authorities by
10 helping them to create workable mechanisms, partnerships with
11 public and private sectors, and other techniques for
12 rehabilitating brownfield areas.

13 (3) Conduct special research relating to risk-based
14 corrective actions for rehabilitation of brownfield areas.

15 (4) Develop a base of informational and financial
16 support from the private sector for the activities of the
17 center.

18 Section 203. Section 1004.54, Florida Statutes, is
19 created to read:

20 1004.54 Learning Development and Evaluation Center.--

21 (1) For the purpose of providing academic support for
22 learning disabled students, the verbal communications
23 laboratory at Florida Agricultural and Mechanical University
24 is established as the Learning Development and Evaluation
25 Center. The university shall provide housing, equipment, and
26 utilities for the center.

27 (2) The primary objective of the center shall be to
28 provide learning disabled students with accessibility to
29 learning by providing a program for building student
30 self-acceptance, self-esteem, and faculty acceptance. The
31 program shall also provide for diagnosing and clarifying the

1 nature of the disability and for identifying strategies that
2 can be used to enhance learning. Services shall include:
3 (a) Problem identification.
4 (b) Diagnostic evaluation, including neurological,
5 psychological, speech, and hearing diagnoses.
6 (c) Training, including tutoring and study.
7 (d) Academic, psychological, social, and career
8 counseling.
9 (e) Followup.
10 (f) Maintenance of academic course requirements with
11 provision for support services to identified students.
12 (g) Modifications of methods of reaching course
13 requirements which do not detract from the course purpose.
14 (3) Participants in the program shall be students with
15 specific learning disabilities who meet eligibility criteria
16 as defined by Rule 6A-6.03018.
17 (4) An outreach component shall be established which
18 shall include:
19 (a) Notifying secondary schools, community colleges,
20 career education centers, and community agencies of the
21 program.
22 (b) Working with community colleges, technical
23 centers, and community agencies to identify students who may
24 benefit from the program.
25 (c) Providing secondary schools, community colleges,
26 technical centers, and community agencies with a description
27 of methods used by the program for identification of students
28 who have learning disabilities.
29 (d) Providing secondary schools, community colleges,
30 technical centers, and community agencies with a description
31 of program services and the support services available.

- 1 (e) Providing on-campus and off-campus activities for
2 students, administrators, faculty, and staff to enhance
3 learning of the disabled secondary students.
- 4 (f) Providing training for school district personnel
5 to enable them to develop a better understanding of the needs
6 of learning disabled students.
- 7 (g) Designing, developing, and implementing, in
8 cooperation with Florida Agricultural and Mechanical
9 University, public school districts, community colleges, and
10 technical centers within the Department of Education, model
11 programs for the learning disabled student.
- 12 (h) Providing assistance to community colleges and
13 state universities in designing, developing, and evaluating
14 model programs for learning disabled students.
- 15 (i) Establishing a procedure for the annual review and
16 update of model programs developed for the learning disabled.
- 17 (j) Providing precollegiate residential experiences.
- 18 (5) On or before November 1, the president of the
19 university shall submit to the State Board of Education and
20 the Legislature a report on program effectiveness, which
21 report shall include:
- 22 (a) The number of students participating in the
23 program.
- 24 (b) An ongoing analysis of overall student performance
25 as a result of participation in the program.
- 26 (c) A description of the methods used in identifying
27 students with learning disabilities.
- 28 (d) A description of methods and materials prescribed
29 to meet the specific learning needs of each participant.
- 30 (e) The number and types of disabilities of students
31 in the program.

1 (f) How the program accomplished its objectives.
2 (g) Procedures used to counsel and advise students
3 that would build self-acceptance and enhance learning.
4 (h) Procedures for promoting faculty acceptance of the
5 program and its participants.
6 (i) A detailed description of each program objective
7 and the results.
8 (j) Projections of future participation by learning
9 disabled students based on enrollment, queries, and program
10 results.
11 (k) The number of postsecondary and secondary students
12 participating in the program and the type of service provided.
13 (6) Funding of this program shall be provided for in
14 the General Appropriations Act.
15 Section 204. Section 1004.55, Florida Statutes, is
16 created to read:
17 1004.55 Regional autism centers.--
18 (1) Six regional autism centers are established to
19 provide nonresidential resource and training services for
20 persons of all ages and of all levels of intellectual
21 functioning who have autism, as defined in s. 393.063; who
22 have a pervasive developmental disorder that is not otherwise
23 specified; who have an autistic-like disability; who have a
24 dual sensory impairment; or who have a sensory impairment with
25 other handicapping conditions. Each center shall be
26 operationally and fiscally independent and shall provide
27 services within its geographical region of the state. Each
28 center shall coordinate services within and between state and
29 local agencies and school districts but may not duplicate
30 services provided by those agencies or school districts. The
31 respective locations and service areas of the centers are:

1 (a) The Department of Communication Disorders at
2 Florida State University, which serves Bay, Calhoun, Escambia,
3 Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon,
4 Liberty, Madison, Okaloosa, Santa Rosa, Taylor, Wakulla,
5 Walton, and Washington Counties.

6 (b) The College of Medicine at the University of
7 Florida, which serves Alachua, Bradford, Citrus, Columbia,
8 Dixie, Gilchrist, Hamilton, Hernando, Lafayette, Levy, Marion,
9 Putnam, Suwannee, and Union Counties.

10 (c) The University of Florida Health Science Center at
11 Jacksonville, which serves Baker, Clay, Duval, Flagler,
12 Nassau, and St. Johns Counties.

13 (d) The Louis de la Parte Florida Mental Health
14 Institute at the University of South Florida, which serves
15 Charlotte, Collier, DeSoto, Glades, Hardee, Hendry, Highlands,
16 Hillsborough, Indian River, Lee, Manatee, Martin, Okeechobee,
17 Pasco, Pinellas, Polk, St. Lucie, and Sarasota Counties.

18 (e) The Mailman Center for Child Development at the
19 University of Miami, which serves Broward, Dade, Monroe, and
20 Palm Beach Counties.

21 (f) The College of Health and Public Affairs at the
22 University of Central Florida, which serves Brevard, Lake,
23 Orange, Osceola, Seminole, Sumter, and Volusia Counties.

24 (2) There is established for each center a
25 constituency board, which shall work collaboratively with the
26 center. Each board shall consist of no fewer than six
27 members, each of whom is either an individual who has a
28 disability that is described in subsection (1) or is a member
29 of a family that includes a person who has such a disability,
30 who are selected by each university president from a list that
31 has been developed by the Autism Society of Florida and other

1 relevant constituency groups that represent persons who have
2 sensory impairments as described in subsection (1). As
3 representatives of the center's constituencies, these boards
4 shall meet quarterly with the staff of each of the centers to
5 provide advice on policies, priorities, and activities. Each
6 board shall submit to the university president and to the
7 Department of Education an annual report that evaluates the
8 activities and accomplishments of its center during the year.

9 (3) To promote statewide planning and coordination, a
10 conference must be held annually for staff from each of the
11 five centers and representatives from each center's
12 constituency board. The purpose of the conference is to
13 facilitate coordination, networking, cross-training, and
14 feedback among the staffs and constituency boards of the
15 centers.

16 (4) Each center shall provide:

17 (a) A staff that has expertise in autism and
18 autistic-like behaviors and in sensory impairments.

19 (b) Individual and direct family assistance in the
20 home, community, and school. A center's assistance should not
21 supplant other responsibilities of state and local agencies,
22 and each school district is responsible for providing an
23 appropriate education program for clients of a center who are
24 school age.

25 (c) Technical assistance and consultation services,
26 including specific intervention and assistance for a client of
27 the center, the client's family, and the school district, and
28 any other services that are appropriate.

29 (d) Professional training programs that include
30 developing, providing, and evaluating preservice and inservice
31

1 training in state-of-the-art practices for personnel who work
2 with the populations served by the centers and their families.

3 (e) Public education programs to increase awareness of
4 the public about autism, autistic-related disabilities of
5 communication and behavior, dual sensory impairments, and
6 sensory impairments with other handicapping conditions.

7 (5) The State Board of Education, in cooperation with
8 the regional autism centers, shall adopt the necessary rules
9 to carry out the purposes of this section.

10 Section 205. Section 1004.56, Florida Statutes, is
11 created to read:

12 1004.56 Florida Museum of Natural History;
13 functions.--

14 (1) The functions of the Florida Museum of Natural
15 History, located at the University of Florida, are to make
16 scientific investigations toward the sustained development of
17 natural resources and a greater appreciation of human cultural
18 heritage, including, but not limited to, biological surveys,
19 ecological studies, environmental impact assessments, in-depth
20 archaeological research, and ethnological analyses, and to
21 collect and maintain a depository of biological,
22 archaeological, and ethnographic specimens and materials in
23 sufficient numbers and quantities to provide within the state
24 and region a base for research on the variety, evolution, and
25 conservation of wild species; the composition, distribution,
26 importance, and functioning of natural ecosystems; and the
27 distribution of prehistoric and historic archaeological sites
28 and an understanding of the aboriginal and early European
29 cultures that occupied them. State institutions, departments,
30 and agencies may deposit type collections from archaeological
31 sites in the museum, and it shall be the duty of each state

1 institution, department, and agency to cooperate by depositing
2 in the museum voucher and type biological specimens collected
3 as part of the normal research and monitoring duties of its
4 staff and to transfer to the museum those biological specimens
5 and collections in its possession but not actively being
6 curated or used in the research or teaching of that
7 institution, department, or agency. The Florida Museum of
8 Natural History is empowered to accept, preserve, maintain, or
9 dispose of these specimens and materials in a manner which
10 makes each collection and its accompanying data available for
11 research and use by the staff of the museum and by cooperating
12 institutions, departments, agencies, and qualified independent
13 researchers. The biological, archaeological, and ethnographic
14 collections shall belong to the state with the title vested in
15 the Florida Museum of Natural History, except as provided in
16 s. 267.12(3). In collecting or otherwise acquiring these
17 collections, the museum shall comply with pertinent state
18 wildlife, archaeological, and agricultural laws and rules.
19 However, all collecting, quarantine, and accreditation permits
20 issued by other institutions, departments, and agencies shall
21 be granted routinely for said museum research study or
22 collecting effort on state lands or within state jurisdiction
23 which does not pose a significant threat to the survival of
24 endangered wild species, habitats, or ecosystems. In
25 addition, the museum shall develop exhibitions and conduct
26 programs which illustrate, interpret, and explain the natural
27 history of the state and region and shall maintain a library
28 of publications pertaining to the work as herein provided.
29 The exhibitions, collections, and library of the museum shall
30 be open, free to the public, under suitable rules to be
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1 promulgated by the director of the museum and approved by the
2 University of Florida.

3 (2) Any gifts, transfers, bequests, or other
4 conveyances made to the Florida State Museum are deemed to
5 have been made to the Florida Museum of Natural History.

6 Section 206. Section 1004.57, Florida Statutes, is
7 created to read:

8 1004.57 Vertebrate paleontological sites and remains;
9 legislative intent and state policy.--

10 (1) It is the declared intention of the Legislature
11 that vertebrate paleontological sites be protected and
12 preserved and that, pursuant thereto, vertebrate
13 paleontological field investigation activities, including, but
14 not limited to, collection, excavation, salvage, restoration,
15 and cataloging of fossils, be discouraged except when such
16 activities are carried on in accordance with both the
17 provisions and the spirit of this act. However, it is not the
18 intention of the Legislature that the provisions of this act
19 impede mining or quarrying for rock, gravel, fill, phosphate,
20 and other minerals, or the construction of canals or similar
21 excavations, when such activities are permitted by law.
22 Rather, it is the intent of the Legislature that mine and
23 heavy equipment operators be encouraged to cooperate with the
24 state in preserving its vertebrate paleontological heritage
25 and vertebrate fossils by notifying the Florida Museum of
26 Natural History whenever vertebrate fossils are discovered
27 during mining or digging operations and by allowing such
28 fossils to be properly salvaged and that persons having
29 knowledge of vertebrate paleontological sites be encouraged to
30 communicate such information to the museum.

31

1 (2) It is hereby declared to be the public policy of
2 this state to protect and preserve vertebrate paleontological
3 sites containing vertebrate fossils, including bones, teeth,
4 natural casts, molds, impressions, and other remains of
5 prehistoric fauna, and to provide for the collection,
6 acquisition, and study of the vertebrate fossils of the state
7 which offer documentation of the diversity of life on this
8 planet.

9 (3) It is further declared to be the public policy of
10 the state that all vertebrate fossils found on state-owned
11 lands, including submerged lands and uplands, belong to the
12 state with title to the fossils vested in the Florida Museum
13 of Natural History for the purpose of administration of this
14 section and ss. 1004.575-1004.577.

15 Section 207. Section 1004.575, Florida Statutes, is
16 created to read:

17 1004.575 Program of vertebrate paleontology within
18 Florida Museum of Natural History.--There is established
19 within the Florida Museum of Natural History a program of
20 vertebrate paleontology, which program has the following
21 responsibilities:

22 (1) Encouraging the study of the vertebrate fossils
23 and vertebrate paleontological heritage of the state and
24 providing exhibits and other educational materials on the
25 vertebrate fauna to the universities and schools of the state.

26 (2) Developing a statewide plan, to be submitted to
27 the director of the Florida Museum of Natural History, for
28 preserving the vertebrate paleontological resources of the
29 state in a manner which is consistent with the state policies
30 in s. 1004.57 and which will not unduly hamper development in
31 this state, including mining and excavating operations.

1 (3) Locating, surveying, acquiring, collecting,
2 salvaging, conserving, and restoring vertebrate fossils;
3 conducting research on the history and systematics of the
4 fossil fauna of the state; and maintaining the official state
5 depository of vertebrate fossils.

6 (4) Locating, surveying, acquiring, excavating, and
7 operating vertebrate paleontological sites and properties
8 containing vertebrate fossils, which sites and properties have
9 great significance to the scientific study of such vertebrate
10 fossils or to public representation of the faunal heritage of
11 the state.

12 (5) Enlisting the aid of professional vertebrate
13 paleontologists, mine and quarry operators, heavy digging
14 equipment operators, and qualified amateurs in carrying out
15 the provisions of subsections (1)-(4), and authorizing their
16 active support and cooperation by issuing permits to them as
17 provided in s. 1004.576.

18 (6) Cooperating and coordinating activities with the
19 Department of Environmental Protection under the provisions of
20 ss. 375.021 and 375.031 and the Department of State under
21 chapter 267 in the acquisition, preservation, and operation of
22 significant vertebrate paleontological sites and properties of
23 great and continuing scientific value, so that such sites and
24 properties may be utilized to conserve the faunal heritage of
25 this state and to promote an appreciation of that heritage.

26 (7) Designating areas as "state vertebrate
27 paleontological sites" pursuant to the provisions of this
28 section, which areas are of great and continuing significance
29 to the scientific study and public understanding of the faunal
30 history of the state. However, no privately owned site or
31 grouping of sites shall be so designated without the express

1 written consent of the private owner of the site or group of
2 sites. Upon designation of a state vertebrate paleontological
3 site, the owners and occupants of such site shall be given
4 written notification of such designation by the program. Once
5 such site has been so designated, no person may conduct
6 paleontological field investigation activities on the site
7 without first securing a permit for such activities as
8 provided in s. 1004.576.

9 (8) Arranging for the disposition of the vertebrate
10 fossils by accredited institutions and for the temporary or
11 permanent loan of such fossils for the purpose of further
12 scientific study, interpretative display, and curatorial
13 responsibilities by such institutions.

14 Section 208. Section 1004.576, Florida Statutes, is
15 created to read:

16 1004.576 Destruction, purchase, and sale of vertebrate
17 fossils prohibited, exceptions; field investigation permits
18 required; penalty for violation.--

19 (1) The destruction, defacement, purchase, and sale of
20 vertebrate fossils found on or under land owned or leased by
21 the state and on land in state-designated vertebrate
22 paleontological sites are prohibited, except that the Florida
23 Museum of Natural History may sell vertebrate fossils and may
24 adopt rules defining "nonessential vertebrate fossils" and
25 prescribing the conditions under which such fossils may be
26 sold or otherwise disposed of by a person holding a permit
27 issued by the Florida Museum of Natural History. Field
28 investigations of vertebrate fossils, including, but not
29 limited to, the systematic collection, acquisition,
30 excavation, salvage, exhumation, or restoration of such
31 fossils, are prohibited on all lands owned or leased by the

1 state and on lands in state-designated vertebrate
2 paleontological sites, unless such activities are conducted
3 under the authority of permits issued by the Florida Museum of
4 Natural History. A permit may be granted by the Florida
5 Museum of Natural History upon application for the permit
6 accompanied by an application fee not to exceed \$5. The
7 privileges authorized pursuant to the grant of a permit as
8 provided in this subsection may not be assigned or sublet to
9 any other party.

10 (2) Any person who, in violation of this section,
11 engages in any of the activities described in subsection (1)
12 without first having obtained a permit to engage in such
13 activity commits a misdemeanor, punishable by a fine not to
14 exceed \$500 or by imprisonment in the county jail for a period
15 not to exceed 6 months, or both; and, in addition, he or she
16 shall forfeit to the state all specimens, objects, and
17 materials collected and excavated in violation of this
18 section, together with all photographs and records relating to
19 such materials.

20 (3) The Florida Museum of Natural History may
21 institute a civil action in the appropriate circuit court for
22 recovery of any unlawfully taken vertebrate fossil. The
23 fossil shall be forfeited to the state if the Florida Museum
24 of Natural History shows by the greater weight of the evidence
25 that the fossil has been taken from a particular site within
26 this state and that the person found in possession of the
27 fossil is not authorized by law to possess such fossil.

28 Section 209. Section 1004.577, Florida Statutes, is
29 created to read:

30 1004.577 Certain rights of mine or quarry operators
31 and dragline or heavy equipment operators preserved.--Nothing

1 in ss. 1004.57-1004.576 shall infringe upon the right of a
2 legitimate mine or quarry operator to extract rock, gravel,
3 fill, phosphate, or other minerals or infringe upon the right
4 of a legitimate operator of draglines or similar heavy
5 dredging, trenching, or digging equipment to construct
6 drainage canals or other excavations because of the actual or
7 potential destruction of vertebrate fossils.

8 Section 210. Section 1004.58, Florida Statutes, is
9 created to read:

10 1004.58 Leadership Board for Applied Research and
11 Public Service.--

12 (1) There is created the Leadership Board for Applied
13 Research and Public Service to be staffed by the Institute of
14 Science and Public Affairs at Florida State University. The
15 purpose of the board is to focus, coordinate, and maximize
16 university resources on current issues and events affecting
17 Florida's residents and elected officials. Emphasis shall be
18 placed on being responsive to and providing accurate, timely,
19 useful, and relevant information to decisionmakers in state
20 and local governments. The board shall set forth a process to
21 provide comprehensive guidance and advice for improving the
22 types and quality of services to be delivered by the state
23 universities. Specifically, the board shall better identify
24 and define the missions and roles of existing institutes and
25 centers at each state university, work to eliminate
26 duplication and confusion over conflicting roles and missions,
27 involve more students in learning with applied research and
28 public service activities, and be organizationally separate
29 from academic departments. The board shall meet at least
30 quarterly. The board may create internal management councils

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1 that may include working institute and center directors. The
2 board is responsible for, but is not limited to:
3 (a) Providing strategic direction, planning, and
4 accompanying decisions that support a coordinated applied
5 public service and research approach in the state.
6 (b) Addressing state university policy matters and
7 making recommendations to the State Board of Education as they
8 relate to applied public service and research.
9 (c) Serving as a clearinghouse for services requested
10 by public officials.
11 (d) Providing support for funding and fiscal
12 initiatives involving applied public service and research.
13 (2) Membership of the board shall be:
14 (a) The Commissioner of Education, or the
15 commissioner's designee, who shall serve as chair.
16 (b) The director of the Office of Planning and
17 Budgeting of the Executive Office of the Governor.
18 (c) The secretary of the Department of Management
19 Services.
20 (d) The director of Economic and Demographic Research.
21 (e) The director of the Office of Program Policy
22 Analysis and Government Accountability.
23 (f) The President of the Florida League of Cities.
24 (g) The President for the Florida Association of
25 Counties.
26 (h) The President of the Florida School Board
27 Association.
28 (i) Five additional university president members,
29 designated by the commissioner, to rotate annually.
30 (3) The board shall prepare a report for the State
31 Board of Education to be submitted to the Governor and the

1 Legislature by January 1 of each year which summarizes the
2 work and recommendations of the board in meeting its purpose
3 and mission.

4 Section 211. Section 1004.59, Florida Statutes, is
5 created to read:

6 1004.59 Florida Conflict Resolution Consortium.--It is
7 the intent of the Legislature to reduce the public and private
8 costs of litigation; resolve public disputes, including those
9 related to growth management issues, more quickly and
10 effectively; and improve intergovernmental communications,
11 cooperation, and consensus building. The Legislature hereby
12 formally establishes the Florida Conflict Resolution
13 Consortium as a statewide center based at Florida State
14 University, or at another campus as may be designated by the
15 Commissioner of Education. The purpose of the consortium is
16 to serve as a neutral resource to assist citizens and public
17 and private interests in Florida to seek cost-effective
18 solutions to public disputes and problems through the use of
19 alternative dispute resolution and consensus building.

20 Section 212. Section 1004.60, Florida Statutes, is
21 created to read:

22 1004.60 Research of Rosewood incident.--State
23 universities shall continue the research of the Rosewood
24 incident and the history of race relations in Florida and
25 develop materials for the educational instruction of these
26 events.

27 Section 213. Section 1004.61, Florida Statutes, is
28 created to read:

29 1004.61 Partnerships to develop child protection
30 workers.--The Department of Children and Family Services is
31 directed to form partnerships with the schools of social work

1 of the state universities in order to encourage the
2 development of graduates trained to work in child protection.
3 The department shall give hiring preferences for child
4 protection jobs to graduates who have earned bachelor's and
5 master's degrees from these programs with a concentration in
6 child protection. The partnership between the Department of
7 Children and Family Services and the schools of social work
8 shall include, but not be limited to, modifying existing
9 graduate and undergraduate social work curricula, providing
10 field placements for students into child protection
11 internships in the department, and collaborating in the design
12 and delivery of advanced levels of social work practice.

13 Section 214. Section 1004.62, Florida Statutes, is
14 created to read:

15 1004.62 Incentives for urban or socially and
16 economically disadvantaged area internships.--The Legislature
17 establishes incentives for urban or socially and economically
18 disadvantaged area internships to give university students the
19 opportunity to study the social, economic, educational, and
20 political life of inner cities in metropolitan or socially and
21 economically disadvantaged areas of the state. The incentives
22 are for internships that are open to students in all
23 disciplines, including business, education, physical science,
24 social science, the liberal arts, and the fine arts.
25 Incentives may be given to any state university. Incentives
26 must be for one semester's duration, or more, in which an
27 intern may earn up to 12 hours of credit for the internship.
28 Student interns must work in teams to address a specific urban
29 or socially and economically disadvantaged area social problem
30 or carry out an urban or socially and economically
31 disadvantaged area social program. The results of each team's

1 work must be published in a report and distributed to the
2 colleges of education at each state university.

3 Section 215. Part III of chapter 1004, Florida
4 Statutes, shall be entitled "Community Colleges" and shall
5 consist of ss. 1004.65-1004.81.

6 Section 216. Part III.a. of chapter 1004, Florida
7 Statutes, shall be entitled "General Provisions" and shall
8 consist of ss. 1004.65-1004.726.

9 Section 217. Section 1004.65, Florida Statutes, is
10 created to read:

11 1004.65 Community colleges; definition, mission, and
12 responsibilities.--

13 (1) Community colleges shall consist of all public
14 educational institutions operated by community college
15 district boards of trustees under statutory authority and
16 rules of the State Board of Education.

17 (2) Each community college district authorized by law
18 and the Department of Education is an independent, separate,
19 legal entity created for the operation of a community college.

20 (3) A community college may provide adult education
21 services, including adult basic education, adult general
22 education, adult secondary education, and general educational
23 development test instruction.

24 (4) The community colleges are locally based and
25 governed entities with statutory and funding ties to state
26 government. As such, the community colleges' mission reflects
27 a commitment to be responsive to local educational needs and
28 challenges. In achieving this mission, the community colleges
29 strive to maintain sufficient local authority and flexibility
30 while preserving appropriate legal accountability to the
31 state.

1 (5) As comprehensive institutions, the community
2 colleges shall provide high-quality, affordable education and
3 training opportunities, shall foster a climate of excellence,
4 and shall provide opportunities to all while combining high
5 standards with an open-door admission policy. The community
6 colleges shall, as open-access institutions, serve all who can
7 benefit, without regard to age, race, gender, creed, or ethnic
8 or economic background, while emphasizing the achievement of
9 social and educational equity so that all can be prepared for
10 full participation in society.

11 (6) The primary mission and responsibility of
12 community colleges is responding to community needs for
13 postsecondary academic education and technical degree
14 education. This mission and responsibility includes being
15 responsible for:

16 (a) Providing lower level undergraduate instruction
17 and awarding associate degrees.

18 (b) Preparing students directly for vocations
19 requiring less than baccalaureate degrees. This may include
20 preparing for job entry, supplementing of skills and
21 knowledge, and responding to needs in new areas of technology.
22 Career and technical education in the community college shall
23 consist of technical certificates, credit courses leading to
24 associate in science degrees and associate in applied science
25 degrees, and other programs in fields requiring substantial
26 academic work, background, or qualifications. A community
27 college may offer career and technical education programs in
28 fields having lesser academic or technical requirements.

29 (c) Providing student development services, including
30 assessment, student tracking, support for disabled students,
31

1 advisement, counseling, financial aid, career development, and
2 remedial and tutorial services, to ensure student success.

3 (d) Promoting economic development for the state
4 within each community college district through the provision
5 of special programs, including, but not limited to, the:

- 6 1. Enterprise Florida-related programs.
- 7 2. Technology transfer centers.
- 8 3. Economic development centers.
- 9 4. Workforce literacy programs.

10 (e) Providing dual enrollment instruction.

11 (7) A separate and secondary role for community
12 colleges includes:

13 (a) Providing upper level instruction and awarding
14 baccalaureate degrees as specifically authorized by law.

15 (b) The offering of programs in:

- 16 1. Community services that are not directly related to
17 academic or occupational advancement.
- 18 2. Adult general education.
- 19 3. Recreational and leisure services.

20 (8) Funding for community colleges shall reflect their
21 mission as follows:

22 (a) Postsecondary academic and career and technical
23 education programs and adult general education programs shall
24 have first priority in community college funding.

25 (b) Community service programs shall be presented to
26 the Legislature with rationale for state funding. The
27 Legislature may identify priority areas for use of these
28 funds.

29 (9) Community colleges are authorized to offer such
30 programs and courses as are necessary to fulfill their mission
31 and are authorized to grant associate in arts degrees,

1 associate in science degrees, associate in applied science
2 degrees, certificates, awards, and diplomas. Each community
3 college is also authorized to make provisions for the general
4 educational development test. Each community college may
5 provide access to baccalaureate degrees in accordance with
6 law.

7 Section 218. Section 1004.66, Florida Statutes, is
8 created to read:

9 1004.66 "Community college" and "junior college" used
10 interchangeably.--Whenever the terms "community college" and
11 "junior college" appear in the Florida Statutes in reference
12 to a tax-supported institution, they shall be construed
13 identically.

14 Section 219. Section 1004.67, Florida Statutes, is
15 created to read:

16 1004.67 Community colleges; legislative intent.--It is
17 the legislative intent that community colleges, constituted as
18 political subdivisions of the state, continue to be operated
19 by community college boards of trustees as provided in s.
20 1001.63 and that no department, bureau, division, agency, or
21 subdivision of the state exercise any responsibility and
22 authority to operate any community college of the state except
23 as specifically provided by law or rules of the State Board of
24 Education.

25 Section 220. Section 1004.68, Florida Statutes, is
26 created to read:

27 1004.68 Community college; degrees and certificates;
28 tests for certain skills.--

29 (1) Each community college board of trustees shall
30 adopt rules establishing student performance standards for the
31 award of degrees and certificates.

1 (2) Each community college board of trustees shall
2 require the use of scores on tests for college-level
3 communication and computation skills provided in s.
4 1008.345(8) as a condition for graduation with an associate in
5 arts degree.

6 Section 221. Section 1004.70, Florida Statutes, is
7 created to read:

8 1004.70 Community college direct-support
9 organizations.--

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

11 (a) "Community college direct-support organization"
12 means an organization that is:

13 1. A Florida corporation not for profit, incorporated
14 under the provisions of chapter 617 and approved by the
15 Department of State.

16 2. Organized and operated exclusively to receive,
17 hold, invest, and administer property and to make expenditures
18 to, or for the benefit of, a community college in this state.

19 3. An organization that the community college board of
20 trustees, after review, has certified to be operating in a
21 manner consistent with the goals of the community college and
22 in the best interest of the state. Any organization that is
23 denied certification by the board of trustees may not use the
24 name of the community college that it serves.

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

27 (2) BOARD OF DIRECTORS.--The chair of the board of
28 trustees shall appoint a representative to the board of
29 directors and the executive committee of each direct-support
30 organization established under this section, including those
31 established before July 1, 1998. The president of the

1 community college for which the direct-support organization is
2 established, or the president's designee, shall also serve on
3 the board of directors and the executive committee of the
4 direct-support organization, including any direct-support
5 organization established before July 1, 1998.

6 (3) USE OF PROPERTY.--

7 (a) The board of trustees is authorized to permit the
8 use of property, facilities, and personal services at any
9 community college by any community college direct-support
10 organization, subject to the provisions of this section.

11 (b) The board of trustees is authorized to prescribe
12 by rule any condition with which a community college
13 direct-support organization must comply in order to use
14 property, facilities, or personal services at any community
15 college.

16 (c) The board of trustees may not permit the use of
17 property, facilities, or personal services at any community
18 college by any community college direct-support organization
19 that does not provide equal employment opportunities to all
20 persons regardless of race, color, national origin, gender,
21 age, or religion.

22 (4) ACTIVITIES; RESTRICTIONS.--

23 (a) A direct-support organization may, at the request
24 of the board of trustees, provide residency opportunities on
25 or near campus for students.

26 (b) A direct-support organization that constructs
27 facilities for use by a community college or its students must
28 comply with all requirements of law relating to the
29 construction of facilities by a community college, including
30 requirements for competitive bidding.

31

1 (c) Any transaction or agreement between one
2 direct-support organization and another direct-support
3 organization or between a direct-support organization and a
4 center of technology innovation designated under s. 1004.77
5 must be approved by the board of trustees.

6 (d) A community college direct-support organization is
7 prohibited from giving, either directly or indirectly, any
8 gift to a political committee or committee of continuous
9 existence as defined in s. 106.011 for any purpose other than
10 those certified by a majority roll call vote of the governing
11 board of the direct-support organization at a regularly
12 scheduled meeting as being directly related to the educational
13 mission of the community college.

14 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
15 organization shall submit to the board of trustees its federal
16 Internal Revenue Service Application for Recognition of
17 Exemption form (Form 1023) and its federal Internal Revenue
18 Service Return of Organization Exempt from Income Tax form
19 (Form 990).

20 (6) ANNUAL AUDIT.--Each direct-support organization
21 shall provide for an annual financial audit in accordance with
22 rules adopted by the Auditor General pursuant to s. 11.45(8).
23 The annual audit report must be submitted, within 9 months
24 after the end of the fiscal year, to the Auditor General, the
25 State Board of Education, and the board of trustees for
26 review. The board of trustees, the Auditor General, and the
27 Office of Program Policy Analysis and Government
28 Accountability may require and receive from the organization
29 or from its independent auditor any detail or supplemental
30 data relative to the operation of the organization. The
31 identity of donors who desire to remain anonymous shall be

1 protected, and that anonymity shall be maintained in the
2 auditor's report. All records of the organization, other than
3 the auditor's report, any information necessary for the
4 auditor's report, any information related to the expenditure
5 of funds, and any supplemental data requested by the board of
6 trustees, the Auditor General, and the Office of Program
7 Policy Analysis and Government Accountability, shall be
8 confidential and exempt from the provisions of s. 119.07(1).

9 Section 222. Section 1004.71, Florida Statutes, is
10 created to read:

11 1004.71 Statewide community college direct-support
12 organizations.--

13 (1) DEFINITIONS.--For the purposes of this section:

14 (a) "Statewide community college direct-support
15 organization" means an organization that is:

16 1. A Florida corporation not for profit, incorporated
17 under the provisions of chapter 617 and approved by the
18 Department of State.

19 2. Organized and operated exclusively to receive,
20 hold, invest, and administer property and to make expenditures
21 to, or for the benefit of, the community colleges in this
22 state.

23 3. An organization that the State Board of Education,
24 after review, has certified to be operating in a manner
25 consistent with the goals of the community colleges and in the
26 best interest of the state.

27 (b) "Personal services" includes full-time or
28 part-time personnel as well as payroll processing.

29 (2) BOARD OF DIRECTORS.--The chair of the State Board
30 of Education may appoint a representative to the board of
31 directors and the executive committee of any statewide,

1 direct-support organization established under this section or
2 s. 1004.70. The chair of the State Board of Education, or the
3 chair's designee, shall also serve on the board of directors
4 and the executive committee of any direct-support organization
5 established to benefit the community colleges of Florida.

6 (3) USE OF PROPERTY.--

7 (a) The State Board of Education may permit the use of
8 property, facilities, and personal services of the Department
9 of Education by any statewide community college direct-support
10 organization, subject to the provisions of this section.

11 (b) The State Board of Education may prescribe by rule
12 any condition with which a statewide community college
13 direct-support organization must comply in order to use
14 property, facilities, or personal services of the Department
15 of Education.

16 (c) The State Board of Education may not permit the
17 use of property, facilities, or personal services of the
18 Department of Education by any statewide community college
19 direct-support organization that does not provide equal
20 employment opportunities to all persons regardless of race,
21 color, national origin, gender, age, or religion.

22 (4) RESTRICTIONS.--

23 (a) A statewide, direct-support organization may not
24 use public funds to acquire, construct, maintain, or operate
25 any facilities.

26 (b) Any transaction or agreement between a statewide,
27 direct-support organization and any other direct-support
28 organization or between a statewide, direct-support
29 organization and a center of technology innovation designated
30 under s. 1004.77 must be approved by the State Board of
31 Education.

1 (c) A statewide community college direct-support
2 organization is prohibited from giving, either directly or
3 indirectly, any gift to a political committee or committee of
4 continuous existence as defined in s. 106.011 for any purpose
5 other than those certified by a majority roll call vote of the
6 governing board of the direct-support organization at a
7 regularly scheduled meeting as being directly related to the
8 educational mission of the State Board of Education.

9 (5) ANNUAL BUDGETS AND REPORTS.--Each direct-support
10 organization shall submit to the State Board of Education its
11 federal Internal Revenue Service Application for Recognition
12 of Exemption form (Form 1023) and its federal Internal Revenue
13 Service Return of Organization Exempt from Income Tax form
14 (Form 990).

15 (6) ANNUAL AUDIT.--A statewide community college
16 direct-support organization shall provide for an annual
17 financial audit in accordance with s. 1004.70. The identity of
18 a donor or prospective donor who desires to remain anonymous
19 and all information identifying such donor or prospective
20 donor are confidential and exempt from the provisions of s.
21 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
22 anonymity shall be maintained in the auditor's report.

23 Section 223. Section 1004.725, Florida Statutes, is
24 created to read:

25 1004.725 Expenditures for self-insurance services;
26 special account.--

27 (1) The community college boards of trustees, singly
28 or collectively, are authorized to contract with an
29 administrator or service company approved by the Department of
30 Insurance pursuant to chapter 626 to provide self-insurance
31 services, including, but not limited to, the evaluation,

1 settlement, and payment of self-insurance claims on behalf of
2 the board of trustees or a consortium of boards of trustees.

3 (2) Pursuant to such a contract, a board of trustees
4 may advance moneys to the administrator or service company to
5 be deposited in a special account for paying claims against
6 the board of trustees under its self-insurance program. The
7 special account shall be maintained in a designated depository
8 as provided by s. 136.01. The board of trustees may replenish
9 such account as often as necessary upon the presentation by
10 the administrator or service company of documentation for
11 claims paid in an amount equal to the amount of the requested
12 reimbursement. Any contract for disbursement of funds from the
13 special account shall ensure that the payments are subject to
14 proper disbursement controls and accounting procedures.

15 Section 224. Section 1004.726, Florida Statutes, is
16 created to read:

17 1004.726 Trademarks, copyrights, or patents.--Each
18 community college board of trustees may develop and produce
19 work products relating to educational endeavors that are
20 subject to trademark, copyright, or patent statutes. To this
21 end, the board of trustees shall consider the relative
22 contribution by the personnel employed in the development of
23 such work products and shall enter into binding agreements
24 with such personnel, organizations, corporations, or
25 government entities, which agreements shall establish the
26 percentage of ownership of such trademarks, copyrights, or
27 patents. Any other law to the contrary notwithstanding, the
28 board of trustees may in its own name:

29 (1) Perform all things necessary to secure letters of
30 patent, copyrights, and trademarks on any such work products
31 and enforce its rights therein.

1 (2) License, lease, assign, or otherwise give written
2 consent to any person, firm, or corporation for the
3 manufacture or use of its work products on a royalty basis or
4 for such other consideration as the board of trustees deems
5 proper.

6 (3) Take any action necessary, including legal action,
7 to protect its work products against improper or unlawful use
8 of infringement.

9 (4) Enforce the collection of any sums due the board
10 of trustees for the manufacture or use of its work products by
11 any other party.

12 (5) Sell any of its work products and execute all
13 instruments necessary to consummate any such sale.

14 (6) Do all other acts necessary and proper for the
15 execution of powers and duties provided by this section.

16 Section 225. Part III.b. of chapter 1004, Florida
17 Statutes, shall be entitled "Special Programs; Centers" and
18 shall consist of ss. 1004.73-1004.81.

19 Section 226. Section 1004.73, Florida Statutes, is
20 created to read:

21 1004.73 St. Petersburg College.--

22 (1) LEGISLATIVE INTENT.--The Legislature intends to
23 create an innovative means to increase access to baccalaureate
24 degree level education in populous counties that are
25 underserved by public baccalaureate degree granting
26 institutions. This education is intended to address the
27 state's workforce needs, especially the need for teachers,
28 nurses, and business managers in agencies and firms that
29 require expertise in technology.

30 (2) ST. PETERSBURG COLLEGE; MISSION; POLICIES.--St.
31 Petersburg College shall immediately seek accreditation from

1 the Southern Association of Colleges and Schools as a
2 baccalaureate degree granting college.

3 (a) The primary mission of St. Petersburg College is
4 to provide high-quality undergraduate education at an
5 affordable price for students and the state. The purpose is to
6 promote economic development by preparing people for
7 occupations that require a bachelor's degree and are in demand
8 by existing or emerging public and private employers in this
9 state.

10 (b) St. Petersburg College shall maintain the mission
11 and policies of a Florida community college, including the
12 open-door admissions policy and the authority to offer all
13 programs consistent with a community college's authority.

14 (c) St. Petersburg College shall maintain the
15 distinction between the college and its university center. St.
16 Petersburg College is limited to community college programs
17 and to selected baccalaureate degree level programs that meet
18 community needs and are authorized as provided by this
19 section. The University Center may make available more diverse
20 program offerings, but those programs are offered by a
21 participating college or university and are not to be
22 classified or funded as programs of St. Petersburg College.

23 (d) The academic policies of the upper-division
24 program at St. Petersburg College must be in accordance with
25 policies of the State Board of Education.

26 (e) Sections 1013.39 and 1013.82 apply to St.
27 Petersburg College.

28 (3) STUDENTS; FEES.--

29 (a) St. Petersburg College shall maintain separate
30 records for students who are enrolled in courses classified in
31 the upper division and lower division of a baccalaureate

1 program, according to the statewide course numbering system. A
2 student shall be reported as a community college student for
3 enrollment in a lower-division course and as a baccalaureate
4 degree program student for enrollment in an upper-division
5 course.

6 (b) The Board of Trustees of St. Petersburg College
7 shall establish the level of tuition and other authorized
8 student fees consistent with law and proviso in the General
9 Appropriations Act.

10 1. For each credit hour of enrollment in a certificate
11 level course or lower-division level college credit course,
12 tuition and fees must be within the range authorized in law
13 and rule for a community college student at that level.

14 2. For each credit hour of enrollment in an
15 upper-division level course, matriculation and tuition fees
16 must be in an amount established by the Board of Trustees of
17 St. Petersburg College. However, fees for upper-division
18 students must reflect the fact that the college does not incur
19 the costs of major research programs. Therefore, the board of
20 trustees shall establish fees for upper-division students
21 within a range that is lower than the fees established for
22 students at a state university but higher than the fees for
23 community college students.

24 3. Other mandatory fees and local fees must be at the
25 same level for all lower-division students. For upper-division
26 students, other mandatory fees and local fees must be at a
27 level less than fees established for University of South
28 Florida students, regardless of program enrollment or level.
29 However, students in workforce development education courses
30 maintain the authorized fee exemptions described in s. 1009.25

31

1 and may be exempt from local fees imposed by the board of
2 trustees, at the board's discretion.

3 (4) DEGREES.--

4 (a) In addition to the certificates, diplomas, and
5 degrees authorized in s. 1004.65, St. Petersburg College may
6 offer selected baccalaureate degrees. Initially, the college
7 may offer programs that lead to a baccalaureate degree in the
8 following fields:

9 1. Bachelor of Science in Nursing. This program must
10 be designed to articulate with the associate in science degree
11 in nursing. St. Petersburg College shall continue to offer the
12 associate in science degree in nursing.

13 2. Bachelor of Arts and Bachelor of Science in
14 Elementary Education.

15 3. Bachelor of Arts and Bachelor of Science in Special
16 Education.

17 4. Bachelor of Arts and Bachelor of Science in
18 Secondary Education.

19 5. Bachelor of Applied Science in fields selected by
20 the Board of Trustees of St. Petersburg College. The board of
21 trustees shall base the selection on an analysis of workforce
22 needs and opportunities in the following counties: Pinellas,
23 Pasco, Hernando, and other counties approved by the Department
24 of Education. For each program selected, St. Petersburg
25 College must offer a related associate in science or associate
26 in applied science degree program, and the baccalaureate
27 degree level program must be designed to articulate fully with
28 at least one associate in science degree program. The college
29 is encouraged to develop articulation agreements for
30 enrollment of graduates of related associate in applied
31 science degree programs.

1 (b) St. Petersburg College may offer courses that
2 enable teachers to qualify for certification and
3 recertification as required by law or rule.

4 (c) St. Petersburg College may offer programs to
5 provide opportunities for a person who holds a baccalaureate
6 degree, but is not certified to teach, to obtain any
7 additional courses required for teacher certification.

8 (d) Master's degree level programs and doctoral
9 programs may be provided by agreement with a college or
10 university participating in the University Center of St.
11 Petersburg College.

12 (e) For those students living outside Pinellas County,
13 St. Petersburg College shall recruit for the upper division
14 only those students who have earned an associate degree. In
15 recruiting upper-division students in Pasco and Hernando
16 Counties, St. Petersburg College shall work cooperatively with
17 Pasco-Hernando Community College and shall seek to offer
18 courses and programs at Pasco-Hernando Community College when
19 feasible. The nursing programs, in particular, must be
20 conducted cooperatively, and programs at St. Petersburg
21 College shall not conflict with Pasco-Hernando Community
22 College's and the University of South Florida's cooperative
23 nursing program.

24 (5) BOARDS.--

25 (a) The Board of Trustees of St. Petersburg College
26 serves as the college's governing board. The Governor shall
27 appoint members as provided in s. 1001.61, and the board has
28 the duties and authorities granted in ss. 1001.63 and 1001.64
29 and by rules of the State Board of Education.

30
31

1 (b) The Board of Trustees of St. Petersburg College
2 may authorize direct-support organizations as authorized in
3 ss. 1004.28 and 1004.70.

4 (c) The Board of Trustees of St. Petersburg College
5 may continue to award degrees, diplomas, and certificates as
6 authorized for St. Petersburg Junior College, and in the name
7 of St. Petersburg Junior College, until St. Petersburg College
8 receives its accreditation.

9 (d) A coordinating board shall assist the board of
10 trustees in its deliberations concerning issues that affect
11 the upper division of St. Petersburg College. The coordinating
12 board consists of the President of the University of South
13 Florida, the President of St. Petersburg College, the
14 President of Pasco-Hernando Community College, and the chairs
15 of the boards of trustees of those institutions.

16 (e) Beginning 4 years after the college receives
17 accreditation to offer baccalaureate degrees, the Board of
18 Trustees of St. Petersburg College may determine additional
19 programs to be offered, with the approval of the coordinating
20 board. The determination must consider community needs and
21 economic opportunities.

22 (f) The coordinating board shall meet at the request
23 of the President of the University of South Florida or the
24 President of St. Petersburg College.

25 (g) If the coordinating board cannot decide an issue
26 of importance to the programs designed for upper-division
27 students, the State Board of Education shall resolve the
28 issue.

29 (6) EMPLOYEES.--

30 (a) Employment at St. Petersburg College is governed
31 by the same laws that govern community colleges, except that

1 upper-division faculty are eligible for continuing contracts
2 upon the completion of the fifth year of teaching.
3 (b) Employee records for all personnel shall be
4 maintained as required by s. 1012.81.
5 (7) FACILITIES.--St. Petersburg College may request
6 funding from the Public Education Capital Outlay and Debt
7 Service Trust Fund as a community college and as a university.
8 The municipalities in Pinellas County, the Board of County
9 Commissioners of Pinellas County, and all other governmental
10 entities are authorized to cooperate with the Board of
11 Trustees of St. Petersburg College in establishing this
12 institution. The acquisition and donation of lands, buildings,
13 and equipment for the use of St. Petersburg College are
14 authorized as a public purpose. The Board of County
15 Commissioners of Pinellas County and all municipalities in
16 Pinellas County may exercise the power of eminent domain to
17 acquire lands, buildings, and equipment for the use of St.
18 Petersburg College, regardless of whether such lands,
19 buildings, and equipment are located in a community
20 redevelopment area.
21 (8) STATE FUNDING.--
22 (a) The Legislature intends to fund St. Petersburg
23 College as a community college for its workforce development
24 education programs and for its lower-division level college
25 credit courses and programs.
26 (b) The Legislature intends to fund St. Petersburg
27 College as a baccalaureate degree level institution for its
28 upper-division level courses and programs.
29 Section 227. Section 1004.74, Florida Statutes, is
30 created to read:
31 1004.74 Florida School of the Arts.--

1 (1) As the state strives to achieve excellence in all
2 aspects of public education, it is the intent of the
3 Legislature that specific attention be given to the needs of
4 artistically talented high school and college students. It is
5 further intended that such students who are occupationally
6 oriented to the arts be provided with the means for achieving
7 both an academic education and artistic training appropriate
8 to their gifts.

9 (2) There is created the Florida School of the Arts.
10 The school shall offer a program of academic and artistic
11 studies in the visual and performing arts, which program shall
12 be available to talented high school and college students in
13 the state.

14 (3) The Florida School of the Arts is assigned to the
15 District Board of Trustees of the St. Johns River Community
16 College for purposes of administration and governance; but the
17 Florida School of the Arts, within appropriations and
18 limitations established annually by the Legislature, shall
19 serve as a professional school on a statewide basis for all
20 qualified students.

21 (4) The Council for the Florida School of the Arts
22 shall be established to advise the community college district
23 board of trustees on matters pertaining to the operation of
24 the school. The council shall consist of nine members,
25 appointed by the Commissioner of Education for 4-year terms. A
26 member may serve three terms and may serve until replaced.

27 Section 228. Section 1004.75, Florida Statutes, is
28 created to read:

29 1004.75 Training school consolidation pilot
30 projects.--

31

1 (1) ESTABLISHMENT.--To consolidate and more
2 efficiently use state and taxpayer resources by combining
3 training programs, pilot training centers are established to
4 provide public criminal justice training in Leon and St. Johns
5 Counties. The following pilot training centers are
6 established:

7 (a) The Pat Thomas Center at Tallahassee Community
8 College.

9 (b) The Criminal Justice Academy at St. Johns River
10 Community College.

11 (2) EXISTING PUBLIC CRIMINAL JUSTICE TRAINING
12 PROGRAMS.--Notwithstanding ss. 1001.31, 1001.33, and 1007.25,
13 or any other provision of law to the contrary, criminal
14 justice training programs in the pilot counties will transfer
15 to community colleges, effective July 1, 1999, at which time
16 responsibility for the provision of basic recruit, advanced,
17 career development, and continuing training courses and
18 programs offered in public criminal justice training programs
19 and for the operation of existing public criminal justice
20 training programs will be shifted from the school district to
21 the community college in whose service area the public
22 criminal justice training program is located. Certification of
23 the program granted by the Criminal Justice Standards and
24 Training Commission will be transferred to the respective
25 community college and the college must continue to meet the
26 requirements of the commission.

27 (3) FACILITIES.--

28 (a) Criminal justice training program educational
29 facilities, educational plants, and related equipment as
30 defined in s. 1013.01(6) and (7) which are owned by the state
31 and paid for with only state funds shall be transferred to the

1 community college, except that, if such an educational
2 facility or educational plant or part of such facility or
3 plant is used for other purposes in addition to public
4 criminal justice training, the Criminal Justice Standards and
5 Training Commission shall mediate the transfer or a suitable
6 multiuse arrangement.

7 (b) Criminal justice training program educational
8 facilities, educational plants, and related equipment as
9 defined in s. 1013.01(6) and (7) which are owned by the school
10 district and paid for in whole or in part with local tax funds
11 shall be leased to the community college. However, if such an
12 educational facility or educational plant, or part of such
13 facility or plant, is used for other purposes in addition to
14 public criminal justice training, the Criminal Justice
15 Standards and Training Commission shall mediate a suitable
16 lease agreement. If a school district and a community college
17 cannot agree on the terms and conditions of the lease
18 agreement, the Criminal Justice Standards and Training
19 Commission shall finalize the agreement and report its
20 decision to the Legislature. The Department of Education,
21 Office of Educational Facilities, shall conduct an analysis,
22 by December 31, 1999, to determine the amount of local tax
23 contribution used in the construction of a
24 school-district-owned criminal justice training program,
25 educational facility, or educational plant affected by the
26 transfer. This analysis shall be used to establish a purchase
27 price for the facility or plant. The community college board
28 of trustees may make a legislative budget request through the
29 State Board of Education to purchase the facility or plant, or
30 it may continue to lease the facility or plant.
31

1 (4) PROGRAM REQUIREMENTS.--Each pilot training center
2 will be regional in nature, as defined by the Criminal Justice
3 Standards and Training Commission. Each community college with
4 responsibility for a public criminal justice training program
5 must:

6 (a) Establish a pilot training center advisory
7 committee made up of professionals from the field of each
8 training program included in the pilot project.

9 (b) Provide certificate and noncredit options for
10 students and training components of the pilot training center
11 that so require.

12 (c) Develop an articulation agreement with state
13 universities to facilitate the transfer of graduates of a
14 community college degree training program to the upper
15 division of a state university with a corresponding program.

16 (5) STAFFING.--The community college board of trustees
17 may provide for school district public criminal justice
18 training staff employed in full-time budgeted positions to be
19 transferred into the community college personnel system at the
20 same rate of salary. Retirement and leave provisions will be
21 transferred according to law.

22 (6) FUNDING.--The Department of Education shall shift
23 funds generated by students in the pilot training centers
24 established by this section, including workforce development
25 recurring and nonrecurring funds, from the appropriate school
26 district to the respective community college. The community
27 college shall qualify for future facilities funding upon
28 transfer of the facility.

29 (a) Consistent with s. 1011.62(7), school districts
30 that transfer programs will receive an amount equal to 15
31

1 percent of the funding generated for the program under the
2 FEFP in 1996-1997.

3 (b) Reflecting the lower program costs in community
4 colleges, notwithstanding the funding generated in paragraph
5 (a), community colleges will receive 90 percent of the funding
6 generated for the program under the FEFP in 1996-1997. The
7 school district will retain the remaining 10 percent.

8 (c) Notwithstanding ss. 1011.80(5)(a) and
9 1009.22(3)(a), or any other provision of law to the contrary,
10 fees for continuing workforce education for public law
11 enforcement officers at these pilot centers shall not exceed
12 25 percent of the cost of the course, and state funding shall
13 not under any circumstances exceed 50 percent of the cost of
14 the course.

15 Section 229. Section 1004.76, Florida Statutes, is
16 created to read:

17 1004.76 Florida Martin Luther King, Jr., Institute for
18 Nonviolence.--

19 (1) As used in this section:

20 (a) "Board" means the advisory board of the institute.

21 (b) "Institute" means the Florida Martin Luther King,
22 Jr., Institute for Nonviolence.

23 (2) There is hereby created the Florida Martin Luther
24 King, Jr., Institute for Nonviolence to be established at
25 Miami-Dade Community College. The institute shall have an
26 advisory board consisting of 13 members as follows: the
27 Attorney General, the Commissioner of Education, and 11
28 members to be appointed by the Governor, such members to
29 represent the population of the state based on its ethnic,
30 gender, and socioeconomic diversity. Of the members appointed
31 by the Governor, one shall be a member of the Senate appointed

1 by the Governor on the recommendation of the President of the
2 Senate; one shall be a member of the Senate appointed by the
3 Governor on the recommendation of the minority leader; one
4 shall be a member of the House of Representatives appointed by
5 the Governor on the recommendation of the Speaker of the House
6 of Representatives; one shall be a member of the House of
7 Representatives appointed by the Governor on the
8 recommendation of the minority leader; and seven shall be
9 members appointed by the Governor, no more than three of whom
10 shall be members of the same political party. The following
11 groups shall be represented by the seven members: the Florida
12 Sheriffs Association; the Florida Association of Counties; the
13 Florida League of Cities; state universities human services
14 agencies; community relations or human relations councils; and
15 youth. A chairperson shall be elected by the members and
16 shall serve for a term of 3 years. Members of the board shall
17 serve the following terms of office which shall be staggered:
18 (a) A member of the Legislature appointed to the board
19 shall serve for a single term not to exceed 5 years and shall
20 serve as a member only while he or she is a member of the
21 Legislature.
22 (b) Of the seven members who are not members of the
23 Legislature, three shall serve for terms of 4 years, two shall
24 serve for terms of 3 years, and one shall serve for a term of
25 1 year. Thereafter, each member, except for a member
26 appointed to fill an unexpired term, shall serve for a 5-year
27 term. No member shall serve on the board for more than 10
28 years.
29
30 In the event of a vacancy occurring in the office of a member
31 of the board by death, resignation, or otherwise, the Governor

1 shall appoint a successor to serve for the balance of the
2 unexpired term.

3 (3)(a) The board shall provide for the holding of
4 regular and special meetings. A majority of the members shall
5 constitute a quorum for the transaction of any business, and
6 the acts of a majority of the members present at a meeting at
7 which a quorum is present shall be deemed to be the acts of
8 the board.

9 (b) An executive director shall be appointed by the
10 board and shall be the chief administrative and operational
11 officer of the board. The executive director shall direct and
12 supervise administrative affairs and the general management of
13 the board. The executive director may contract with or employ
14 legal and technical experts and such other employees,
15 permanent and temporary, as shall be authorized by the board.

16 (c) Members of the board shall serve without
17 compensation, but shall be reimbursed for per diem and travel
18 expenses in accordance with s. 112.061.

19 (4) The institute shall have the following powers and
20 duties:

21 (a) To conduct training, provide symposia, and develop
22 continuing education and programs to promote skills in
23 nonviolent conflict resolution for persons in government,
24 private enterprise, community groups, and voluntary
25 associations.

26 (b) To enter into formal and informal relationships
27 with other public or private institutions for purposes of
28 fulfilling the goals of the institute and to ensure geographic
29 dispersion of services to all regions of the state.

30 (c) To establish a clearinghouse to provide materials,
31 including publications, handbooks, training manuals, and

1 audiovisual materials, on the programs, studies, research,
2 training, and educational opportunities of the institute.
3 (d) To adopt, amend, and alter bylaws not inconsistent
4 with the laws of the state.
5 (e) To charge and collect subscription and other
6 participation costs and fees for its services, including
7 publications and courses of study.
8 (f) To receive and accept from any federal, state, or
9 local agency grants, or advances for, or in aid of, the
10 purposes of this act and to receive and accept contributions
11 from any source of either money, property, labor, or other
12 things of value, to be held, used, and applied for said
13 purposes.
14 (g) To do any and all lawful acts and things necessary
15 or desirable to carry out the objectives and purposes of this
16 act.
17 (5) The institute may establish fellowships through
18 the awarding of financial assistance to individuals and
19 organizations to enable them to pursue scholarly inquiry and
20 study other appropriate forms of strategies for peace and
21 nonviolent conflict resolution.
22 Section 230. Section 1004.77, Florida Statutes, is
23 created to read:
24 1004.77 Centers of technology innovation.--
25 (1) The State Board of Education may designate centers
26 of technology innovation at single community colleges,
27 consortia of community colleges, or consortia of community
28 colleges with other educational institutions. The state board
29 shall adopt rules necessary to implement the provisions of
30 this section. The state board shall cooperate with the
31

1 Workforce Florida, Inc., in the designation of the centers as
2 it relates to the centers of applied technology.
3 (2) Centers shall be designated when a community
4 college or consortia provides evidence that it has developed
5 expertise in one or more specialized technologies. To be
6 designated, the community college or consortia must provide
7 benefits to the state, which may include, but are not limited
8 to:
9 (a) Curriculum development.
10 (b) Faculty development.
11 (c) Research, testing, and technology transfer.
12 (d) Instructional equipment and materials
13 identification and development.
14 (e) Partnerships with industries dependent upon
15 staying current in the related technologies and in the
16 development of workforce capabilities.
17 (f) Partnerships with industries needing to convert
18 their existing technology base to other technologies in order
19 to continue conducting business in Florida, including
20 converting defense-related technologies to other technologies.
21 (3) Centers may provide services to their service area
22 and receive funding through:
23 (a) Serving as a technology transfer center, as
24 created in s. 1004.78.
25 (b) Serving as an incubator facility for small
26 business concerns, as created in s. 1004.79.
27 (c) Serving as an economic development center, as
28 created in s. 1004.80.
29 (4) Centers may provide instruction, as follows:
30 (a) To students enrolled in the community college,
31 especially for purposes of providing training for technicians

1 in areas that support the employers involved in the technology
2 specialization.

3 (b) To students enrolled at the undergraduate and
4 graduate level in a university, college, or community college
5 which is a member of the designated consortia. Such enrollment
6 shall be funded by the enrolling institution.

7 (c) To employees in the service area needing training
8 and retraining in the technology of specialization, which may
9 include, but is not limited to, the retraining necessary to
10 convert defense-related technologies to other technologies.

11 (d) To secondary school students and teachers where
12 such instruction will stimulate interest in further education.

13 (5) The State Board of Education shall give priority
14 in the designation of centers to those community colleges that
15 specialize in technology in environmental areas and in areas
16 related to target industries of Enterprise Florida. Priority
17 in designation shall also be given to community colleges that
18 develop new and improved manufacturing techniques and related
19 business practices.

20 (6) Centers, including the facilities of the center,
21 may be made available to the public agencies of the state, the
22 counties and cities of the service area, and the employers of
23 the state and service area. Centers may also be used for
24 applied research in the area of specialization.

25 (7) Each center shall have a board of directors with
26 at least five members who shall be appointed by the district
27 board of trustees. The board of directors is responsible for
28 overseeing the operation of the center, approval of the annual
29 budget, and setting policy to guide the director in the
30 operation of the center. The board of directors shall consist
31 of at least the following:

1 (a) The director of the center.

2 (b) The vice president of academic affairs, or the
3 equivalent, of the community college.

4 (c) The vice president of business affairs, or the
5 equivalent, of the community college.

6 (d) Two members designated by the president of the
7 community college.

8 (8) Each center shall establish a schedule of fees or
9 rates to be charged to all who use the facilities of the
10 center. In addition, each center may negotiate user contracts
11 with governmental users, industrial users, researchers, public
12 or private educational institutions, or individuals for use of
13 the facilities. It is the intent of the Legislature that the
14 centers of technology innovation established pursuant to this
15 act shall not seek any additional state funding. Centers may
16 solicit and accept grants and donations, including, but not
17 limited to, federal and state grants to assist companies in
18 converting defense-related technologies to other technologies.

19 (9) The State Board of Education may award grants to
20 designated centers for the purposes of this section. Grants
21 awarded shall be in accordance with rules established by the
22 State Board of Education, which rules shall require an annual
23 report.

24 Section 231. Section 1004.78, Florida Statutes, is
25 created to read:

26 1004.78 Technology transfer centers at community
27 colleges.--

28 (1) Each community college may establish a technology
29 transfer center for the purpose of providing institutional
30 support to local business and industry and governmental
31 agencies in the application of new research in technology.

1 The primary responsibilities of such centers may include:
2 identifying technology research developed by universities,
3 research institutions, businesses, industries, the United
4 States Armed Forces, and other state or federal governmental
5 agencies; determining and demonstrating the application of
6 technologies; training workers to integrate advanced equipment
7 and production processes; and determining for business and
8 industry the feasibility and efficiency of accommodating
9 advanced technologies.

10 (2) The community college board of trustees shall set
11 such policies to regulate the activities of the technology
12 transfer center as it may consider necessary to effectuate the
13 purposes of this section and to administer the programs of the
14 center in a manner which assures efficiency and effectiveness,
15 producing the maximum benefit for the educational programs and
16 maximum service to the state. To this end, materials that
17 relate to methods of manufacture or production, potential
18 trade secrets, potentially patentable material, actual trade
19 secrets, business transactions, or proprietary information
20 received, generated, ascertained, or discovered during the
21 course of activities conducted within the community colleges
22 shall be confidential and exempt from the provisions of s.
23 119.07(1), except that a community college shall make
24 available upon request the title and description of a project,
25 the name of the investigator, and the amount and source of
26 funding provided for such project.

27 (3) A technology transfer center created under the
28 provisions of this section shall be under the supervision of
29 the board of trustees of that community college, which is
30 authorized to appoint a director; to employ full-time and
31 part-time staff, research personnel, and professional

1 services; to employ on a part-time basis personnel of the
2 community college; and to employ temporary employees whose
3 salaries are paid entirely from the permanent technology
4 transfer fund or from that fund in combination with other
5 nonstate sources, with such positions being exempt from the
6 requirements of the Florida Statutes relating to salaries,
7 except that no such appointment shall be made for a total
8 period of longer than 1 year.

9 (4) The board of trustees of the community college in
10 which a technology transfer center is created, or its
11 designee, may negotiate, enter into, and execute contracts;
12 solicit and accept grants and donations; and fix and collect
13 fees, other payments, and donations that may accrue by reason
14 thereof for technology transfer activities. The board of
15 trustees or its designee may negotiate, enter into, and
16 execute contracts on a cost-reimbursement basis and may
17 provide temporary financing of such costs prior to
18 reimbursement from moneys on deposit in the technology
19 transfer fund, except as may be prohibited elsewhere by law.

20 (5) A technology transfer center shall be financed
21 from the Academic Improvement Program or from moneys of a
22 community college which are on deposit or received for use in
23 the activities conducted in the center. Such moneys shall be
24 deposited by the community college in a permanent technology
25 transfer fund in a depository or depositories approved for the
26 deposit of state funds and shall be accounted for and
27 disbursed subject to audit by the Auditor General.

28 (6) The fund balance in any existing research trust
29 fund of a community college at the time a technology transfer
30 center is created shall be transferred to a permanent
31 technology transfer fund established for the community

1 college, and thereafter the fund balance of the technology
2 transfer fund at the end of any fiscal period may be used
3 during any succeeding period pursuant to this section.

4 (7) Moneys deposited in the permanent technology
5 transfer fund of a community college shall be disbursed in
6 accordance with the terms of the contract, grant, or donation
7 under which they are received. Moneys received for overhead
8 or indirect costs and other moneys not required for the
9 payment of direct costs shall be applied to the cost of
10 operating the technology transfer center.

11 (8) All purchases of a technology transfer center
12 shall be made in accordance with the policies and procedures
13 of the community college.

14 (9) The community college board of trustees may
15 authorize the construction, alteration, or remodeling of
16 buildings when the funds used are derived entirely from the
17 technology transfer fund of a community college or from that
18 fund in combination with other nonstate sources, provided that
19 such construction, alteration, or remodeling is for use
20 exclusively by the center. It also may authorize the
21 acquisition of real property when the cost is entirely from
22 said funds. Title to all real property shall vest in the
23 board of trustees.

24 (10) The State Board of Education may award grants to
25 community colleges, or consortia of public and private
26 colleges and universities and other public and private
27 entities, for the purpose of supporting the objectives of this
28 section. Grants awarded pursuant to this subsection shall be
29 in accordance with rules of the State Board of Education.
30 Such rules shall include the following provisions:

31

1 (a) The number of centers established with state funds
2 provided expressly for the purpose of technology transfer
3 shall be limited, but shall be geographically located to
4 maximize public access to center resources and services.

5 (b) Grants to centers funded with state revenues
6 appropriated specifically for technology transfer activities
7 shall be reviewed and approved by the State Board of Education
8 using proposal solicitation, evaluation, and selection
9 procedures established by the state board in consultation with
10 Enterprise Florida, Inc. Such procedures may include
11 designation of specific areas or applications of technology as
12 priorities for the receipt of funding.

13 (c) Priority for the receipt of state funds
14 appropriated specifically for the purpose of technology
15 transfer shall be given to grant proposals developed jointly
16 by community colleges and public and private colleges and
17 universities.

18 (11) Each technology transfer center established under
19 the provisions of this section shall establish a technology
20 transfer center advisory committee. Each committee shall
21 include representatives of a university or universities
22 conducting research in the area of specialty of the center.
23 Other members shall be determined by the community college
24 board of trustees.

25 Section 232. Section 1004.79, Florida Statutes, is
26 created to read:

27 1004.79 Incubator facilities for small business
28 concerns.--

29 (1) Each community college established pursuant to s.
30 1004.02(2) may provide incubator facilities to eligible small
31 business concerns. As used in this section, "small business

1 concern" shall be defined as an independently owned and
2 operated business concern incorporated in Florida which is not
3 an affiliate or a subsidiary of a business dominant in its
4 field of operation, and which employs 25 or fewer full-time
5 employees. "Incubator facility" shall be defined as a facility
6 in which small business concerns share common space,
7 equipment, and support personnel and through which such
8 concerns have access to professional consultants for advice
9 related to the technical and business aspects of conducting a
10 commercial enterprise. The community college board of trustees
11 shall authorize concerns for inclusion in the incubator
12 facility.

13 (2) Each community college that provides an incubator
14 facility shall provide the following:

15 (a) Management and maintenance of the incubator
16 facility.

17 (b) Secretarial and other support personnel,
18 equipment, and utilities.

19 (c) Mechanisms to assist with the acquisition of
20 technical, management, and entrepreneurial expertise to
21 resident and other local small business concerns.

22 (3) The incubator facility and any improvements to the
23 facility shall be owned or leased by the community college.
24 The community college may charge residents of the facility all
25 or part of the cost for facilities, utilities, and support
26 personnel and equipment. No small business concern shall
27 reside in the incubator facility for more than 5 calendar
28 years. The state shall not be liable for any act or failure
29 to act of any small business concern residing in an incubator
30 facility pursuant to this section or of any such concern
31 benefiting from the incubator facilities program.

1 (4) Community colleges are encouraged to establish
2 incubator facilities through which emerging small businesses
3 supportive of spaceport endeavors and other high-technology
4 enterprises may be served.

5 (5) Community colleges are encouraged to establish
6 incubator facilities through which emerging small businesses
7 supportive of development of content and technology for
8 digital broadband media and digital broadcasting may be
9 served.

10 Section 233. Section 1004.80, Florida Statutes, is
11 created to read:

12 1004.80 Economic development centers.--

13 (1) Community colleges may establish economic
14 development centers for the purpose of serving as liaisons
15 between community colleges and the business sector. The
16 responsibilities of each center shall include:

17 (a) Promoting the economic well-being of businesses
18 and industries.

19 (b) Coordinating, with chambers of commerce,
20 government agencies, district school boards, and other
21 organizations, efforts to provide educational programs which
22 promote economic development, including, but not limited to,
23 business incubators, industrial development and research
24 parks, industry recruitment efforts, publication of business
25 research and resource guides, and sponsorship of workshops,
26 conferences, seminars, and consultation services.

27 (2) The board of trustees of a community college in
28 which an economic development center is created, or its
29 designee, may negotiate, enter into, and execute contracts;
30 solicit and accept grants and donations; and fix and collect

31

1 fees, other payments, and donations that may accrue by reason
2 of activities of the center and its staff.

3 (3) Economic development centers shall operate under
4 policies and procedures established by the community college
5 board of trustees.

6 (4) The State Board of Education may award grants to
7 economic development centers for the purposes of this section.
8 Grants awarded pursuant to this subsection shall be in
9 accordance with rules established by the State Board of
10 Education.

11 Section 234. Section 1004.81, Florida Statutes, is
12 created to read:

13 1004.81 Establishment of child development training
14 centers at community colleges.--

15 (1) The Legislature recognizes the importance of
16 preschool developmental education and the need for adult
17 students with limited economic resources to have access to
18 high-quality, affordable child care at variable hours for
19 their children. It is therefore the intent of the Legislature
20 that community colleges provide high-quality, affordable child
21 care to the children of adult students enrolled in community
22 colleges. The primary purpose of these child development
23 training centers is to provide affordable child care for
24 children of adult students, particularly those who demonstrate
25 financial need, as well as for employees and staff of the
26 institution. Further, the child development training centers
27 are intended to provide both preschool instruction to the
28 children and clinical experiences for prospective child care
29 and early childhood instructional and administrative
30 personnel. A secondary mission of the centers shall be to

31

1 provide instruction in parenting skills for the clients of the
2 center as well as for the community.

3 (2) In consultation with the student government
4 association or a recognized student group representing the
5 student body, a community college board of trustees may
6 establish a child development training center in accordance
7 with this section. Each child development training center
8 shall be a child care center established to provide child care
9 during the day and at variable hours, including evenings and
10 weekends, for the children of students. Emphasis should be
11 placed on serving students who demonstrate financial need as
12 defined by the board of trustees. At least 50 percent of the
13 child care slots must be made available to students, and
14 financially needy students, as defined by the board of
15 trustees, shall receive child care slots first. The center may
16 serve the children of staff, employees, and faculty; however,
17 a designated number of child care slots shall not be allocated
18 for employees. Whenever possible, the center shall be located
19 on the campus of the community college. However, the board may
20 elect to provide child care services for students through
21 alternative mechanisms, which may include contracting with
22 private providers.

23 (3) There shall be a board of directors of each child
24 development training center, consisting of the president or
25 his or her designee, the student government president or his
26 or her designee, the chair of the department participating in
27 the center or his or her designee, and one parent for each 25
28 children enrolled in the center, elected by the parents of the
29 children enrolled in the center. There shall be a director of
30 each center, selected by the board of directors of the center.
31 The director shall be an ex officio, nonvoting member of the

1 board. The board of trustees shall establish local policies
2 and perform local oversight and operational guidance for the
3 center.

4 (4) Each center may charge fees for the care and
5 services it provides. Each board of trustees shall establish
6 mechanisms to facilitate access to center services for
7 students with financial need, which shall include a sliding
8 fee scale and other methods adopted by the board of trustees
9 to reduce or defray payment of fees for students. The board of
10 trustees is authorized to seek and receive grants and other
11 resources to support the operation of the child development
12 center.

13 (5) In addition to revenues derived from child care
14 fees charged to parents and other external resources, each
15 child development training center may be funded by a portion
16 of funds from the student activity and service fee authorized
17 by s. 1009.23(7) and the capital improvement fee authorized by
18 s. 1009.23(11). Community colleges are authorized to transfer
19 funds as necessary from the community college's general fund
20 to support the operation of the child development training
21 center.

22 (6) This section does not preclude the continuation of
23 or in any way affect child care centers operated by community
24 colleges that were established by the district board of
25 trustees prior to July 1, 1994.

26 Section 235. Part IV of chapter 1004, Florida
27 Statutes, shall be entitled "Workforce Development Education"
28 and shall consist of ss. 1004.91-1004.98.

29 Section 236. Section 1004.91, Florida Statutes, is
30 created to read:

31 1004.91 Vocational-preparatory instruction.--

1 (1) The State Board of Education shall adopt, by rule,
2 standards of basic skill mastery for certificate technical
3 education programs. Each school district and community college
4 that conducts programs that confer technical credit shall
5 provide vocational-preparatory instruction through which
6 students receive the basic skills instruction required
7 pursuant to this section.

8 (2) Students who enroll in a program offered for
9 technical credit of 450 hours or more shall complete an
10 entry-level examination within the first 6 weeks of admission
11 into the program. The State Board of Education shall
12 designate examinations that are currently in existence, the
13 results of which are comparable across institutions, to assess
14 student mastery of basic skills. Any student found to lack the
15 required level of basic skills for such program shall be
16 referred to vocational-preparatory instruction or adult basic
17 education for a structured program of basic skills
18 instruction. Such instruction may include English for speakers
19 of other languages. A student may not receive a technical
20 certificate of completion without first demonstrating the
21 basic skills required in the state curriculum frameworks for
22 the program.

23 (3) An adult student with a disability may be exempted
24 from the provisions of this section. A student who possesses a
25 college degree at the associate in applied science level or
26 higher is exempt from this section. A student who has
27 completed or who is exempt from the college-level
28 communication and computation skills examination pursuant to
29 s. 1008.29, or who is exempt from the college entry-level
30 examination pursuant to s. 1008.29 is exempt from the
31 provisions of this section. Students who have passed a state,

1 national or industry licensure exam are exempt from this
2 section.

3 Section 237. Section 1004.92, Florida Statutes, is
4 created to read:

5 1004.92 Purpose and responsibilities for career and
6 technical education.--

7 (1) The purpose of career and technical education is
8 to enable students who complete career and technical programs
9 to attain and sustain employment and realize economic
10 self-sufficiency. The purpose of this section is to identify
11 issues related to career and technical education for which
12 school boards and community college boards of trustees are
13 accountable. It is the intent of the Legislature that the
14 standards articulated in subsection (2) be considered in the
15 development of accountability standards for public schools
16 pursuant to ss. 1000.03, 1008.345, and 1001.42(16) and for
17 community colleges pursuant to s. 1008.45.

18 (2) School board, superintendent, and technical
19 center, and community college board of trustees and president,
20 accountability for career and technical education programs
21 includes, but is not limited to:

22 1. Student demonstration of the academic skills
23 necessary to enter an occupation.

24 2. Student preparation to enter an occupation in an
25 entry-level position or continue postsecondary study.

26 3. Career and technical program articulation with
27 other corresponding postsecondary programs and job training
28 experiences.

29 4. Employer satisfaction with the performance of
30 students who complete career and technical education or reach
31 occupational completion points.

1 5. Student completion, placement, and retention rates
2 pursuant to s. 1008.43.
3 (c) Department of Education accountability for career
4 and technical education includes, but is not limited to:
5 1. The provision of timely, accurate technical
6 assistance to school districts and community colleges.
7 2. The provision of timely, accurate information to
8 the State Board of Education, the Legislature, and the public.
9 3. The development of policies, rules, and procedures
10 that facilitate institutional attainment of the accountability
11 standards and coordinate the efforts of all divisions within
12 the department.
13 4. The development of program standards and
14 industry-driven benchmarks for career and technical, adult,
15 and community education programs, which must be updated every
16 3 years. The standards must include technical, academic, and
17 workplace skills; viability of distance learning for
18 instruction; and work/learn cycles that are responsive to
19 business and industry.
20 5. Overseeing school district and community college
21 compliance with the provisions of this chapter.
22 6. Ensuring that the educational outcomes for the
23 technical component of career and technical programs and are
24 uniform and designed to provide a graduate who is capable of
25 entering the workforce on an equally competitive basis
26 regardless of the institution of choice.
27 (3) Each technical center operated by a district
28 school board shall establish a center advisory council
29 pursuant to s. 1001.452. The center advisory council shall
30 assist in the preparation and evaluation of center improvement
31 plans required pursuant to s. 1001.42(16) and may provide

1 assistance, upon the request of the center director, in the
2 preparation of the center's annual budget and plan as required
3 by s. 1008.385(1).

4 Section 238. Section 1004.93, Florida Statutes, is
5 created to read:

6 1004.93 Adult general education.--

7 (1)(a) The intent of this section is to encourage the
8 provision of educational services that will enable adults to
9 acquire:

10 1. The basic skills necessary to attain basic and
11 functional literacy.

12 2. A high school diploma or successfully complete the
13 general educational development test.

14 3. An educational foundation that will enable them to
15 become more employable, productive, and self-sufficient
16 citizens.

17 (b) It is further intended that educational
18 opportunities be available for adults who have earned a
19 diploma or high school equivalency diploma but who lack the
20 basic skills necessary to function effectively in everyday
21 situations, to enter the job market, or to enter technical
22 certificate instruction.

23 (2) The adult education program must provide academic
24 services to students in the following priority:

25 (a) Students who demonstrate skills at less than a
26 fifth grade level, as measured by tests approved for this
27 purpose by the State Board of Education, and who are studying
28 to achieve basic literacy.

29 (b) Students who demonstrate skills at the fifth grade
30 level or higher, but below the ninth grade level, as measured
31 by tests approved for this purpose by the State Board of

1 Education, and who are studying to achieve functional
2 literacy.
3 (c) Students who are earning credit required for a
4 high school diploma or who are preparing for the general
5 educational development test.
6 (d) Students who have earned high school diplomas and
7 require specific improvement in order to:
8 1. Obtain or maintain employment or benefit from
9 certificate technical education programs;
10 2. Pursue a postsecondary degree; or
11 3. Develop competence in the English language to
12 qualify for employment.
13 (e) Students who enroll in lifelong learning courses
14 or activities that seek to address community social and
15 economic issues that consist of health and human relations,
16 government, parenting, consumer economics, and senior
17 citizens.
18 (f) Students who enroll in courses that relate to the
19 recreational or leisure pursuits of the students. The cost of
20 courses conducted pursuant to this paragraph shall be borne by
21 the enrollees.
22 (3)(a) Each district school board or community college
23 board of trustees shall negotiate with the regional workforce
24 board for basic and functional literacy skills assessments for
25 participants in the welfare transition employment and training
26 programs. Such assessments shall be conducted at a site
27 mutually acceptable to the district school board or community
28 college board of trustees and the regional workforce board.
29 (b) State employees who are employed in local or
30 regional offices of state agencies shall inform clients of the
31 availability of adult basic and secondary programs in the

1 region. The identities of clients who do not possess high
2 school diplomas or who demonstrate skills below the level of
3 functional literacy shall be conveyed, with their consent, to
4 the local school district or community college, or both.

5 (c) To the extent funds are available, the Department
6 of Children and Family Services shall provide for day care and
7 transportation services to clients who enroll in adult basic
8 education programs.

9 (4)(a) Adult general education shall be evaluated and
10 funded as provided in s. 1011.80.

11 (b) Fees adult basic instruction are to be charged in
12 accordance with chapter 1009.

13 (c) The State Board of Education shall define, by
14 rule, the levels and courses of instruction to be funded
15 through the college-preparatory program. The state board shall
16 coordinate the establishment of costs for college-preparatory
17 courses, the establishment of statewide standards that define
18 required levels of competence, acceptable rates of student
19 progress, and the maximum amount of time to be allowed for
20 completion of college-preparatory instruction.

21 College-preparatory instruction is part of an associate in
22 arts degree program and may not be funded as an adult and
23 technical education program.

24 (d) Expenditures for college-preparatory and lifelong
25 learning students shall be reported separately. Allocations
26 for college-preparatory courses shall be based on proportional
27 full-time equivalent enrollment. Program review results shall
28 be included in the determination of subsequent allocations. A
29 student shall be funded to enroll in the same
30 college-preparatory class within a skill area only twice,
31 after which time the student shall pay 100 percent of the full

1 cost of instruction to support the continuous enrollment of
2 that student in the same class; however, students who withdraw
3 or fail a class due to extenuating circumstances may be
4 granted an exception only once for each class, provided
5 approval is granted according to policy established by the
6 board of trustees. Each community college shall have the
7 authority to review and reduce payment for increased fees due
8 to continued enrollment in a college-preparatory class on an
9 individual basis contingent upon the student's financial
10 hardship, pursuant to definitions and fee levels established
11 by the State Board of Education. College-preparatory and
12 lifelong learning courses do not generate credit toward an
13 associate or baccalaureate degree.

14 (e) A district school board or a community college
15 board of trustees may negotiate a contract with the regional
16 workforce board for specialized services for participants in
17 the welfare transition program, beyond what is routinely
18 provided for the general public, to be funded by the regional
19 workforce board.

20 (5) If students who have been determined to be adults
21 with disabilities are enrolled in workforce development
22 programs, the funding formula must provide additional
23 incentives for their achievement of performance outputs and
24 outcomes.

25 (6) The commissioner shall recommend the level of
26 funding for public school and community college adult
27 education within the legislative budget request and make other
28 recommendations and reports considered necessary or required
29 by rules of the State Board of Education.

30 (7) Buildings, land, equipment, and other property
31 owned by a district school board or community college board of

1 trustees may be used for the conduct of the adult education
2 program. Buildings, land, equipment, and other property owned
3 or leased by cooperating public or private agencies,
4 organizations, or institutions may also be used for the
5 purposes of this section.

6 (8) The State Board of Education may adopt rules
7 necessary for the implementation of this section.

8 Section 239. Section 1004.94, Florida Statutes, is
9 created to read:

10 1004.94 Adult literacy.--

11 (1)(a) An adult, individualized literacy instruction
12 program is created for adults who possess literacy skills
13 below the ninth grade level. The purpose of the program is to
14 provide self-paced, competency-based, individualized tutorial
15 instruction. The commissioner shall administer this section in
16 coordination with community college boards of trustees, local
17 school boards, and the Division of Library and Information
18 Services of the Department of State.

19 (b) Local adult, individualized literacy instruction
20 programs may be coordinated with local public library systems
21 and with public or private nonprofit agencies, organizations,
22 or institutions. A local public library system and a public
23 or private nonprofit agency, organization, or institution may
24 use funds appropriated for the purposes of this section to
25 hire program coordinators. Such coordinators shall offer
26 training activities to volunteer tutors and oversee the
27 operation of local literacy programs. A local public library
28 system and a public or private nonprofit agency, organization,
29 or institution may also purchase student instructional
30 materials and modules that instruct tutors in the teaching of
31 basic and functional literacy and English for speakers of

1 other languages. To the extent funds are appropriated,
2 cooperating local library systems shall purchase, and make
3 available for loan, reading materials of high interest and
4 with a vocabulary appropriate for use by students who possess
5 literacy skills below the ninth grade level and students of
6 English for speakers of other languages.

7 (2)(a) The adult literacy program is intended to
8 increase adult literacy as prescribed in the agency functional
9 plan of the Department of Education. The commissioner shall
10 establish guidelines for the purpose of determining
11 achievement of this goal.

12 (b) Each participating local sponsor shall submit an
13 annual report to the commissioner which must contain
14 information to demonstrate the extent to which there has been
15 progress toward increasing the percentage of adults within the
16 service area who possess literacy skills.

17 (c) Based on the information provided from the local
18 reports, the commissioner shall develop an annual status
19 report on literacy and adult education.

20 (3) Funds appropriated for the purposes of this
21 section shall be allocated as grants for implementing adult
22 literacy programs. Such funds may not be used to supplant
23 funds used for activities that would otherwise be conducted in
24 the absence of literacy funding. A grant awarded pursuant to
25 this section may not exceed \$50,000. Priority for the use of
26 such funds shall be given to paying expenses related to the
27 instruction of volunteer tutors, including materials and the
28 salary of the program coordinator. Local sponsors may also
29 accept funds from private sources for the purposes of this
30 section.

31

- 1 (4)(a) The commissioner shall submit a state adult
2 literacy plan to the State Board of Education to serve as a
3 reference for district school boards and community colleges
4 boards of trustees to increase adult literacy in their service
5 areas as prescribed in the agency functional plan of the
6 Department of Education. The plan must include, at a minimum:
7 1. Policies and objectives for adult literacy
8 programs, including evaluative criteria.
9 2. Strategies for coordinating adult literacy
10 activities with programs and services provided by other state
11 and local nonprofit agencies, as well as strategies for
12 maximizing other funding, resources, and expertise.
13 3. Procedures for identifying, recruiting, and
14 retaining adults who possess literacy skills below the ninth
15 grade level.
16 4. Sources of relevant demographic information and
17 methods of projecting the number of adults who possess
18 literacy skills below the ninth grade level.
19 5. Acceptable methods of demonstrating compliance with
20 the provisions of this section.
21 6. Guidelines for the development and implementation
22 of local adult literacy plans. At a minimum, such guidelines
23 must address:
24 a. The recruitment and preparation of volunteer
25 tutors.
26 b. Interagency and intraagency cooperation and
27 coordination, especially with public libraries and other
28 sponsors of literacy programs.
29 c. Desirable learning environments, including class
30 size.
31 d. Program evaluation standards.

1 e. Methods for identifying, recruiting, and retaining
2 adults in literacy programs.

3 f. Adult literacy through family literacy and
4 workforce literacy programs.

5 (b) Every 3 years, the district school board or
6 community college board of trustees shall develop and maintain
7 a local adult literacy plan.

8 Section 240. Section 1004.95, Florida Statutes, is
9 created to read:

10 1004.95 Adult literacy centers.--

11 (1) The Commissioner of Education shall select
12 community colleges and public school districts to establish
13 and operate adult literacy centers to complement existing
14 public and private instructional adult literacy programs. The
15 centers shall identify, contact, counsel, and refer persons
16 considered to be lacking basic or functional literacy skills
17 or competencies related to prose, document, and quantitative
18 literacy skills to the appropriate private and public
19 agencies, including human service agencies. The centers may
20 not duplicate or supplant the existing services provided by
21 public and private agencies operating within the district.

22 (2) In selecting program participants, the
23 Commissioner of Education shall, at a minimum, consider the
24 extent to which:

25 (a) Cooperative arrangements with other state and
26 local agreements and innovative approaches will be used for
27 carrying out the role of the center;

28 (b) Similar services are provided within the service
29 delivery area;

30 (c) The program objectives may be accomplished within
31 the budget request;

1 (d) Provisions are made for monitoring program
2 performance; and

3 (e) Fiscal controls and fund accounting procedures
4 exist to ensure proper use of, and accounting for, the program
5 funds.

6 (3) The activities and funding of center operations
7 shall be reported in a separate and distinct manner.

8 (4) The State Board of Education shall develop rules
9 for implementing this section, including criteria for
10 evaluating the performance of the centers, and shall submit an
11 evaluation report of the centers to the Legislature on or
12 before February 1 of each year.

13 Section 241. Section 1004.96, Florida Statutes, is
14 created to read:

15 1004.96 Community education.--

16 (1) Pursuant to this section and State Board of
17 Education rule, each school board and the Board of Trustees
18 for the Florida School for the Deaf and Blind may apply to the
19 Department of Education for a community education grant. An
20 applicant shall include in the grant application a description
21 of the community education program and process through which
22 the program is developed.

23 (2) The department shall give priority to applications
24 that include:

25 (a) Centers that serve the most students within
26 available resources.

27 (b) Programs for which funds are matched by the
28 Federal Government or other nonstate sources and which are
29 appropriate within the context of community education.

30 (c) Programs that provide before-school and
31 after-school activities for children.

1 Section 242. Section 1004.97, Florida Statutes, is
2 created to read:

3 1004.97 Florida Literacy Corps.--

4 (1) It is the intent of the Legislature that eligible
5 postsecondary students be offered an opportunity to perform
6 public service by serving as volunteer tutors for adults who
7 do not possess basic or functional literacy skills.

8 (2) There is created a Florida Literacy Corps to be
9 administered by the Department of Education pursuant to this
10 section and rules of the State Board of Education.

11 Participating students earn college credit for tutoring adults
12 who do not possess basic or functional literacy skills
13 pursuant to an agreement between the institution in which the
14 student is enrolled and the district school board, community
15 college board of trustees, public library, or nonprofit
16 organization offering literacy instruction to adults pursuant
17 to s. 1004.94. The district school board, community college
18 board of trustees, public library, or nonprofit organization
19 is solely responsible for providing literacy programs and
20 instructing participating postsecondary students.

21 (3) In order to be eligible to participate in the
22 Florida Literacy Corps, a student must:

23 (a) Be enrolled in an eligible state university or
24 community college at least half time and be in good standing,
25 as defined by the institution.

26 (b) Have completed at least 12 semester hours of
27 college-level coursework that applies toward an associate in
28 arts or baccalaureate degree.

29 (c) Have attained a passing score on one of the
30 postsecondary entry-level examinations approved pursuant to
31 State Board of Education rule, be exempt from the

1 administration of such examination, or have successfully
2 completed any required college-preparatory instruction.
3 (4) In order to be eligible to participate in the
4 Florida Literacy Corps, a state university or community
5 college must:
6 (a) Establish one or more undergraduate or graduate
7 courses, or both, in which participating students may earn a
8 maximum of 3 credit hours per semester, and a maximum of 6
9 credit hours over two or more semesters, by tutoring adults
10 who do not possess basic or functional literacy skills. The
11 institution shall establish such courses in the common course
12 designation and numbering system. The courses must require
13 students to complete instruction for prospective tutors, tutor
14 adults for at least 25 hours per semester for each hour of
15 credit awarded, and satisfy any other requirements imposed by
16 the institution.
17 (b) Submit a proposal to the Department of Education
18 for review and approval. The proposal must include, but is not
19 limited to:
20 1. Identification of the school district, community
21 college, public library, or nonprofit organization with which
22 participating students will be working.
23 2. Demonstration of the need for literacy tutors by
24 the school district, community college, public library, or
25 nonprofit organization.
26 3. Demonstration of commitment by the public school,
27 community college, public library, or nonprofit organization
28 to provide instruction for tutors.
29 4. Description of the literacy program.
30 5. Demonstration of student interest in program
31 participation.

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
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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.

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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.

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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

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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:

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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

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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

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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

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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).

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- 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) Substantiation of the unmet need for graduates of
23 the proposed degree program is substantiated.

24 (c) Evidence that the community college has the
25 facilities and academic resources to cost-effectively deliver
26 the program.

27 (d) Documentation of any efforts to offer the
28 specified baccalaureate program through cooperative
29 arrangements with other institutions.

30 (e) Documentation of any formal agreements with
31 institutions to deliver specified baccalaureate programs.

1
2 The proposal must be submitted to the Council for Education
3 Policy Research and Improvement for review and comment. Upon
4 approval of the State Board of Education for the specific
5 degree program or programs, the community college shall pursue
6 regional accreditation by the Commission on Colleges of the
7 Southern Association of Colleges and Schools. Any additional
8 baccalaureate degree programs the community college wishes to
9 offer must be approved by the State Board of Education.

10 (4) A community college may not terminate its
11 associate in arts or associate in science degree programs as a
12 result of the authorization provided in subsection (3). The
13 Legislature intends that the primary mission of a community
14 college, including a community college that offers
15 baccalaureate degree programs, continues to be the provision
16 of associate degrees that provide access to a university.

17 Section 365. Section 1007.34, Florida Statutes, is
18 created to read:

19 1007.34 College reach-out program.--

20 (1) There is established a college reach-out program
21 to increase the number of low-income educationally
22 disadvantaged students in grades 6-12 who, upon high school
23 graduation, are admitted to and successfully complete
24 postsecondary education. Participants should be students who
25 otherwise would be unlikely to seek admission to a community
26 college, state university, or independent postsecondary
27 institution without special support and recruitment efforts.
28 The State Board of Education shall adopt rules that provide
29 for the following:

30 (a) Definition of "low-income educationally
31 disadvantaged student."

1 (b) Specific criteria and guidelines for selection of
2 college reach-out participants.

3 (2) In developing the definition for "low-income
4 educationally disadvantaged student," the State Board of
5 Education shall include such factors as: the family's taxable
6 income; family receipt of temporary cash assistance in the
7 preceding year; family receipt of public assistance in the
8 preceding year; the student's cumulative grade point average;
9 the student's promotion and attendance patterns; the student's
10 performance on state standardized tests; the student's
11 enrollment in mathematics and science courses; and the
12 student's participation in a dropout prevention program.

13 (3) To participate in the college reach-out program, a
14 postsecondary educational institution may submit a proposal to
15 the Department of Education. The State Board of Education
16 shall consider the proposals and determine which proposals to
17 implement as programs that will strengthen the educational
18 motivation and preparation of low-income educationally
19 disadvantaged students.

20 (4) Postsecondary educational institutions that
21 participate in the program must provide procedures for
22 continuous contact with students from the point at which they
23 are selected for participation until they enroll in a
24 postsecondary educational institution. These procedures must
25 assist students in selecting courses required for graduation
26 from high school and admission to a postsecondary educational
27 institution and ensure that students continue to participate
28 in program activities. Institutions that participate must
29 provide on-campus academic and advisory activities during
30 summer vacation and provide opportunities for interacting with
31 college and university students as mentors, tutors, or role

1 models. Proposals submitted by universities and consortia
2 involving universities must provide students with an
3 opportunity to live on campus.
4 (5) In selecting proposals for approval, the State
5 Board of Education shall give preference to:
6 (a) Proposals submitted jointly by two or more
7 eligible postsecondary educational institutions.
8 (b) A program that will use institutional, federal, or
9 private resources to supplement state appropriations.
10 (c) An applicant that has demonstrated success in
11 conducting similar programs.
12 (d) A program that includes innovative approaches,
13 provides a great variety of activities, and includes a large
14 percentage of low-income educationally disadvantaged minority
15 students in the college reach-out program.
16 (e) An applicant that demonstrates commitment to the
17 program by proposing to match the grant funds at least
18 one-to-one in cash or services, with cash being the preferred
19 match.
20 (f) An applicant that demonstrates an interest in
21 cultural diversity and that addresses the unmet regional needs
22 of varying communities.
23 (6) A participating postsecondary educational
24 institution is encouraged to use its resources to meet program
25 objectives. A participating postsecondary educational
26 institution must establish an advisory committee composed of
27 high school and middle school personnel, as well as community
28 leaders, to provide advice and assistance in implementing its
29 program.
30 (7) A proposal must contain the following information:
31

1 (a) A statement of purpose that includes a description
2 of the need for, and the results expected from, the proposed
3 program.

4 (b) An identification of the service area that names
5 the schools to be served, provides community and school
6 demographics, and sets forth the postsecondary enrollment
7 rates of high school graduates within the area.

8 (c) An identification of existing programs for
9 enhancing the academic performance of minority and low-income
10 educationally disadvantaged students for enrollment in
11 postsecondary education.

12 (d) A description of the proposed program that
13 describes criteria to be used to identify schools for
14 participation in the program. At least 60 percent of the
15 students recruited in any one year must be in grades 6-9.

16 (e) A description of the program activities that must
17 support the following goals:

18 1. Motivate students to pursue a postsecondary
19 education.

20 2. Enhance students' basic learning skills and
21 performance.

22 3. Strengthen students' and parents' understanding of
23 the benefits of postsecondary education.

24 4. Foster academic, personal, and career development
25 through supplemental instruction.

26 (f) An evaluation component that provides for the
27 collection, maintenance, retrieval, and analysis of the data
28 required by this paragraph. The data must be used to assess
29 the extent to which programs have accomplished specific
30 objectives and achieved the goals of the college reach-out
31 program. The Department of Education shall develop

1 specifications and procedures for the collection and
2 transmission of the data. The annual project evaluation
3 component must contain:
4 1. The student identification number and social
5 security number, if available; the name of the public school
6 attended; gender; ethnicity; grade level; and grade point
7 average of each participant at the time of entry into the
8 program.
9 2. The grade point average, grade, and promotion
10 status of each of the participants in the program at the end
11 of the academic year and any suspension or expulsion of a
12 participant, if applicable.
13 3. The number and percentage of high school
14 participants who satisfactorily complete 2 sequential years of
15 a foreign language and Level 2 and 3 mathematics and science
16 courses.
17 4. The number and percentage of participants eligible
18 for high school graduation who receive a standard high school
19 diploma or a high school equivalency diploma, pursuant to s.
20 229.814.
21 5. The number and percentage of 12th grade
22 participants who are accepted for enrollment and who enroll in
23 a postsecondary educational institution.
24 6. The number of participants who receive
25 scholarships, grant aid, and work-study awards.
26 7. The number and percentage of participants who
27 enroll in a public postsecondary educational institution and
28 who fail to achieve a passing score, as defined in State Board
29 of Education rule, on college placement tests pursuant to s.
30 1008.30.
31

1 8. The number and percentage of participants who
2 enroll in a postsecondary educational institution and have a
3 minimum cumulative 2.0 grade point average on a 4.0 scale by
4 the end of the second semester.

5 9. The number of disabled students participating in
6 the project and the nature of their disabilities.

7 (8) Proposals must be funded competitively in
8 accordance with the following methodology:

9 (a) The funds appropriated must be distributed to
10 projects on the basis of minimum standards that include:

11 1. A summer residency program of at least 1 week in
12 duration.

13 2. A minimum number of hours of academic instructional
14 and developmental activities, career counseling, and personal
15 counseling.

16 (b) Subject to legislative appropriations,
17 continuation projects that satisfy the minimum requirements
18 should have their funds increased each year by the same
19 percentage as the rate of inflation. Projects funded for 3
20 consecutive years should have a cumulative institutional cash
21 match of not less than 50 percent of the total cost of the
22 project over the 3-year period. Any college reach-out program
23 project operating for 3 years which does not provide the
24 minimum 50-percent institutional cash match must not be
25 considered for continued funding.

26 (9) The Commissioner of Education shall appoint an
27 advisory council to review the proposals and recommend to the
28 State Board of Education an order of priority for funding the
29 proposals.

30 (10) On or before February 15 of each year, each
31 participating institution shall submit to the Department of

1 Education an interim report containing program expenditures
2 and participant information as required in State Board of
3 Education rules.
4 (11) On or before November 1 of each year,
5 postsecondary educational institutions participating in the
6 program shall submit to the Department of Education an
7 end-of-the-year report on the effectiveness of their
8 participation in the program. The end-of-the-year report must
9 include, without limitation:
10 (a) A copy of the certificate-of-expenditures form
11 showing expenditures by category, state grant funds, and
12 institutional matching in cash and in-kind services.
13 (b) A listing of students participating in the program
14 by grade level, gender, and race.
15 (c) A statement of how the program addresses the four
16 program goals identified in paragraph (7)(e).
17 (d) A brief description and analysis of program
18 characteristics and activities critical to program success.
19 (e) A description of the cooperation received from
20 other units or organizations.
21 (f) An explanation of the program's outcomes,
22 including data related to student performance on the measures
23 provided for in paragraph (7)(f).
24 (12) By February 15 of each year, the Department of
25 Education shall submit to the President of the Senate, the
26 Speaker of the House of Representatives, the Commissioner of
27 Education, and the Governor a report that evaluates the
28 effectiveness of the college reach-out program. To the extent
29 feasible, the performance of college reach-out program
30 participants must be compared to the performance of comparable
31

1 cohorts of students in public school and postsecondary
2 education.

3 (13) Funding for the college reach-out program shall
4 be provided in the General Appropriations Act.

5 Section 366. Chapter 1008, Florida Statutes, shall be
6 entitled "Assessment and Accountability" and shall consist of
7 ss. 1008.01-1008.51.

8 Section 367. Part I of chapter 1008, Florida Statutes,
9 shall be entitled "Assessment, K-20" and shall consist of ss.
10 1008.21-1008.30.

11 Section 368. Effective upon this act becoming a law,
12 section 1008.21, Florida Statutes, is created to read:

13 1008.21 School readiness uniform screening
14 (kindergarten).--

15 (1) The Department of Education shall implement the
16 school readiness uniform screening developed by the Florida
17 Partnership for School Readiness, and shall require that all
18 school districts administer the kindergarten uniform screening
19 to each kindergarten student in the district school system
20 upon the student's entry into kindergarten.

21 (2)(a) The Department of Education shall implement the
22 school readiness uniform screening to validate the system
23 recommended by the Florida Partnership for School Readiness as
24 part of a comprehensive evaluation design. Beginning with the
25 2002-2003 school year, the department shall require that all
26 school districts administer the school readiness uniform
27 screening to each kindergarten student in the district school
28 system upon the student's entry into kindergarten. Children
29 who enter public school for the first time in first grade must
30 be administered the school readiness uniform screening adopted
31 for use in first grade. The department shall incorporate

1 school readiness data into the K-20 data warehouse for
2 longitudinal tracking.
3 **(b)** The uniform screening shall provide objective data
4 regarding the following expectations for school readiness
5 which shall include, at a minimum:
6 1. The child's immunizations and other health
7 requirements as necessary, including appropriate vision and
8 hearing screening and examinations.
9 2. The child's physical development.
10 3. The child's compliance with rules, limitations, and
11 routines.
12 4. The child's ability to perform tasks.
13 5. The child's interactions with adults.
14 6. The child's interactions with peers.
15 7. The child's ability to cope with challenges.
16 8. The child's self-help skills.
17 9. The child's ability to express his or her needs.
18 10. The child's verbal communication skills.
19 11. The child's problem-solving skills.
20 12. The child's ability to follow verbal directions.
21 13. The child's demonstration of curiosity,
22 persistence, and exploratory behavior.
23 14. The child's interest in books and other printed
24 materials.
25 15. The child's ability to pay attention to stories.
26 16. The child's participation in art and music
27 activities.
28 17. The child's ability to identify colors, geometric
29 shapes, letters of the alphabet, numbers, and spatial and
30 temporal relationships.
31

1 Section 369. Section 1008.22, Florida Statutes, is
2 created to read:

3 1008.22 Student assessment program for public
4 schools.--

5 (1) PURPOSE.--The primary purposes of the student
6 assessment program are to provide information needed to
7 improve the public schools by enhancing the learning gains of
8 all students and to inform parents of the educational progress
9 of their public school children. The program must be designed
10 to:

11 (a) Assess the annual learning gains of each student
12 toward achieving the Sunshine State Standards appropriate for
13 the student's grade level.

14 (b) Provide data for making decisions regarding school
15 accountability and recognition.

16 (c) Identify the educational strengths and needs of
17 students and the readiness of students to be promoted to the
18 next grade level or to graduate from high school with a
19 standard high school diploma.

20 (d) Assess how well educational goals and performance
21 standards are met at the school, district, and state levels.

22 (e) Provide information to aid in the evaluation and
23 development of educational programs and policies.

24 (f) Provide information on the performance of Florida
25 students compared with others across the United States.

26 (2) NATIONAL EDUCATION COMPARISONS.--It is Florida's
27 intent to participate in the measurement of national
28 educational goals. The Commissioner of Education shall direct
29 Florida school districts to participate in the administration
30 of the National Assessment of Educational Progress, or a
31 similar national assessment program, both for the national

1 sample and for any state-by-state comparison programs which
2 may be initiated. Such assessments must be conducted using
3 the data collection procedures, the student surveys, the
4 educator surveys, and other instruments included in the
5 National Assessment of Educational Progress or similar program
6 being administered in Florida. The results of these
7 assessments shall be included in the annual report of the
8 Commissioner of Education specified in this section. The
9 administration of the National Assessment of Educational
10 Progress or similar program shall be in addition to and
11 separate from the administration of the statewide assessment
12 program.

13 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
14 shall design and implement a statewide program of educational
15 assessment that provides information for the improvement of
16 the operation and management of the public schools, including
17 schools operating for the purpose of providing educational
18 services to youth in Department of Juvenile Justice programs.
19 Pursuant to the statewide assessment program, the commissioner
20 shall:

21 (a) Submit to the State Board of Education a list that
22 specifies student skills and competencies to which the goals
23 for education specified in the state plan apply, including,
24 but not limited to, reading, writing, science, and
25 mathematics. The skills and competencies must include
26 problem-solving and higher-order skills as appropriate and
27 shall be known as the Sunshine State Standards as defined in
28 s. 1000.21. The commissioner shall select such skills and
29 competencies after receiving recommendations from educators,
30 citizens, and members of the business community. The
31 commissioner shall submit to the State Board of Education

1 revisions to the list of student skills and competencies in
2 order to maintain continuous progress toward improvements in
3 student proficiency.

4 (b) Develop and implement a uniform system of
5 indicators to describe the performance of public school
6 students and the characteristics of the public school
7 districts and the public schools. These indicators must
8 include, without limitation, information gathered by the
9 comprehensive management information system created pursuant
10 to s. 1008.385 and student achievement information obtained
11 pursuant to this section.

12 (c) Develop and implement a student achievement
13 testing program known as the Florida Comprehensive Assessment
14 Test (FCAT) as part of the statewide assessment program, to be
15 administered annually in grades 3 through 10 to measure
16 reading, writing, science, and mathematics. Other content
17 areas may be included as directed by the commissioner. The
18 testing program must be designed so that:

19 1. The tests measure student skills and competencies
20 adopted by the State Board of Education as specified in
21 paragraph (a). The tests must measure and report student
22 proficiency levels in reading, writing, mathematics, and
23 science. The commissioner shall provide for the tests to be
24 developed or obtained, as appropriate, through contracts and
25 project agreements with private vendors, public vendors,
26 public agencies, postsecondary educational institutions, or
27 school districts. The commissioner shall obtain input with
28 respect to the design and implementation of the testing
29 program from state educators and the public.

30 2. The testing program will include a combination of
31 norm-referenced and criterion-referenced tests and include, to

1 the extent determined by the commissioner, questions that
2 require the student to produce information or perform tasks in
3 such a way that the skills and competencies he or she uses can
4 be measured.

5 3. Each testing program, whether at the elementary,
6 middle, or high school level, includes a test of writing in
7 which students are required to produce writings that are then
8 scored by appropriate methods.

9 4. A score is designated for each subject area tested,
10 below which score a student's performance is deemed
11 inadequate. The school districts shall provide appropriate
12 remedial instruction to students who score below these levels.

13 5. Students must earn a passing score on the grade 10
14 assessment test described in this paragraph in reading,
15 writing, and mathematics to qualify for a regular high school
16 diploma. The State Board of Education shall designate a
17 passing score for each part of the grade 10 assessment test.
18 In establishing passing scores, the state board shall consider
19 any possible negative impact of the test on minority students.
20 All students who took the grade 10 FCAT during the 2000-2001
21 school year shall be required to earn the passing scores in
22 reading and mathematics established by the State Board of
23 Education for the March 2001 test administration. Such
24 students who did not earn the established passing scores and
25 must repeat the grade 10 FCAT are required to earn the passing
26 scores established for the March 2001 test administration.
27 All students who take the grade 10 FCAT for the first time in
28 March 2002 and thereafter shall be required to earn the
29 passing scores in reading and mathematics established by the
30 State Board of Education for the March 2002 test
31 administration. The State Board of Education shall adopt

1 rules which specify the passing scores for the grade 10 FCAT.
2 Any such rules, which have the effect of raising the required
3 passing scores, shall only apply to students taking the grade
4 10 FCAT after such rules are adopted by the State Board of
5 Education.

6 6. Participation in the testing program is mandatory
7 for all students attending public school, including students
8 served in Department of Juvenile Justice programs, except as
9 otherwise prescribed by the commissioner. If a student does
10 not participate in the statewide assessment, the district must
11 notify the student's parent and provide the parent with
12 information regarding the implications of such
13 nonparticipation. If modifications are made in the student's
14 instruction to provide accommodations that would not be
15 permitted on the statewide assessment tests, the district must
16 notify the student's parent of the implications of such
17 instructional modifications. A parent must provide signed
18 consent for a student to receive instructional modifications
19 that would not be permitted on the statewide assessments and
20 must acknowledge in writing that he or she understands the
21 implications of such accommodations. The State Board of
22 Education shall adopt rules, based upon recommendations of the
23 commissioner, for the provision of test accommodations and
24 modifications of procedures as necessary for students in
25 exceptional education programs and for students who have
26 limited English proficiency. Accommodations that negate the
27 validity of a statewide assessment are not allowable.

28 7. A student seeking an adult high school diploma must
29 meet the same testing requirements that a regular high school
30 student must meet.

31

1 8. District school boards must provide instruction to
2 prepare students to demonstrate proficiency in the skills and
3 competencies necessary for successful grade-to-grade
4 progression and high school graduation. If a student is
5 provided with accommodations or modifications that are not
6 allowable in the statewide assessment program, as described in
7 the test manuals, the district must inform the parent in
8 writing and must provide the parent with information regarding
9 the impact on the student's ability to meet expected
10 proficiency levels in reading, writing, and math. The
11 commissioner shall conduct studies as necessary to verify that
12 the required skills and competencies are part of the district
13 instructional programs.

14 9. The Department of Education must develop, or
15 select, and implement a common battery of assessment tools
16 that will be used in all juvenile justice programs in the
17 state. These tools must accurately measure the skills and
18 competencies established in the Florida Sunshine State
19 Standards.

20
21 The commissioner may design and implement student testing
22 programs, for any grade level and subject area, necessary to
23 effectively monitor educational achievement in the state.

24 (d) Conduct ongoing research to develop improved
25 methods of assessing student performance, including, without
26 limitation, the use of technology to administer tests, score,
27 or report the results of, the use of electronic transfer of
28 data, the development of work-product assessments, and the
29 development of process assessments.

30 (e) Conduct ongoing research and analysis of student
31 achievement data, including, without limitation, monitoring

1 trends in student achievement, identifying school programs
2 that are successful, and analyzing correlates of school
3 achievement.

4 (f) Provide technical assistance to school districts
5 in the implementation of state and district testing programs
6 and the use of the data produced pursuant to such programs.

7 (4) DISTRICT TESTING PROGRAMS.--Each district school
8 board shall periodically assess student performance and
9 achievement within each school of the district. The assessment
10 programs must be based upon local goals and objectives that
11 are compatible with the state plan for education and that
12 supplement the skills and competencies adopted by the State
13 Board of Education. All school districts must participate in
14 the statewide assessment program designed to measure annual
15 student learning and school performance. All district school
16 boards shall report assessment results as required by the
17 state management information system.

18 (5) SCHOOL TESTING PROGRAMS.--Each public school shall
19 participate in the statewide assessment program, unless
20 specifically exempted by state board rule based on serving a
21 specialized population for which standardized testing is not
22 appropriate. Student performance data shall be analyzed and
23 reported to parents, the community, and the state. Student
24 performance data shall be used in developing objectives of the
25 school improvement plan, evaluation of instructional
26 personnel, evaluation of administrative personnel, assignment
27 of staff, allocation of resources, acquisition of
28 instructional materials and technology, performance-based
29 budgeting, and promotion and assignment of students into
30 educational programs. The analysis of student performance data
31 also must identify strengths and needs in the educational

1 program and trends over time. The analysis must be used in
2 conjunction with the budgetary planning processes developed
3 pursuant to s. 1008.385 and the development of the programs of
4 remediation.

5 (6) REQUIRED ANALYSES.--The commissioner shall
6 provide, at a minimum, for the following analyses of data
7 produced by the student achievement testing program:

8 (a) The statistical system for the annual assessments
9 shall use measures of student learning, such as the FCAT, to
10 determine teacher, school, and school district statistical
11 distributions, which shall be determined using available data
12 from the FCAT, and other data collection as deemed appropriate
13 by the Department of Education, to measure the differences in
14 student prior year achievement compared to the current year
15 achievement for the purposes of accountability and
16 recognition.

17 (b) The statistical system shall provide the best
18 estimates of teacher, school, and school district effects on
19 student progress. The approach used by the department shall be
20 approved by the commissioner before implementation.

21 (c) The annual testing program shall be administered
22 to provide for valid statewide comparisons of learning gains
23 to be made for purposes of accountability and recognition. The
24 commissioner shall establish a schedule for the administration
25 of the statewide assessments. In establishing such schedule,
26 the commissioner is charged with the duty to accomplish the
27 latest possible administration of the statewide assessments
28 and the earliest possible provision of the results to the
29 school districts feasible within available technology and
30 specific appropriation. District school boards shall not

31

1 establish school calendars that jeopardize or limit the valid
2 testing and comparison of student learning gains.

3 (7) LOCAL ASSESSMENTS.--Measurement of the learning
4 gains of students in all subjects and grade levels other than
5 subjects and grade levels required for the state student
6 achievement testing program is the responsibility of the
7 school districts.

8 (8) APPLICABILITY OF TESTING STANDARDS.--A student
9 must meet the testing requirements for high school graduation
10 that were in effect at the time the student entered 9th grade,
11 provided the student's enrollment was continuous.

12 (9) RULES.--The State Board of Education shall adopt
13 rules pursuant to ss. 120.536(1) and 120.54 to implement the
14 provisions of this section.

15 Section 370. Section 1008.23, Florida Statutes, is
16 created to read:

17 1008.23 Confidentiality of assessment
18 instruments.--All examination and assessment instruments,
19 including developmental materials and workpapers directly
20 related thereto, which are prepared, prescribed, or
21 administered pursuant to ss. 1003.43, 1008.22, and 1008.25
22 shall be confidential and exempt from the provisions of s.
23 119.07(1) and from s. 1001.52. Provisions governing access,
24 maintenance, and destruction of such instruments and related
25 materials shall be prescribed by rules of the State Board of
26 Education.

27 Section 371. Section 1008.24, Florida Statutes, is
28 created to read:

29 1008.24 Test security.--

30 (1) It is unlawful for anyone knowingly and willfully
31 to violate test security rules adopted by the State Board of

1 Education for mandatory tests administered by or through the
2 State Board of Education or the Commissioner of Education to
3 students, educators, or applicants for certification or
4 administered by school districts pursuant to s. 1008.22, or,
5 with respect to any such test, knowingly and willfully to:
6 (a) Give examinees access to test questions prior to
7 testing;
8 (b) Copy, reproduce, or use in any manner inconsistent
9 with test security rules all or any portion of any secure test
10 booklet;
11 (c) Coach examinees during testing or alter or
12 interfere with examinees' responses in any way;
13 (d) Make answer keys available to examinees;
14 (e) Fail to follow security rules for distribution and
15 return of secure test as directed, or fail to account for all
16 secure test materials before, during, and after testing;
17 (f) Fail to follow test administration directions
18 specified in the test administration manuals; or
19 (g) Participate in, direct, aid, counsel, assist in,
20 or encourage any of the acts prohibited in this section.
21 (2) Any person who violates this section commits a
22 misdemeanor of the first degree, punishable as provided in s.
23 775.082 or s. 775.083.
24 (3) A district school superintendent, a president of a
25 public postsecondary educational institution, or a president
26 of a nonpublic postsecondary educational institution shall
27 cooperate with the Commissioner of Education in any
28 investigation concerning the administration of a test
29 administered pursuant to state statute or rule.
30 Section 372. Section 1008.25, Florida Statutes, is
31 created to read:

1 1008.25 Public school student progression; remedial
2 instruction; reporting requirements.--

3 (1) INTENT.--It is the intent of the Legislature that
4 each student's progression from one grade to another be
5 determined, in part, upon proficiency in reading, writing,
6 science, and mathematics; that district school board policies
7 facilitate such proficiency; and that each student and his or
8 her parent be informed of that student's academic progress.

9 (2) COMPREHENSIVE PROGRAM.--Each district school board
10 shall establish a comprehensive program for student
11 progression which must include:

12 (a) Standards for evaluating each student's
13 performance, including how well he or she masters the
14 performance standards approved by the State Board of
15 Education.

16 (b) Specific levels of performance in reading,
17 writing, science, and mathematics for each grade level,
18 including the levels of performance on statewide assessments
19 as defined by the commissioner, below which a student must
20 receive remediation, or be retained within an intensive
21 program that is different from the previous year's program and
22 that takes into account the student's learning style.

23 (c) Appropriate alternative placement for a student
24 who has been retained 2 or more years.

25 (3) ALLOCATION OF RESOURCES.--District school boards
26 shall allocate remedial and supplemental instruction resources
27 to students in the following priority:

28 (a) Students who are deficient in reading by the end
29 of grade 3.

30 (b) Students who fail to meet performance levels
31 required for promotion consistent with the district school

1 board's plan for student progression required in paragraph
2 (2)(b).
3 (4) ASSESSMENT AND REMEDIATION.--
4 (a) Each student must participate in the statewide
5 assessment tests required by s. 1008.22. Each student who does
6 not meet specific levels of performance as determined by the
7 district school board in reading, writing, science, and
8 mathematics for each grade level, or who does not meet
9 specific levels of performance as determined by the
10 commissioner on statewide assessments at selected grade
11 levels, must be provided with additional diagnostic
12 assessments to determine the nature of the student's
13 difficulty and areas of academic need.
14 (b) The school in which the student is enrolled must
15 develop, in consultation with the student's parent, and must
16 implement an academic improvement plan designed to assist the
17 student in meeting state and district expectations for
18 proficiency. Beginning with the 2002-2003 school year, if the
19 student has been identified as having a deficiency in reading,
20 the academic improvement plan shall identify the student's
21 specific areas of deficiency in phonemic awareness, phonics,
22 fluency, comprehension, and vocabulary; the desired levels of
23 performance in these areas; and the instructional and support
24 services to be provided to meet the desired levels of
25 performance. Schools shall also provide for the frequent
26 monitoring of the student's progress in meeting the desired
27 levels of performance. District school boards shall assist
28 schools and teachers to implement research-based reading
29 activities that have been shown to be successful in teaching
30 reading to low-performing students. Remedial instruction
31

1 provided during high school may not be in lieu of English and
2 mathematics credits required for graduation.

3 (c) Upon subsequent evaluation, if the documented
4 deficiency has not been remediated in accordance with the
5 academic improvement plan, the student may be retained. Each
6 student who does not meet the minimum performance expectations
7 defined by the Commissioner of Education for the statewide
8 assessment tests in reading, writing, science, and mathematics
9 must continue to be provided with remedial or supplemental
10 instruction until the expectations are met or the student
11 graduates from high school or is not subject to compulsory
12 school attendance.

13 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

14 (a) It is the ultimate goal of the Legislature that
15 every student read at or above grade level. Any student who
16 exhibits a substantial deficiency in reading, based upon
17 locally determined or statewide assessments conducted in
18 kindergarten or grade 1, grade 2, or grade 3, or through
19 teacher observations, must be given intensive reading
20 instruction immediately following the identification of the
21 reading deficiency. The student's reading proficiency must be
22 reassessed by locally determined assessments or through
23 teacher observations at the beginning of the grade following
24 the intensive reading instruction. The student must continue
25 to be provided with intensive reading instruction until the
26 reading deficiency is remedied.

27 (b) Beginning with the 2002-2003 school year, if the
28 student's reading deficiency, as identified in paragraph (a),
29 is not remedied by the end of grade 3, as demonstrated by
30 scoring at Level 2 or higher on the statewide assessment test
31 in reading for grade 3, the student must be retained.

1 (c) Beginning with the 2002-2003 school year, the
2 parent of any student who exhibits a substantial deficiency in
3 reading, as described in paragraph (a), must be notified in
4 writing of the following:

5 1. That his or her child has been identified as having
6 a substantial deficiency in reading.

7 2. A description of the current services that are
8 provided to the child.

9 3. A description of the proposed supplemental
10 instructional services and supports that will be provided to
11 the child that are designed to remediate the identified area
12 of reading deficiency.

13 4. That if the child's reading deficiency is not
14 remediated by the end of grade 3, the child must be retained
15 unless he or she is exempt from mandatory retention for good
16 cause.

17 (6) ELIMINATION OF SOCIAL PROMOTION.--

18 (a) No student may be assigned to a grade level based
19 solely on age or other factors that constitute social
20 promotion.

21 (b) The district school board may only exempt students
22 from mandatory retention, as provided in paragraph (5)(b), for
23 good cause. Good cause exemptions shall be limited to the
24 following:

25 1. Limited English proficient students who have had
26 less than 2 years of instruction in an English for Speakers of
27 Other Languages program.

28 2. Students with disabilities whose individual
29 education plan indicates that participation in the statewide
30 assessment program is not appropriate, consistent with the
31 requirements of State Board of Education rule.

1 3. Students who demonstrate an acceptable level of
2 performance on an alternative standardized reading assessment
3 approved by the State Board of Education.

4 4. Students who demonstrate, through a student
5 portfolio, that the student is reading on grade level as
6 evidenced by demonstration of mastery of the Sunshine State
7 Standards in reading equal to at least a Level 2 performance
8 on the FCAT.

9 5. Students with disabilities who participate in the
10 FCAT and who have an individual education plan or a Section
11 504 plan that reflects that the student has received the
12 intensive remediation in reading, as required by paragraph
13 (4)(b), for more than 2 years but still demonstrates a
14 deficiency in reading and was previously retained in
15 kindergarten, grade 1, or grade 2.

16 6. Students who have received the intensive
17 remediation in reading as required by paragraph (4)(b) for 2
18 or more years but still demonstrate a deficiency in reading
19 and who were previously retained in kindergarten, grade 1, or
20 grade 2 for a total of 2 years. Intensive reading instruction
21 for students so promoted must include an altered instructional
22 day based upon an academic improvement plan that includes
23 specialized diagnostic information and specific reading
24 strategies for each student. The district school board shall
25 assist schools and teachers to implement reading strategies
26 that research has shown to be successful in improving reading
27 among low performing readers.

28 (c) Requests for good cause exemptions for students
29 from the mandatory retention requirement as described in
30 subparagraphs (b)3. and 4. shall be made consistent with the
31 following:

1 1. Documentation shall be submitted from the student's
2 teacher to the school principal that indicates that the
3 promotion of the student is appropriate and is based upon the
4 student's academic record. In order to minimize paperwork
5 requirements, such documentation shall consist only of the
6 existing academic improvement plan, individual educational
7 plan, if applicable, report card, or student portfolio.

8 2. The school principal shall review and discuss such
9 recommendation with the teacher and make the determination as
10 to whether the student should be promoted or retained. If the
11 school principal determines that the student should be
12 promoted, the school principal shall make such recommendation
13 in writing to the district school superintendent. The
14 district school superintendent shall accept or reject the
15 school principal's recommendation in writing.

16 (7) ANNUAL REPORT.--

17 (a) In addition to the requirements in paragraph
18 (5)(b), each district school board must annually report to the
19 parent of each student the progress of the student towards
20 achieving state and district expectations for proficiency in
21 reading, writing, science, and mathematics. The district
22 school board must report to the parent the student's results
23 on each statewide assessment test. The evaluation of each
24 student's progress must be based upon the student's classroom
25 work, observations, tests, district and state assessments, and
26 other relevant information. Progress reporting must be
27 provided to the parent in writing in a format adopted by the
28 district school board.

29 (b) Beginning with the 2001-2002 school year, each
30 district school board must annually publish in the local
31 newspaper, and report in writing to the State Board of

1 Education by September 1 of each year, the following
2 information on the prior school year:
3 1. The provisions of this section relating to public
4 school student progression and the district school board's
5 policies and procedures on student retention and promotion.
6 2. By grade, the number and percentage of all students
7 in grades 3 through 10 performing at Levels 1 and 2 on the
8 reading portion of the FCAT.
9 3. By grade, the number and percentage of all students
10 retained in grades 3 through 10.
11 4. Information on the total number of students who
12 were promoted for good cause, by each category of good cause
13 as specified in paragraph (6)(b).
14 5. Any revisions to the district school board's policy
15 on student retention and promotion from the prior year.
16 (8) STATE BOARD AUTHORITY AND RESPONSIBILITIES.--
17 (a) The State Board of Education shall have authority
18 as provided in s. 1008.32 to enforce this section.
19 (b) The State Board of Education shall adopt rules
20 pursuant to ss. 120.536(1) and 120.54 for the administration
21 of this section.
22 (9) TECHNICAL ASSISTANCE.--The department shall
23 provide technical assistance as needed to aid district school
24 boards in administering this section.
25 Section 373. Section 1008.29, Florida Statutes, is
26 created to read:
27 1008.29 College-level communication and mathematics
28 skills examination (CLAST).--
29 (1) It is the intent of the Legislature that the
30 examination of college-level communication and mathematics
31 skills provided in s. 1008.345(3) serve as a mechanism for

1 students to demonstrate that they have mastered the academic
2 competencies prerequisite to upper-division undergraduate
3 instruction. It is further intended that the examination
4 serve as both a summative evaluation instrument prior to
5 student enrollment in upper-division programs and as a source
6 of information for student advisers. It is not intended that
7 student passage of the examination supplant the need for a
8 student to complete the general education curriculum
9 prescribed by an institution.

10 (2) Public postsecondary educational institutions
11 shall administer a minimum of two administrations, one of
12 which may consist of an alternative administration, of the
13 college-level communication and computation skills examination
14 per academic term. Such administrations shall be available to
15 all lower-division students seeking associate in arts or
16 baccalaureate degrees upon completion of at least 18 semester
17 hours or the equivalent. Public postsecondary educational
18 institutions shall report at a minimum the examination scores
19 of all students tested at each administration of the
20 college-level communication and computation skills
21 examination.

22 (3) No public postsecondary educational institution
23 shall confer an associate in arts or baccalaureate degree upon
24 any student who fails to complete successfully the examination
25 of college-level communication and computation skills.
26 Students who received their associate in arts degree prior to
27 September 1, 1982, shall be exempt from the provisions of this
28 subsection.

29 (4) The State Board of Education, by rule, shall set
30 the minimum scores that constitute successful completion of
31 the examination. In establishing the minimum scores that

1 constitute successful completion of the examination, the State
2 Board of Education shall consider any possible negative impact
3 of the tests on minority students. Determinations regarding a
4 student's successful completion of the examination shall be
5 based on the minimum standards prescribed by rule for the date
6 the student initially takes the examination.

7 (5) Any student who, in the best professional opinion
8 of the university, has a specific learning disability such
9 that the student can not demonstrate successful completion of
10 one or more sections of the college-level communication and
11 computation skills examination and is achieving at the college
12 level in every area except that of the disability, and whose
13 diagnosis indicates that further remediation will not succeed
14 in overcoming the disability, may appeal through the
15 appropriate dean to a committee appointed by the president or
16 vice president for academic affairs for special consideration.
17 The committee shall examine the evidence of the student's
18 academic and medical records and may hear testimony relevant
19 to the case. The committee may grant a waiver for one or more
20 sections of the college-level communication and computation
21 skills examination based on the results of its review.

22 (6) Each public postsecondary educational institution
23 president shall establish a committee to consider requests for
24 waivers from the provisions of subsection (3). The committee
25 shall be chaired by the chief academic officer of the
26 institution and shall have four additional members appointed
27 by the president: a member of the mathematics department, a
28 member of the English department, the institutional test
29 administrator, and a fourth faculty member from a department
30 other than English or mathematics. Any student who has taken a
31 subtest of the examination required by this section at least

1 four times and has not achieved a passing score, but has
2 otherwise demonstrated proficiency in coursework in the same
3 subject area, may request a waiver from that particular
4 subtest. Waivers shall be considered only after students have
5 been provided test accommodations or other administrative
6 adjustments to permit the accurate measurement of the
7 student's proficiency in the subject areas measured by the
8 examination authorized in this section. The committee shall
9 consider the student's educational records and other evidence
10 as to whether the student should be able to pass the subtest
11 under consideration. A waiver may be recommended to the
12 president upon majority vote of the committee. The president
13 may approve or disapprove the recommendation. The president
14 may not approve a request which the committee has disapproved.
15 If a waiver for a given subtest is approved, the student's
16 transcript shall include a statement that the student did not
17 meet the requirements of subsection (3) and that a waiver was
18 granted.

19 (7) The State Board of Education, by rule, shall
20 establish fees for the administration of the examination to
21 private postsecondary students.

22 (8) The State Board of Education, by rule, shall
23 establish fees for the administration of the examination at
24 times other than regularly scheduled dates to accommodate
25 examinees who are unable to be tested on those dates. The
26 board shall establish the conditions under which examinees may
27 be admitted to the special administrations.

28 (9) Any student fulfilling one or both of the
29 following requirements before completion of associate in arts
30 degree requirements or baccalaureate degree requirements is
31 exempt from the testing requirements of this section:

1 (a) Achieves a score that meets or exceeds a minimum
2 score on a nationally standardized examination, as established
3 by the State Board of Education; or

4 (b) Demonstrates successful remediation of any
5 academic deficiencies identified by the college placement test
6 and achieves a cumulative grade point average of 2.5 or above,
7 on a 4.0 scale, in postsecondary-level coursework identified
8 by the State Board of Education. The Department of Education
9 shall specify the means by which a student may demonstrate
10 successful remediation.

11
12 Any student denied a degree prior to January 1, 1996, based on
13 the failure of at least one subtest of the CLAST may use
14 either of the alternatives specified in this subsection for
15 receipt of a degree if such student meets all degree program
16 requirements at the time of application for the degree under
17 the exemption provisions of this subsection. This section does
18 not require a student to take the CLAST before being given the
19 opportunity to use any of the alternatives specified in this
20 subsection. The exemptions provided herein do not apply to
21 requirements for certification as provided in s. 1012.56.

22 Section 374. Section 1008.30, Florida Statutes, is
23 created to read:

24 1008.30 Common placement testing for public
25 postsecondary education.--

26 (1) The State Board of Education shall develop and
27 implement a common placement test for the purpose of assessing
28 the basic computation and communication skills of students who
29 intend to enter a degree program at any public postsecondary
30 educational institution. The State Board of Education shall
31 adopt rules which enable public postsecondary educational

1 institutions to implement appropriate modifications of the
2 test instruments or test procedures for students with
3 disabilities.

4 (2) The common placement testing program shall include
5 at a minimum the following: the capacity to diagnose basic
6 competencies in the areas of English, reading, and mathematics
7 which are essential to perform college-level work;
8 prerequisite skills that relate to progressively advanced
9 instruction in mathematics, such as algebra and geometry;
10 prerequisite skills that relate to progressively advanced
11 instruction in language arts, such as English composition and
12 literature; prerequisite skills which relate to the College
13 Level Academic Skills Test (CLAST); and provision of test
14 information to students on the specific deficiencies.

15 (3) The State Board of Education shall adopt rules
16 that would require high schools to give the common placement
17 test prescribed in this section, or an equivalent test
18 identified by the State Board of Education, at the beginning
19 of the tenth grade year before enrollment in the eleventh
20 grade year in public high school for the purpose of obtaining
21 remedial instruction prior to entering public postsecondary
22 education.

23 (4)(a) Public postsecondary educational institution
24 students who have been identified as requiring additional
25 preparation pursuant to subsection (1) shall enroll in
26 college-preparatory or other adult education pursuant to s.
27 1004.93 in community colleges to develop needed college-entry
28 skills. These students shall be permitted to take courses
29 within their degree program concurrently in other curriculum
30 areas for which they are qualified while enrolled in
31 college-preparatory instruction courses. A student enrolled

1 in a college-preparatory course may concurrently enroll only
2 in college credit courses that do not require the skills
3 addressed in the college-preparatory course. The State Board
4 of Education shall specify the college credit courses that are
5 acceptable for students enrolled in each college-preparatory
6 skill area, pursuant to s. 1001.02(7)(g). A student who wishes
7 to earn an associate in arts or a baccalaureate degree, but
8 who is required to complete a college-preparatory course, must
9 successfully complete the required college-preparatory studies
10 by the time the student has accumulated 12 hours of
11 lower-division college credit degree coursework; however, a
12 student may continue enrollment in degree-earning coursework
13 provided the student maintains enrollment in
14 college-preparatory coursework for each subsequent semester
15 until college-preparatory coursework requirements are
16 completed, and the student demonstrates satisfactory
17 performance in degree-earning coursework. A passing score on
18 a standardized, institutionally developed test must be
19 achieved before a student is considered to have met basic
20 computation and communication skills requirements; however, no
21 student shall be required to retake any test or subtest that
22 was previously passed by said student. Credit awarded for
23 college-preparatory instruction may not be counted towards
24 fulfilling the number of credits required for a degree.

25 (b) The university board of trustees may contract with
26 a community college board of trustees for the community
27 college to provide such instruction on the state university
28 campus. Any state university in which the percentage of
29 incoming students requiring college-preparatory instruction
30 equals or exceeds the average percentage of such students for
31 the community college system may offer college-preparatory

1 instruction without contracting with a community college;
2 however, any state university offering college-preparatory
3 instruction as of January 1, 1996, may continue to provide
4 such services.

5 (5) A student may not be enrolled in a college credit
6 mathematics or English course on a dual enrollment basis
7 unless the student has demonstrated adequate precollegiate
8 preparation on the section of the basic computation and
9 communication skills assessment required pursuant to
10 subsection (1) that is appropriate for successful student
11 participation in the course.

12 Section 375. Part II of chapter 1008, Florida
13 Statutes, shall be entitled "Accountability, K-20" and shall
14 consist of ss. 1008.31-1008.46.

15 Section 376. Section 1008.31, Florida Statutes, is
16 created to read:

17 1008.31 Florida's K-20 education performance
18 accountability system; legislative intent; performance-based
19 funding; mission, goals, and systemwide measures.--

20 (1) LEGISLATIVE INTENT.--It is the intent of the
21 Legislature that:

22 (a) The performance accountability system implemented
23 to assess the effectiveness of Florida's seamless K-20
24 education delivery system provide answers to the following
25 questions in relation to its mission and goals:

26 1. What is the public receiving in return for funds it
27 invests in education?

28 2. How effectively is Florida's K-20 education system
29 educating its students?

30 3. How effectively are the major delivery sectors
31 promoting student achievement?

1 4. How are individual schools and postsecondary
2 education institutions performing their responsibility to
3 educate their students as measured by how students are
4 performing and how much they are learning?

5 (b) The State Board of Education recommend to the
6 Legislature systemwide performance standards; the Legislature
7 establish systemwide performance measures and standards; and
8 the systemwide measures and standards provide Floridians with
9 information on what the public is receiving in return for the
10 funds it invests in education and how well the K-20 system
11 educates its students.

12 (c) The State Board of Education establish performance
13 measures and set performance standards for individual
14 components of the public education system, including
15 individual schools and postsecondary educational institutions,
16 with measures and standards based primarily on student
17 achievement.

18 (2) PERFORMANCE-BASED FUNDING.--The State Board of
19 Education shall cooperate with the Commissioner of Education
20 and each delivery system to develop proposals for
21 performance-based funding, using performance measures
22 established by the Legislature. The proposals must provide
23 that at least 10 percent of the state funds appropriated for
24 the K-20 education system are conditional upon meeting or
25 exceeding established performance standards. The State Board
26 of Education must submit the recommendations to the
27 Legislature in the following sequence:

28 (a) By December 1, 2002, recommendations for state
29 universities, for consideration by the 2003 Legislature and
30 implementation in the 2003-2004 fiscal year.

31

1 (b) By December 1, 2003, recommendations for public
2 schools and workforce education, for consideration by the 2004
3 Legislature and implementation in the 2004-2005 fiscal year.

4 (c) By December 1, 2004, recommendations for community
5 colleges, for consideration by the 2005 Legislature and
6 implementation in the 2005-2006 fiscal year.

7 (d) By December 1, 2005, recommendations for all other
8 programs that receive state funds within the Department of
9 Education.

10 (3) MISSION, GOALS, AND SYSTEMWIDE MEASURES.--The
11 mission of Florida's K-20 education system shall be to
12 increase the proficiency of all students within one seamless,
13 efficient system, by allowing them the opportunity to expand
14 their knowledge and skills through learning opportunities and
15 research valued by students, parents, and communities, and to
16 maintain an accountability system that measures student
17 progress toward the following goals:

18 (a) Highest student achievement, as measured by:
19 student FCAT performance and annual learning gains; the number
20 and percentage of schools that improve at least one school
21 performance grade designation or maintain a school performance
22 grade designation of "A" pursuant to s. 1008.34; graduation or
23 completion rates at all learning levels; and other measures
24 identified in law or rule.

25 (b) Seamless articulation and maximum access, as
26 measured by: the percentage of students who demonstrate
27 readiness for the educational level they are entering, from
28 kindergarten through postsecondary education and into the
29 workforce; the number and percentage of students needing
30 remediation; the percentage of Floridians who complete
31 associate, baccalaureate, professional, and postgraduate

1 degrees; the number and percentage of credits that articulate;
2 the extent to which each set of exit-point requirements
3 matches the next set of entrance-point requirements; and other
4 measures identified in law or rule.

5 (c) Skilled workforce and economic development, as
6 measured by: the number and percentage of graduates employed
7 in their areas of preparation; the percentage of Floridians
8 with high school diplomas and postsecondary education
9 credentials; the percentage of business and community members
10 who find that Florida's graduates possess the skills they
11 need; and other measures identified in law or rule.

12 (d) Quality efficient services, as measured by: cost
13 per completer or graduate; average cost per noncompleter at
14 each educational level; cost disparity across institutions
15 offering the same degrees; the percentage of education
16 customers at each educational level who are satisfied with the
17 education provided; and other measures identified in law or
18 rule.

19 (4) SYSTEMWIDE DATA COLLECTION.--School districts and
20 public postsecondary educational institutions shall maintain
21 information systems that will provide the State Board of
22 Education and the Legislature with information and reports at
23 a level of comprehensiveness and quality no less than that
24 which was available as of June 30, 2001.

25 Section 377. Section 1008.32, Florida Statutes, is
26 created to read:

27 1008.32 State Board of Education oversight enforcement
28 authority.--The State Board of Education shall oversee the
29 performance of district school boards and public postsecondary
30 educational institution boards in enforcement of all laws and
31 rules. District school boards and public postsecondary

1 educational institution boards shall be primarily responsible
2 for compliance with law and state board rule.

3 (1) In order to ensure compliance with law or state
4 board rule, the State Board of Education shall have the
5 authority to request and receive information, data, and
6 reports from school districts and public postsecondary
7 educational institutions. District school superintendents and
8 public postsecondary educational institution presidents are
9 responsible for the accuracy of the information and data
10 reported to the state board.

11 (2) The Commissioner of Education may investigate
12 allegations of noncompliance with law or state board rule and
13 determine probable cause, the commissioner shall report to the
14 State Board of Education which shall require the district
15 school board or public postsecondary educational institution
16 board to document compliance with law or state board rule.

17 (3) If the district school board or public
18 postsecondary educational institution board cannot
19 satisfactorily document compliance, the State Board of
20 Education may order compliance within a specified timeframe.

21 (4) If the State Board of Education determines that a
22 district school board or public postsecondary educational
23 institution board is unwilling or unable to comply with law or
24 state board rule within the specified time, the state board
25 shall have the authority to initiate any of the following
26 actions:

27 (a) Report to the Legislature that the school district
28 or public postsecondary educational institution has been
29 unwilling or unable to comply with law or state board rule and
30 recommend action to be taken by the Legislature.

31

1 (b) Reduce the discretionary lottery appropriation
2 until the school district or public postsecondary education
3 institution complies with the law or state board rule.

4 (c) Withhold the transfer of state funds,
5 discretionary grant funds, or any other funds specified as
6 eligible for this purpose by the Legislature until the school
7 district or public postsecondary educational institution
8 complies with the law or state board rule.

9 (d) Declare the school district or public
10 postsecondary educational institution ineligible for
11 competitive grants.

12 (e) Require monthly or periodic reporting on the
13 situation related to noncompliance until it is remedied.

14 (5) Nothing in this section shall be construed to
15 create a private cause of action or create any rights for
16 individuals or entities in addition to those provided
17 elsewhere in law or rule.

18 Section 378. Section 1008.33, Florida Statutes, is
19 created to read:

20 1008.33 Authority to enforce public school
21 improvement.--It is the intent of the Legislature that all
22 public schools be held accountable for students performing at
23 acceptable levels. A system of school improvement and
24 accountability that assesses student performance by school,
25 identifies schools in which students are not making adequate
26 progress toward state standards, institutes appropriate
27 measures for enforcing improvement, and provides rewards and
28 sanctions based on performance shall be the responsibility of
29 the State Board of Education.

30 (1) Pursuant to Art. IX of the State Constitution
31 prescribing the duty of the State Board of Education to

1 supervise Florida's public school system and notwithstanding
2 any other statutory provisions to the contrary, the State
3 Board of Education shall intervene in the operation of a
4 district school system when one or more schools in the school
5 district have failed to make adequate progress for 2 school
6 years in a 4-year period. For purposes of determining when a
7 school is eligible for state board action and opportunity
8 scholarships for its students, the terms "2 years in any
9 4-year period" and "2 years in a 4-year period" mean that in
10 any year that a school has a grade of "F," the school is
11 eligible for state board action and opportunity scholarships
12 for its students if it also has had a grade of "F" in any of
13 the previous 3 school years. The State Board of Education may
14 determine that the school district or school has not taken
15 steps sufficient for students in the school to be academically
16 well served. Considering recommendations of the Commissioner
17 of Education, the State Board of Education shall recommend
18 action to a district school board intended to improve
19 educational services to students in each school that is
20 designated as performance grade category "F." Recommendations
21 for actions to be taken in the school district shall be made
22 only after thorough consideration of the unique
23 characteristics of a school, which shall include student
24 mobility rates, the number and type of exceptional students
25 enrolled in the school, and the availability of options for
26 improved educational services. The state board shall adopt by
27 rule steps to follow in this process. Such steps shall
28 provide school districts sufficient time to improve student
29 performance in schools and the opportunity to present evidence
30 of assistance and interventions that the district school board
31 has implemented.

1 (2) The State Board of Education may recommend one or
2 more of the following actions to district school boards to
3 enable students in schools designated as performance grade
4 category "F" to be academically well served by the public
5 school system:
6 (a) Provide additional resources, change certain
7 practices, and provide additional assistance if the state
8 board determines the causes of inadequate progress to be
9 related to school district policy or practice;
10 (b) Implement a plan that satisfactorily resolves the
11 education equity problems in the school;
12 (c) Contract for the educational services of the
13 school, or reorganize the school at the end of the school year
14 under a new school principal who is authorized to hire new
15 staff and implement a plan that addresses the causes of
16 inadequate progress;
17 (d) Allow parents of students in the school to send
18 their children to another district school of their choice; or
19 (e) Other action appropriate to improve the school's
20 performance.
21 (3) In recommending actions to district school boards,
22 the State Board of Education shall specify the length of time
23 available to implement the recommended action. The State
24 Board of Education may adopt rules to further specify how it
25 may respond in specific circumstances. No action taken by the
26 State Board of Education shall relieve a school from state
27 accountability requirements.
28 (4) The State Board of Education may require the
29 Department of Education or Comptroller to withhold any
30 transfer of state funds to the school district if, within the
31 timeframe specified in state board action, the school district

1 has failed to comply with the action ordered to improve the
2 district's low-performing schools. Withholding the transfer of
3 funds shall occur only after all other recommended actions for
4 school improvement have failed to improve performance. The
5 State Board of Education may impose the same penalty on any
6 district school board that fails to develop and implement a
7 plan for assistance and intervention for low-performing
8 schools as specified in s. 1001.42(16)(c).

9 Section 379. Section 1008.34, Florida Statutes, is
10 created to read:

11 1008.34 School grading system; district performance
12 grade.--

13 (1) ANNUAL REPORTS.--The Commissioner of Education
14 shall prepare annual reports of the results of the statewide
15 assessment program which describe student achievement in the
16 state, each district, and each school. The commissioner shall
17 prescribe the design and content of these reports, which must
18 include, without limitation, descriptions of the performance
19 of all schools participating in the assessment program and all
20 of their major student populations as determined by the
21 Commissioner of Education, and must also include the median
22 scores of all eligible students who scored at or in the lowest
23 25th percentile of the state in the previous school year;
24 provided, however, that the provisions of s. 1002.22
25 pertaining to student records apply to this section.

26 (2) SCHOOL PERFORMANCE GRADE CATEGORIES.--The annual
27 report shall identify schools as being in one of the following
28 grade categories defined according to rules of the State Board
29 of Education:

30 (a) "A," schools making excellent progress.

31 (b) "B," schools making above average progress.

1 (c) "C," schools making satisfactory progress.

2 (d) "D," schools making less than satisfactory
3 progress.

4 (e) "F," schools failing to make adequate progress.

5
6 Each school designated in performance grade category "A,"
7 making excellent progress, or having improved at least two
8 performance grade categories, shall have greater authority
9 over the allocation of the school's total budget generated
10 from the FEFP, state categoricals, lottery funds, grants, and
11 local funds, as specified in state board rule. The rule must
12 provide that the increased budget authority shall remain in
13 effect until the school's performance grade declines.

14 (3) DESIGNATION OF SCHOOL PERFORMANCE GRADE
15 CATEGORIES.--School performance grade category designations
16 itemized in subsection (2) shall be based on the following:

17 (a) Timeframes.--

18 1. School performance grade category designations
19 shall be based on the school's current year performance and
20 the school's annual learning gains.

21 2. A school's performance grade category designation
22 shall be based on a combination of student achievement scores,
23 student learning gains as measured by annual FCAT assessments
24 in grades 3 through 10, and improvement of the lowest 25th
25 percentile of students in the school in reading, math, or
26 writing on the FCAT, unless these students are performing
27 above satisfactory performance.

28 (b) Student assessment data.--Student assessment data
29 used in determining school performance grade categories shall
30 include:

31

1 1. The aggregate scores of all eligible students
2 enrolled in the school who have been assessed on the FCAT.

3 2. The aggregate scores of all eligible students
4 enrolled in the school who have been assessed on the FCAT,
5 including Florida Writes, and who have scored at or in the
6 lowest 25th percentile of students in the school in reading,
7 math, or writing, unless these students are performing above
8 satisfactory performance.

9
10 The Department of Education shall study the effects of
11 mobility on the performance of highly mobile students and
12 recommend programs to improve the performance of such
13 students. The State Board of Education shall adopt appropriate
14 criteria for each school performance grade category. The
15 criteria must also give added weight to student achievement in
16 reading. Schools designated as performance grade category "C,"
17 making satisfactory progress, shall be required to demonstrate
18 that adequate progress has been made by students in the school
19 who are in the lowest 25th percentile in reading, math, or
20 writing on the FCAT, including Florida Writes, unless these
21 students are performing above satisfactory performance.

22 (4) SCHOOL IMPROVEMENT RATINGS.--The annual report
23 shall identify each school's performance as having improved,
24 remained the same, or declined. This school improvement rating
25 shall be based on a comparison of the current year's and
26 previous year's student and school performance data. Schools
27 that improve at least one performance grade category are
28 eligible for school recognition awards pursuant to s. 1008.36.

29 (5) SCHOOL PERFORMANCE GRADE CATEGORY AND IMPROVEMENT
30 RATING REPORTS.--School performance grade category
31 designations and improvement ratings shall apply to each

1 school's performance for the year in which performance is
2 measured. Each school's designation and rating shall be
3 published annually by the Department of Education and the
4 school district. Parents shall be entitled to an easy-to-read
5 report card about the designation and rating of the school in
6 which their child is enrolled.

7 (6) 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 (7) PERFORMANCE-BASED FUNDING.--The Legislature may
11 factor in the performance of schools in calculating any
12 performance-based funding policy that is provided for annually
13 in the General Appropriations Act.

14 (8) DISTRICT PERFORMANCE GRADE.--The annual report
15 required by subsection (1) shall include district performance
16 grades, which shall consist of weighted district average
17 grades, by level, for all elementary schools, middle schools,
18 and high schools in the district. A district's weighted
19 average grade shall be calculated by weighting individual
20 school grades determined pursuant to subsection (2) by school
21 enrollment.

22 Section 380. Section 1008.345, Florida Statutes, is
23 created to read:

24 1008.345 Implementation of state system of school
25 improvement and education accountability.--

26 (1) The Commissioner of Education is responsible for
27 implementing and maintaining a system of intensive school
28 improvement and stringent education accountability, which
29 shall include policies and programs to implement the
30 following:

31

1 (a) A system of data collection and analysis that will
2 improve information about the educational success of
3 individual students and schools, including schools operating
4 for the purpose of providing educational services to youth in
5 Department of Juvenile Justice programs. The information and
6 analyses must be capable of identifying educational programs
7 or activities in need of improvement, and reports prepared
8 pursuant to this paragraph shall be distributed to the
9 appropriate district school boards prior to distribution to
10 the general public. This provision shall not preclude access
11 to public records as provided in chapter 119.

12 (b) A program of school improvement that will analyze
13 information to identify schools, including schools operating
14 for the purpose of providing educational services to youth in
15 Department of Juvenile Justice programs, educational programs,
16 or educational activities in need of improvement.

17 (c) A method of delivering services to assist school
18 districts and schools to improve, including schools operating
19 for the purpose of providing educational services to youth in
20 Department of Juvenile Justice programs.

21 (d) A method of coordinating with the state
22 educational goals and school improvement plans any other state
23 program that creates incentives for school improvement.

24 (2) The commissioner shall be held responsible for the
25 implementation and maintenance of the system of school
26 improvement and education accountability outlined in this
27 section. There shall be an annual determination of whether
28 adequate progress is being made toward implementing and
29 maintaining a system of school improvement and education
30 accountability.

31

1 (3) The annual feedback report shall be developed by
2 the Department of Education.

3 (4) The commissioner shall review each district school
4 board's feedback report and submit findings to the State Board
5 of Education. If adequate progress is not being made toward
6 implementing and maintaining a system of school improvement
7 and education accountability, the State Board of Education
8 shall direct the commissioner to prepare and implement a
9 corrective action plan. The commissioner and State Board of
10 Education shall monitor the development and implementation of
11 the corrective action plan.

12 (5) The commissioner shall report to the Legislature
13 and recommend changes in state policy necessary to foster
14 school improvement and education accountability. Included in
15 the report shall be a list of the schools, including schools
16 operating for the purpose of providing educational services to
17 youth in Department of Juvenile Justice programs, for which
18 district school boards have developed assistance and
19 intervention plans and an analysis of the various strategies
20 used by the school boards. School reports shall be distributed
21 pursuant to this subsection and s. 1001.42(16)(e) and
22 according to rules adopted by the State Board of Education.

23 (6)(a) The Department of Education shall implement a
24 training program to develop among state and district educators
25 a cadre of facilitators of school improvement. These
26 facilitators shall assist schools and districts to conduct
27 needs assessments and develop and implement school improvement
28 plans to meet state goals.

29 (b) Upon request, the department shall provide
30 technical assistance and training to any school, including any
31 school operating for the purpose of providing educational

1 services to youth in Department of Juvenile Justice programs,
2 school advisory council, district, or district school board
3 for conducting needs assessments, developing and implementing
4 school improvement plans, developing and implementing
5 assistance and intervention plans, or implementing other
6 components of school improvement and accountability. Priority
7 for these services shall be given to schools designated as
8 performance grade category "D" or "F" and school districts in
9 rural and sparsely populated areas of the state.

10 (c) Pursuant to s. 24.121(5)(d), the department shall
11 not release funds from the Educational Enhancement Trust Fund
12 to any district in which a school, including schools operating
13 for the purpose of providing educational services to youth in
14 Department of Juvenile Justice programs, does not have an
15 approved school improvement plan, pursuant to s. 1001.42(16),
16 after 1 full school year of planning and development, or does
17 not comply with school advisory council membership composition
18 requirements pursuant to s. 1001.452. The department shall
19 send a technical assistance team to each school without an
20 approved plan to develop such school improvement plan or to
21 each school without appropriate school advisory council
22 membership composition to develop a strategy for corrective
23 action. The department shall release the funds upon approval
24 of the plan or upon establishment of a plan of corrective
25 action. Notice shall be given to the public of the
26 department's intervention and shall identify each school
27 without a plan or without appropriate school advisory council
28 membership composition.

29 (d) The department shall assign a community assessment
30 team to each school district with a school designated as
31 performance grade category "D" or "F" to review the school

1 performance data and determine causes for the low performance.
2 The team shall make recommendations to the school board, to
3 the department, and to the State Board of Education for
4 implementing an assistance and intervention plan that will
5 address the causes of the school's low performance. The
6 assessment team shall include, but not be limited to, a
7 department representative, parents, business representatives,
8 educators, and community activists, and shall represent the
9 demographics of the community from which they are appointed.
10 (7)(a) Schools designated in performance grade
11 category "A," making excellent progress, shall, if requested
12 by the school, be given deregulated status as specified in s.
13 1003.63(5), (7), (8), (9), and (10).
14 (b) Schools that have improved at least two
15 performance grade categories and that meet the criteria of the
16 Florida School Recognition Program pursuant to s. 1008.36 may
17 be given deregulated status as specified in s. 1003.63(5),
18 (7), (8), (9), and (10).
19 (8) As a part of the system of educational
20 accountability, the Department of Education shall:
21 (a) Develop minimum performance standards for various
22 grades and subject areas, as required in ss. 1001.03, 1008.22,
23 and 1008.34.
24 (b) Administer the statewide assessment testing
25 program created by s. 1008.22.
26 (c) Review the school advisory councils of each
27 district as required by s. 1001.452.
28 (d) Conduct the program evaluations required by s.
29 1001.03.
30 (e) Maintain a listing of college-level communication
31 and mathematics skills defined by the State Board of Education

1 as being associated with successful student performance
2 through the baccalaureate level and submit the same to the
3 State Board of Education for approval.

4 (f) Maintain a listing of tests and other assessment
5 procedures which measure and diagnose student achievement of
6 college-level communication and computation skills and submit
7 the same to the State Board of Education for approval.

8 (g) Maintain for the information of the State Board of
9 Education and the Legislature a file of data to reflect
10 achievement of college-level communication and mathematics
11 competencies by students in state universities and community
12 colleges.

13 (h) Develop or contract for, and submit to the State
14 Board of Education for approval, tests which measure and
15 diagnose student achievement of college-level communication
16 and mathematics skills. Any tests and related documents
17 developed are exempt from the provisions of s. 119.07(1). The
18 commissioner shall maintain statewide responsibility for the
19 administration of such tests and may assign administrative
20 responsibilities for the tests to any state university or
21 community college. The state board, upon recommendation of
22 the commissioner, may enter into contracts for such services
23 beginning in one fiscal year and continuing into the next year
24 which are paid from the appropriation for either or both
25 fiscal years.

26 (i) Perform any other functions that may be involved
27 in educational planning, research, and evaluation or that may
28 be required by the commissioner, the State Board of Education,
29 or law.

30 Section 381. Section 1008.35, Florida Statutes, is
31 created to read:

1 1008.35 Best financial management practices for school
2 districts; standards; reviews; designation of school
3 districts.--

4 (1) The purpose of best financial management practices
5 reviews is to improve Florida school district management and
6 use of resources and to identify cost savings. The Office of
7 Program Policy Analysis and Government Accountability (OPPAGA)
8 and the Office of the Auditor General are directed to develop
9 a system for reviewing the financial management practices of
10 school districts. In this system, the Auditor General shall
11 assist OPPAGA in examining district operations to determine
12 whether they meet "best financial management practices."

13 (2) The best financial management practices adopted by
14 the Commissioner of Education may be updated periodically
15 after consultation with the Legislature, the Governor, the
16 Department of Education, school districts, and the Auditor
17 General. OPPAGA shall submit to the Commissioner of Education
18 for review and adoption proposed revisions to the best
19 financial management practices adopted by the commissioner.
20 The best financial management practices, at a minimum, must
21 instill public confidence by addressing the school district's
22 use of resources, identifying ways that the district could
23 save funds, and improving districts' performance
24 accountability systems, including public accountability. To
25 achieve these objectives, best practices shall be developed
26 for, but need not be limited to, the following areas:

27 (a) Management structures.

28 (b) Performance accountability.

29 (c) Efficient delivery of educational services,
30 including instructional materials.

31 (d) Administrative and instructional technology.

1 (e) Personnel systems and benefits management.

2 (f) Facilities construction.

3 (g) Facilities maintenance.

4 (h) Student transportation.

5 (i) Food service operations.

6 (j) Cost control systems, including asset management,
7 risk management, financial management, purchasing, internal
8 auditing, and financial auditing.

9
10 In areas for which the commissioner has not adopted best
11 practices, OPPAGA may develop additional best financial
12 management practices, with input from a broad range of
13 stakeholders. OPPAGA shall present any additional best
14 practices to the commissioner for review and adoption. Revised
15 best financial management practices adopted by the
16 commissioner must be used in the next year's scheduled school
17 district reviews conducted according to this section.

18 (3) OPPAGA shall contract with a private firm selected
19 through a formal request for proposal process to perform the
20 review, to the extent that funds are provided for this purpose
21 in the General Appropriations Act each year. When sufficient
22 funds are not provided to contract for all the scheduled best
23 financial management practices reviews, OPPAGA shall conduct
24 the remaining reviews scheduled for that year, except as
25 otherwise provided in this act. At least one member of the
26 private firm review team shall have expertise in school
27 district finance. The scope of the review shall focus on the
28 best practices adopted by the Commissioner of Education,
29 pursuant to subsection (2). OPPAGA may include additional
30 items in the scope of the review after seeking input from the
31 school district and the Department of Education.

1 (4) OPPAGA shall consult with the Commissioner of
2 Education throughout the best practices review process to
3 ensure that the technical expertise of the Department of
4 Education benefits the review process and supports the school
5 districts before, during, and after the review.

6 (5) It is the intent of the Legislature that each
7 school district shall be subject to a best financial
8 management practices review. The Legislature also intends that
9 all school districts shall be reviewed on a continuing 5-year
10 cycle, as follows, unless specified otherwise in the General
11 Appropriations Act, or as provided in this section:

12 (a) Year 1: Hillsborough, Sarasota, Collier, Okaloosa,
13 Alachua, St. Lucie, Santa Rosa, Hernando, Indian River,
14 Monroe, Osceola, and Bradford.

15 (b) Year 2: Miami-Dade, Duval, Volusia, Bay, Columbia,
16 Suwannee, Wakulla, Baker, Union, Hamilton, Jefferson, Gadsden,
17 and Franklin.

18 (c) Year 3: Palm Beach, Orange, Seminole, Lee,
19 Escambia, Leon, Levy, Taylor, Madison, Gilchrist, Gulf, Dixie,
20 Liberty, and Lafayette.

21 (d) Year 4: Pinellas, Pasco, Marion, Manatee, Clay,
22 Charlotte, Citrus, Highlands, Nassau, Hendry, Okeechobee,
23 Hardee, DeSoto, and Glades.

24 (e) Year 5: Broward, Polk, Brevard, Lake, St. Johns,
25 Martin, Putnam, Jackson, Flagler, Walton, Sumter, Holmes,
26 Washington, and Calhoun.

27 (6)(a) The Joint Legislative Auditing Committee may
28 adjust the schedule of districts to be reviewed when
29 unforeseen circumstances prevent initiation of reviews
30 scheduled in a given year.

31

1 (b) Once the 5-year cycle has been completed, reviews
2 shall continue, beginning again with those districts included
3 in year one of the cycle unless a district has requested and
4 received a waiver as provided in subsection (17).

5 (7) At the direction of the Joint Legislative Auditing
6 Committee or the President of the Senate and the Speaker of
7 the House of Representatives, and subject to funding by the
8 Legislature, OPPAGA may conduct, or contract with a private
9 firm to conduct, up to two additional best financial
10 management practices reviews in districts not scheduled for
11 review during that year if such review is necessary to address
12 adverse financial conditions.

13 (8) Reviews shall be conducted by OPPAGA and the
14 consultant to the extent specifically funded by the
15 Legislature in the General Appropriations Act for this
16 purpose. Such funds may be used for the cost of reviews by
17 OPPAGA and private consultants contracted by the director of
18 OPPAGA. Costs may include professional services, travel
19 expenses of OPPAGA and staff of the Auditor General, and any
20 other necessary expenses incurred as part of a best financial
21 management practices review.

22 (9) Districts scheduled for review must complete a
23 self-assessment instrument provided by OPPAGA which indicates
24 the school district's evaluation of its performance on each
25 best practice. The district must begin the self-assessment not
26 later than 60 days prior to the commencement of the review.
27 The completed self-assessment instrument and supporting
28 documentation must be submitted to OPPAGA not later than the
29 date of commencement of the review as notified by OPPAGA. The
30 best practice review team will use this self-assessment
31 information during their review of the district.

1 (10) During the review, OPPAGA and the consultant
2 conducting the review, if any, shall hold at least one
3 advertised public forum as part of the review in order to
4 explain the best financial management practices review process
5 and obtain input from students, parents, the business
6 community, and other district residents regarding their
7 concerns about the operations and management of the school
8 district.

9 (11) District reviews conducted under this section
10 must be completed within 6 months after commencement. OPPAGA
11 shall issue a final report to the President of the Senate, the
12 Speaker of the House of Representatives, and the district
13 regarding the district's use of best financial management
14 practices and cost savings recommendations within 60 days
15 after completing the reviews. Copies of the final report shall
16 be provided to the Governor, the Commissioner of Education,
17 and to the chairs of school advisory councils and district
18 advisory councils established pursuant to s. 229.58(1)(a) and
19 (b). The district school board shall notify all members of
20 the school advisory councils and district advisory council by
21 mail that the final report has been delivered to the school
22 district and to the council chairs. The notification shall
23 also inform members of the OPPAGA website address at which an
24 electronic copy of the report is available.

25 (12) After receipt of the final report and before the
26 district school board votes whether to adopt the action plan,
27 or if no action plan was required because the district was
28 found to be using the best practices, the district school
29 board shall hold an advertised public forum to accept public
30 input and review the findings and recommendations of the
31 report. The district school board shall advertise and promote

1 this forum in a manner appropriate to inform school and
2 district advisory councils, parents, school district
3 employees, the business community, and other district
4 residents of the opportunity to attend this meeting. OPPAGA
5 and the consultant, if any, shall also be represented at this
6 forum.

7 (13)(a) If the district is found not to conform to
8 best financial management practices, the report must contain
9 an action plan detailing how the district could meet the best
10 practices within 2 years. The district school board must
11 decide, by a majority plus one vote within 90 days after
12 receipt of the final report, whether or not to implement the
13 action plan and pursue a "Seal of Best Financial Management"
14 awarded by the State Board of Education to qualified school
15 districts. If a district fails to vote on the action plan
16 within 90 days, district school board members may be required
17 to appear and present testimony before a legislative
18 committee, pursuant to s. 11.143.

19 (b) The district school board may vote to reverse a
20 decision not to implement an action plan, provided that the
21 action plan is implemented and there is still sufficient time,
22 as determined by the district school board, to meet the best
23 practices within 2 years after issuance of the final report.

24 (c) Within 90 days after the receipt of the final
25 report, the district school board must notify OPPAGA and the
26 Commissioner of Education in writing of the date and outcome
27 of the district school board vote on whether to adopt the
28 action plan. If the district school board fails to vote on
29 whether to adopt the action plan, the district school
30 superintendent must notify OPPAGA and the Commissioner of
31 Education. The Department of Education may contact the school

1 district, assess the situation, urge the district school board
2 to vote, and offer technical assistance, if needed.

3 (14) If a district school board votes to implement the
4 action plan:

5 (a) No later than 1 year after receipt of the final
6 report, the district school board must submit an initial
7 status report to the President of the Senate, the Speaker of
8 the House of Representatives, the Governor, OPPAGA, the
9 Auditor General, the State Board of Education, and the
10 Commissioner of Education on progress made towards
11 implementing the action plan and whether changes have occurred
12 in other areas of operation that would affect compliance with
13 the best practices.

14 (b) A second status report must be submitted by the
15 school district to the President of the Senate, the Speaker of
16 the House of Representatives, the Governor, OPPAGA, the
17 Auditor General, the Commissioner of Education, and the State
18 Board of Education no later than 1 year after submission of
19 the initial report.

20
21 Status reports are not required once OPPAGA concludes that the
22 district is using best practices.

23 (15) After receipt of each of a district's two status
24 reports required by subsection (14), OPPAGA shall assess the
25 district's implementation of the action plan and progress
26 toward implementing the best financial management practices in
27 areas covered by the plan. Following each assessment, OPPAGA
28 shall issue a report to the President of the Senate, the
29 Speaker of the House of Representatives, and the district
30 indicating whether the district has successfully implemented
31 the best financial management practices. Copies of the report

1 must be provided to the Governor, the Auditor General, the
2 Commissioner of Education, and the State Board of Education.
3 If a district has failed to implement an action plan adopted
4 pursuant to subsection (13), district school board members and
5 the district school superintendent may be required to appear
6 before a legislative committee, pursuant to s. 11.143, to
7 present testimony regarding the district's failure to
8 implement such action plan.

9 (16) District school boards that successfully
10 implement the best financial management practices within 2
11 years, or are determined in the review to be using the best
12 practices, are eligible to receive a "Seal of Best Financial
13 Management." Upon notification to the Commissioner of
14 Education and the State Board of Education by OPPAGA that a
15 district has been found to be using the best financial
16 management practices, the State Board of Education shall award
17 that district a "Seal of Best Financial Management" certifying
18 that the district is adhering to the state's best financial
19 management practices. The State Board of Education designation
20 shall be effective for 5 years from the certification date or
21 until the next review is completed, whichever is later. During
22 the designation period, the district school board shall
23 annually, not later than the anniversary date of the
24 certification, notify OPPAGA, the Auditor General, the
25 Commissioner of Education, and the State Board of Education of
26 any changes in policies or operations or any other situations
27 that would not conform to the state's best financial
28 management practices. The State Board of Education may revoke
29 the designation of a district school board at any time if it
30 determines that a district is no longer complying with the
31 state's best financial management practices. If no such

1 changes have occurred and the district school board determines
2 that the school district continues to conform to the best
3 financial management practices, the district school board
4 shall annually report that information to the State Board of
5 Education, with copies to OPPAGA, the Auditor General, and the
6 Commissioner of Education.

7 (17)(a) A district school board that has been awarded
8 a "Seal of Best Financial Management" by the State Board of
9 Education and has annually reported to the State Board of
10 Education that the district is still conforming to the best
11 financial management practices may request a waiver from
12 undergoing its next scheduled Best Financial Management
13 Practices review.

14 (b) To apply for such waiver, not later than September
15 1 of the fiscal year prior to the fiscal year in which the
16 district is next scheduled for review, the district school
17 board shall certify to OPPAGA and the Department of Education
18 the district school board's determination that the school
19 district is still conforming to the best financial management
20 practices.

21 (c) After consultation with the Department of
22 Education and review of the district school board's
23 determination, OPPAGA may recommend to the Legislative Budget
24 Commission that the district be granted a waiver for the next
25 scheduled Best Financial Management Practices review. If
26 approved for waiver, OPPAGA shall notify the school district
27 and the Department of Education that no review of that
28 district will be conducted during the next scheduled review
29 cycle. In that event, the district school board must continue
30 annual reporting to the State Board of Education as required
31 in subsection (16). District school boards granted a waiver

1 for one review cycle are not eligible for waiver of the next
2 scheduled review cycle.

3 (18) District school boards that receive a best
4 financial management practices review must maintain records
5 that will enable independent verification of the
6 implementation of the action plan and any related fiscal
7 impacts.

8 (19) Unrestricted cost savings resulting from
9 implementation of the best financial management practices must
10 be spent at the school and classroom levels for teacher
11 salaries, teacher training, improved classroom facilities,
12 student supplies, textbooks, classroom technology, and other
13 direct student instruction activities. Cost savings identified
14 for a program that has restrictive expenditure requirements
15 shall be used for the enhancement of the specific program.

16 Section 382. Section 1008.36, Florida Statutes, is
17 created to read:

18 1008.36 Florida School Recognition Program.--

19 (1) The Legislature finds that there is a need for a
20 performance incentive program for outstanding faculty and
21 staff in highly productive schools. The Legislature further
22 finds that performance-based incentives are commonplace in the
23 private sector and should be infused into the public sector as
24 a reward for productivity.

25 (2) The Florida School Recognition Program is created
26 to provide financial awards to public schools that:

27 (a) Sustain high performance by receiving a school
28 grade of "A," making excellent progress; or

29 (b) Demonstrate exemplary improvement due to
30 innovation and effort by improving a letter grade.

31

1 (3) All public schools, including charter schools,
2 that receive a school grade pursuant to s. 1008.34 are
3 eligible to participate in the program.

4 (4) All selected schools shall receive financial
5 awards depending on the availability of funds appropriated and
6 the number and size of schools selected to receive an award.
7 Funds must be distributed to the school's fiscal agent and
8 placed in the school's account and must be used for purposes
9 listed in subsection (5) as determined jointly by the school's
10 staff and school advisory council. If school staff and the
11 school advisory council cannot reach agreement by November 1,
12 the awards must be equally distributed to all classroom
13 teachers currently teaching in the school.

14 (5) School recognition awards must be used for the
15 following:

16 (a) Nonrecurring bonuses to the faculty and staff;

17 (b) Nonrecurring expenditures for educational
18 equipment or materials to assist in maintaining and improving
19 student performance; or

20 (c) Temporary personnel for the school to assist in
21 maintaining and improving student performance.

22
23 Notwithstanding statutory provisions to the contrary,
24 incentive awards are not subject to collective bargaining.

25 Section 383. Section 1008.37, Florida Statutes, is
26 created to read:

27 1008.37 Postsecondary feedback of information to high
28 schools.--

29 (1) The State Board of Education shall adopt rules
30 that require the Commissioner of Education to report to the
31 State Board of Education, the Legislature, and the district

1 school boards on the performance of each
2 first-time-in-postsecondary education student from each public
3 high school in this state who is enrolled in a public
4 postsecondary institution or public technical center. Such
5 reports must be based on information databases maintained by
6 the Department of Education. In addition, the public
7 postsecondary educational institutions and technical centers
8 shall provide district school boards access to information on
9 student performance in regular and preparatory courses and
10 shall indicate students referred for remediation pursuant to
11 s. 1008.30 or s. 1008.28.

12 (2) The Commissioner of Education shall report, by
13 high school, to the State Board of Education and the
14 Legislature, no later than November 31 of each year, on the
15 number of prior year Florida high school graduates who
16 enrolled for the first time in public postsecondary education
17 in this state during the previous summer, fall, or spring
18 term, indicating the number of students whose scores on the
19 common placement test indicated the need for remediation
20 through college-preparatory or vocational-preparatory
21 instruction pursuant to s. 1004.91 or s. 1008.30.

22 (3) The Commissioner of Education shall organize
23 school summary reports and student-level records by school
24 district and high school in which the postsecondary education
25 students were enrolled and report the information to each
26 school district no later than January 31 of each year.

27 (4) As a part of the school improvement plan pursuant
28 to s. 1008.345, the State Board of Education shall ensure that
29 each school district and high school develops strategies to
30 improve student readiness for the public postsecondary level
31 based on annual analysis of the feedback report data.

1 (5) The Commissioner of Education shall annually
2 recommend to the Legislature statutory changes to reduce the
3 incidence of postsecondary remediation in mathematics,
4 reading, and writing for first-time-enrolled recent high
5 school graduates.

6 Section 384. Section 1008.38, Florida Statutes, is
7 created to read:

8 1008.38 Articulation accountability process.--The
9 State Board of Education shall develop articulation
10 accountability measures which assess the status of systemwide
11 articulation processes authorized under s. 1007.23. The State
12 Board of Education shall establish an articulation
13 accountability process which at a minimum shall address:

14 (1) The impact of articulation processes on ensuring
15 educational continuity and the orderly and unobstructed
16 transition of students between public secondary and
17 postsecondary education systems and facilitating the
18 transition of students between the public and private sectors.

19 (2) The adequacy of preparation of public secondary
20 students to smoothly articulate to a public postsecondary
21 institution.

22 (3) The effectiveness of articulated acceleration
23 mechanisms available to secondary students.

24 (4) The smooth transfer of community college associate
25 in arts degree graduates to a state university.

26 (5) An examination of degree requirements that exceed
27 the parameters of 60 credit hours for an associate degree and
28 120 hours for a baccalaureate degree in public postsecondary
29 programs.

30
31

1 (6) The relationship between the College Level
2 Academic Skills Test Program and articulation to the upper
3 division in public postsecondary institutions.

4 Section 385. Section 1008.385, Florida Statutes, is
5 created to read:

6 1008.385 Educational planning and information
7 systems.--

8 (1) EDUCATIONAL PLANNING.--

9 (a) The Commissioner of Education is responsible for
10 all planning functions for the department, including
11 collection, analysis, and interpretation of all data,
12 information, test results, evaluations, and other indicators
13 that are used to formulate policy, identify areas of concern
14 and need, and serve as the basis for short-range and
15 long-range planning. Such planning shall include assembling
16 data, conducting appropriate studies and surveys, and
17 sponsoring research and development activities designed to
18 provide information about educational needs and the effect of
19 alternative educational practices.

20 (b) Each district school board shall maintain a
21 continuing system of planning and budgeting designed to aid in
22 identifying and meeting the educational needs of students and
23 the public. Provision shall be made for coordination between
24 district school boards and community college boards of
25 trustees concerning the planning for career and technical
26 education and adult educational programs. The major emphasis
27 of the system shall be upon locally determined goals and
28 objectives, the state plan for education, and the Sunshine
29 State Standards developed by the Department of Education and
30 adopted by the State Board of Education. The district
31 planning and budgeting system must include consideration of

1 student achievement data obtained pursuant to ss. 1008.22 and
2 1008.34. The system shall be structured to meet the specific
3 management needs of the district and to align the budget
4 adopted by the district school board with the plan the board
5 has also adopted. Each district school board shall utilize its
6 system of planning and budgeting to emphasize a system of
7 school-based management in which individual school centers
8 become the principal planning units and to integrate planning
9 and budgeting at the school level.

10 (2) COMPREHENSIVE MANAGEMENT INFORMATION SYSTEMS.--The
11 Commissioner of Education shall develop and implement an
12 integrated information system for educational management. The
13 system must be designed to collect, via electronic transfer,
14 all student and school performance data required to ascertain
15 the degree to which schools and school districts are meeting
16 state performance standards, and must be capable of producing
17 data for a comprehensive annual report on school and district
18 performance. In addition, the system shall support, as
19 feasible, the management decisions to be made in each division
20 of the department and at the individual school and district
21 levels. Similar data elements among divisions and levels
22 shall be compatible. The system shall be based on an overall
23 conceptual design; the information needed for such decisions,
24 including fiscal, student, program, personnel, facility,
25 community, evaluation, and other relevant data; and the
26 relationship between cost and effectiveness. The system shall
27 be managed and administered by the commissioner and shall
28 include a district subsystem component to be administered at
29 the district level, with input from the reports-and-forms
30 control management committees. Each district school system
31 with a unique management information system shall assure that

1 compatibility exists between its unique system and the
2 district component of the state system so that all data
3 required as input to the state system is made available via
4 electronic transfer and in the appropriate input format.
5 (a) The specific responsibilities of the commissioner
6 shall include:
7 1. Consulting with school district representatives in
8 the development of the system design model and implementation
9 plans for the management information system for public school
10 education management;
11 2. Providing operational definitions for the proposed
12 system;
13 3. Determining the information and specific data
14 elements required for the management decisions made at each
15 educational level, recognizing that the primary unit for
16 information input is the individual school and recognizing
17 that time and effort of instructional personnel expended in
18 collection and compilation of data should be minimized;
19 4. Developing standardized terminology and procedures
20 to be followed at all levels of the system;
21 5. Developing a standard transmittal format to be used
22 for collection of data from the various levels of the system;
23 6. Developing appropriate computer programs to assure
24 integration of the various information components dealing with
25 students, personnel, facilities, fiscal, program, community,
26 and evaluation data;
27 7. Developing the necessary programs to provide
28 statistical analysis of the integrated data provided in
29 subparagraph 6. in such a way that required reports may be
30 disseminated, comparisons may be made, and relationships may
31

1 be determined in order to provide the necessary information
2 for making management decisions at all levels;
3 8. Developing output report formats which will provide
4 district school systems with information for making management
5 decisions at the various educational levels;
6 9. Developing a phased plan for distributing computer
7 services equitably among all public schools and school
8 districts in the state as rapidly as possible. The plan shall
9 describe alternatives available to the state in providing such
10 computing services and shall contain estimates of the cost of
11 each alternative, together with a recommendation for action.
12 In developing the plan, the feasibility of shared use of
13 computing hardware and software by school districts, community
14 colleges, and universities shall be examined. Laws or
15 administrative rules regulating procurement of data processing
16 equipment, communication services, or data processing services
17 by state agencies shall not be construed to apply to local
18 agencies which share computing facilities with state agencies;
19 10. Assisting the district school systems in
20 establishing their subsystem components and assuring
21 compatibility with current district systems;
22 11. Establishing procedures for continuous evaluation
23 of system efficiency and effectiveness;
24 12. Initiating a reports-management and
25 forms-management system to ascertain that duplication in
26 collection of data does not exist and that forms and reports
27 for reporting under state and federal requirements and other
28 forms and reports are prepared in a logical and uncomplicated
29 format, resulting in a reduction in the number and complexity
30 of required reports, particularly at the school level; and
31

1 13. Initiating such other actions as are necessary to
2 carry out the intent of the Legislature that a management
3 information system for public school management needs be
4 implemented. Such other actions shall be based on criteria
5 including, but not limited to:
6 a. The purpose of the reporting requirement;
7 b. The origination of the reporting requirement;
8 c. The date of origin of the reporting requirement;
9 and
10 d. The date of repeal of the reporting requirement.
11 (b) The specific responsibilities of each district
12 school system shall include:
13 1. Establishing, at the district level, a
14 reports-control and forms-control management system committee
15 composed of school administrators and classroom teachers. The
16 district school board shall appoint school administrator
17 members and classroom teacher members or, in school districts
18 where appropriate, the classroom teacher members shall be
19 appointed by the bargaining agent. Teachers shall constitute a
20 majority of the committee membership. The committee shall
21 periodically recommend procedures to the district school board
22 for eliminating, reducing, revising, and consolidating
23 paperwork and data collection requirements and shall submit to
24 the district school board an annual report of its findings.
25 2. With assistance from the commissioner, developing
26 systems compatibility between the state management information
27 system and unique local systems.
28 3. Providing, with the assistance of the department,
29 inservice training dealing with management information system
30 purposes and scope, a method of transmitting input data, and
31 the use of output report information.

1 4. Establishing a plan for continuous review and
2 evaluation of local management information system needs and
3 procedures.

4 5. Advising the commissioner of all district
5 management information needs.

6 6. Transmitting required data input elements to the
7 appropriate processing locations in accordance with guidelines
8 established by the commissioner.

9 7. Determining required reports, comparisons, and
10 relationships to be provided to district school systems by the
11 system output reports, continuously reviewing these reports
12 for usefulness and meaningfulness, and submitting recommended
13 additions, deletions, and change requirements in accordance
14 with the guidelines established by the commissioner.

15 8. Being responsible for the accuracy of all data
16 elements transmitted to the department.

17 (c) It is the intent of the Legislature that the
18 expertise in the state system of public education, as well as
19 contracted services, be utilized to hasten the plan for full
20 implementation of a comprehensive management information
21 system.

22 (3) RULES.--The State Board of Education shall adopt
23 rules to administer this section.

24 Section 386. Section 1008.386, Florida Statutes, is
25 created to read:

26 1008.386 Social security numbers used as student
27 identification numbers.--Each district school board shall
28 request that each student enrolled in a public school in this
29 state provide his or her social security number. Each school
30 district shall use social security numbers as student
31 identification numbers in the management information system

1 maintained by the school district. However, a student is not
2 required to provide his or her social security number as a
3 condition for enrollment or graduation. A student satisfies
4 this requirement by presenting to school enrollment officials
5 his or her social security card or a copy of the card. The
6 school district shall include the social security number in
7 the student's permanent records and shall indicate if the
8 student identification number is not a social security number.
9 The Commissioner of Education shall provide assistance to
10 school districts to assure that the assignment of student
11 identification numbers other than social security numbers is
12 kept to a minimum and to avoid duplication of any student
13 identification number.

14 Section 387. Section 1008.39, Florida Statutes, is
15 created to read:

16 1008.39 Florida Education and Training Placement
17 Information Program.--

18 (1) The Department of Education shall develop and
19 maintain a continuing program of information management named
20 the "Florida Education and Training Placement Information
21 Program," the purpose of which is to compile, maintain, and
22 disseminate information concerning the educational histories,
23 placement and employment, enlistments in the United States
24 armed services, and other measures of success of former
25 participants in state educational and workforce development
26 programs. Placement and employment information shall contain
27 data appropriate to calculate job retention and job retention
28 rates.

29 (2) Any project conducted by the Department of
30 Education or the workforce development system that requires
31 placement information shall use information provided through

1 the Florida Education and Training Placement Information
2 Program, and shall not initiate automated matching of records
3 in duplication of methods already in place in the Florida
4 Education and Training Placement Information Program. The
5 department shall implement an automated system which matches
6 the social security numbers of former participants in state
7 educational and training programs with information in the
8 files of state and federal agencies that maintain educational,
9 employment, and United States armed service records and shall
10 implement procedures to identify the occupations of those
11 former participants whose social security numbers are found in
12 employment records, as required by Specific Appropriation
13 337A, chapter 84-220, Laws of Florida; Specific Appropriation
14 337B, chapter 85-119, Laws of Florida; Specific Appropriation
15 350A, chapter 86-167, Laws of Florida; and Specific
16 Appropriation 351, chapter 87-98, Laws of Florida.

17 (3) The Florida Education and Training Placement
18 Information Program must not make public any information that
19 could identify an individual or the individual's employer. The
20 Department of Education must ensure that the purpose of
21 obtaining placement information is to evaluate and improve
22 public programs or to conduct research for the purpose of
23 improving services to the individuals whose social security
24 numbers are used to identify their placement. If an agreement
25 assures that this purpose will be served and that privacy will
26 be protected, the Department of Education shall have access to
27 the unemployment insurance wage reports maintained by the
28 Department of Labor and Employment Security, the files of the
29 Department of Children and Family Services that contain
30 information about the distribution of public assistance, the
31 files of the Department of Corrections that contain records of

1 incarcerations, and the files of the Department of Business
2 and Professional Regulation that contain the results of
3 licensure examination.

4 (4) The Florida Education and Training Placement
5 Information Program may perform longitudinal analyses for all
6 levels of education and workforce development. These analyses
7 must include employment stability, annual earnings, and
8 relatedness of employment to education.

9 Section 388. Section 1008.40, Florida Statutes, is
10 created to read:

11 1008.40 Workforce Development Information System.--The
12 Department of Education shall:

13 (1) Design specifications for the collection and
14 reporting of data and performance specifications for the
15 Workforce Development Information System. This design must
16 enable parallel reporting and state-level access of workforce
17 data necessary to use the data reports as a basis for
18 calculating funding allocations. In addition, the design must
19 be capable of providing reports necessary to comply with other
20 program performance documentation required by state or federal
21 law, without requiring additional data collection or reporting
22 from local educational agencies.

23 (2) Develop the computer programs, software, and edit
24 processes necessary for local and state users to produce a
25 single, unified Workforce Development Information System.

26 Section 389. Section 1008.405, Florida Statutes, is
27 created to read:

28 1008.405 Adult student information.--Each school
29 district and community college shall maintain sufficient
30 information for each student enrolled in workforce development
31 education to allow local and state administrators to locate

1 such student upon the termination of instruction and to
2 determine the appropriateness of student placement in specific
3 instructional programs. The State Board of Education shall
4 adopt, in rule, specific information that must be maintained
5 and acceptable means of maintaining that information.

6 Section 390. Section 1008.41, Florida Statutes, is
7 created to read:

8 1008.41 Workforce Development Education; management
9 information system.--

10 (1) The Commissioner of Education shall coordinate
11 uniform program structures, common definitions, and uniform
12 management information systems for workforce development
13 education for all divisions within the department. In
14 performing these functions, the commissioner shall designate
15 deadlines after which data elements may not be changed for the
16 coming fiscal or school year. School districts and community
17 colleges shall be notified of data element changes at least 90
18 days prior to the start of the subsequent fiscal or school
19 year. Such systems must provide for:

20 (a) Individual student reporting.

21 (b) Compliance with state and federal confidentiality
22 requirements, except that the department shall have access to
23 the unemployment insurance wage reports to collect and report
24 placement information about former students. Such placement
25 reports must not disclose the individual identities of former
26 students.

27 (c) Maximum use of automated technology and records in
28 existing data bases and data systems. To the extent feasible,
29 the Florida Information Resource Network shall be employed for
30 this purpose.

31

1 (d) Annual reports of student enrollment, completion,
2 and placement by program.

3 (2) The State Board of Education shall identify, by
4 rule, the components to be included in the workforce
5 development education management information system. All such
6 components shall be comparable between school districts and
7 community colleges.

8 (3) Planning and evaluation of job-preparatory
9 programs shall be based on standard sources of data and use
10 standard occupational definitions and coding structures,
11 including, but not limited to:

12 (a) The Florida Occupational Information System;

13 (b) The Florida Education and Training Placement
14 Information Program;

15 (c) The Agency for Workforce Innovation;

16 (d) The United States Department of Labor; and

17 (e) Other sources of data developed using
18 statistically valid procedures.

19 Section 391. Section 1008.42, Florida Statutes, is
20 created to read:

21 1008.42 Public information on career and technical
22 education programs.--

23 (1) The Department of Education shall disseminate
24 information derived from the reports required by s. 1008.43.
25 The department shall ensure that the information disseminated
26 does not name or otherwise identify a student, a former
27 student, or the student's employer.

28 (2) The dissemination shall be conducted in accordance
29 with the following procedures:

30 (a) Annually, the Department of Education shall
31 publish the placement rates and average quarterly earnings for

1 students who complete each type of technical certificate
2 program and technical degree program. This information must be
3 aggregated to the state level and must be included in any
4 accountability reports. A program that was created or modified
5 so that placement rates cannot be calculated must be so
6 identified in such reports.

7 **(b)1.** Each district school board shall publish, at a
8 minimum, the most recently available placement rate for each
9 technical certificate program conducted by that school
10 district at the secondary school level and at the technical
11 degree level. The placement rates for the preceding 3 years
12 shall be published if available, shall be included in each
13 publication that informs the public of the availability of the
14 program, and shall be made available to each school guidance
15 counselor. If a program does not have a placement rate, a
16 publication that lists or describes that program must state
17 that the rate is unavailable.

18 **2.** Each community college shall publish, at a minimum,
19 the most recent placement rate for each technical certificate
20 program and for each technical degree program in its annual
21 catalog. The placement rates for the preceding 3 years shall
22 be published, if available, and shall be included in any
23 publication that informs the public of the availability of the
24 program. If a program does not have a placement rate, the
25 publication that lists or describes that program must state
26 that the rate is unavailable.

27 **3.** If a school district or a community college has
28 calculated for a program a placement rate that differs from
29 the rate reported by the department, and if each record of a
30 placement was obtained through a process that was capable of
31 being audited, procedurally sound, and consistent statewide,

1 the district or the community college may use the locally
2 calculated placement rate in the report required by this
3 section. However, that rate may not be combined with the rate
4 maintained in the computer files of the Department of
5 Education's Florida Education and Training Placement
6 Information Program.

7 4. An independent career and technical, trade, or
8 business school may not publish a placement rate unless the
9 placement rate was determined as provided by this section.

10 Section 392. Section 1008.43, Florida Statutes, is
11 created to read:

12 1008.43 Career and technical program reporting
13 requirements.--

14 (1)(a) The Department of Education shall develop a
15 system of performance measures in order to evaluate the career
16 and technical education programs as required in s. 1008.42.
17 This system must measure program enrollment, completion rates,
18 placement rates, and amount of earnings at the time of
19 placement. Placement and employment information, where
20 applicable, shall contain data relevant to job retention,
21 including retention rates. The State Board of Education shall
22 adopt by rule the specific measures and any definitions needed
23 to establish the system of performance measures.

24 (b) To measure and report program enrollment and
25 completion rates, the Department of Education shall use data
26 in the automated student databases generated by the public
27 schools and community colleges. To measure and report
28 placement rates and amount of earnings at the time of
29 placement, the department shall use data in the reports
30 produced by the Florida Education and Training Placement
31 Information Program as required in s. 1008.39. If any

1 placement information is not available from the Florida
2 Education and Training Placement Information Program, the
3 school district or the community college may provide placement
4 information collected by the school district or the community
5 college. However, this supplemental information must be
6 verifiable by the department and must not be commingled with
7 the database maintained by the Florida Education and Training
8 Placement Information Program. The State Board of Education
9 shall specify by rule the statistically valid, verifiable,
10 uniform procedures by which school districts and community
11 colleges may collect and report placement information to
12 supplement the reports from the Florida Education and Training
13 Placement Information Program.

14 (c) The State Board of Education shall adopt standards
15 for the department, district school boards, and community
16 college district boards of trustees to use in program
17 planning, program review, and program evaluation. The
18 standards must include, at a minimum, the completion rates,
19 placement rates, and earnings from employment of former
20 students of career and technical education programs.

21 (2) The State Board of Education shall adopt
22 procedures for reviewing the career and technical education
23 programs administered by the district school boards and the
24 community college district boards of trustees when program
25 performance falls below the standards required by this
26 section.

27 (3) Annually the department shall compile the reports
28 submitted in compliance with the rules adopted under this
29 section and shall produce a statewide report that addresses
30 the extent to which school districts and community colleges
31 are meeting the standards established under paragraph (1)(c).

1 (4) The State Board of Education may adopt rules
2 necessary to administer this section.
3 Section 393. Section 1008.45, Florida Statutes, is
4 created to read:
5 1008.45 Community college accountability process.--
6 (1) It is the intent of the Legislature that a
7 management and accountability process be implemented which
8 provides for the systematic, ongoing improvement and
9 assessment of the improvement of the quality and efficiency of
10 the Florida community colleges. Accordingly, the State Board
11 of Education and the community college boards of trustees
12 shall develop and implement an accountability plan to improve
13 and evaluate the instructional and administrative efficiency
14 and effectiveness of the Florida Community College System.
15 This plan shall be designed in consultation with staff of the
16 Governor and the Legislature and must address the following
17 issues:
18 (a) Graduation rates of A.A. and A.S. degree-seeking
19 students compared to first-time-enrolled students seeking the
20 associate degree.
21 (b) Minority student enrollment and retention rates.
22 (c) Student performance, including student performance
23 in college-level academic skills, mean grade point averages
24 for community college A.A. transfer students, and community
25 college student performance on state licensure examinations.
26 (d) Job placement rates of community college career
27 and technical students.
28 (e) Student progression by admission status and
29 program.
30 (f) Career and technical accountability standards
31 identified in s. 1008.42.

1 (g) Institutional assessment efforts related to the
2 requirements of s. III in the Criteria for Accreditation of
3 the Commission on Colleges of the Southern Association of
4 Colleges and Schools.

5 (h) Other measures as identified by the Council for
6 Education Policy Research and Improvement and approved by the
7 State Board of Education.

8 (2) The State Board of Education shall submit an
9 annual report, to coincide with the submission of the agency
10 strategic plan required by law, providing the results of
11 initiatives taken during the prior year and the initiatives
12 and related objective performance measures proposed for the
13 next year.

14 (3) The State Board of Education shall address within
15 the annual evaluation of the performance of the executive
16 director, and the community college boards of trustees shall
17 address within the annual evaluation of the presidents, the
18 achievement of the performance goals established by the
19 accountability process.

20 Section 394. Section 1008.46, Florida Statutes, is
21 created to read:

22 1008.46 State university accountability process.--It
23 is the intent of the Legislature that an accountability
24 process be implemented that provides for the systematic,
25 ongoing evaluation of quality and effectiveness of state
26 universities. It is further the intent of the Legislature that
27 this accountability process monitor performance at the system
28 level in each of the major areas of instruction, research, and
29 public service, while recognizing the differing missions of
30 each of the state universities. The accountability process
31 shall provide for the adoption of systemwide performance

1 standards and performance goals for each standard identified
2 through a collaborative effort involving state universities,
3 the Legislature, and the Governor's Office. These standards
4 and goals shall be consistent with s. 216.011(1) to maintain
5 congruity with the performance-based budgeting process. This
6 process requires that university accountability reports
7 reflect measures defined through performance-based budgeting.
8 The performance-based budgeting measures must also reflect the
9 elements of teaching, research, and service inherent in the
10 missions of the state universities.

11 (1) By December 31 of each year, the State Board of
12 Education shall submit an annual accountability report
13 providing information on the implementation of performance
14 standards, actions taken to improve university achievement of
15 performance goals, the achievement of performance goals during
16 the prior year, and initiatives to be undertaken during the
17 next year. The accountability reports shall be designed in
18 consultation with the Governor's Office, the Office of Program
19 Policy Analysis and Government Accountability, and the
20 Legislature.

21 (2) The State Board of Education shall recommend in
22 the annual accountability report any appropriate modifications
23 to this section.

24 Section 395. Part III of chapter 1008, Florida
25 Statutes, shall be entitled "Council for Education Policy
26 Research and Improvement (CEPRI)" and shall consist of s.
27 1008.51.

28 Section 396. Section 1008.51, Florida Statutes, is
29 created to read:

30 1008.51 Council for Education Policy Research and
31 Improvement.--The Council for Education Policy Research and

1 Improvement is created as an independent office under the
2 Office of Legislative Services, pursuant to s. 11.147. The
3 council shall conduct and review education research, provide
4 independent analysis on education progress, and provide
5 independent evaluation of education issues of statewide
6 concern. The Office of Legislative Services shall provide
7 administrative functions of the council, pursuant to joint
8 policies of the Legislature.

9 (1) The council shall serve as a citizen board for
10 independent policy research and analysis. The council shall be
11 composed of five members appointed by the Governor, two
12 members appointed by the Speaker of the House of
13 Representatives, and two members appointed by the President of
14 the Senate. Each member shall be appointed for a term of 6
15 years. However, for purposes of continuity, the Governor shall
16 appoint two members, the Speaker of the House of
17 Representatives shall appoint one member, and the President of
18 the Senate shall appoint one member for a first term of 4
19 years. Members appointed for 4 years may be reappointed to one
20 additional term. Members shall not include elected officials
21 or employees of public or independent education entities.
22 Members who miss two consecutive meetings may be replaced by
23 the appointing officer.

24 (2) The council shall meet as often as it considers
25 necessary to carry out its duties and responsibilities.
26 Members shall be paid travel and per diem expenses as provided
27 in s. 112.061 while performing their duties under this
28 section.

29 (3) The council shall appoint an executive director,
30 who shall serve at the pleasure of the council and shall
31 perform the duties assigned to him or her by the council. The

1 executive director is the chief administrative officer of the
2 council and shall appoint all employees and staff members of
3 the council, who shall serve under the executive director's
4 direction and control.

5 (4) The council shall:

6 (a) Provide state policymakers, educators, and the
7 public with objective and timely information that supports the
8 seamless K-20 education system and the K-20 education
9 accountability process designed to provide all students an
10 opportunity for a high-quality education, in accordance with
11 the policies and guiding principles of s. 1000.02 and the
12 performance accountability system in s. 1008.31.

13 (b) Explore national and state emerging educational
14 issues and examine how these issues should be addressed by
15 education institutions in Florida.

16 (c) Prepare and submit to the State Board of Education
17 a long-range master plan for education. The plan must include
18 consideration of the promotion of quality, fundamental
19 educational goals, programmatic access, needs for remedial
20 education, regional and state economic development,
21 international education programs, demographic patterns,
22 student demand for programs, needs of particular subgroups of
23 the population, implementation of innovative educational
24 techniques and technology, and requirements of the labor
25 market. The plan must evaluate the capacity of existing
26 programs in public and independent institutions to respond to
27 identified needs, and the council shall recommend efficient
28 alternatives to address unmet needs. The council shall update
29 the master plan at least every 5 years.

30 (d) Prepare and submit for approval by the State Board
31 of Education a long-range performance plan for K-20 education

1 in Florida, and annually review and recommend improvement in
2 the implementation of the plan.
3 (e) Annually report on the progress of public schools
4 and postsecondary education institutions toward meeting
5 educational goals and standards as defined by s. 1008.31.
6 (f) Recommend to the Legislature and the State Board
7 of Education legislation and rules for the educational
8 accountability system that support the policies and guiding
9 principles of s. 1000.02.
10 (g) Recommend to the State Board of Education
11 revisions and new initiatives to further improve the K-20
12 education accountability system.
13 (h) Provide public education institutions and the
14 public with information on the K-20 education accountability
15 system, recommend refinements and improvements, and evaluate
16 issues pertaining to student learning gains.
17 (i) On its own initiative or in response to the
18 Governor, the Legislature, the State Board of Education, or
19 the Commissioner of Education, issue reports and
20 recommendations on matters relating to any education sector.
21 (j) By January 1, 2003, and on a 3-year cycle
22 thereafter, review and make recommendations to the Legislature
23 regarding the activities of research centers and institutes
24 supported with state funds to assess the return on the state's
25 investment in research conducted by public postsecondary
26 education institutions, in coordination with the Leadership
27 Board for Applied Research and Public Service, created
28 pursuant to s. 1004.58.
29 (k) Apply for and receive grants for the study of K-20
30 education system improvement consistent with its
31 responsibilities.

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 Section 408. Section 1009.27, Florida Statutes, is
17 created to read:

18 1009.27 Deferral of fees.--

19 (1) The State Board of Education shall adopt rules to
20 allow the deferral of tuition and registration fees for
21 students receiving financial aid from a federal or state
22 assistance program when the aid is delayed in being
23 transmitted to the student through circumstances beyond the
24 control of the student. The failure to make timely application
25 for the aid is an insufficient reason to receive a deferral of
26 fees. The rules must provide for the enforcement and
27 collection or other settlement of delinquent accounts.

28 (2) Any veteran or other eligible student who receives
29 benefits under chapter 30, chapter 31, chapter 32, chapter 34,
30 or chapter 35 of Title 38, U.S.C., or chapter 106 of Title 10,
31 U.S.C., is entitled to one deferment each academic year and an

1 additional deferment each time there is a delay in the receipt
2 of benefits.

3 (3) Each school district, community college, and state
4 university is responsible for collecting all deferred fees. If
5 a school district, community college, or state university has
6 not collected a deferred fee, the student may not earn state
7 funding for any course for which the student subsequently
8 registers until the fee has been paid.

9 Section 409. Section 1009.28, Florida Statutes, is
10 created to read:

11 1009.28 Fees for repeated enrollment in
12 college-preparatory classes.--A student enrolled in the same
13 college-preparatory class more than twice shall pay 100
14 percent of the full cost of instruction to support continuous
15 enrollment of that student in the same class, and the student
16 shall not be included in calculations of full-time equivalent
17 enrollments for state funding purposes; however, students who
18 withdraw or fail a class due to extenuating circumstances may
19 be granted an exception only once for each class, provided
20 approval is granted according to policy established by the
21 board of trustees. Each community college may review and
22 reduce fees paid by students due to continued enrollment in a
23 college-preparatory class on an individual basis contingent
24 upon the student's financial hardship, pursuant to definitions
25 and fee levels established by the State Board of Education.

26 Section 410. Section 1009.285, Florida Statutes, is
27 created to read:

28 1009.285 Fees for repeated enrollment in
29 college-credit courses.--A student enrolled in the same
30 undergraduate college-credit course more than twice shall pay
31 tuition at 100 percent of the full cost of instruction and

1 shall not be included in calculations of full-time equivalent
2 enrollments for state funding purposes. However, students who
3 withdraw or fail a class due to extenuating circumstances may
4 be granted an exception only once for each class, provided
5 that approval is granted according to policy established by
6 the community college board of trustees or the university
7 board of trustees. Each community college and state university
8 may review and reduce fees paid by students due to continued
9 enrollment in a college-credit class on an individual basis
10 contingent upon the student's financial hardship, pursuant to
11 definitions and fee levels established by the State Board of
12 Education. For purposes of this section, first-time enrollment
13 in a class shall mean enrollment in a class beginning fall
14 semester 1997, and calculations of the full cost of
15 instruction shall be based on the systemwide average of the
16 prior year's cost of undergraduate programs for the community
17 colleges and the state universities. Boards of trustees may
18 make exceptions to this section for individualized study,
19 elective coursework, courses that are repeated as a
20 requirement of a major, and courses that are intended as
21 continuing over multiple semesters, excluding the repeat of
22 coursework more than two times to increase grade point average
23 or meet minimum course grade requirements.

24 Section 411. Section 1009.29, Florida Statutes, is
25 created to read:

26 1009.29 Increased fees for funding financial aid
27 program.--

28 (1) Student tuition and registration fees at each
29 state university and community college shall include up to
30 \$4.68 per quarter, or \$7.02 per semester, per full-time
31 student, or the per-student credit hour equivalents of such

1 amounts. The fees provided for by this section shall be
2 adjusted from time to time, as necessary, to comply with the
3 debt service coverage requirements of the student loan revenue
4 bonds issued pursuant to s. 1009.79. If the Division of Bond
5 Finance of the State Board of Education and the Commissioner
6 of Education determine that such fees are no longer required
7 as security for revenue bonds issued pursuant to ss.
8 1009.78-1009.88, moneys previously collected pursuant to this
9 section which are held in escrow, after administrative
10 expenses have been met and up to \$150,000 has been used to
11 establish a financial aid data processing system for the state
12 universities incorporating the necessary features to meet the
13 needs of all nine universities for application through
14 disbursement processing, shall be reallocated to the
15 generating institutions to be used for student financial aid
16 programs, including, but not limited to, scholarships and
17 grants for educational purposes. Upon such determination, such
18 fees shall no longer be assessed and collected.

19 (2) The Department of Education may, in accordance
20 with rules established by the State Board of Administration,
21 receive and administer grants and donations from any source
22 and, in its discretion, establish criteria, select recipients,
23 and award scholarships and loans from the fees provided for by
24 this section, and fix the interest rates and terms of
25 repayment.

26 Section 412. Part III of chapter 1009, Florida
27 Statutes, shall be entitled "Financial Assistance" and shall
28 consist of ss. 1009.40-1009.96.

29 Section 413. Part III.a. of chapter 1009, Florida
30 Statutes, shall be entitled "General Provisions" and shall
31 consist of ss. 1009.40-1009.44.

1 Section 414. Section 1009.40, Florida Statutes, is
2 created to read:

3 1009.40 General requirements for student eligibility
4 for state financial aid.--

5 (1)(a) The general requirements for eligibility of
6 students for state financial aid awards consist of the
7 following:

8 1. Achievement of the academic requirements of and
9 acceptance at a state university or community college; a
10 nursing diploma school approved by the Florida Board of
11 Nursing; a Florida college, university, or community college
12 which is accredited by an accrediting agency recognized by the
13 State Board of Education; any Florida institution the credits
14 of which are acceptable for transfer to state universities;
15 any technical center; or any private technical institution
16 accredited by an accrediting agency recognized by the State
17 Board of Education.

18 2. Residency in this state for no less than 1 year
19 preceding the award of aid for a program established pursuant
20 to s. 1009.50, s. 1009.51, s. 1009.52, s. 1009.56, s. 1009.53,
21 s. 1009.54, s. 1009.57, s. 1009.60, s. 1009.60, s. 1009.62, s.
22 1009.63, s. 1009.76, s. 1009.72, s. 1009.73, s. 1009.77, or s.
23 1009.89. Residency in this state must be for purposes other
24 than to obtain an education. Resident status for purposes of
25 receiving state financial aid awards shall be determined in
26 the same manner as resident status for tuition purposes
27 pursuant to s. 1009.21 and rules of the State Board of
28 Education.

29 3. Submission of certification attesting to the
30 accuracy, completeness, and correctness of information
31 provided to demonstrate a student's eligibility to receive

1 state financial aid awards. Falsification of such information
2 shall result in the denial of any pending application and
3 revocation of any award currently held to the extent that no
4 further payments shall be made. Additionally, students who
5 knowingly make false statements in order to receive state
6 financial aid awards shall be guilty of a misdemeanor of the
7 second degree subject to the provisions of s. 837.06 and shall
8 be required to return all state financial aid awards
9 wrongfully obtained.

10 (b)1. Eligibility for the renewal of undergraduate
11 financial aid awards shall be evaluated at the end of the
12 second semester or third quarter of each academic year. As a
13 condition for renewal, a student shall:

14 a. Have earned a minimum cumulative grade point
15 average of 2.0 on a 4.0 scale; and

16 b. Have earned, for full-time study, 12 credits per
17 term or the equivalent for the number of terms for which aid
18 was received.

19 2. A student who earns the minimum number of credits
20 required for renewal, but who fails to meet the minimum 2.0
21 cumulative grade point average, may be granted a probationary
22 award for up to the equivalent of 1 academic year and shall be
23 required to earn a cumulative grade point average of 2.0 on a
24 4.0 scale by the end of the probationary period to be eligible
25 for subsequent renewal. A student who receives a probationary
26 award and who fails to meet the conditions for renewal by the
27 end of his or her probationary period shall be ineligible to
28 receive additional awards for the equivalent of 1 academic
29 year following his or her probationary period. Each such
30 student may, however, reapply for assistance during a
31 subsequent application period and may be eligible for an award

1 if he or she has earned a cumulative grade point average of
2 2.0 on a 4.0 scale.

3 3. A student who fails to earn the minimum number of
4 credits required for renewal shall lose his or her eligibility
5 for renewal for a period equivalent to 1 academic year.
6 However, the student may reapply during a subsequent
7 application period and may be eligible for an award if he or
8 she has earned a minimum cumulative grade point average of 2.0
9 on a 4.0 scale.

10 4. Students who receive state student aid and
11 subsequently fail to meet state academic progress requirements
12 due to verifiable illness or other emergencies may be granted
13 an exception from the academic requirements. Such students
14 shall make a written appeal to the institution. The appeal
15 shall include a description and verification of the
16 circumstances. Verification of illness or other emergencies
17 may include but not be limited to a physician's statement or
18 written statement of a parent or college official. The
19 institution shall recommend exceptions with necessary
20 documentation to the department. The department may accept or
21 deny such recommendations for exception from the institution.

22 (2) These requirements do not preclude higher
23 standards specified in other sections of this part, in rules
24 of the state board, or in rules of a participating
25 institution.

26 (3) Undergraduate students are be eligible to receive
27 financial aid for a maximum of 8 semesters or 12 quarters.
28 However, undergraduate students participating in
29 college-preparatory instruction, students requiring additional
30 time to complete the college-level communication and
31 computation skills testing programs, or students enrolled in a

1 5-year undergraduate degree program are eligible to receive
2 financial aid for a maximum of 10 semesters or 15 quarters.

3 (4) No student is eligible to receive more than one
4 state scholarship that is based on academic merit. Students
5 who qualify for more than one such scholarship shall be
6 notified of all awards for which they qualify and shall be
7 provided the opportunity to accept one of their choosing.

8 Section 415. Section 1009.41, Florida Statutes, is
9 created to read:

10 1009.41 State financial aid; students with a
11 disability.--Notwithstanding the provisions of s.
12 1009.40(1)(b)1.b. regarding the number of credits earned per
13 term, or other financial aid eligibility requirements related
14 to the number of required credits earned per term, a student
15 with a documented disability, as defined by the Americans with
16 Disabilities Act, shall be eligible to be considered for state
17 financial aid while attending an eligible postsecondary
18 institution on a part-time basis. The State Board of Education
19 shall establish the necessary criteria for documentation of
20 the student's disability and the postsecondary institution
21 shall make the determination as to whether or not the
22 disability is such that part-time status is a necessary
23 accommodation. For the purposes of this section, financial aid
24 funds may be prorated based on the number of credit hours
25 taken.

26 Section 416. Section 1009.42, Florida Statutes, is
27 created to read:

28 1009.42 Financial aid appeal process.--

29 (1) The State Board of Education shall adopt, by rule,
30 a procedure for the appeal of errors in eligibility
31 determinations, or failure to transfer awards between eligible

1 institutions, made by the Office of Student Financial
2 Assistance of the Department of Education, regarding
3 applicants' eligibility for receiving state student financial
4 aid awards. The procedure must provide for establishment of a
5 committee to consider appeals that are not resolved by other
6 administrative action. Each committee must be comprised of
7 four members appointed by the Commissioner of Education,
8 including one representative of the Office of Student
9 Financial Assistance; two practicing financial aid
10 administrators from public or private postsecondary
11 institutions in this state, one of whom must be from an
12 institution other than one to which the applicant is seeking
13 admission; and one student enrolled in a public postsecondary
14 institution in this state, nominated by the Florida Student
15 Association. An applicant for state student financial aid who
16 believes an error has been made in determining eligibility for
17 student financial assistance or who believes the department
18 has failed to transfer an award between eligible institutions
19 may appeal the decision in writing to the Office of Student
20 Financial Assistance. The Office of Student Financial
21 Assistance shall investigate the complaint and take
22 appropriate action within 30 days after its receipt of the
23 appeal. If the student wishes further review of the appeal,
24 the Office of Student Financial Assistance shall forward the
25 appeal to the committee. Within 30 days after the receipt of a
26 request for a hearing, a final decision shall be rendered by
27 the committee established under this section, and a copy of
28 the decision shall be provided to the applicant. The decision
29 rendered by the committee constitutes final agency action. A
30 description of the financial aid appeals process shall be
31

1 included in the application form for each state student
2 financial aid program.

3 (2) The president of each state university and each
4 community college shall establish a procedure for appeal, by
5 students, of grievances related to the award or administration
6 of financial aid at the institution.

7 (3) A student involved in a financial aid appeal
8 proceeding is eligible for a deferral of registration and fee
9 payments pursuant to s. 1009.27.

10 Section 417. Section 1009.43, Florida Statutes, is
11 created to read:

12 1009.43 State student financial assistance;
13 authorization for use in program of study in another state or
14 foreign country.--A student who is enrolled in a public or
15 private postsecondary educational institution in this state
16 may apply state student financial assistance towards the cost
17 of a program of study in another state or a foreign country
18 for a period of up to 1 year, if the program of study is
19 offered or promoted by the Florida institution as an integral
20 part of the academic studies of that degree-seeking student or
21 as a program that would enhance the student's academic
22 experience. This program must be approved by the president of
23 the institution in this state or by his or her designee;
24 however, private, postsecondary Florida institutions with
25 out-of-state subsidiary institutions are not authorized to
26 make Florida residents attending their out-of-state subsidiary
27 institutions eligible for Florida financial assistance.

28 Section 418. Section 1009.44, Florida Statutes, is
29 created to read:

30 1009.44 Need-based financial aid; no preference to
31 students receiving other aid.--From the funds collected by

1 state universities and community colleges as a financial aid
2 fee and from other funds appropriated by the Legislature for
3 financial aid from the Educational Enhancement Trust Fund,
4 institutions shall expend those moneys designated as
5 need-based financial aid with no preference given to students
6 who also qualify for merit-based or other financial aid
7 awards.

8 Section 419. Part III.b. of chapter 1009, Florida
9 Statutes, shall be entitled "Scholarships, Grants, and Other
10 Aid" and shall consist of ss. 1009.50-1009.895.

11 Section 420. Section 1009.50, Florida Statutes, is
12 created to read:

13 1009.50 Florida Public Student Assistance Grant
14 Program; eligibility for grants.--

15 (1) There is hereby created a Florida Public Student
16 Assistance Grant Program. The program shall be administered by
17 the participating institutions in accordance with rules of the
18 state board.

19 (2)(a) State student assistance grants through the
20 program may be made only to full-time degree-seeking students
21 who meet the general requirements for student eligibility as
22 provided in s. 1009.40, except as otherwise provided in this
23 section. The grants shall be awarded annually for the amount
24 of demonstrated unmet need for the cost of education and may
25 not exceed an amount equal to the average prior academic year
26 cost of tuition fees and other registration fees for 30 credit
27 hours at state universities or such other amount as specified
28 in the General Appropriations Act, to any recipient. A
29 demonstrated unmet need of less than \$200 shall render the
30 applicant ineligible for a state student assistance grant.
31 Recipients of the grants must have been accepted at a state

1 university or community college authorized by Florida law. No
2 student may receive an award for more than the equivalent of 9
3 semesters or 14 quarters of full-time enrollment, except as
4 otherwise provided in s. 1009.40(3).

5 (b) A student applying for a Florida public student
6 assistance grant shall be required to apply for the Pell
7 Grant. The Pell Grant entitlement shall be considered when
8 conducting an assessment of the financial resources available
9 to each student.

10 (c) Priority in the distribution of grant moneys shall
11 be given to students with the lowest total family resources,
12 in accordance with a nationally recognized system of need
13 analysis. Using the system of need analysis, the department
14 shall establish a maximum expected family contribution. An
15 institution may not make a grant from this program to a
16 student whose expected family contribution exceeds the level
17 established by the department. An institution may not impose
18 additional criteria to determine a student's eligibility to
19 receive a grant award.

20 (d) Each participating institution shall report, to
21 the department by the established date, the eligible students
22 to whom grant moneys are disbursed each academic term. Each
23 institution shall also report to the department necessary
24 demographic and eligibility data for such students.

25 (3) Based on the unmet financial need of an eligible
26 applicant, the amount of a Florida public student assistance
27 grant must be between \$200 and the weighted average of the
28 cost of tuition and other registration fees for 30 credit
29 hours at state universities per academic year or the amount
30 specified in the General Appropriations Act.

31

1 (4)(a) The funds appropriated for the Florida Public
2 Student Assistance Grant shall be distributed to eligible
3 institutions in accordance with a formula approved by the
4 State Board of Education. The formula shall consider at least
5 the prior year's distribution of funds, the number of
6 full-time eligible applicants who did not receive awards, the
7 standardization of the expected family contribution, and
8 provisions for unused funds.

9 (b) Payment of Florida public student assistance
10 grants shall be transmitted to the president of the state
11 university or community college, or to his or her
12 representative, in advance of the registration period.
13 Institutions shall notify students of the amount of their
14 awards.

15 (c) The eligibility status of each student to receive
16 a disbursement shall be determined by each institution as of
17 the end of its regular registration period, inclusive of a
18 drop-add period. Institutions shall not be required to
19 reevaluate a student's eligibility status after this date for
20 purposes of changing eligibility determinations previously
21 made.

22 (d) Institutions shall certify to the department the
23 amount of funds disbursed to each student and shall remit to
24 the department any undisbursed advances by June 1 of each
25 year.

26 (5) Funds appropriated by the Legislature for state
27 student assistance grants shall be deposited in the State
28 Student Financial Assistance Trust Fund. Notwithstanding the
29 provisions of s. 216.301 and pursuant to s. 216.351, any
30 balance in the trust fund at the end of any fiscal year that
31 has been allocated to the Florida Public Student Assistance

1 Grant Program shall remain therein and shall be available for
2 carrying out the purposes of this section.

3 (6) The State Board of Education shall establish rules
4 necessary to implement this section.

5 Section 421. Section 1009.51, Florida Statutes, is
6 created to read:

7 1009.51 Florida Private Student Assistance Grant
8 Program; eligibility for grants.--

9 (1) There is created a Florida Private Student
10 Assistance Grant Program. The program shall be administered by
11 the participating institutions in accordance with rules of the
12 State Board of Education.

13 (2)(a) Florida private student assistance grants from
14 the State Student Financial Assistance Trust Fund may be made
15 only to full-time degree-seeking students who meet the general
16 requirements for student eligibility as provided in s.
17 1009.40, except as otherwise provided in this section. Such
18 grants shall be awarded for the amount of demonstrated unmet
19 need for tuition and fees and may not exceed an amount equal
20 to the average tuition and other registration fees for 30
21 credit hours at state universities plus \$1,000 per academic
22 year, or as specified in the General Appropriations Act, to
23 any applicant. A demonstrated unmet need of less than \$200
24 shall render the applicant ineligible for a Florida private
25 student assistance grant. Recipients of such grants must have
26 been accepted at a baccalaureate-degree-granting independent
27 nonprofit college or university, which is accredited by the
28 Commission on Colleges of the Southern Association of Colleges
29 and Schools and which is located in and chartered as a
30 domestic corporation by the state. No student may receive an
31 award for more than the equivalent of 9 semesters or 14

1 quarters of full-time enrollment, except as otherwise provided
2 in s. 1009.40(3).

3 (b) A student applying for a Florida private student
4 assistance grant shall be required to apply for the Pell
5 Grant. The Pell Grant entitlement shall be considered when
6 conducting an assessment of the financial resources available
7 to each student.

8 (c) Priority in the distribution of grant moneys shall
9 be given to students with the lowest total family resources,
10 in accordance with a nationally recognized system of need
11 analysis. Using the system of need analysis, the department
12 shall establish a maximum expected family contribution. An
13 institution may not make a grant from this program to a
14 student whose expected family contribution exceeds the level
15 established by the department. An institution may not impose
16 additional criteria to determine a student's eligibility to
17 receive a grant award.

18 (d) Each participating institution shall report, to
19 the department by the established date, the eligible students
20 to whom grant moneys are disbursed each academic term. Each
21 institution shall also report to the department necessary
22 demographic and eligibility data for such students.

23 (3) Based on the unmet financial need of an eligible
24 applicant, the amount of a Florida private student assistance
25 grant must be between \$200 and the average cost of tuition and
26 other registration fees for 30 credit hours at state
27 universities plus \$1,000 per academic year or the amount
28 specified in the General Appropriations Act.

29 (4)(a) The funds appropriated for the Florida Private
30 Student Assistance Grant shall be distributed to eligible
31 institutions in accordance with a formula approved by the

1 State Board of Education. The formula shall consider at least
2 the prior year's distribution of funds, the number of
3 full-time eligible applicants who did not receive awards, the
4 standardization of the expected family contribution, and
5 provisions for unused funds.

6 (b) Payment of Florida private student assistance
7 grants shall be transmitted to the president of the college or
8 university, or to his or her representative, in advance of the
9 registration period. Institutions shall notify students of the
10 amount of their awards.

11 (c) The eligibility status of each student to receive
12 a disbursement shall be determined by each institution as of
13 the end of its regular registration period, inclusive of a
14 drop-add period. Institutions shall not be required to
15 reevaluate a student's eligibility status after this date for
16 purposes of changing eligibility determinations previously
17 made.

18 (d) Institutions shall certify to the department the
19 amount of funds disbursed to each student and shall remit to
20 the department any undisbursed advances by June 1 of each
21 year.

22 (e) Each institution that receives moneys through the
23 Florida Private Student Assistance Grant Program shall prepare
24 a biennial report that includes a financial audit, conducted
25 by an independent certified public accountant, of the
26 institution's administration of the program and a complete
27 accounting of moneys in the State Student Financial Assistance
28 Trust Fund allocated to the institution for the program. Such
29 report shall be submitted to the department by March 1 every
30 other year. The department may conduct its own annual or
31 biennial audit of an institution's administration of the

1 program and its allocated funds in lieu of the required
2 biennial report and financial audit report. The department may
3 suspend or revoke an institution's eligibility to receive
4 future moneys from the trust fund for the program or request a
5 refund of any moneys overpaid to the institution through the
6 trust fund for the program if the department finds that an
7 institution has not complied with the provisions of this
8 section. Any refund requested pursuant to this paragraph shall
9 be remitted within 60 days.

10 (5) Funds appropriated by the Legislature for Florida
11 private student assistance grants shall be deposited in the
12 State Student Financial Assistance Trust Fund. Notwithstanding
13 the provisions of s. 216.301 and pursuant to s. 216.351, any
14 balance in the trust fund at the end of any fiscal year that
15 has been allocated to the Florida Private Student Assistance
16 Grant Program shall remain therein and shall be available for
17 carrying out the purposes of this section and as otherwise
18 provided by law.

19 (6) The State Board of Education shall adopt rules
20 necessary to implement this section.

21 Section 422. Section 1009.52, Florida Statutes, is
22 created to read:

23 1009.52 Florida Postsecondary Student Assistance Grant
24 Program; eligibility for grants.--

25 (1) There is created a Florida Postsecondary Student
26 Assistance Grant Program. The program shall be administered by
27 the participating institutions in accordance with rules of the
28 State Board of Education.

29 (2)(a) Florida postsecondary student assistance grants
30 through the State Student Financial Assistance Trust Fund may
31 be made only to full-time degree-seeking students who meet the

1 general requirements for student eligibility as provided in s.
2 1009.40, except as otherwise provided in this section. Such
3 grants shall be awarded for the amount of demonstrated unmet
4 need for tuition and fees and may not exceed an amount equal
5 to the average prior academic year cost of tuition and other
6 registration fees for 30 credit hours at state universities
7 plus \$1,000 per academic year, or as specified in the General
8 Appropriations Act, to any applicant. A demonstrated unmet
9 need of less than \$200 shall render the applicant ineligible
10 for a Florida postsecondary student assistance grant.
11 Recipients of such grants must have been accepted at a
12 postsecondary institution that is located in the state and
13 that is:

- 14 1. A private nursing diploma school approved by the
15 Florida Board of Nursing; or
16 2. A college or university licensed by the Commission
17 for Independent Education, excluding those institutions the
18 students of which are eligible to receive a Florida private
19 student assistance grant pursuant to s. 1009.51.

20
21 No student may receive an award for more than the equivalent
22 of 9 semesters or 14 quarters of full-time enrollment, except
23 as otherwise provided in s. 1009.40(3).

24 (b) A student applying for a Florida postsecondary
25 student assistance grant shall be required to apply for the
26 Pell Grant. The Pell Grant entitlement shall be considered
27 when conducting an assessment of the financial resources
28 available to each student.

29 (c) Priority in the distribution of grant moneys shall
30 be given to students with the lowest total family resources,
31 in accordance with a nationally recognized system of need

1 analysis. Using the system of need analysis, the department
2 shall establish a maximum expected family contribution. An
3 institution may not make a grant from this program to a
4 student whose expected family contribution exceeds the level
5 established by the department. An institution may not impose
6 additional criteria to determine a student's eligibility to
7 receive a grant award.

8 (d) Each participating institution shall report, to
9 the department by the established date, the eligible students
10 to whom grant moneys are disbursed each academic term. Each
11 institution shall also report to the department necessary
12 demographic and eligibility data for such students.

13 (3) Based on the unmet financial need of an eligible
14 applicant, the amount of a Florida postsecondary student
15 assistance grant must be between \$200 and the average cost of
16 tuition and other registration fees for 30 credit hours at
17 state universities plus \$1,000 per academic year or the amount
18 specified in the General Appropriations Act.

19 (4)(a) The funds appropriated for the Florida
20 Postsecondary Student Assistance Grant shall be distributed to
21 eligible institutions in accordance with a formula approved by
22 the State Board of Education. The formula shall consider at
23 least the prior year's distribution of funds, the number of
24 full-time eligible applicants who did not receive awards, the
25 standardization of the expected family contribution, and
26 provisions for unused funds.

27 (b) Payment of Florida postsecondary student
28 assistance grants shall be transmitted to the president of the
29 eligible institution, or to his or her representative, in
30 advance of the registration period. Institutions shall notify
31 students of the amount of their awards.

1 (c) The eligibility status of each student to receive
2 a disbursement shall be determined by each institution as of
3 the end of its regular registration period, inclusive of a
4 drop-add period. Institutions shall not be required to
5 reevaluate a student's eligibility status after this date for
6 purposes of changing eligibility determinations previously
7 made.

8 (d) Institutions shall certify to the department the
9 amount of funds disbursed to each student and shall remit to
10 the department any undisbursed advances by June 1 of each
11 year.

12 (e) Each institution that receives moneys through the
13 Florida Postsecondary Student Assistance Grant Program shall
14 prepare a biennial report that includes a financial audit,
15 conducted by an independent certified public accountant, of
16 the institution's administration of the program and a complete
17 accounting of moneys in the State Student Financial Assistance
18 Trust Fund allocated to the institution for the program. Such
19 report shall be submitted to the department by March 1 every
20 other year. The department may conduct its own annual or
21 biennial audit of an institution's administration of the
22 program and its allocated funds in lieu of the required
23 biennial report and financial audit report. The department may
24 suspend or revoke an institution's eligibility to receive
25 future moneys from the trust fund for the program or request a
26 refund of any moneys overpaid to the institution through the
27 trust fund for the program if the department finds that an
28 institution has not complied with the provisions of this
29 section. Any refund requested pursuant to this paragraph
30 shall be remitted within 60 days.

31

1 (5) Any institution that was eligible to receive state
2 student assistance grants on January 1, 1989, and that is not
3 eligible to receive grants pursuant to s. 1009.51 is eligible
4 to receive grants pursuant to this section.

5 (6) Funds appropriated by the Legislature for Florida
6 postsecondary student assistance grants shall be deposited in
7 the State Student Financial Assistance Trust Fund.
8 Notwithstanding the provisions of s. 216.301 and pursuant to
9 s. 216.351, any balance in the trust fund at the end of any
10 fiscal year that has been allocated to the Florida
11 Postsecondary Student Assistance Grant Program shall remain
12 therein and shall be available for carrying out the purposes
13 of this section and as otherwise provided by law.

14 (7) The State Board of Education shall adopt rules
15 necessary to implement this section.

16 Section 423. Section 1009.53, Florida Statutes, is
17 created to read:

18 1009.53 Florida Bright Futures Scholarship Program.--

19 (1) The Florida Bright Futures Scholarship Program is
20 created to establish a lottery-funded scholarship program to
21 reward any Florida high school graduate who merits recognition
22 of high academic achievement and who enrolls in a degree
23 program, certificate program, or applied technology program at
24 an eligible Florida public or private postsecondary education
25 institution within 3 years of graduation from high school.

26 (2) The Bright Futures Scholarship Program consists of
27 three types of awards: the Florida Academic Scholarship, the
28 Florida Medallion Scholarship, and the Florida Gold Seal
29 Vocational Scholarship.

30 (3) The Department of Education shall administer the
31 Bright Futures Scholarship Program according to rules and

1 procedures established by the State Board of Education. A
2 single application must be sufficient for a student to apply
3 for any of the three types of awards. The department must
4 advertise the availability of the scholarship program and must
5 notify students, teachers, parents, guidance counselors, and
6 principals or other relevant school administrators of the
7 criteria and application procedures. The department must begin
8 this process of notification no later than January 1 of each
9 year.

10 (4) Funding for the Bright Futures Scholarship Program
11 must be allocated from the Education Enhancement Trust Fund
12 and must be provided before allocations from that fund are
13 calculated for disbursement to other educational entities.

14 (a) If funds appropriated are not adequate to provide
15 the maximum allowable award to each eligible applicant, awards
16 in all three components of the program must be prorated using
17 the same percentage reduction.

18 (b) Notwithstanding s. 216.301, if all funds allocated
19 to the Bright Futures Scholarship Program are not used in any
20 fiscal year, up to 10 percent of the total allocation may be
21 carried forward and used for awards in the following year.

22 (5) The department shall issue awards from the
23 scholarship program annually. Annual awards may be for up to
24 45 semester credit hours or the equivalent. Before the
25 registration period each semester, the department shall
26 transmit payment for each award to the president or director
27 of the postsecondary education institution, or his or her
28 representative, except that the department may withhold
29 payment if the receiving institution fails to report or to
30 make refunds to the department as required in this section.

31

1 (a) Within 30 days after the end of regular
2 registration each semester, the educational institution shall
3 certify to the department the eligibility status of each
4 student who receives an award. After the end of the drop and
5 add period, an institution is not required to reevaluate or
6 revise a student's eligibility status, but must make a refund
7 to the department if a student who receives an award
8 disbursement terminates enrollment for any reason during an
9 academic term and a refund is permitted by the institution's
10 refund policy.

11 (b) An institution that receives funds from the
12 program shall certify to the department the amount of funds
13 disbursed to each student and shall remit to the department
14 any undisbursed advances within 60 days after the end of
15 regular registration.

16 (c) Each institution that receives moneys through this
17 program shall prepare an annual report that includes an annual
18 financial audit, conducted by an independent certified public
19 accountant or the Auditor General. The report shall include an
20 audit of the institution's administration of the program and a
21 complete accounting of the moneys for the program. This report
22 must be submitted to the department annually by March 1. The
23 department may conduct its own annual audit of an
24 institution's administration of the program. The department
25 may request a refund of any moneys overpaid to the institution
26 for the program. The department may suspend or revoke an
27 institution's eligibility to receive future moneys for the
28 program if the department finds that an institution has not
29 complied with this section. The institution must remit within
30 60 days any refund requested in accordance with this
31 subsection.

1 (6) A student enrolled in 6 to 8 semester credit hours
2 may receive up to one-half of the maximum award; a student
3 enrolled in 9 to 11 credit hours may receive up to
4 three-fourths of the maximum award; and a student enrolled in
5 12 or more credit hours may receive up to the full award.

6 (7) A student may receive only one type of award from
7 the Florida Bright Futures Scholarship Program at a time, but
8 may transfer from one type of award to another through the
9 renewal application process, if the student's eligibility
10 status changes. However, a student is not eligible to transfer
11 from a Florida Medallion Scholarship or a Florida Gold Seal
12 Vocational Scholarship to a Florida Academic Scholarship. A
13 student who receives an award from the program may also
14 receive a federal family education loan or a federal direct
15 loan, and the value of the award must be considered in the
16 certification or calculation of the student's loan
17 eligibility.

18 (8) If a recipient transfers from one eligible
19 institution to another and continues to meet eligibility
20 requirements, the award must be transferred with the student.

21 (9) A student may use an award for summer term
22 enrollment if funds are available.

23 (10) Funds from any scholarship within the Florida
24 Bright Futures Scholarship Program may not be used to pay for
25 remedial or college-preparatory coursework.

26 Section 424. Section 1009.531, Florida Statutes, is
27 created to read:

28 1009.531 Florida Bright Futures Scholarship Program;
29 student eligibility requirements for initial awards.--
30
31

1 (1) To be eligible for an initial award from any of
2 the three types of scholarships under the Florida Bright
3 Futures Scholarship Program, a student must:
4 (a) Be a Florida resident as defined in s. 1009.40 and
5 rules of the State Board of Education.
6 (b) Earn a standard Florida high school diploma or its
7 equivalent as described in s. 1003.43 or s. 1003.45 unless:
8 1. The student is enrolled full time in the early
9 admission program of an eligible postsecondary education
10 institution or completes a home education program according to
11 s. 1002.41; or
12 2. The student earns a high school diploma from a
13 non-Florida school while living with a parent or guardian who
14 is on military or public service assignment away from Florida.
15 (c) Be accepted by and enroll in an eligible Florida
16 public or independent postsecondary education institution.
17 (d) Be enrolled for at least 6 semester credit hours
18 or the equivalent in quarter hours or clock hours.
19 (e) Not have been found guilty of, or plead nolo
20 contendere to, a felony charge, unless the student has been
21 granted clemency by the Governor and Cabinet sitting as the
22 Executive Office of Clemency.
23 (f) Apply for a scholarship from the program by high
24 school graduation.
25 (2) A student is eligible to accept an initial award
26 for 3 years following high school graduation and to accept a
27 renewal award for 7 years following high school graduation. A
28 student who applies for an award by high school graduation and
29 who meets all other eligibility requirements, but who does not
30 accept his or her award, may reapply during subsequent
31

1 application periods up to 3 years after high school
2 graduation.

3 (3) For purposes of calculating the grade point
4 average to be used in determining initial eligibility for a
5 Florida Bright Futures scholarship, the department shall
6 assign additional weights to grades earned in the following
7 courses:

8 (a) Courses identified in the course code directory as
9 Advanced Placement, pre-International Baccalaureate, or
10 International Baccalaureate.

11 (b) Courses designated as academic dual enrollment
12 courses in the statewide course numbering system.

13
14 The department may assign additional weights to courses, other
15 than those described in paragraphs (a) and (b), that are
16 identified by the Department of Education as containing
17 rigorous academic curriculum and performance standards. The
18 additional weight assigned to a course pursuant to this
19 subsection shall not exceed 0.5 per course. The weighted
20 system shall be developed and distributed to all high schools
21 in the state prior to January 1, 1998. The department may
22 determine a student's eligibility status during the senior
23 year before graduation and may inform the student of the award
24 at that time.

25 (4) A student who wishes to qualify for a particular
26 award within the Florida Bright Futures Scholarship Program,
27 but who does not meet all of the requirements for that level
28 of award, may, nevertheless, receive the award if the
29 principal of the student's school or the district
30 superintendent verifies that the deficiency is caused by the
31 fact that school district personnel provided inaccurate or

1 incomplete information to the student. The school district
2 must provide a means for the student to correct the
3 deficiencies and the student must correct them, either by
4 completing comparable work at the postsecondary institution or
5 by completing a directed individualized study program
6 developed and administered by the school district. If the
7 student does not complete the requirements by December 31
8 immediately following high school graduation, the student is
9 ineligible to participate in the program.

10 Section 425. Section 1009.532, Florida Statutes, is
11 created to read:

12 1009.532 Florida Bright Futures Scholarship Program;
13 student eligibility requirements for renewal awards.--

14 (1) To be eligible to renew a scholarship from any of
15 the three types of scholarships under the Florida Bright
16 Futures Scholarship Program, a student must:

17 (a) Complete at least 12 semester credit hours or the
18 equivalent in the last academic year in which the student
19 earned a scholarship.

20 (b) Maintain the cumulative grade point average
21 required by the scholarship program, except that:

22 1. If a recipient's grades fall beneath the average
23 required to renew a Florida Academic Scholarship, but are
24 sufficient to renew a Florida Medallion Scholarship or a
25 Florida Gold Seal Vocational Scholarship, the Department of
26 Education may grant a renewal from one of those other
27 scholarship programs, if the student meets the renewal
28 eligibility requirements; or

29 2. If, at any time during the eligibility period, a
30 student's grades are insufficient to renew the scholarship,
31 the student may restore eligibility by improving the grade

1 point average to the required level. A student is eligible for
2 such a reinstatement only once. The Legislature encourages
3 education institutions to assist students to calculate whether
4 or not it is possible to raise the grade point average during
5 the summer term. If the institution determines that it is
6 possible, the education institution may so inform the
7 department, which may reserve the student's award if funds are
8 available. The renewal, however, must not be granted until the
9 student achieves the required cumulative grade point average.
10 If the summer term is not sufficient to raise the grade point
11 average to the required renewal level, the student's next
12 opportunity for renewal is the fall semester of the following
13 academic year.

14 (2) A student who is enrolled in a program that
15 terminates in an associate degree or a baccalaureate degree
16 may receive an award for a maximum of 110 percent of the
17 number of credit hours required to complete the program. A
18 student who is enrolled in a program that terminates in a
19 technical certificate may receive an award for a maximum of
20 110 percent of the credit hours or clock hours required to
21 complete the program up to 90 credit hours. A student who
22 transfers from one of these program levels to another becomes
23 eligible for the higher of the two credit hour limits.

24 Section 426. Section 1009.533, Florida Statutes, is
25 created to read:

26 1009.533 Florida Bright Futures Scholarship Program;
27 eligible postsecondary education institutions.--A student is
28 eligible for an award or the renewal of an award from the
29 Florida Bright Futures Scholarship Program if the student
30 meets the requirements for the program as described in this
31 act and is enrolled in a postsecondary education institution

1 that meets the description in any one of the following
2 subsections:
3 (1) A Florida public university, community college, or
4 technical center.
5 (2) An independent Florida college or university that
6 is accredited by an accrediting association whose standards
7 are comparable to the minimum standards required to operate an
8 institution at that level in Florida, as determined by rules
9 of the Commission for Independent Education, and which has
10 operated in the state for at least 3 years.
11 (3) An independent Florida postsecondary education
12 institution that is licensed by the Commission for Independent
13 Education and that:
14 (a) Is authorized to grant degrees;
15 (b) Shows evidence of sound financial condition; and
16 (c) Has operated in the state for at least 3 years
17 without having its approval, accreditation, or license placed
18 on probation.
19 (4) A Florida independent postsecondary education
20 institution that offers a nursing diploma approved by the
21 Board of Nursing.
22 (5) A Florida independent postsecondary education
23 institution that is licensed by the Commission for Independent
24 Education and which:
25 (a) Is authorized to award certificates, diplomas, or
26 credentials other than degrees;
27 (b) Has a program completion and placement rate of at
28 least the rate required by the current Florida Statutes, the
29 Florida Administrative Code, or the Department of Education
30 for an institution at its level; and
31

1 (c) Shows evidence of sound financial condition; and
2 either:

3 1. Is accredited at the institutional level by an
4 accrediting agency recognized by the United States Department
5 of Education and has operated in the state for at least 3
6 years during which there has been no complaint for which
7 probable cause has been found; or

8 2. Has operated in Florida for 5 years during which
9 there has been no complaint for which probable cause has been
10 found.

11 Section 427. Section 1009.534, Florida Statutes, is
12 created to read:

13 1009.534 Florida Academic Scholars award.--

14 (1) A student is eligible for a Florida Academic
15 Scholars award if the student meets the general eligibility
16 requirements for the Florida Bright Futures Scholarship
17 Program and the student:

18 (a) Has achieved a 3.5 weighted grade point average as
19 calculated pursuant to s. 1009.531, or its equivalent, in high
20 school courses that are designated by the State Board of
21 Education as college-preparatory academic courses; and has
22 attained at least the score identified by rules of the State
23 Board of Education on the combined verbal and quantitative
24 parts of the Scholastic Aptitude Test, the Scholastic
25 Assessment Test, or the recentered Scholastic Assessment Test
26 of the College Entrance Examination, or an equivalent score on
27 the ACT Assessment Program; or

28 (b) Has attended a home education program according to
29 s. 1002.41 during grades 11 and 12 or has completed the
30 International Baccalaureate curriculum but failed to earn the
31 International Baccalaureate Diploma, and has attained at least

1 the score identified by rules of the Department of Education
2 on the combined verbal and quantitative parts of the
3 Scholastic Aptitude Test, the Scholastic Assessment Test, or
4 the recentered Scholastic Assessment Test of the College
5 Entrance Examination, or an equivalent score on the ACT
6 Assessment Program; or
7 (c) Has been awarded an International Baccalaureate
8 Diploma from the International Baccalaureate Office; or
9 (d) Has been recognized by the merit or achievement
10 programs of the National Merit Scholarship Corporation as a
11 scholar or finalist; or
12 (e) Has been recognized by the National Hispanic
13 Recognition Program as a scholar recipient.
14
15 A student must complete a program of community service work,
16 as approved by the district school board or the administrators
17 of a nonpublic school, which shall include a minimum of 75
18 hours of service work and require the student to identify a
19 social problem that interests him or her, develop a plan for
20 his or her personal involvement in addressing the problem,
21 and, through papers or other presentations, evaluate and
22 reflect upon his or her experience.
23 (2) A Florida Academic Scholar who is enrolled in a
24 public postsecondary education institution is eligible for an
25 award equal to the amount required to pay tuition, fees, and
26 \$600 for college-related expenses annually. A student who is
27 enrolled in a nonpublic postsecondary education institution is
28 eligible for an award equal to the amount that would be
29 required to pay for the average tuition and fees of a public
30 postsecondary education institution at the comparable level,
31 plus the annual \$600.

1 (3) To be eligible for a renewal award as a Florida
2 Academic Scholar, a student must maintain the equivalent of a
3 cumulative grade point average of 3.0 on a 4.0 scale with an
4 opportunity for one reinstatement as provided in this chapter.

5 (4) In each school district, the Florida Academic
6 Scholar with the highest academic ranking shall receive an
7 additional award of \$1,500 for college-related expenses. This
8 award must be funded from the Florida Bright Futures
9 Scholarship Program.

10 Section 428. Section 1009.535, Florida Statutes, is
11 created to read:

12 1009.535 Florida Medallion Scholars award.--

13 (1) A student is eligible for a Florida Medallion
14 Scholars award if the student meets the general eligibility
15 requirements for the Florida Bright Futures Scholarship
16 Program and the student:

17 (a) Has achieved a weighted grade point average of 3.0
18 as calculated pursuant to s. 1009.531, or the equivalent, in
19 high school courses that are designated by the State Board of
20 Education as college-preparatory academic courses; and has
21 attained at least the score identified by rules of the State
22 Board of Education on the combined verbal and quantitative
23 parts of the Scholastic Aptitude Test, the Scholastic
24 Assessment Test, or the recentered Scholastic Assessment Test
25 of the College Entrance Examination, or an equivalent score on
26 the ACT Assessment Program; or

27 (b) Has attended a home education program according to
28 s. 1002.41 during grades 11 and 12 or has completed the
29 International Baccalaureate curriculum but failed to earn the
30 International Baccalaureate Diploma, and has attained at least
31 the score identified by rules of the Department of Education

1 on the combined verbal and quantitative parts of the
2 Scholastic Aptitude Test, the Scholastic Assessment Test, or
3 the recentered Scholastic Assessment Test of the College
4 Entrance Examination, or an equivalent score on the ACT
5 Assessment Program; or

6 (c) Has been recognized by the merit or achievement
7 program of the National Merit Scholarship Corporation as a
8 scholar or finalist but has not completed a program of
9 community service as provided in s. 1009.534; or

10 (d) Has been recognized by the National Hispanic
11 Recognition Program as a scholar, but has not completed a
12 program of community service as provided in s. 1009.534.

13 (2) A Florida Medallion Scholar is eligible for an
14 award equal to the amount required to pay 75 percent of
15 tuition and fees, if the student is enrolled in a public
16 postsecondary education institution. A student who is enrolled
17 in a nonpublic postsecondary education institution is eligible
18 for an award equal to the amount that would be required to pay
19 75 percent of the tuition and fees of a public postsecondary
20 education institution at the comparable level.

21 (3) To be eligible for a renewal award as a Florida
22 Medallion Scholar, a student must maintain the equivalent of a
23 cumulative grade point average of 2.75 on a 4.0 scale with an
24 opportunity for reinstatement one time as provided in this
25 chapter.

26 Section 429. Section 1009.536, Florida Statutes, is
27 created to read:

28 1009.536 Florida Gold Seal Vocational Scholars
29 award.--The Florida Gold Seal Vocational Scholars award is
30 created within the Florida Bright Futures Scholarship Program
31 to recognize and reward academic achievement and career and

1 technical preparation by high school students who wish to
2 continue their education.

3 (1) A student is eligible for a Florida Gold Seal
4 Vocational Scholars award if the student meets the general
5 eligibility requirements for the Florida Bright Futures
6 Scholarship Program and the student:

7 (a) Completes the secondary school portion of a
8 sequential program of studies that requires at least three
9 secondary school career and technical credits taken over at
10 least 2 academic years, and is continued in a planned, related
11 postsecondary education program. If the student's school does
12 not offer such a two-plus-two or tech-prep program, the
13 student must complete a job-preparatory career education
14 program selected by the Workforce Estimating Conference or
15 Workforce Florida, Inc., for its ability to provide high-wage
16 employment in an occupation with high potential for employment
17 opportunities. On-the-job training may not be substituted for
18 any of the three required career and technical credits.

19 (b) Demonstrates readiness for postsecondary education
20 by earning a passing score on the Florida College Entry Level
21 Placement Test or its equivalent as identified by the
22 Department of Education.

23 (c) Earns a minimum cumulative weighted grade point
24 average of 3.0, as calculated pursuant to s. 1009.531, on all
25 subjects required for a standard high school diploma,
26 excluding elective courses.

27 (d) Earns a minimum unweighted grade point average of
28 3.5 on a 4.0 scale for secondary career and technical courses
29 comprising the career and technical program.

30 (2) A Florida Gold Seal Vocational Scholar is eligible
31 for an award equal to the amount required to pay 75 percent of

1 tuition and fees, if the student is enrolled in a public
2 postsecondary education institution. A student who is enrolled
3 in a nonpublic postsecondary education institution is eligible
4 for an award equal to the amount that would be required to pay
5 75 percent of the tuition and mandatory fees of a public
6 postsecondary education institution at the comparable level.

7 (3) To be eligible for a renewal award as a Florida
8 Gold Seal Vocational Scholar, a student must maintain the
9 equivalent of a cumulative grade point average of 2.75 on a
10 4.0 scale with an opportunity for reinstatement one time as
11 provided in this chapter.

12 (4) A student may earn a Florida Gold Seal Vocational
13 Scholarship for 110 percent of the number of credit hours
14 required to complete the program, up to 90 credit hours or the
15 equivalent. A Florida Gold Seal Scholar who has a cumulative
16 grade point average of 2.75 in all postsecondary education
17 work attempted may apply for a Florida Medallion Scholars
18 award at any renewal period. All other provisions of that
19 program apply, and the credit-hour limitation must be
20 calculated by subtracting from the student's total eligibility
21 the number of credit hours the student attempted while earning
22 the Gold Seal Vocational Scholarship.

23 Section 430. Section 1009.537, Florida Statutes, is
24 created to read:

25 1009.537 Eligibility for the Florida Bright Futures
26 Scholarship Program; transition.--

27 (1) A student who graduates from high school in 1997
28 or earlier and who is eligible for the Florida Undergraduate
29 Scholar's Program pursuant to former s. 240.402 is eligible
30 for the Florida Academic Scholars award as provided in this
31 act. A student who graduates from high school in 1998 or 1999

1 is eligible for the Florida Academic Scholars award if the
2 student meets the criteria in s. 1009.534. However, in lieu of
3 satisfying the requirements set forth in s. 1009.534(1)(a), a
4 student may meet the following criteria:

5 (a) Complete a program of at least 24 credits in
6 advanced-level studies as prescribed by the State Board of
7 Education, including as a minimum:

8 1. Four years of progressively advanced instruction in
9 language arts, including courses in English composition and
10 literature.

11 2. Four years of progressively advanced instruction in
12 science, including laboratory courses in biology, chemistry,
13 and physics where laboratory facilities are available.

14 3. Four years of progressively advanced instruction in
15 mathematics, including courses in algebra, geometry, and
16 calculus or trigonometry.

17 4. Two years of sequential foreign language.

18 5. One year of instruction in art and music or in
19 either art or music.

20 6. Three years of instruction in social studies,
21 including courses in American history and government, world
22 history, and comparative political and economic systems.

23 7. One year of instruction in health and physical
24 education to include assessment, improvement, and maintenance
25 of personal fitness.

26 (b) Obtain at least the equivalent of an unweighted
27 grade point average of 3.0 on a 4.0 scale for all courses
28 taken for which high school credit may be granted.

29 (c) Achieve a score of 1180 on the combined verbal and
30 quantitative parts of the Scholastic Aptitude Test, the
31 Scholastic Assessment Test, or the recentered Scholastic

1 Assessment Test of the College Entrance Examination, or an
2 equivalent score on the ACT Assessment Program or an
3 equivalent program.
4 (d) Complete a program of community service work, as
5 approved by the district school board or the administrators of
6 a nonpublic school, which shall include a minimum of 75 hours
7 of service work and require the student to identify a social
8 problem that interests him or her, develop a plan for his or
9 her personal involvement in addressing the problem, and,
10 through papers or other presentations, evaluate and reflect
11 upon his or her experience.
12
13 Students who graduate from high school after 1999 must meet
14 the eligibility criteria pursuant to s. 1009.534.
15 (2) A student who graduates from high school in 1997
16 or earlier and who is eligible for the Florida Vocational Gold
17 Seal Endorsement Scholarship award pursuant to former s.
18 240.4021 is eligible for the Florida Gold Seal Vocational
19 Scholars award as provided in this act. A student who
20 graduates from high school in 1998 or 1999 is eligible for the
21 Florida Gold Seal Vocational Scholars award if the student
22 meets the criteria in s. 1009.536. However, in lieu of
23 satisfying the grade point average requirement set forth in s.
24 1009.536(1)(c), a student may earn a minimum cumulative
25 unweighted grade point average of 3.0 on a 4.0 scale on all
26 subjects required for a standard high school diploma. Students
27 who graduate from high school after 1999 must meet the
28 eligibility criteria pursuant to s. 1009.536.
29 (3) Effective for the 1997-1998 academic year, a
30 student is eligible for an initial award of a Florida Merit
31 Scholarship if the student:

- 1 (a)1. Is scheduled to graduate from high school in
2 1997;
- 3 2. Completes, or is enrolled in all courses required
4 to complete, the high school college-preparatory coursework
5 required in this act;
- 6 3. Achieves an unweighted grade point average of 3.0
7 on a 4.0 scale, or the equivalent, in high school courses that
8 are adopted by the Board of Regents and recommended by the
9 State Board of Community Colleges as college-preparatory
10 academic courses; and
- 11 4. Earns a score of 970 or above on the combined
12 verbal and quantitative parts of the recentered Scholastic
13 Assessment Test of the College Entrance Examination, or an
14 equivalent score on the ACT Assessment Program; or
- 15 (b) Has completed a college-preparatory curriculum in
16 1997 through an approved home school program and has attained
17 a score of 970 on the combined verbal and quantitative parts
18 of the recentered Scholastic Assessment Test of the College
19 Entrance Examination, or an equivalent score on the ACT
20 Assessment Program. Eligibility shall be determined in the
21 same manner as for public school students. For students whose
22 parents are unable to document a college-preparatory
23 curriculum, a score of 1070 on the SAT, or equivalent score on
24 the ACT, shall be required for award eligibility.

25 Section 431. Section 1009.538, Florida Statutes, is
26 created to read:

27 1009.538 Bright Futures Scholarship recipients
28 attending nonpublic institutions; calculation of
29 awards.--Notwithstanding ss. 1009.53, 1009.534, 1009.535, and
30 1009.536, a student who receives any award under the Florida
31 Bright Futures Scholarship Program, who is enrolled in a

1 nonpublic postsecondary education institution, and who is
2 assessed tuition and fees that are the same as those of a
3 full-time student at that institution, shall receive a fixed
4 award calculated by using the average tuition and fee
5 calculation as prescribed by the Department of Education for
6 full-time attendance at a public postsecondary education
7 institution at the comparable level. If the student is
8 enrolled part-time and is assessed tuition and fees at a
9 reduced level, the award shall be either one-half of the
10 maximum award or three-fourths of the maximum award, depending
11 on the level of fees assessed.

12 Section 1009.5385, Florida Statutes, is created to
13 read:

14 1009.5385 Use of certain scholarship funds by children
15 of deceased or disabled veterans.--The criteria for the use of
16 scholarship funds which apply to students under the Florida
17 Bright Futures Scholarship Program shall also apply to the
18 children of deceased or disabled veterans who receive
19 scholarships under chapter 295.

20 Section 432. Section 1009.539, Florida Statutes, is
21 created to read:

22 1009.539 Florida Bright Futures Scholarship Testing
23 Program.--

24 (1) The State Board of Education shall identify the
25 minimum scores, maximum credit, and course or courses for
26 which credit is to be awarded for each College Level
27 Examination Program (CLEP) general examination, CLEP subject
28 examination, College Board Advanced Placement Program
29 examination, and International Baccalaureate examination. In
30 addition, the State Board of Education shall identify such
31

1 courses in the general education core curriculum of each state
2 university and community college.

3 (2) Each community college and state university must
4 award credit for specific courses for which competency has
5 been demonstrated by successful passage of one of these
6 examinations unless the award of credit duplicates credit
7 already awarded. Community colleges and universities may not
8 exempt students from courses without the award of credit if
9 competencies have been so demonstrated. If a student achieves
10 a passing score as identified by the State Board of Education
11 on an examination required by this section, the student shall
12 receive credit equivalent to successfully completing the
13 equivalent course as identified by the State Board of
14 Education in a state university or community college, provided
15 that such credit is not duplicative of credit already earned
16 by the student.

17 (3) Students eligible for a Florida Academic Scholars
18 award or a Florida Medallion Scholars award who are admitted
19 to and enroll in a community college or state university
20 shall, prior to registering for courses that may be earned
21 through a CLEP examination and no later than registration for
22 their second term, complete at least five examinations from
23 those specified in subsection (1) in the following areas:
24 English; humanities; mathematics; natural sciences; and social
25 sciences. Successful completion of dual enrollment courses,
26 Advanced Placement examinations, and International
27 Baccalaureate examinations taken prior to high school
28 graduation satisfy this requirement. The State Board of
29 Education shall identify the examinations that satisfy each
30 component of this requirement.

31

1 (4) Each community college and state university shall
2 pay for the CLEP examinations required pursuant to this
3 section from the funds appropriated from the Educational
4 Enhancement Trust Fund. Institutions shall pay no more than
5 \$46 per examination for the program, which shall include
6 access to a student guide to prepare for the test. The
7 Department of Education shall negotiate with the College Board
8 for a reduced rate for the examinations. The institution shall
9 not charge the student for preparation and administration of
10 the test, access to a student guide to prepare for the test,
11 or recordkeeping and reporting of each student's test results
12 to the department.

13 (5) The credit awarded pursuant to this section shall
14 apply toward the 120 hours of college credit required pursuant
15 to s. 1007.25(7).

16 (6) The Department of Education shall track and
17 annually report on the effectiveness of the program, and
18 include information on the number of students participating in
19 the program; the CLEP examinations taken and the passage rate
20 of Florida Academic Scholars and Florida Medallion Scholars
21 award recipients; the use of Advanced Placement and
22 International Baccalaureate examinations and dual enrollment
23 courses to satisfy the requirements of the program; and the
24 course credit provided.

25 Section 433. Section 1009.54, Florida Statutes, is
26 created to read:

27 1009.54 Critical Teacher Shortage Program.--There is
28 created the Critical Teacher Shortage Program. Funds
29 appropriated by the Legislature for the program shall be
30 deposited in the State Student Financial Assistance Trust
31 Fund. The Comptroller shall authorize expenditures from the

1 trust fund upon receipt of vouchers approved by the Department
2 of Education for the critical teacher shortage programs
3 established in s. 1009.57, s. 1009.58, or s. 1009.59. The
4 Comptroller shall also authorize expenditures from the trust
5 fund for the "Chappie" James Most Promising Teacher
6 Scholarship Loan Program and the Critical Teacher Shortage
7 Scholarship Loan Program recipients who participated in these
8 programs prior to July 1, 1993, provided that such students
9 continue to meet the renewal eligibility requirements that
10 were in effect at the time that their original awards were
11 made. Students who participated in the "Chappie" James Most
12 Promising Teacher Scholarship Loan Program prior to July 1,
13 1993, shall not have their awards reduced as a result of the
14 addition of new students to the program. All scholarship loan
15 repayments pursuant to s. 1009.57 shall be deposited into the
16 State Student Financial Assistance Trust Fund. Any remaining
17 balance at the end of any fiscal year that has been allocated
18 to the program shall remain in the trust fund and be available
19 for the individual programs in future years.

20 Section 434. Section 1009.55, Florida Statutes, is
21 created to read:

22 1009.55 Rosewood Family Scholarship Program.--

23 (1) There is created a Rosewood Family Scholarship
24 Program for minority persons with preference given to the
25 direct descendants of the Rosewood families, not to exceed 25
26 scholarships per year. Funds appropriated by the Legislature
27 for the program shall be deposited in the State Student
28 Financial Assistance Trust Fund.

29 (2) The Rosewood Family Scholarship Program shall be
30 administered by the Department of Education. The State Board

31

1 of Education shall adopt rules for administering this program
2 which shall at a minimum provide for the following:
3 (a) The annual award to a student shall be up to
4 \$4,000 but should not exceed an amount in excess of tuition
5 and registration fees.
6 (b) If funds are insufficient to provide a full
7 scholarship to each eligible applicant, the department may
8 prorate available funds and make a partial award to each
9 eligible applicant.
10 (c) The department shall rank eligible initial
11 applicants for the purposes of awarding scholarships with
12 preference being given to the direct descendants of the
13 Rosewood families. The remaining applicants shall be ranked
14 based on need as determined by the Department of Education.
15 (d) Payment of an award shall be transmitted in
16 advance of the registration period each semester on behalf of
17 the student to the president of the university or community
18 college, or his or her representative, or to the director of
19 the technical school which the recipient is attending.
20 (3) Beginning with the 1994-1995 academic year, the
21 department is authorized to make awards for undergraduate
22 study to students who:
23 (a) Meet the general requirements for student
24 eligibility as provided in s. 1009.40, except as otherwise
25 provided in this section.
26 (b) File an application for the scholarship within the
27 established time limits.
28 (c) Enroll as certificate-seeking or degree-seeking
29 students at a state university, community college, or
30 technical school authorized by law.
31

1 Section 435. Section 1009.56, Florida Statutes, is
2 created to read:

3 1009.56 Seminole and Miccosukee Indian Scholarships.--

4 (1) There is created a Seminole and Miccosukee Indian
5 Scholarship Program to be administered by the Department of
6 Education in accordance with rules established by the State
7 Board of Education. The Seminole Tribe of Florida and the
8 Miccosukee Tribe of Indians of Florida shall act in an
9 advisory capacity in the development of the rules.

10 (2) The department shall award scholarships to
11 students who:

12 (a) Have graduated from high school, have earned an
13 equivalency diploma issued by the Department of Education
14 pursuant to s. 1003.435, have earned an equivalency diploma
15 issued by the United States Armed Forces Institute, or have
16 been accepted through an early admission program;

17 (b) Are enrolled at a state university or community
18 college authorized by Florida law; a nursing diploma school
19 approved by the Board of Nursing; any Florida college,
20 university, or community college which is accredited by an
21 accrediting association whose standards are comparable to the
22 minimum standards required to operate an institution at that
23 level in Florida, as determined by rules of the Commission for
24 Independent Education; or any Florida institution the credits
25 of which are acceptable for transfer to state universities;

26 (c) Are enrolled as either full-time or part-time
27 undergraduate or graduate students and make satisfactory
28 academic progress as defined by the college or university;

29 (d) Have been recommended by the Seminole Tribe of
30 Florida or the Miccosukee Tribe of Indians of Florida; and

31

1 (e) Meet the general requirements for student
2 eligibility as provided in s. 1009.40, except as otherwise
3 provided in this section.
4 (3) Recommendation by the Seminole Tribe of Florida or
5 the Miccosukee Tribe of Indians of Florida shall:
6 (a) Be based upon established standards of financial
7 need as determined by the respective tribe and the department;
8 (b) Be based upon such other eligibility requirements
9 for student financial assistance as are adopted by the
10 respective tribe; and
11 (c) Include certification of membership or eligibility
12 for membership in the Seminole Tribe of Florida or the
13 Miccosukee Tribe of Indians of Florida.
14 (4) The amount of the scholarship shall be determined
15 by the Seminole Tribe of Florida or the Miccosukee Tribe of
16 Indians of Florida, for its respective applicants, within the
17 amount of funds appropriated for this purpose. The amount
18 shall be prorated accordingly for part-time students. At the
19 beginning of each semester or quarter, the department shall
20 certify the name of each scholarship holder eligible to
21 receive funds for that registration period to the Comptroller,
22 who shall draw a warrant in favor of each scholarship
23 recipient. Each recipient shall be eligible to have the
24 scholarship renewed from year to year, provided all academic
25 and other requirements of the college or university and rules
26 established by the State Board of Education are met.
27 (5) The Commissioner of Education shall include
28 amounts sufficient for continuation of this program in the
29 legislative budget requests of the department.
30
31

1 (6) Funds appropriated by the Legislature for the
2 program shall be deposited in the State Student Financial
3 Assistance Trust Fund.

4 Section 436. Section 1009.57, Florida Statutes, is
5 created to read:

6 1009.57 Florida Teacher Scholarship and Forgivable
7 Loan Program.--

8 (1) There is created the Florida Teacher Scholarship
9 and Forgivable Loan Program to be administered by the
10 Department of Education. The program shall provide scholarship
11 assistance to eligible students for lower-division
12 undergraduate study and loan assistance to eligible students
13 for upper-division undergraduate and graduate study. The
14 primary purpose of the program is to attract capable and
15 promising students to the teaching profession, attract
16 teachers to areas of projected or current critical teacher
17 shortage, attract liberal arts and science graduates to
18 teaching, and provide opportunity for persons making midcareer
19 decisions to enter the teaching profession. The State Board
20 of Education shall adopt rules necessary to administer the
21 program and shall annually identify critical teacher shortage
22 areas.

23 (2) Within the Florida Teacher Scholarship and
24 Forgivable Loan Program shall be established the "Chappie"
25 James Most Promising Teacher Scholarship which shall be
26 offered to a top graduating senior from each public secondary
27 school in the state. An additional number of "Chappie" James
28 Most Promising Teacher Scholarship awards shall be offered
29 annually to graduating seniors from private secondary schools
30 in the state which are listed with the Department of Education
31 and accredited by the Southern Association of Colleges and

1 Schools or any other private statewide accrediting agency
2 which makes public its standards, procedures, and member
3 schools. The private secondary schools shall be in compliance
4 with regulations of the Office for Civil Rights. The number
5 of awards to private secondary school students shall be
6 proportional to the number of awards available to public
7 secondary school students and shall be calculated as the ratio
8 of the number of private to public secondary school seniors in
9 the state multiplied by the number of public secondary schools
10 in the state.

11 (a) The scholarship may be used for attendance at a
12 state university, a community college, or an independent
13 institution as defined in s. 1009.89.

14 (b) The amount of the scholarship is \$1,500 and may be
15 renewed for 1 year if the student earns a 2.5 cumulative grade
16 point average and 12 credit hours per term and meets the
17 eligibility requirements for renewal of the award.

18 (c) To be eligible for the scholarship, a student
19 shall: be ranked within the top quartile of the senior class;
20 have been an active member of a high school future teacher
21 organization, if such organization exists in the student's
22 school; have earned a minimum unweighted cumulative grade
23 point average of 3.0 on a 4.0 scale; file an application
24 within the application period; meet the general requirements
25 for student eligibility as provided in s. 1009.40, except as
26 otherwise provided in this section; and have the intent to
27 enter the public teaching profession in Florida.

28 (d) Three candidates from each public secondary school
29 and one candidate from each nonpublic secondary school in the
30 state shall be nominated by the principal and a committee of
31 teachers, based on criteria which shall include, but need not

1 be limited to, rank in class, standardized test scores,
2 cumulative grade point average, extracurricular activities,
3 letters of recommendation, an essay, and a declaration of
4 intention to teach in a public school in the state.

5 (e) From public secondary school nominees, the
6 Commissioner of Education shall select a graduating senior
7 from each public high school to receive a scholarship.
8 Selection of recipients from nonpublic secondary schools shall
9 be made by a committee appointed by the Commissioner of
10 Education comprised of representatives from nonpublic
11 secondary schools and the Department of Education.

12 (f) Fifteen percent of scholarships awarded shall be
13 to minority students. However, in the event that fewer than
14 15 percent of the total eligible nominees are minority
15 students, the commissioner may allocate all award funds as
16 long as a scholarship is reserved for each eligible minority
17 nominee.

18 (3)(a) Within the Florida Teacher Scholarship and
19 Forgivable Loan Program shall be established the Florida
20 Critical Teacher Shortage Forgivable Loan Program which shall
21 make undergraduate and graduate forgivable loans available to
22 eligible students entering programs of study that lead to a
23 degree in a teaching program in a critical teacher shortage
24 area. To be eligible for a program loan, a candidate shall:

25 1. Be a full-time student at the upper-division
26 undergraduate or graduate level in a teacher training program
27 approved by the department pursuant to s. 1004.04 leading to
28 certification in a critical teacher shortage subject area.

29 2. Have declared an intent to teach, for at least the
30 number of years for which a forgivable loan is received, in
31 publicly funded elementary or secondary schools of Florida in

1 a critical teacher shortage area identified by the State Board
2 of Education. For purposes of this subsection, a school is
3 publicly funded if it receives at least 75 percent of its
4 operating costs from governmental agencies and operates its
5 educational program under contract with a public school
6 district or the Department of Education.

7 3. Meet the general requirements for student
8 eligibility as provided in s. 1009.40, except as otherwise
9 provided in this section.

10 4. If applying for an undergraduate forgivable loan,
11 have maintained a minimum cumulative grade point average of
12 2.5 on a 4.0 scale for all undergraduate work. Renewal
13 applicants for undergraduate loans shall maintain a minimum
14 cumulative grade point average of at least a 2.5 on a 4.0
15 scale for all undergraduate work and have earned at least 12
16 semester credits per term, or the equivalent.

17 5. If applying for a graduate forgivable loan, have
18 maintained an undergraduate cumulative grade point average of
19 at least a 3.0 on a 4.0 scale or have attained a Graduate
20 Record Examination score of at least 1,000. Renewal applicants
21 for graduate loans shall maintain a minimum cumulative grade
22 point average of at least a 3.0 on a 4.0 scale for all
23 graduate work and have earned at least 9 semester credits per
24 term, or the equivalent.

25 (b) An undergraduate forgivable loan may be awarded
26 for 2 undergraduate years, not to exceed \$4,000 per year, or
27 for a maximum of 3 years for programs requiring a fifth year
28 of instruction to obtain initial teaching certification.

29 (c) A graduate forgivable loan may be awarded for 2
30 graduate years, not to exceed \$8,000 per year. In addition to
31

1 meeting criteria specified in paragraph (a), a loan recipient
2 at the graduate level shall:
3 1. Hold a bachelor's degree from any college or
4 university accredited by a regional accrediting association as
5 defined by State Board of Education rule.
6 2. Not already hold a teaching certificate resulting
7 from an undergraduate degree in education in an area of
8 critical teacher shortage as designated by the State Board of
9 Education.
10 3. Not have received an undergraduate forgivable loan
11 as provided for in paragraph (b).
12 (d) Recipients of the Paul Douglas Teacher Scholarship
13 Loan Program as authorized under title IV, part D, subpart 1
14 of the Higher Education Act of 1965, as amended, shall not be
15 eligible to participate in the Florida Critical Teacher
16 Shortage Forgivable Loan Program.
17 (e) The State Board of Education shall adopt by rule
18 repayment schedules and applicable interest rates under ss.
19 1009.82 and 1009.95. A forgivable loan must be repaid within
20 10 years of completion of a program of studies.
21 1. Credit for repayment of an undergraduate or
22 graduate forgivable loan shall be in an amount not to exceed
23 \$4,000 in loan principal plus applicable accrued interest for
24 each full year of eligible teaching service. However, credit
25 in an amount not to exceed \$8,000 in loan principal plus
26 applicable accrued interest shall be given for each full year
27 of eligible teaching service completed at a high-density,
28 low-economic urban school or at a low-density, low-economic
29 rural school, as identified by the State Board of Education.
30 2. Any forgivable loan recipient who fails to teach in
31 a publicly funded elementary or secondary school in this state

1 as specified in this subsection is responsible for repaying
2 the loan plus accrued interest at 8 percent annually.

3 3. Forgivable loan recipients may receive loan
4 repayment credit for teaching service rendered at any time
5 during the scheduled repayment period. However, such repayment
6 credit shall be applicable only to the current principal and
7 accrued interest balance that remains at the time the
8 repayment credit is earned. No loan recipient shall be
9 reimbursed for previous cash payments of principal and
10 interest.

11 (f) Funds appropriated by the Legislature for the
12 program shall be deposited in the State Student Financial
13 Assistance Trust Fund.

14 Section 437. Section 1009.58, Florida Statutes, is
15 created to read:

16 1009.58 Critical teacher shortage tuition
17 reimbursement program.--

18 (1) A critical teacher shortage tuition reimbursement
19 program shall be established for the purpose of improving the
20 skills and knowledge of current teachers or persons preparing
21 to teach in critical teacher shortage areas.

22 (2) The State Board of Education shall adopt rules to
23 implement the critical teacher shortage tuition reimbursement
24 program. Any full-time public school employee or
25 developmental research school employee certified to teach in
26 this state is eligible for the program. For the purposes of
27 this program, tuition reimbursement shall be limited to
28 courses in critical teacher shortage areas as determined by
29 the State Board of Education. Such courses shall be:

30 (a) Graduate-level courses leading to a master's,
31 specialist, or doctoral degree;

1 (b) Graduate-level courses leading to a new
2 certification area; or

3 (c) State-approved undergraduate courses leading to an
4 advanced degree or new certification area.

5 (3) Participants may receive tuition reimbursement
6 payments for up to 9 semester hours, or the equivalent in
7 quarter hours, per year, at a rate not to exceed \$78 per
8 semester hour, up to a total of 36 semester hours. All tuition
9 reimbursements shall be contingent on passing an approved
10 course with a minimum grade of 3.0 or its equivalent.

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

13 Section 438. Section 1009.59, Florida Statutes, is
14 created to read:

15 1009.59 Critical Teacher Shortage Student Loan
16 Forgiveness Program.--

17 (1) The Critical Teacher Shortage Student Loan
18 Forgiveness Program is established to encourage qualified
19 personnel to seek employment in subject areas in which
20 critical teacher shortages exist, as identified annually by
21 the State Board of Education. The primary function of the
22 program is to make repayments towards loans received by
23 students from federal programs or commercial lending
24 institutions for the support of postsecondary education study.
25 Repayments are intended to be made to qualified applicants who
26 begin teaching for the first time in designated subject areas,
27 and who apply during their first year of teaching as certified
28 teachers in these subject areas.

29 (2) From the funds available, the Department of
30 Education may make loan principal repayments as follows:
31

1 (a) Up to \$2,500 a year for up to 4 years on behalf of
2 selected graduates of state-approved undergraduate
3 postsecondary teacher preparation programs, persons certified
4 to teach pursuant to any applicable teacher certification
5 requirements, or selected teacher preparation graduates from
6 any state participating in the Interstate Agreement on the
7 Qualification of Educational Personnel.

8 (b) Up to \$5,000 a year for up to 2 years on behalf of
9 selected graduates of state-approved graduate postsecondary
10 teacher preparation programs, persons with graduate degrees
11 certified to teach pursuant to any applicable teacher
12 certification requirements, or selected teacher preparation
13 graduates from any state participating in the Interstate
14 Agreement on the Qualification of Educational Personnel.

15 (c) All repayments shall be contingent on continued
16 proof of employment in the designated subject areas in this
17 state and shall be made directly to the holder of the loan.
18 The state shall not bear responsibility for the collection of
19 any interest charges or other remaining balance. In the event
20 that designated critical teacher shortage subject areas are
21 changed by the State Board of Education, a teacher shall
22 continue to be eligible for loan forgiveness as long as he or
23 she continues to teach in the subject area for which the
24 original loan repayment was made and otherwise meets all
25 conditions of eligibility.

26 (3) Students receiving a scholarship loan or a
27 fellowship loan are not eligible to participate in the
28 Critical Teacher Shortage Student Loan Forgiveness Program.

29 (4) The State Board of Education may adopt rules
30 pursuant to ss. 120.536(1) and 120.54, necessary for the
31 administration of this program.

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

3 Section 439. Section 1009.60, Florida Statutes, is
4 created to read:

5 1009.60 Minority teacher education scholars
6 program.--There is created the minority teacher education
7 scholars program, which is a collaborative performance-based
8 scholarship program for African-American, Hispanic-American,
9 Asian-American, and Native American students. The participants
10 in the program include Florida's community colleges and its
11 public and private universities that have teacher education
12 programs.

13 (1) The minority teacher education scholars program
14 shall provide an annual scholarship of \$4,000 for each
15 approved minority teacher education scholar who is enrolled in
16 one of Florida's public or private universities in the junior
17 year and is admitted into a teacher education program.

18 (2) To assist each participating education institution
19 in the recruitment and retention of minority teacher scholars,
20 the administrators of the Florida Fund for Minority Teachers,
21 Inc., shall implement a systemwide training program. The
22 training program must include an annual conference or series
23 of conferences for students who are in the program or who are
24 identified by a high school or a community college as likely
25 candidates for the program. The training program must also
26 include research about and dissemination concerning successful
27 activities or programs that recruit minority students for
28 teacher education and retain them through graduation,
29 certification, and employment. Staff employed by the
30 corporation may work with each participating education
31 institution to assure that local faculty and administrators

1 receive the benefit of all available research and resources to
2 increase retention of their minority teacher education
3 scholars.

4 (3) The total amount appropriated annually for new
5 scholarships in the program must be divided by \$4,000 and by
6 the number of participating colleges and universities. Each
7 participating institution has access to the same number of
8 scholarships and may award all of them to eligible minority
9 students. If a college or university does not award all of its
10 scholarships by the date set by the program administration at
11 the Florida Fund for Minority Teachers, Inc., the remaining
12 scholarships must be transferred to another institution that
13 has eligible students.

14 (4) A student may receive a scholarship from the
15 program for 3 consecutive years if the student remains
16 enrolled full-time in the program and makes satisfactory
17 progress toward a baccalaureate degree with a major in
18 education.

19 (5) If a minority teacher education scholar graduates
20 and is employed as a teacher by a Florida district school
21 board, the scholar is not required to repay the scholarship
22 amount so long as the scholar teaches in a Florida public
23 school. A scholar may repay the entire scholarship amount by
24 remaining employed as a Florida public school teacher for 1
25 year for each year he or she received the scholarship.

26 (6) If a minority teacher education scholar does not
27 graduate within 3 years, or if the scholar graduates but does
28 not teach in a Florida public school, the scholar must repay
29 the total amount awarded, plus annual interest of 8 percent.

30 (a) Interest begins accruing the first day of the 13th
31 month after the month in which the recipient completes an

1 approved teacher education program or after the month in which
2 enrollment as a full-time student is terminated. Interest does
3 not accrue during any period of deferment or eligible teaching
4 service.

5 (b) The repayment period begins the first day of the
6 13th 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.

9 (c) The terms and conditions of the scholarship
10 repayment must be contained in a promissory note and a
11 repayment schedule. The loan must be paid within 10 years
12 after the date of graduation or termination of full-time
13 enrollment, including any periods of deferment. A shorter
14 repayment period may be granted. The minimum monthly repayment
15 is \$50 or the unpaid balance, unless otherwise approved,
16 except that the monthly payment may not be less than the
17 accruing interest. The recipient may prepay any part of the
18 scholarship without penalty.

19 (d) The holder of the promissory note may grant a
20 deferment of repayment for a recipient who is a full-time
21 student, who is unable to secure a teaching position that
22 would qualify as repayment, who becomes disabled, or who
23 experiences other hardships. Such a deferment may be granted
24 for a total of 24 months.

25 (e) If a student defaults on the scholarship, the
26 entire unpaid balance, including interest accrued, becomes due
27 and payable at the option of the holder of the promissory
28 note, or when the recipient is no longer able to pay or no
29 longer intends to pay. The recipient is responsible for paying
30 all reasonable attorney's fees and other costs and charges
31 necessary for administration of the collection process.

1 Section 440. Section 1009.605, Florida Statutes, is
2 created to read:

3 1009.605 Florida Fund for Minority Teachers, Inc.--

4 (1) There is created the Florida Fund for Minority
5 Teachers, Inc., which is a not-for-profit statutory
6 corporation housed in the College of Education at the
7 University of Florida. The corporation shall administer and
8 manage the minority teacher education scholars program.

9 (2) The corporation shall submit an annual budget
10 projection to the Department of Education to be included in
11 the annual legislative budget request. The projection must be
12 based on a 7-year plan that would be capable of awarding the
13 following schedule of scholarships:

14 (a) In the initial year, 700 scholarships of \$4,000
15 each to scholars in the junior year of college.

16 (b) In the second year, 350 scholarships to new
17 scholars in their junior year and 700 renewal scholarships to
18 the rising seniors.

19 (c) In each succeeding year, 350 scholarships to new
20 scholars in the junior year and renewal scholarships to the
21 350 rising seniors.

22 (3) A board of directors shall administer the
23 corporation. The Governor shall appoint to the board at least
24 15 but not more than 25 members, who shall serve terms of 3
25 years, except that 4 of the initial members shall serve 1-year
26 terms and 4 shall serve 2-year terms. At least 4 members must
27 be employed by public community colleges and at least 11
28 members must be employed by public or private postsecondary
29 institutions that operate colleges of education. At least one
30 member must be a financial aid officer employed by a
31 postsecondary education institution operating in Florida.

1 Administrative costs for support of the Board of Directors and
2 the Florida Fund for Minority Teachers may not exceed 5
3 percent of funds allocated for the program. The board shall:
4 (a) Hold meetings to implement this section.
5 (b) Select a chairperson annually.
6 (c) Make rules for its own government.
7 (d) Appoint an executive director to serve at its
8 pleasure. The executive director shall be the chief
9 administrative officer and agent of the board.
10 (e) Maintain a record of its proceedings.
11 (f) Delegate to the chairperson the responsibility for
12 signing final orders.
13 (g) Carry out the training program as required for the
14 minority teacher education scholars program. No more than 5
15 percent of the funds appropriated for the minority teacher
16 education scholars program may be expended for administration,
17 including administration of the required training program.
18 Section 441. Section 1009.61, Florida Statutes, is
19 created to read:
20 1009.61 Teacher/Quest Scholarship Program.--The
21 Teacher/Quest Scholarship Program is created for the purpose
22 of providing teachers with the opportunity to enhance their
23 knowledge of science, mathematics, and computer applications
24 in business, industry, and government. A school district or
25 developmental research school may propose that one or more
26 teachers be granted a Teacher/Quest Scholarship by submitting
27 to the Department of Education:
28 (1) A project proposal specifying activities a teacher
29 will carry out to improve his or her:
30 (a) Understanding of mathematical, scientific, or
31 computing concepts;

1 (b) Ability to apply and demonstrate such concepts
2 through instruction;
3 (c) Knowledge of career and technical requirements for
4 competency in mathematics, science, and computing; and
5 (d) Ability to integrate and apply technological
6 concepts from all three fields; and
7 (2) A contractual agreement with a private corporation
8 or governmental agency that implements the project proposal
9 and guarantees employment to the teacher during a summer or
10 other period when schools are out of session. The agreement
11 must stipulate a salary rate that does not exceed regular
12 rates of pay and a gross salary amount consistent with
13 applicable statutory and contractual provisions for the
14 teacher's employment. The teacher's compensation shall be
15 provided for on an equally matched basis by funds from the
16 employing corporation or agency.
17 Section 442. Section 1009.62, Florida Statutes, is
18 created to read:
19 1009.62 Grants for teachers for special training in
20 exceptional student education.--
21 (1) The Department of Education may make grants to
22 teachers for special training in exceptional student education
23 to meet professional requirements with respect thereto, and
24 the department is responsible for the administration of such
25 program.
26 (2) These grants are limited to teachers who:
27 (a) Hold a full-time contract to teach in a district
28 school system, a state-operated or state-supported program, or
29 an agency or organization under contract with the Department
30 of Education;
31

1 (b) Hold a valid Florida educator's certificate that
2 does not reflect an exceptional-student-education coverage or
3 endorsement that is appropriate for the teacher's assignment;
4 and

5 (c) Satisfactorily complete the eligible courses.

6 (3) Grant amounts are to be determined on the basis of
7 rates established by the Department of Education.

8 (4) The Department of Education shall administer this
9 program under rules established by the State Board of
10 Education.

11 Section 443. Section 1009.63, Florida Statutes, is
12 created to read:

13 1009.63 Occupational therapist or physical therapist
14 critical shortage program; definitions.--For the purposes of
15 ss. 1009.63-1009.634:

16 (1) "Critical shortage area" applies to licensed
17 occupational therapists and physical therapists and
18 occupational therapy assistants and physical therapist
19 assistants employed by the public schools of this state.

20 (2) "Therapist" means occupational therapist or
21 physical therapist.

22 Section 444. Section 1009.631, Florida Statutes, is
23 created to read:

24 1009.631 Occupational therapist or physical therapist
25 critical shortage program; establishment.--

26 (1) The occupational therapist or physical therapist
27 critical shortage program is established in the Department of
28 Education for the purpose of attracting capable and promising
29 applicants in the occupational therapy or physical therapy
30 profession to employment in the public schools of this state.

31 The program shall include the Critical Occupational Therapist

1 or Physical Therapist Shortage Student Loan Forgiveness
2 Program, the Critical Occupational Therapist or Physical
3 Therapist Shortage Scholarship Loan Program, and the Critical
4 Occupational Therapist or Physical Therapist Shortage Tuition
5 Reimbursement Program.

6 (2) Funds appropriated by the Legislature for the
7 program shall be deposited in the State Student Financial
8 Assistance Trust Fund. Any balance in the trust fund at the
9 end of any fiscal year that has been allocated to the program
10 shall remain therein and shall be available for carrying out
11 the purposes of this section. Funds contained in the trust
12 fund for the program shall be used for the programs specified
13 in subsection (1) for those licensed therapists and therapy
14 assistants employed by the public schools of this state.

15 (3) The State Board of Education shall annually review
16 the designation of critical shortage areas and shall adopt
17 rules necessary for the implementation of the program.

18 Section 445. Section 1009.632, Florida Statutes, is
19 created to read:

20 1009.632 Critical Occupational Therapist or Physical
21 Therapist Shortage Student Loan Forgiveness Program.--

22 (1) There is established the Critical Occupational
23 Therapist or Physical Therapist Shortage Student Loan
24 Forgiveness Program. The primary function of the program is
25 to make repayments toward loans received by students from
26 institutions for the support of postsecondary study of
27 occupational therapy or physical therapy. Repayments shall be
28 made to qualified applicants who initiate employment in the
29 public schools of this state and who apply during their first
30 year of employment in a public school setting.

31

1 (2) From the funds available, the Department of
2 Education is authorized to make loan principal repayments as
3 follows:

4 (a) Up to \$2,500 a year for up to 4 years on behalf of
5 selected graduates of accredited undergraduate postsecondary
6 occupational therapist or physical therapist preparation
7 programs.

8 (b) Up to \$2,500 a year for up to 2 years on behalf of
9 selected graduates of accredited undergraduate postsecondary
10 occupational therapy or physical therapist assistant
11 preparation programs.

12 (c) Up to \$5,000 a year for up to 2 years on behalf of
13 selected graduates of accredited postbaccalaureate entry level
14 occupational therapist or physical therapist preparation
15 programs.

16 (d) All repayments shall be contingent on continued
17 proof of employment for 3 years as a therapist or therapy
18 assistant by the public schools in this state and shall be
19 made directly to the holder of the loan. The state shall not
20 bear the responsibility for the collection of any interest
21 charges or other remaining balance. In the event that a
22 critical shortage is no longer verified, a therapist or
23 therapy assistant shall continue to be eligible for loan
24 forgiveness as long as the therapist or therapy assistant
25 continues to be employed by the public schools of this state
26 and otherwise meets all conditions of eligibility.

27 (3) Recipients under this program shall not be
28 eligible to participate in the Critical Occupational Therapist
29 or Physical Therapist Shortage Scholarship Loan Program or the
30 Critical Occupational Therapist or Physical Therapist Shortage
31 Tuition Reimbursement Program.

1 (4) This section shall be implemented only to the
2 extent as specifically funded by law.

3 Section 446. Section 1009.633, Florida Statutes, is
4 created to read:

5 1009.633 Critical Occupational Therapist or Physical
6 Therapist Shortage Scholarship Loan Program.--

7 (1) There is established the Critical Occupational
8 Therapist or Physical Therapist Shortage Scholarship Loan
9 Program.

10 (2) To be eligible, a candidate shall:

11 (a) Be a full-time student in a therapy assistant
12 program or in the upper division or higher level in an
13 occupational therapist or physical therapist educational
14 program. Occupational therapist and occupational therapy
15 assistant programs must be accredited by the American Medical
16 Association in collaboration with the American Occupational
17 Therapy Association. Physical therapist and physical therapist
18 assistant programs must be accredited by the American Physical
19 Therapy Association.

20 (b) Have declared an intention to be employed by the
21 public schools of this state for 3 years following completion
22 of the requirements. In the event critical shortage areas are
23 changed by the State Board of Education, a student shall
24 continue to be eligible for an award as long as the student
25 continues in the therapist educational program for which the
26 initial award was made and the student otherwise meets all
27 other conditions of eligibility.

28 (c) Meet the general requirements for student
29 eligibility as provided in s. 1009.40, except as otherwise
30 provided in this section.

31

1 (d) Maintain a grade point average of 2.0 on a 4.0
2 scale for undergraduate college work or a grade point average
3 of 3.0 on a 4.0 scale for graduate college work.

4 (3) A scholarship loan may be awarded for no more than
5 2 years and may not exceed \$4,000 a year.

6 (4) The State Board of Education shall adopt by rule
7 repayment schedules and applicable interest rates under ss.
8 1009.82 and 1009.95. A scholarship loan must be paid back
9 within 10 years of completion of a program of studies.

10 (a) Credit for repayment of a scholarship loan shall
11 be in an amount not to exceed \$2,000 plus applicable accrued
12 interest for each full year of employment by the public
13 schools of this state.

14 (b) Any therapist or therapy assistant who fails to be
15 employed by a public school in this state as specified in this
16 subsection is responsible for repaying the loan plus interest.
17 Repayment schedules and applicable interest rates shall be
18 determined by the rules of the State Board of Education under
19 ss. 1009.82 and 1009.95.

20 (5) Recipients under this program shall not be
21 eligible to participate in the Critical Occupational Therapist
22 or Physical Therapist Shortage Student Loan Forgiveness
23 Program or the Critical Occupational Therapist or Physical
24 Therapist Shortage Tuition Reimbursement Program.

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

27 Section 447. Section 1009.634, Florida Statutes, is
28 created to read:

29 1009.634 Critical Occupational Therapist or Physical
30 Therapist Shortage Tuition Reimbursement Program.--

31

1 (1) There is established the Critical Occupational
2 Therapist or Physical Therapist Shortage Tuition Reimbursement
3 Program to improve the skills and knowledge of current
4 therapists and therapy assistants who are employed by the
5 public school system.

6 (2) Any full-time public school employee licensed to
7 practice occupational therapy or physical therapy in this
8 state is eligible for the program.

9 (3) Participants may receive tuition reimbursement
10 payments for up to 9 semester hours, or the equivalent in
11 quarter hours, per year, at a rate not to exceed \$78 per
12 semester hour, up to a total of 36 semester hours. All tuition
13 reimbursements shall be contingent on the participant passing
14 an approved course with a minimum grade of 3.0 or its
15 equivalent.

16 (4) The participant shall be employed by the public
17 schools of this state for 3 years following completion of the
18 requirements.

19 (5) Recipients under this program shall not be
20 eligible to participate in the Critical Occupational Therapist
21 or Physical Therapist Shortage Student Loan Forgiveness
22 Program or the Critical Occupational Therapist or Physical
23 Therapist Shortage Scholarship Loan Program.

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

26 Section 448. Section 1009.64, Florida Statutes, is
27 created to read:

28 1009.64 Certified Education Paraprofessional Welfare
29 Transition Program.--

30 (1) There is created the Certified Education
31 Paraprofessional Welfare Transition Program to provide

1 education and employment for recipients of public assistance
2 who are certified to work in schools that, because of the high
3 proportion of economically disadvantaged children enrolled,
4 are at risk of poor performance on traditional measures of
5 achievement. The program is designed to enable such schools
6 to increase the number of adults working with the school
7 children. However, the increase in personnel working at
8 certain schools is intended to supplement and not to supplant
9 the school staff and should not affect current school board
10 employment and staffing policies, including those contained in
11 collective bargaining agreements. The program is intended to
12 be supported by local, state, and federal program funds for
13 which the participants may be eligible. Further, the program
14 is designed to provide its participants not only with
15 entry-level employment but also with a marketable credential,
16 a career option, and encouragement to advance.

17 (2) The Commissioner of Education, the secretary of
18 the Department of Children and Family Services, and the
19 director of the Agency for Workforce Innovation have joint
20 responsibility for planning and conducting the program.

21 (3) The agencies responsible may make recommendations
22 to the State Board of Education and the Legislature if they
23 find that implementation or operation of the program would
24 benefit from the adoption or waiver of state or federal
25 policy, rule, or law, including recommendations regarding
26 program budgeting.

27 (4) The agencies shall complete an implementation plan
28 that addresses at least the following recommended components
29 of the program:

30 (a) A method of selecting participants. The method
31 must not duplicate services provided by those assigned to

1 screen participants of the welfare transition program, but
2 must assure that screening personnel are trained to identify
3 recipients of public assistance whose personal aptitudes and
4 motivation make them most likely to succeed in the program and
5 advance in a career related to the school community.

6 (b) A budget for use of incentive funding to provide
7 motivation to participants to succeed and excel. The budget
8 for incentive funding includes:

9 1. Funds allocated by the Legislature directly for the
10 program.

11 2. Funds that may be made available from the federal
12 Workforce Investment Act based on client eligibility or
13 requested waivers to make the clients eligible.

14 3. Funds made available by implementation strategies
15 that would make maximum use of work supplementation funds
16 authorized by federal law.

17 4. Funds authorized by strategies to lengthen
18 participants' eligibility for federal programs such as
19 Medicaid, subsidized child care, and transportation.

20
21 Incentives may include a stipend during periods of college
22 classroom training, a bonus and recognition for a high
23 grade-point average, child care and prekindergarten services
24 for children of participants, and services to increase a
25 participant's ability to advance to higher levels of
26 employment. Nonfinancial incentives should include providing a
27 mentor or tutor, and service incentives should continue and
28 increase for any participant who plans to complete the
29 baccalaureate degree and become a certified teacher. Services
30 may be provided in accordance with family choice by community
31 colleges and school district technical centers, through family

1 service centers and full-service schools, or under contract
2 with providers through central agencies.

3 (5) The agencies shall select Department of Children
4 and Family Services districts to participate in the program. A
5 district that wishes to participate must demonstrate that a
6 district school board, a community college board of trustees,
7 an economic services program administrator, and a regional
8 workforce board are willing to coordinate to provide the
9 educational program, support services, employment
10 opportunities, and incentives required to fulfill the intent
11 of this section.

12 (6)(a) A community college or school district
13 technical center is eligible to participate if it provides a
14 technical certificate program in Child Development Early
15 Intervention as approved by Workforce Florida, Inc. Priority
16 programs provide an option and incentives to articulate with
17 an associate in science degree program or a baccalaureate
18 degree program.

19 (b) A participating educational agency may earn funds
20 appropriated for performance-based incentive funding for
21 successful outcomes of enrollment and placement of recipients
22 of public assistance who are in the program. In addition, an
23 educational agency is eligible for an incentive award
24 determined by Workforce Florida, Inc., for each recipient of
25 public assistance who successfully completes a program leading
26 to the award of a General Education Development credential.

27 (c) Historically black colleges or universities that
28 have established programs that serve participants in the
29 welfare transition program are eligible to participate in the
30 Performance Based Incentive Funding Program and may earn an
31 incentive award determined by Workforce Florida, Inc., for

1 successful placement of program completers in jobs as
2 education paraprofessionals in at-risk schools.

3 (7)(a) A participating school district shall identify
4 at-risk schools in which the program participants will work
5 during the practicum part of their education. For purposes of
6 this act, an at-risk school is a school with grades K-3 in
7 which 50 percent or more of the students enrolled at the
8 school are eligible for free lunches or reduced-price lunches.
9 Priority schools are schools whose service zones include the
10 participants' own communities.

11 (b) A participating school district may use funds
12 appropriated by the Legislature from Agency for Workforce
13 Innovation regional workforce board allotments to provide at
14 least 6 months of on-the-job training to participants in the
15 Certified Education Paraprofessional Welfare Transition
16 Program. Participating school districts may also use funds
17 provided by grant diversion of funds from the welfare
18 transition program for the participants during the practicum
19 portion of their training to earn the certificate required for
20 their employment.

21 (8) The agencies shall give priority for funding to
22 those programs that provide maximum security for the
23 long-range employment and career opportunities of the program
24 participants. Security is enhanced if employment is provided
25 through a governmental or nongovernmental agency other than
26 the school board, or if the plans assure in another way that
27 the participants will supplement, rather than supplant, the
28 workforce available to the school board. It is the intent of
29 the Legislature that, when a program participant succeeds in
30 becoming a certified education paraprofessional after working
31 successfully in a school during the practicum or on-the-job

1 training supported by the program, the participant shall have
2 the opportunity to continue in full-time employment at the
3 school that provided the training or at another school in the
4 district.

5 Section 449. Section 1009.65, Florida Statutes, is
6 created to read:

7 1009.65 Medical Education Reimbursement and Loan
8 Repayment Program.--

9 (1) To encourage qualified medical professionals to
10 practice in underserved locations where there are shortages of
11 such personnel, there is established the Medical Education
12 Reimbursement and Loan Repayment Program. The function of the
13 program is to make payments that offset loans and educational
14 expenses incurred by students for studies leading to a medical
15 or nursing degree, medical or nursing licensure, or advanced
16 registered nurse practitioner certification or physician
17 assistant licensure. The following licensed or certified
18 health care professionals are eligible to participate in this
19 program: medical doctors with primary care specialties,
20 doctors of osteopathic medicine with primary care specialties,
21 physician's assistants, licensed practical nurses and
22 registered nurses, and advanced registered nurse practitioners
23 with primary care specialties such as certified nurse
24 midwives. Primary care medical specialties for physicians
25 include obstetrics, gynecology, general and family practice,
26 internal medicine, pediatrics, and other specialties which may
27 be identified by the Department of Health.

28 (2) From the funds available, the Department of Health
29 shall make payments to selected medical professionals as
30 follows:

31

1 (a) Up to \$4,000 per year for licensed practical
2 nurses and registered nurses, up to \$10,000 per year for
3 advanced registered nurse practitioners and physician's
4 assistants, and up to \$20,000 per year for physicians.
5 Penalties for noncompliance shall be the same as those in the
6 National Health Services Corps Loan Repayment Program.
7 Educational expenses include costs for tuition, matriculation,
8 registration, books, laboratory and other fees, other
9 educational costs, and reasonable living expenses as
10 determined by the Department of Health.

11 (b) All payments shall be contingent on continued
12 proof of primary care practice in an area defined in s.
13 395.602(2)(e), or an underserved area designated by the
14 Department of Health, provided the practitioner accepts
15 Medicaid reimbursement if eligible for such reimbursement.
16 Correctional facilities, state hospitals, and other state
17 institutions that employ medical personnel shall be designated
18 by the Department of Health as underserved locations.
19 Locations with high incidences of infant mortality, high
20 morbidity, or low Medicaid participation by health care
21 professionals may be designated as underserved.

22 (c) The Department of Health may use funds
23 appropriated for the Medical Education Reimbursement and Loan
24 Repayment Program as matching funds for federal loan repayment
25 programs such as the National Health Service Corps State Loan
26 Repayment Program.

27 (3) The Department of Health may adopt any rules
28 necessary for the administration of the Medical Education
29 Reimbursement and Loan Repayment Program. The department may
30 also solicit technical advice regarding conduct of the program
31 from the Department of Education and Florida universities and

1 community colleges. The Department of Health shall submit a
2 budget request for an amount sufficient to fund medical
3 education reimbursement, loan repayments, and program
4 administration.

5 Section 450. Section 1009.66, Florida Statutes, is
6 created to read:

7 1009.66 Nursing Student Loan Forgiveness Program.--

8 (1) To encourage qualified personnel to seek
9 employment in areas of this state in which critical nursing
10 shortages exist, there is established the Nursing Student Loan
11 Forgiveness Program. The primary function of the program is
12 to increase employment and retention of registered nurses and
13 licensed practical nurses in nursing homes and hospitals in
14 the state and in state-operated medical and health care
15 facilities, public schools, birth centers, federally sponsored
16 community health centers, family practice teaching hospitals,
17 and specialty children's hospitals by making repayments toward
18 loans received by students from federal or state programs or
19 commercial lending institutions for the support of
20 postsecondary study in accredited or approved nursing
21 programs.

22 (2) To be eligible, a candidate must have graduated
23 from an accredited or approved nursing program and have
24 received a Florida license as a licensed practical nurse or a
25 registered nurse or a Florida certificate as an advanced
26 registered nurse practitioner.

27 (3) Only loans to pay the costs of tuition, books, and
28 living expenses shall be covered, at an amount not to exceed
29 \$4,000 for each year of education towards the degree obtained.

30 (4) Receipt of funds pursuant to this program shall be
31 contingent upon continued proof of employment in the

1 designated facilities in this state. Loan principal payments
2 shall be made by the Department of Health directly to the
3 federal or state programs or commercial lending institutions
4 holding the loan as follows:
5 (a) Twenty-five percent of the loan principal and
6 accrued interest shall be retired after the first year of
7 nursing;
8 (b) Fifty percent of the loan principal and accrued
9 interest shall be retired after the second year of nursing;
10 (c) Seventy-five percent of the loan principal and
11 accrued interest shall be retired after the third year of
12 nursing; and
13 (d) The remaining loan principal and accrued interest
14 shall be retired after the fourth year of nursing.
15
16 In no case may payment for any nurse exceed \$4,000 in any
17 12-month period.
18 (5) There is created the Nursing Student Loan
19 Forgiveness Trust Fund to be administered by the Department of
20 Health pursuant to this section and s. 1009.67 and department
21 rules. The Comptroller shall authorize expenditures from the
22 trust fund upon receipt of vouchers approved by the Department
23 of Health. All moneys collected from the private health care
24 industry and other private sources for the purposes of this
25 section shall be deposited into the Nursing Student Loan
26 Forgiveness Trust Fund. Any balance in the trust fund at the
27 end of any fiscal year shall remain therein and shall be
28 available for carrying out the purposes of this section and s.
29 1009.67.
30 (6) In addition to licensing fees imposed under part I
31 of chapter 464, there is hereby levied and imposed an

1 additional fee of \$5, which fee shall be paid upon licensure
2 or renewal of nursing licensure. Revenues collected from the
3 fee imposed in this subsection shall be deposited in the
4 Nursing Student Loan Forgiveness Trust Fund of the Department
5 of Health and will be used solely for the purpose of carrying
6 out the provisions of this section and s. 1009.67. Up to 50
7 percent of the revenues appropriated to implement this
8 subsection may be used for the nursing scholarship program
9 established pursuant to s. 1009.67.

10 (7)(a) Funds contained in the Nursing Student Loan
11 Forgiveness Trust Fund which are to be used for loan
12 forgiveness for those nurses employed by hospitals, birth
13 centers, and nursing homes must be matched on a
14 dollar-for-dollar basis by contributions from the employing
15 institutions, except that this provision shall not apply to
16 state-operated medical and health care facilities, public
17 schools, county health departments, federally sponsored
18 community health centers, teaching hospitals as defined in s.
19 408.07, family practice teaching hospitals as defined in s.
20 395.805, or specialty hospitals for children as used in s.
21 409.9119. If in any given fiscal quarter there are
22 insufficient funds in the trust fund to grant all eligible
23 applicant requests, awards shall be based on the following
24 priority of employer: county health departments; federally
25 sponsored community health centers; state-operated medical and
26 health care facilities; public schools; teaching hospitals as
27 defined in s. 408.07; family practice teaching hospitals as
28 defined in s. 395.805; specialty hospitals for children as
29 used in s. 409.9119; and other hospitals, birth centers, and
30 nursing homes.

31

1 (b) All Nursing Student Loan Forgiveness Trust Fund
2 moneys shall be invested pursuant to s. 18.125. Interest
3 income accruing to that portion of the trust fund not matched
4 shall increase the total funds available for loan forgiveness
5 and scholarships. Pledged contributions shall not be eligible
6 for matching prior to the actual collection of the total
7 private contribution for the year.

8 (8) The Department of Health may solicit technical
9 assistance relating to the conduct of this program from the
10 Department of Education.

11 (9) The Department of Health is authorized to recover
12 from the Nursing Student Loan Forgiveness Trust Fund its costs
13 for administering the Nursing Student Loan Forgiveness
14 Program.

15 (10) The Department of Health may adopt rules
16 necessary to administer this program.

17 (11) This section shall be implemented only as
18 specifically funded.

19 Section 451. Section 1009.67, Florida Statutes, is
20 created to read:

21 1009.67 Nursing scholarship program.--

22 (1) There is established within the Department of
23 Health a scholarship program for the purpose of attracting
24 capable and promising students to the nursing profession.

25 (2) A scholarship applicant shall be enrolled as a
26 full-time or part-time student in the upper division of an
27 approved nursing program leading to the award of a
28 baccalaureate degree or graduate degree to qualify for a
29 nursing faculty position or as an advanced registered nurse
30 practitioner or be enrolled as a full-time or part-time

31

1 student in an approved program leading to the award of an
2 associate degree in nursing.

3 (3) A scholarship may be awarded for no more than 2
4 years, in an amount not to exceed \$8,000 per year. However,
5 registered nurses pursuing a graduate degree for a faculty
6 position or to practice as an advanced registered nurse
7 practitioner may receive up to \$12,000 per year. Beginning
8 July 1, 1998, these amounts shall be adjusted by the amount of
9 increase or decrease in the consumer price index for urban
10 consumers published by the United States Department of
11 Commerce.

12 (4) Credit for repayment of a scholarship shall be as
13 follows:

14 (a) For each full year of scholarship assistance, the
15 recipient agrees to work for 12 months in a faculty position
16 in a college of nursing or community college nursing program
17 in this state or at a health care facility in a medically
18 underserved area as approved by the Department of Health.
19 Scholarship recipients who attend school on a part-time basis
20 shall have their employment service obligation prorated in
21 proportion to the amount of scholarship payments received.

22 (b) Eligible health care facilities include nursing
23 homes and hospitals in this state, state-operated medical or
24 health care facilities, public schools, county health
25 departments, federally sponsored community health centers,
26 colleges of nursing in universities in this state, and
27 community college nursing programs in this state, family
28 practice teaching hospitals as defined in s. 395.805, or
29 specialty children's hospitals as described in s. 409.9119.
30 The recipient shall be encouraged to complete the service
31 obligation at a single employment site. If continuous

1 employment at the same site is not feasible, the recipient may
2 apply to the department for a transfer to another approved
3 health care facility.

4 (c) Any recipient who does not complete an appropriate
5 program of studies or who does not become licensed shall repay
6 to the Department of Health, on a schedule to be determined by
7 the department, the entire amount of the scholarship plus 18
8 percent interest accruing from the date of the scholarship
9 payment. Moneys repaid shall be deposited into the Nursing
10 Student Loan Forgiveness Trust Fund established in s. 1009.66.
11 However, the department may provide additional time for
12 repayment if the department finds that circumstances beyond
13 the control of the recipient caused or contributed to the
14 default.

15 (d) Any recipient who does not accept employment as a
16 nurse at an approved health care facility or who does not
17 complete 12 months of approved employment for each year of
18 scholarship assistance received shall repay to the Department
19 of Health an amount equal to two times the entire amount of
20 the scholarship plus interest accruing from the date of the
21 scholarship payment at the maximum allowable interest rate
22 permitted by law. Repayment shall be made within 1 year of
23 notice that the recipient is considered to be in default.
24 However, the department may provide additional time for
25 repayment if the department finds that circumstances beyond
26 the control of the recipient caused or contributed to the
27 default.

28 (5) Scholarship payments shall be transmitted to the
29 recipient upon receipt of documentation that the recipient is
30 enrolled in an approved nursing program. The Department of
31 Health shall develop a formula to prorate payments to

1 scholarship recipients so as not to exceed the maximum amount
2 per academic year.

3 (6) The Department of Health shall adopt rules,
4 including rules to address extraordinary circumstances that
5 may cause a recipient to default on either the school
6 enrollment or employment contractual agreement, to implement
7 this section and may solicit technical assistance relating to
8 the conduct of this program from the Department of Health.

9 (7) The Department of Health may recover from the
10 Nursing Student Loan Forgiveness Trust Fund its costs for
11 administering the nursing scholarship program.

12 Section 452. Section 1009.68, Florida Statutes, is
13 created to read:

14 1009.68 Florida Minority Medical Education Program.--

15 (1) There is created a Florida Minority Medical
16 Education Program to be administered by the Department of
17 Education in accordance with rules established by the State
18 Board of Education. The program shall provide scholarships to
19 enable minority students to pursue a medical education at the
20 University of Florida, the University of South Florida,
21 Florida State University, the University of Miami, or
22 Southeastern University of the Health Sciences, for the
23 purpose of addressing the primary health care needs of
24 underserved groups.

25 (2) In order to be eligible to receive a scholarship
26 pursuant to this section, an applicant shall:

27 (a) Be a racial or ethnic minority student.

28 (b) Be a citizen of the United States and meet the
29 general eligibility requirements as provided in s. 1009.40,
30 except as otherwise provided in this section.

31

- 1 (c) Have maintained residency in this state for no
2 less than 1 year preceding the award.
- 3 (d) Be accepted by, and enroll as a full-time student
4 in, a Florida medical school.
- 5 (e) Have an undergraduate grade point average
6 established by rule.
- 7 (f) Have received scores on selected examinations
8 established by rule.
- 9 (g) Meet financial need requirements established by
10 rule.
- 11 (h) Agree to serve in a medical corps for a period of
12 not less than 2 years for the purpose of providing health care
13 to underserved individuals in the State of Florida.
- 14 (3) In order to renew a scholarship awarded pursuant
15 to this section, a student shall maintain full-time student
16 status and a cumulative grade point average established by
17 rule.
- 18 (4) The number of scholarships annually awarded shall
19 be three per school. Priority in the distribution of
20 scholarships shall be given to students with the lowest total
21 family resources.
- 22 (5) Funds appropriated by the Legislature for the
23 program shall be deposited in the State Student Financial
24 Assistance Trust Fund. Interest income accruing to the program
25 from funds of the program in the trust fund not allocated
26 shall increase the funds available for scholarships. Any
27 balance in the trust fund at the end of any fiscal year that
28 has been allocated to the program shall remain in the trust
29 fund and shall be available for carrying out the purposes of
30 this section.
- 31

1 (6) A scholarship recipient who, upon graduation,
2 defaults on the commitment to serve in the medical corps for
3 the full 2 years shall be required to repay all scholarship
4 money plus interest.

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

7 Section 453. Section 1009.69, Florida Statutes, is
8 created to read:

9 1009.69 Virgil Hawkins Fellows Assistance Program.--

10 (1) The Virgil Hawkins Fellows Assistance Program
11 shall provide financial assistance for study in law to
12 minority students in the colleges of law at the Florida State
13 University, the University of Florida, the Florida
14 Agricultural and Mechanical University, and the Florida
15 International University. For the purposes of this section, a
16 minority student qualified to receive assistance from the
17 Virgil Hawkins Fellows Assistance Program shall be identified
18 pursuant to policies adopted by the State Board of Education.

19 (2) Each student who is awarded a fellowship shall be
20 entitled to receive an award under this act for each academic
21 term that the student is in good standing as approved by the
22 law school pursuant to guidelines of the State Board of
23 Education.

24 (3) If a fellowship vacancy occurs, that slot shall be
25 reassigned and funded as a continuing fellowship for the
26 remainder of the period for which the award was originally
27 designated.

28 (4) The State Board of Education shall adopt policies,
29 and the Department of Education shall administer the Virgil
30 Hawkins Fellows Assistance Program.

31

1 Section 454. Section 1009.70, Florida Statutes, is
2 created to read:

3 1009.70 Florida Education Fund.--

4 (1) This section shall be known and may be cited as
5 the "Florida Education Fund Act."

6 (2)(a) The Florida Education Fund, a not-for-profit
7 statutory corporation, is created from a challenge endowment
8 grant from the McKnight Foundation and operates on income
9 derived from the investment of endowment gifts and other gifts
10 as provided by state statute and appropriate matching funds as
11 provided by the state.

12 (b) The amount appropriated to the fund shall be on
13 the basis of \$1 for each \$2 contributed by private sources.
14 The Florida Education Fund shall certify to the Legislature
15 the amount of donations contributed between July 1, 1990, and
16 June 30, 1991. Only the new donations above the certified base
17 shall be calculated for state matching funds during the first
18 year of the program. In subsequent years, only the new
19 donations above the certified prior year base shall be
20 calculated for state matching funds.

21 (3) The Florida Education Fund shall use the income of
22 the fund to provide for programs which seek to:

23 (a) Enhance the quality of higher educational
24 opportunity in this state;

25 (b) Enhance equality by providing access to effective
26 higher education programs by minority and economically
27 deprived individuals in this state, with particular
28 consideration to be given to the needs of both blacks and
29 women; and

30 (c) Increase the representation of minorities in
31 faculty and administrative positions in higher education in

1 this state and to provide more highly educated minority
2 leadership in business and professional enterprises in this
3 state.
4 (4) The Florida Education Fund shall be administered
5 by a board of directors, which is hereby established.
6 (a) The board of directors shall consist of 12
7 members, to be appointed as follows:
8 1. Two laypersons appointed by the Governor;
9 2. Two laypersons appointed by the President of the
10 Senate;
11 3. Two laypersons appointed by the Speaker of the
12 House of Representatives; and
13 4. Two representatives of state universities, two
14 representatives of public community colleges, and two
15 representatives of independent colleges or universities
16 appointed by the State Board of Education.
17
18 The board of directors may appoint to the board an additional
19 five members from the private sector for the purpose of
20 assisting in the procurement of private contributions. Such
21 members shall serve as voting members of the board.
22 (b) Each of the educational sectors in paragraph (a)
23 shall be represented by a president and a faculty member of
24 the corresponding institutions.
25 (c) Each director shall hold office for a term of 3
26 years or until resignation or removal for cause. A director
27 may resign at any time by filing his or her written
28 resignation with the executive secretary for the board. The
29 terms of the directors shall be staggered so that the terms of
30 one-third of the directors will expire annually.
31

1 (d) In the event of a vacancy on the board caused by
2 other than the expiration of a term, a new member shall be
3 appointed by the appointing entity in the sector of which the
4 vacancy occurs.

5 (e) Each member is accountable to the Governor for the
6 proper performance of the duties of his or her office. The
7 Governor shall cause any complaint or unfavorable report
8 received concerning an action of the board or any of its
9 members to be investigated and shall take appropriate action
10 thereon. The Governor may remove any member from office for
11 malfeasance, misfeasance, neglect of duty, incompetence, or
12 permanent inability to perform his or her official duties or
13 for pleading nolo contendere to, or being found guilty of, a
14 crime.

15 (5) The Board of Directors of the Florida Education
16 Fund shall review and evaluate initial programs created by the
17 McKnight Foundation and continue funding the Black Doctorate
18 Fellowship Program and the Junior Fellowship Program if the
19 evaluation is positive, and the board shall identify,
20 initiate, and fund new and creative programs and monitor,
21 review, and evaluate those programs. The purpose of this
22 commitment is to broaden the participation and funding
23 potential for further significant support of higher education
24 in this state. In addition, the board shall:

25 (a) Hold such meetings as are necessary to implement
26 the provisions of this section.

27 (b) Select a chairperson annually.

28 (c) Adopt and use an official seal in the
29 authentication of its acts.

30 (d) Make rules for its own government.

31 (e) Administer this section.

1 (f) Appoint an executive director to serve at its
2 pleasure and perform all duties assigned by the board. The
3 executive director shall be the chief administrative officer
4 and agent of the board.

5 (g) Maintain a record of its proceedings.

6 (h) Delegate to the chairperson of the board the
7 responsibility for signing final orders.

8 (i) Utilize existing higher education organizations,
9 associations, and agencies to carry out its educational
10 programs and purposes with minimal staff employment.

11 (j) Be empowered to enter into contracts with the
12 Federal Government, state agencies, or individuals.

13 (k) Receive bequests, gifts, grants, donations, and
14 other valued goods and services. Such bequests and gifts
15 shall be used only for the purpose or purposes stated by the
16 donor.

17 (6) The board of directors is authorized to establish
18 a trust fund from the proceeds of the Florida Education Fund.
19 All funds deposited into the trust fund shall be invested
20 pursuant to the provisions of s. 215.47. Interest income
21 accruing to the unused portion of the trust fund shall
22 increase the total funds available for endowments. The
23 Department of Education may, at the request of the board of
24 directors, administer the fund for investment purposes.

25 (7) It is the intent of the Legislature that the Board
26 of Directors of the Florida Education Fund recruit eligible
27 residents of the state before it extends its search to
28 eligible nonresidents. However, for the purposes of subsection
29 (8), the board of directors shall recruit eligible residents
30 only. It is further the intent of the Legislature that the

31

1 board of directors establish service terms, if any, that
2 accompany the award of moneys from the fund.

3 (8) There is created a legal education component of
4 the Florida Education Fund to provide the opportunity for
5 minorities to attain representation within the legal
6 profession proportionate to their representation within the
7 general population. The legal education component of the
8 Florida Education Fund includes a law school program and a
9 pre-law program.

10 (a) The law school scholarship program of the Florida
11 Education Fund is to be administered by the Board of Directors
12 of the Florida Education Fund for the purpose of increasing by
13 200 the number of minority students enrolled in law schools in
14 this state. Implementation of this program is to be phased in
15 over a 3-year period.

16 1. The board of directors shall provide financial,
17 academic, and other support to students selected for
18 participation in this program from funds appropriated by the
19 Legislature.

20 2. Student selection must be made in accordance with
21 rules adopted by the board of directors for that purpose and
22 must be based, at least in part, on an assessment of potential
23 for success, merit, and financial need.

24 3. Support must be made available to students who
25 enroll in private, as well as public, law schools in this
26 state which are accredited by the American Bar Association.

27 4. Scholarships must be paid directly to the
28 participating students.

29 5. Students who participate in this program must agree
30 in writing to sit for The Florida Bar examination and, upon
31 successful admission to The Florida Bar, to either practice

1 law in the state for a period of time equal to the amount of
2 time for which the student received aid, up to 3 years, or
3 repay the amount of aid received.

4 6. Annually the board of directors shall compile a
5 report that includes a description of the selection process,
6 an analysis of the academic progress of all scholarship
7 recipients, and an analysis of expenditures. This report must
8 be submitted to the President of the Senate, the Speaker of
9 the House of Representatives, and the Governor.

10 (b) The minority pre-law scholarship loan program of
11 the Florida Education Fund is to be administered by the Board
12 of Directors of the Florida Education Fund for the purpose of
13 increasing the opportunity of minority students to prepare for
14 law school.

15 1. From funds appropriated by the Legislature, the
16 board of directors shall provide for student fees, room,
17 board, books, supplies, and academic and other support to
18 selected minority undergraduate students matriculating at
19 eligible public and independent colleges and universities in
20 Florida.

21 2. Student selection must be made in accordance with
22 rules adopted by the board of directors for that purpose and
23 must be based, at least in part, on an assessment of potential
24 for success, merit, and financial need.

25 3. To be eligible, a student must make a written
26 agreement to enter or be accepted to enter a law school in
27 this state within 2 years after graduation or repay the
28 scholarship loan amount plus interest at the prevailing rate.

29 4. Recipients who fail to gain admission to a law
30 school within the specified period of time, may, upon
31

1 admission to law school, be eligible to have their loans
2 canceled.

3 5. Minority pre-law scholarship loans shall be
4 provided to 34 minority students per year for up to 4 years
5 each, for a total of 136 scholarship loans. To continue
6 receipt of scholarship loans, recipients must maintain a 2.75
7 grade point average for the freshman year and a 3.25 grade
8 point average thereafter. Participants must also take
9 specialized courses to enhance competencies in English and
10 logic.

11 6. The board of directors shall maintain records on
12 all scholarship loan recipients. Participating institutions
13 shall submit academic progress reports to the board of
14 directors following each academic term. Annually, the board
15 of directors shall compile a report that includes a
16 description of the selection process, an analysis of the
17 academic progress of all scholarship loan recipients, and an
18 analysis of expenditures. This report must be submitted to
19 the President of the Senate, the Speaker of the House of
20 Representatives, and the Governor.

21 Section 455. Section 1009.72, Florida Statutes, is
22 created to read:

23 1009.72 Jose Marti Scholarship Challenge Grant
24 Program.--

25 (1) There is hereby established a Jose Marti
26 Scholarship Challenge Grant Program to be administered by the
27 Department of Education pursuant to this section and rules of
28 the State Board of Education. The program shall provide
29 matching grants for private sources that raise money for
30 scholarships to be awarded to Hispanic-American students.

31

1 (2) Funds appropriated by the Legislature for the
2 program shall be deposited in the State Student Financial
3 Assistance Trust Fund. The Comptroller shall authorize
4 expenditures from the trust fund upon receipt of vouchers
5 approved by the Department of Education. All moneys collected
6 from private sources for the purposes of this section shall be
7 deposited into the trust fund. Any balance in the trust fund
8 at the end of any fiscal year that has been allocated to the
9 program shall remain therein and shall be available for
10 carrying out the purposes of the program.

11 (3) The Legislature shall designate funds to be
12 transferred to the trust fund for the program from the General
13 Revenue Fund. Such funds shall be divided into challenge
14 grants to be administered by the Department of Education. All
15 appropriated funds deposited into the trust fund for the
16 program shall be invested pursuant to the provisions of s.
17 18.125. Interest income accruing to that portion of the funds
18 that are allocated to the program in the trust fund and not
19 matched shall increase the total funds available for the
20 program.

21 (4) The amount appropriated to the trust fund for the
22 program shall be allocated by the department on the basis of
23 one \$5,000 challenge grant for each \$2,500 raised from private
24 sources. Matching funds shall be generated through
25 contributions made after July 1, 1986, and pledged for the
26 purposes of this section. Pledged contributions shall not be
27 eligible for matching prior to the actual collection of the
28 total funds.

29 (5)(a) In order to be eligible to receive a
30 scholarship pursuant to this section, an applicant shall:
31

- 1 1. Be a Hispanic-American, or a person of Spanish
2 culture with origins in Mexico, South America, Central
3 America, or the Caribbean, regardless of race.
4 2. Be a citizen of the United States and meet the
5 general requirements for student eligibility as provided in s.
6 1009.40, except as otherwise provided in this section.
7 3. Be accepted at a state university or community
8 college or any Florida college or university that is
9 accredited by an association whose standards are comparable to
10 the minimum standards required to operate a postsecondary
11 education institution at that level in Florida.
12 4. Enroll as a full-time undergraduate or graduate
13 student.
14 5. Earn a 3.0 unweighted grade point average on a 4.0
15 scale, or the equivalent for high school subjects creditable
16 toward a diploma. If an applicant applies as a graduate
17 student, he or she shall have earned a 3.0 cumulative grade
18 point average for undergraduate college-level courses.
19 (b) In order to renew a scholarship awarded pursuant
20 to this section, a student must:
21 1. Earn a grade point average of at least 3.0 on a 4.0
22 scale for the previous term, maintain at least a 3.0 average
23 for college work, or have an average below 3.0 only for the
24 previous term and be eligible for continued enrollment at the
25 institution.
26 2. Maintain full-time enrollment.
27 (6) The annual scholarship to each recipient shall be
28 \$2,000. Priority in the distribution of scholarships shall be
29 given to students with the lowest total family resources.
30 Renewal scholarships shall take precedence over new awards in
31 any year in which funds are not sufficient to meet the total

1 need. No undergraduate student shall receive an award for
2 more than the equivalent of 8 semesters or 12 quarters over a
3 period of no more than 6 consecutive years, except as
4 otherwise provided in s. 1009.40(3). No graduate student
5 shall receive an award for more than the equivalent of 4
6 semesters or 6 quarters.

7 (7) The criteria and procedure for establishing
8 standards of eligibility shall be determined by the
9 department. The department is directed to establish a rating
10 system upon which to base the approval of grants. Such system
11 shall include a certification of acceptability by the
12 postsecondary institution of the applicant's choice.

13 (8) Payment of scholarships shall be transmitted to
14 the president of the postsecondary institution that the
15 recipient is attending or to the president's designee. Should
16 a recipient terminate his or her enrollment during the
17 academic year, the president or his or her designee shall
18 refund the unused portion of the scholarship to the department
19 within 60 days. In the event that a recipient transfers from
20 one eligible institution to another, his or her scholarship
21 shall be transferable upon approval of the department.

22 (9) This section shall be implemented to the extent
23 funded and authorized by law.

24 Section 456. Section 1009.73, Florida Statutes, is
25 created to read:

26 1009.73 Mary McLeod Bethune Scholarship Program.--

27 (1) There is established the Mary McLeod Bethune
28 Scholarship Program to be administered by the Department of
29 Education pursuant to this section and rules of the State
30 Board of Education. The program shall provide matching grants
31 for private sources that raise money for scholarships to be

1 awarded to students who attend Florida Agricultural and
2 Mechanical University, Bethune-Cookman College, Edward Waters
3 College, or Florida Memorial College.

4 (2) Funds appropriated by the Legislature for the
5 program shall be deposited in the State Student Financial
6 Assistance Trust Fund. The Comptroller shall authorize
7 expenditures from the trust fund upon receipt of vouchers
8 approved by the Department of Education. The Department of
9 Education shall receive all moneys collected from private
10 sources for the purposes of this section and shall deposit
11 such moneys into the trust fund. Notwithstanding the
12 provisions of s. 216.301 and pursuant to s. 216.351, any
13 balance in the trust fund at the end of any fiscal year that
14 has been allocated to the program shall remain in the trust
15 fund and shall be available for carrying out the purposes of
16 the program.

17 (3) The Legislature shall appropriate moneys to the
18 trust fund for the program from the General Revenue Fund. Such
19 moneys shall be applied to scholarships to be administered by
20 the Department of Education. All moneys deposited into the
21 trust fund for the program shall be invested pursuant to the
22 provisions of s. 18.125. Interest income accruing to the
23 program shall be expended to increase the total moneys
24 available for scholarships.

25 (4) The moneys in the trust fund for the program shall
26 be allocated by the department among the institutions of
27 higher education listed in subsection (1) on the basis of one
28 \$2,000 challenge grant for each \$1,000 raised from private
29 sources. Matching funds shall be generated through
30 contributions made after July 1, 1990, and pledged for the
31 purposes of this section. Pledged contributions shall not be

1 eligible for matching prior to the actual collection of the
2 total funds. The department shall allocate to each of those
3 institutions a proportionate share of the contributions
4 received on behalf of those institutions and a share of the
5 appropriations and matching funds generated by such
6 institution.

7 (5)(a) In order to be eligible to receive a
8 scholarship pursuant to this section, an applicant must:

9 1. Meet the general eligibility requirements set forth
10 in s. 1009.40.

11 2. Be accepted at Florida Agricultural and Mechanical
12 University, Bethune-Cookman College, Edward Waters College, or
13 Florida Memorial College.

14 3. Enroll as a full-time undergraduate student.

15 4. Earn a 3.0 grade point average on a 4.0 scale, or
16 the equivalent, for high school subjects creditable toward a
17 diploma.

18 (b) In order to renew a scholarship awarded pursuant
19 to this section, a student must earn a minimum cumulative
20 grade point average of 3.0 on a 4.0 scale and complete 12
21 credits each term for which the student received the
22 scholarship.

23 (6) The amount of the scholarship to be granted to
24 each recipient is \$3,000 annually. Priority in the awarding
25 of scholarships shall be given to students having financial
26 need as determined by the institution. If funds are
27 insufficient to provide the full amount of the scholarship
28 authorized in this section to each eligible applicant, the
29 institution may prorate available funds and make a partial
30 award to each eligible applicant. A student may not receive an
31 award for more than the equivalent of 8 semesters or 12

1 quarters over a period of 6 consecutive years, except that a
2 student who is participating in college-preparatory
3 instruction or who requires additional time to complete the
4 college-level communication and computation skills testing
5 program may continue to receive a scholarship while enrolled
6 for the purpose of receiving college-preparatory instruction
7 or while completing the testing program.

8 (7) The criteria and procedure for establishing
9 standards of eligibility shall be determined by the
10 department. The department shall establish a rating system
11 upon which the institutions shall award the scholarships. The
12 system must require a certification of eligibility issued by
13 the postsecondary institution selected by the applicant.

14 (8) Scholarship moneys shall be transmitted to the
15 president or the president's designee of the postsecondary
16 institution that the recipient is attending. The president or
17 his or her designee shall submit a report annually to the
18 Department of Education on the scholarships. If a recipient
19 terminates his or her enrollment during the academic year, the
20 president or his or her designee shall refund the unused
21 portion of the scholarship to the department within 60 days.
22 If a recipient transfers from one of the institutions listed
23 in subsection (1) to another of those institutions, the
24 recipient's scholarship is transferable upon approval of the
25 department.

26 (9) This section shall be implemented in any academic
27 year to the extent funded and authorized by law.

28 (10) The State Board of Education may adopt any rules
29 necessary to implement the provisions of this section.

30 Section 457. Section 1009.74, Florida Statutes, is
31 created to read:

1 1009.74 The Theodore R. and Vivian M. Johnson
2 Scholarship Program.--

3 (1) There is established the Theodore R. and Vivian M.
4 Johnson Scholarship Program to be administered by the
5 Department of Education. The program shall provide
6 scholarships to students attending a state university. The
7 program shall be funded by contributions from the Theodore R.
8 and Vivian M. Johnson Scholarship Foundation and from state
9 matching funds to be allocated from the Trust Fund for Major
10 Gifts.

11 (2) The amount to be allocated to the program shall be
12 on the basis of a 50-percent match of funds from the Trust
13 Fund for Major Gifts for each contribution received from the
14 Theodore R. and Vivian M. Johnson Scholarship Foundation. The
15 funds allocated to the program, including the corpus and
16 interest income, shall be expended for scholarships to benefit
17 disabled students attending a state university.

18 (3) Students eligible for receipt of scholarship funds
19 shall provide documentation of a disability and shall have a
20 demonstrated financial need for the funds.

21 Section 458. Section 1009.76, Florida Statutes, is
22 created to read:

23 1009.76 Ethics in Business Scholarship Program for
24 state universities.--The Ethics in Business Scholarship
25 Program for state universities is hereby created, to be
26 administered by the Department of Education. Moneys
27 appropriated and allocated to university foundations for
28 purposes of the program shall be used to create endowments for
29 the purpose of providing scholarships to undergraduate college
30 students enrolled in state institutions of higher learning who
31 register for one or more credit hours in courses in business

1 ethics and who have demonstrated a commitment to serving the
2 interests of their community. First priority for awarding such
3 scholarships shall be given to students who demonstrate
4 financial need.

5 Section 459. Section 1009.765, Florida Statutes, is
6 created to read:

7 1009.765 Ethics in Business scholarships for community
8 colleges and independent postsecondary educational
9 institutions.--When the Department of Insurance receives a \$6
10 million settlement as specified in the Consent Order of the
11 Treasurer and Insurance Commissioner, case number 18900-96-c,
12 that portion of the \$6 million not used to satisfy the
13 requirements of section 18 of the Consent Order must be
14 transferred from the Insurance Commissioner's Regulatory Trust
15 Fund to the State Student Financial Assistance Trust Fund is
16 appropriated from the State Student Financial Assistance Trust
17 Fund to provide Ethics in Business scholarships to students
18 enrolled in public community colleges and independent
19 postsecondary educational institutions eligible to participate
20 in the William L. Boyd, IV, Florida Resident Access Grant
21 Program under s. 1009.89. The funds shall be allocated to
22 institutions for scholarships in the following ratio:
23 Two-thirds for community colleges and one-third for eligible
24 independent institutions. The Department of Education shall
25 administer the scholarship program for students attending
26 community colleges and independent institutions. These funds
27 must be allocated to institutions that provide an equal amount
28 of matching funds generated by private donors for the purpose
29 of providing Ethics in Business scholarships. Public funds may
30 not be used to provide the match, nor may funds collected for
31 other purposes. Notwithstanding any other provision of law,

1 the State Board of Administration shall have the authority to
2 invest the funds appropriated under this section. The
3 Department of Education may adopt rules for administration of
4 the program.

5 Section 460. Section 1009.77, Florida Statutes, is
6 created to read:

7 1009.77 Florida Work Experience Program.--

8 (1) There is established the Florida Work Experience
9 Program to be administered by the Department of Education. The
10 purpose of the program is to introduce eligible students to
11 work experience that will complement and reinforce their
12 educational program and career goals and provide a self-help
13 student aid program. Such program shall be available to:

14 (a) Any student attending a state university or
15 community college authorized by Florida law; or

16 (b) Any student attending a nonprofit Florida
17 postsecondary education institution that is eligible to
18 participate in either of the student assistance grant programs
19 established in ss. 1009.51 and 1009.52.

20 (2)(a) A participating institution may use up to 25
21 percent of its program allocation for student employment
22 within the institution.

23 (b) A participating institution may use up to 10
24 percent of its program allocation for program administration.

25 (3) Each participating institution is authorized to
26 enter into contractual agreements with private or public
27 employers for the purpose of establishing a Florida work
28 experience program.

29 (4) The participating postsecondary educational
30 institution shall be responsible for reimbursing employers for
31 student wages from moneys it receives from the trust fund

1 pursuant to subsection (8). Public elementary or secondary
2 school employers shall be reimbursed for 100 percent of the
3 student's wages by the participating institution. All other
4 employers shall be reimbursed for 70 percent of the student's
5 wages. When a college or university employs a student on
6 campus through this program, other student financial aid funds
7 may not be used to fund the institution's 30-percent portion
8 of the student's wages.

9 (5) The employer is responsible for furnishing the
10 full cost of any mandatory benefits. Such benefits may not be
11 considered part of the 30-percent wage requirement total for
12 matching purposes.

13 (6) A student is eligible to participate in the
14 Florida Work Experience Program if the student:

15 (a) Is enrolled at an eligible college or university
16 as no less than a half-time undergraduate student in good
17 standing. However, a student may be employed during the break
18 between two consecutive terms or employed, although not
19 enrolled, during a term if the student was enrolled at least
20 half time during the preceding term and preregisters as no
21 less than a half-time student for the subsequent academic
22 term. A student who attends an institution that does not
23 provide preregistration shall provide documentation of intent
24 to enroll as no less than a half-time student for the
25 subsequent academic term.

26 (b) Meets the general requirements for student
27 eligibility as provided in s. 1009.40, except as otherwise
28 provided in this section.

29 (c) Demonstrates financial need.

30 (d) Maintains a 2.0 cumulative grade point average on
31 a 4.0 scale for all college work.

1 (7) The Department of Education shall prescribe such
2 rules for the program as are necessary for its administration,
3 for the determination of eligibility and selection of
4 institutions to receive funds for students, to ensure the
5 proper expenditure of funds, and to provide an equitable
6 distribution of funds between students at public and
7 independent colleges and universities.

8 (8) Funds appropriated by the Legislature for the
9 Florida Work Experience Program shall be deposited in the
10 State Student Financial Assistance Trust Fund. The Comptroller
11 shall authorize expenditures from the trust fund upon receipt
12 of vouchers approved by the Department of Education. Any
13 balance therein at the end of any fiscal year that has been
14 allocated to the program shall remain therein and shall be
15 available for carrying out the purposes of the program.

16 Section 461. Section 1009.78, Florida Statutes, is
17 created to read:

18 1009.78 Student Loan Program.--There is hereby created
19 a Student Loan Program, referred to in ss. 1009.78-1009.88 as
20 the program.

21 Section 462. Section 1009.79, Florida Statutes, is
22 created to read:

23 1009.79 Issuance of revenue bonds pursuant to s. 15,
24 Art. VII, State Constitution.--

25 (1) The issuance of revenue bonds to finance the
26 establishment of the program, to be payable primarily from
27 payments of interest, principal, and handling charges to the
28 program from the recipients of the loans, and with the other
29 revenues authorized hereby being pledged as additional
30 security, is hereby authorized, subject and pursuant to the
31

1 provisions of s. 15, Art. VII, State Constitution; the State
2 Bond Act, ss. 215.57-215.83; and ss. 1009.78-1009.88.

3 (2) The amount of such revenue bonds to be issued
4 shall be determined by the Division of Bond Finance of the
5 State Board of Administration. However, the total principal
6 amount outstanding shall not exceed \$80 million, other than
7 refunding bonds issued pursuant to s. 215.79.

8 Section 463. Section 1009.80, Florida Statutes, is
9 created to read:

10 1009.80 Approval of loans; administration of
11 program.--

12 (1) The loans to be made with the proceeds of the
13 program shall be determined and approved by the Department of
14 Education, pursuant to rules promulgated by the State Board of
15 Education. The program shall be administered by the
16 Department of Education as provided by law and the proceeds
17 thereof shall be maintained and secured in the same manner as
18 other public trust funds.

19 (2) The Department of Education may contract for the
20 purchase of federally insured student loans to be made by
21 other eligible lenders under the guaranteed student loan
22 program; however, any such loans must comply with all
23 applicable requirements of s. 15, Art. VII of the State
24 Constitution, ss. 1009.78-1009.88, the rules of the State
25 Board of Education relating to the guaranteed student loan
26 program, and the proceedings authorizing the student loan
27 revenue bonds, and the loans so purchased shall have been made
28 during the period specified in the contract.

29 (3) The Department of Education may sell loan notes
30 acquired pursuant to ss. 1009.78-1009.88 to the federally
31 created Student Loan Marketing Association or another

1 federally authorized holder of such notes. The department may
2 also repurchase loan notes from authorized holders of such
3 notes. The department shall comply with applicable federal
4 law and regulations and the provisions of any agreement with
5 the Student Loan Marketing Association or the other authorized
6 holders.

7 Section 464. Section 1009.81, Florida Statutes, is
8 created to read:

9 1009.81 Loan agreements.--The Department of Education
10 may enter into loan agreements between the department and the
11 recipients of loans from the program for such periods and
12 under such other terms and conditions as may be prescribed by
13 the applicable rules and regulations and mutually agreed upon
14 by the parties thereto in order to carry out the purposes of
15 s. 15, Art. VII, State Constitution and ss. 1009.78-1009.88.

16 Section 465. Section 1009.82, Florida Statutes, is
17 created to read:

18 1009.82 Terms of loans.--The term of all authorized
19 loans shall be fixed by rules adopted by the state board and
20 the loan agreements to be entered into with the student
21 borrowers.

22 Section 466. Section 1009.83, Florida Statutes, is
23 created to read:

24 1009.83 Rate of interest and other charges.--The
25 Department of Education shall from time to time fix the
26 interest and other charges to be paid for any student loan, at
27 rates sufficient to pay the interest on revenue bonds issued
28 pursuant to ss. 1009.78-1009.88, plus any costs incident to
29 issuance, sale, security, and retirement thereof, including
30 administrative expenses.

31

1 Section 467. Section 1009.84, Florida Statutes, is
2 created to read:

3 1009.84 Procurement of insurance as security for
4 loans.--The Department of Education may contract with any
5 insurance company or companies licensed to do business in the
6 state for insurance payable in the event of the death or total
7 disability of any student borrower in an amount sufficient to
8 retire the principal and interest owed under a loan made as
9 provided in ss. 1009.78-1009.88. The cost of any insurance
10 purchased under this section shall be paid by the student
11 borrower as a part of the handling charges for the loan or as
12 a separate item to be paid in connection with the loan.

13 Section 468. Section 1009.85, Florida Statutes, is
14 created to read:

15 1009.85 Participation in guaranteed student loan
16 program.--The State Board of Education shall adopt rules
17 necessary for participation in the guaranteed student loan
18 program, as provided by the Higher Education Act of 1965 (20
19 U.S.C. ss. 1071 et seq.), as amended or as may be amended. The
20 intent of this act is to authorize student loans when this
21 state, through the Department of Education, has become an
22 eligible lender under the provisions of the applicable federal
23 laws providing for the guarantee of loans to students and the
24 partial payment of interest on such loans by the United States
25 Government.

26 Section 469. Section 1009.86, Florida Statutes, is
27 created to read:

28 1009.86 Student Loan Operating Trust Fund.--
29 (1) The Student Loan Operating Trust Fund is hereby
30 created, to be administered by the Department of Education.
31 Funds shall be credited to the trust fund pursuant to the

1 Higher Education Act of 1965, as amended, from loan processing
2 and issuance fees, administrative cost allowances, account
3 maintenance fees, default aversion fees, amounts remaining
4 from collection of defaulted loans, amounts borrowed from the
5 Student Loan Guaranty Reserve Fund, and other amounts
6 specified in federal regulation. The purpose of the trust fund
7 is to segregate funds used for administration of the
8 guaranteed student loan program from the reserve funds used to
9 guarantee student loans contained in the Student Loan Guaranty
10 Reserve Fund. The fund is exempt from the service charges
11 imposed by s. 215.20.

12 (2) Notwithstanding the provisions of s. 216.301 and
13 pursuant to s. 216.351, any balance in the trust fund at the
14 end of any fiscal year shall remain in the trust fund at the
15 end of the year and shall be available for carrying out the
16 purposes of the trust fund.

17 (3) Pursuant to the provisions of s. 19(f)(2), Art.
18 III of the State Constitution, the trust fund shall, unless
19 terminated sooner, be terminated on July 1, 2003. However,
20 prior to its scheduled termination, the trust fund shall be
21 reviewed as provided in s. 215.3206(1) and (2).

22 Section 470. Section 1009.87, Florida Statutes, is
23 created to read:

24 1009.87 Provisions of ss. 1009.78-1009.88
25 cumulative.--The provisions of ss. 1009.78-1009.88 shall be in
26 addition to the other provisions of this chapter and shall not
27 be construed to be in derogation thereof, except as otherwise
28 expressly provided hereby.

29 Section 471. Section 1009.88, Florida Statutes, is
30 created to read:

31

1 1009.88 Validation of bonds.--Revenue bonds issued
2 pursuant to ss. 1009.78-1009.88 shall be validated in the
3 manner provided by chapter 75. In actions to validate such
4 revenue bonds, the complaint shall be filed in the circuit
5 court of the county where the seat of state government is
6 situated, the notice required by s. 75.06 to be published
7 shall be published only in the county where the complaint is
8 filed, and the complaint and order of the circuit court shall
9 be served only on the attorney of the circuit in which the
10 action is pending.

11 Section 472. Section 1009.89, Florida Statutes, is
12 created to read:

13 1009.89 The William L. Boyd, IV, Florida resident
14 access grants.--

15 (1) The Legislature finds and declares that
16 independent nonprofit colleges and universities eligible to
17 participate in the William L. Boyd, IV, Florida Resident
18 Access Grant Program are an integral part of the higher
19 education system in this state and that a significant number
20 of state residents choose this form of higher education. The
21 Legislature further finds that a strong and viable system of
22 independent nonprofit colleges and universities reduces the
23 tax burden on the citizens of the state. Because the William
24 L. Boyd, IV, Florida Resident Access Grant Program is not
25 related to a student's financial need or other criteria upon
26 which financial aid programs are based, it is the intent of
27 the Legislature that the William L. Boyd, IV, Florida Resident
28 Access Grant Program not be considered a financial aid program
29 but rather a tuition assistance program for its citizens.

30 (2) The William L. Boyd, IV, Florida Resident Access
31 Grant Program shall be administered by the Department of

1 Education. The State Board of Education shall adopt rules for
2 the administration of the program.

3 (3) The department shall issue through the program a
4 William L. Boyd, IV, Florida resident access grant to any
5 full-time degree-seeking undergraduate student registered at
6 an independent nonprofit college or university which is
7 located in and chartered by the state; which is accredited by
8 the Commission on Colleges of the Southern Association of
9 Colleges and Schools; which grants baccalaureate degrees;
10 which is not a state university or state community college;
11 and which has a secular purpose, so long as the receipt of
12 state aid by students at the institution would not have the
13 primary effect of advancing or impeding religion or result in
14 an excessive entanglement between the state and any religious
15 sect. Any independent college or university that was eligible
16 to receive tuition vouchers on January 1, 1989, and which
17 continues to meet the criteria under which its eligibility was
18 established, shall remain eligible to receive William L. Boyd,
19 IV, Florida resident access grant payments.

20 (4) A person is eligible to receive such William L.
21 Boyd, IV, Florida resident access grant if:

22 (a) He or she meets the general requirements,
23 including residency, for student eligibility as provided in s.
24 1009.40, except as otherwise provided in this section; and

25 (b)1. He or she is enrolled as a full-time
26 undergraduate student at an eligible college or university;

27 2. He or she is not enrolled in a program of study
28 leading to a degree in theology or divinity; and

29 3. He or she is making satisfactory academic progress
30 as defined by the college or university in which he or she is
31 enrolled.

1 (5)(a) Funding for the William L. Boyd, IV, Florida
2 Resident Access Grant Program shall be based on a formula
3 composed of planned enrollment and the state cost of funding
4 undergraduate enrollment at public institutions pursuant to s.
5 1011.90. The amount of the William L. Boyd, IV, Florida
6 resident access grant issued to a full-time student shall be
7 an amount as specified in the General Appropriations Act. The
8 William L. Boyd, IV, Florida resident access grant may be paid
9 on a prorated basis in advance of the registration period. The
10 department shall make such payments to the college or
11 university in which the student is enrolled for credit to the
12 student's account for payment of tuition and fees.
13 Institutions shall certify to the department the amount of
14 funds disbursed to each student and shall remit to the
15 department any undisbursed advances or refunds within 60 days
16 of the end of regular registration. Students shall not be
17 eligible to receive the award for more than 9 semesters or 14
18 quarters, except as otherwise provided in s. 1009.40(3).

19 (b) If the combined amount of the William L. Boyd, IV,
20 Florida resident access grant issued pursuant to this act and
21 all other scholarships and grants for tuition or fees exceeds
22 the amount charged to the student for tuition and fees, the
23 department shall reduce the William L. Boyd, IV, Florida
24 resident access grant issued pursuant to this act by an amount
25 equal to such excess.

26 (6) Funds appropriated by the Legislature for the
27 William L. Boyd, IV, Florida Resident Access Grant Program
28 shall be deposited in the State Student Financial Assistance
29 Trust Fund. Notwithstanding the provisions of s. 216.301 and
30 pursuant to s. 216.351, any balance in the trust fund at the
31 end of any fiscal year which has been allocated to the William

1 L. Boyd, IV, Florida Resident Access Grant Program shall
2 remain therein and shall be available for carrying out the
3 purposes of this section. If the number of eligible students
4 exceeds the total authorized in the General Appropriations
5 Act, an institution may use its own resources to assure that
6 each eligible student receives the full benefit of the grant
7 amount authorized.

8 Section 473. Section 1009.895, Florida Statutes, is
9 created to read:

10 1009.895 Access to Better Learning and Education
11 Grants.--

12 (1) The Access to Better Learning and Education Grant
13 Program is established to provide tuition assistance to
14 eligible Florida residents attending eligible independent
15 postsecondary educational institutions in the state.

16 (2) The Access to Better Learning and Education Grant
17 Program shall be administered by the Department of Education.
18 The State Board of Education shall adopt rules for the
19 administration of the program.

20 (3) The department shall issue through the program an
21 Access to Better Learning and Education Grant to any full-time
22 degree-seeking undergraduate student registered at an
23 independent college or university, which is located in and
24 chartered by the state; which is accredited by the Commission
25 on Colleges of the Southern Association of Colleges and
26 Schools; which grants baccalaureate degrees; and which is not
27 a state university or public community college or an
28 institution the students of which are eligible to receive a
29 William L. Boyd, IV, Florida resident access grant pursuant to
30 s. 1009.89; provided that the receipt of state aid by students
31 at the institution would not have the primary effect of

1 advancing or impeding religion or result in an excessive
2 entanglement between the state and any religious sect.
3 (4) A person is eligible to receive an Access to
4 Better Learning and Education Grant if:
5 (a) He or she meets the general requirements,
6 including residency, for student eligibility as provided in s.
7 1009.40, except as otherwise provided in this section.
8 (b)1. He or she is enrolled as a full-time
9 undergraduate student at an eligible college or university.
10 2. He or she is not enrolled in a program of study
11 leading to a degree in theology or divinity.
12 3. He or she is making satisfactory academic progress
13 as defined by the college or university in which he or she is
14 enrolled.
15 (5)(a) Funding for the Access to Better Learning and
16 Education Grant Program shall be based on a formula composed
17 of planned enrollment and the state cost of funding
18 undergraduate enrollment at public educational institutions
19 pursuant to s. 1011.90. The amount of the Access to Better
20 Learning and Education Grant issued to a full-time student
21 shall be an amount as specified in the General Appropriations
22 Act. The access grant may be paid on a prorated basis in
23 advance of the registration period. The department shall make
24 such payments to the college or university in which the
25 student is enrolled for credit to the student's account for
26 payment of tuition and fees. Institutions shall certify to the
27 department the amount of funds disbursed to each student and
28 shall remit to the department any undisbursed advances or
29 refunds within 60 days of the end of regular registration.
30 Students shall not be eligible to receive the award for more
31

1 than 9 semesters or 14 quarters, except as otherwise provided
2 in s. 1009.40(3).

3 (b) If the combined amount of the Access to Better
4 Learning and Education Grant issued pursuant to this section
5 and all other scholarships and grants for tuition or fees
6 exceeds the amount charged to the student for tuition and
7 fees, the department shall reduce the grant issued pursuant to
8 this section by an amount equal to such excess.

9 (6) Funds appropriated by the Legislature for the
10 Access to Better Learning and Education Grant Program shall be
11 deposited in the State Student Financial Assistance Trust
12 Fund. Notwithstanding the provisions of s. 216.301 and
13 pursuant to s. 216.351, any balance in the trust fund at the
14 end of any fiscal year which has been allocated to the Access
15 to Better Learning and Education Grant Program shall remain
16 therein and shall be available for carrying out the purposes
17 of this section. If the number of eligible students exceeds
18 the total authorized in the General Appropriations Act, an
19 institution may use its own resources to ensure that each
20 eligible student receives the full benefit of the grant amount
21 authorized.

22 Section 474. Part III.c. of chapter 1009, Florida
23 Statutes, shall be entitled "Role of the Department of
24 Education" and shall consist of ss. 1009.90-1009.96.

25 Section 475. Section 1009.90, Florida Statutes, is
26 created to read:

27 1009.90 Duties of the Department of Education.--The
28 duties of the department shall include:

29 (1) Administration of this part and rules adopted by
30 the State Board of Education.

31

- 1 (2) Administration of federal funding, insurance, or
2 reinsurance in full compliance with applicable federal laws
3 and regulations.
- 4 (3) Development of written administrative procedures
5 and controls for the administration of each financial aid
6 program conducted by the office, maintenance of program
7 records and documents, timely collection and remittance of
8 insurance premiums, and timely assignment of defaulted loans
9 to collection agencies.
- 10 (4) Annual compilation of sources of financial aid
11 available to students in this state.
- 12 (5) Biennial analysis of the amount of available
13 financial aid moneys and the effect of such moneys on student
14 access to postsecondary institutions.
- 15 (6) Biennial internal evaluation of the administrative
16 efficiency and effectiveness of the office.
- 17 (7) Annual assessment of the accuracy of eligibility
18 information from a random sample of award recipients.
- 19 (8) Annual review of procedures for the distribution
20 of state financial aid funds.
- 21 (9) Development and submission of a report, annually,
22 to the State Board of Education, the President of the Senate,
23 and the Speaker of the House of Representatives, which shall
24 include, but not be limited to, recommendations for the
25 distribution of state financial aid funds.
- 26 (10) Development and evaluation of a comprehensive,
27 long-range program of all sources of student financial aid.
- 28 (11) Dissemination of information on available
29 financial aid programs to district school superintendents and
30 other persons who request such information.
- 31

1 (12) Calculation of the amount of need-based student
2 financial aid required to offset fee increases recommended by
3 the State Board of Education and inclusion of such amount
4 within the legislative budget request for student assistance
5 grant programs.

6 Section 476. Section 1009.91, Florida Statutes, is
7 created to read:

8 1009.91 Assistance programs and activities of the
9 department.--

10 (1) The department may contract for the administration
11 of the student financial assistance programs as specifically
12 provided in ss. 295.01, 1009.29, 1009.56, and 1009.78.

13 (2) The department may contract to provide the
14 planning and development activities required pursuant to the
15 provisions of this part.

16 (3) The department shall administer the guarantee of
17 student loans made by participating commercial financial
18 institutions in such a manner as to fully comply with
19 applicable provisions of the Higher Education Act of 1965, as
20 amended, relating to loan reinsurance.

21 (4) The department shall maintain records on the
22 student loan default rate of each Florida postsecondary
23 institution and report that information annually to both the
24 institution and the State Board of Education.

25 Section 477. Section 1009.92, Florida Statutes, is
26 created to read:

27 1009.92 Funding for programs administered by the
28 department.--

29 (1) In the preparation of its annual budget, the
30 department shall request that the Legislature continue to
31

1 provide funding for applicable programs from the General
2 Revenue Fund.
3 (2) The department is authorized to expend moneys from
4 available trust funds in applicable student financial
5 assistance programs.
6 (3) There is created a Student Loan Guaranty Reserve
7 Fund, which shall be administered by the department in
8 carrying out the provisions of this act.
9 (4) The principal sources of operating funds shall be
10 from the earnings from the temporary investment of the Student
11 Loan Guaranty Reserve Fund and from compensation for services
12 performed under contract for the administration of student
13 financial assistance programs pursuant to s. 1009.91.
14 (5) The department is authorized to accept grant funds
15 under the Leveraging Educational Assistance Program and
16 Supplemental Leveraging Educational Assistance Program of the
17 Federal Government, as provided by the Higher Education Act of
18 1965, as amended.
19 (6) The department is authorized to accept federal
20 advances for the establishment of the Student Loan Guaranty
21 Reserve Fund pursuant to the Higher Education Act of 1965, as
22 amended, under agreement with the United States Commissioner
23 of Education and to maintain such advances until recalled by
24 the United States Commissioner of Education.
25 (7) The department is authorized to assess a student
26 loan insurance premium on each loan guaranteed by the
27 department. The amount of insurance premium will be determined
28 by the department in the amount sufficient to maintain the
29 pledged level of reserve funds but in no event may the amount
30 of the insurance premium exceed the maximum provided by
31 federal law.

1 (8) The department shall invest, or contract for the
2 temporary investment of, any unencumbered cash, and the
3 interest earned therefrom, except as otherwise provided for by
4 law or covenant, shall accrue to the Student Loan Guaranty
5 Reserve Fund or for the administration of financial aid
6 programs.

7 Section 478. Section 1009.93, Florida Statutes, is
8 created to read:

9 1009.93 Student financial aid planning and
10 development.--

11 (1) The department shall administer a student
12 financial aid planning and development program. It is the
13 intent of the Legislature that a specific sum of funds be
14 allocated each year for the purpose of sponsoring the design,
15 development, and implementation of a comprehensive program of
16 student financial aid and of initiating activities of
17 inservice training for student financial aid administrators
18 and activities to encourage maximum lender participation in
19 guaranteed loans.

20 (2) The objective of a state program is the
21 maintenance of a state student financial aid program to
22 supplement a basic national program which will provide equal
23 access to postsecondary education to citizens of this state
24 who have the ability and motivation to benefit from a
25 postsecondary education. In the development of a state program
26 to achieve this objective, it shall be the policy that:

27 (a) State student financial aid be provided primarily
28 on the basis of financial need;

29 (b) Students receiving need-based financial aid be
30 expected to contribute toward their cost of education through
31 self-help resources such as savings, work, and loans;

1 (c) Student financial aid be available to state
2 residents for attendance at accredited public or private
3 institutions of higher education in this state;

4 (d) Student financial aid be provided for all levels
5 of postsecondary education; and

6 (e) State student financial aid be administered by a
7 central state agency.

8
9 Planning and development must be in accordance with the
10 foregoing objective and policies.

11 (3) The planning and development procedures shall
12 provide for:

13 (a) The review of public policy;

14 (b) The development of performance objectives;

15 (c) The development of alternate approaches;

16 (d) The evaluation of performance; and

17 (e) The participation and involvement in the planning
18 process of representatives of the groups affected by a state
19 program of student financial aid.

20 (4) The State Board of Education shall adopt rules
21 providing for the verification of the independent status of
22 state financial aid recipients.

23 (5) The department shall encourage industry and
24 education linkages through the development of temporary
25 employment opportunities for students attending postsecondary
26 institutions in this state.

27 Section 479. Section 1009.94, Florida Statutes, is
28 created to read:

29 1009.94 Student financial assistance database.--

30 (1) The Department of Education shall design and
31 maintain a student financial assistance database that can be

1 used to support all aspects of the administration and delivery
2 of state-funded student financial aid. In addition, the
3 database must have the capability of providing policymakers
4 with comprehensive information regarding the various financial
5 assistance programs available to students attending Florida
6 postsecondary education institutions.

7 (2) For purposes of this section, financial assistance
8 includes:

9 (a) For all students, any scholarship, grant, loan,
10 fee waiver, tuition assistance payment, or other form of
11 compensation provided from state or federal funds.

12 (b) For students attending public institutions, any
13 scholarship, grant, loan, fee waiver, tuition assistance
14 payment, or other form of compensation supported by
15 institutional funds.

16 (3) The database must include records on any student
17 receiving any form of financial assistance as described in
18 subsection (2). Institutions participating in any state
19 financial assistance program shall annually submit such
20 information to the Department of Education in a format
21 prescribed by the department and consistent with the
22 provisions of s. 1002.22.

23 Section 480. Section 1009.95, Florida Statutes, is
24 created to read:

25 1009.95 Delinquent accounts.--

26 (1) The Department of Education is directed to exert
27 every lawful and reasonable effort to collect all delinquent
28 unpaid and uncanceled scholarship loan notes, student loan
29 notes, and defaulted guaranteed loan notes.

30 (2) The department may establish a recovery account
31 into which unpaid and uncanceled scholarship loan note,

1 student loan note, and defaulted guaranteed loan note accounts
2 may be transferred.

3 (3) The department may settle any delinquent unpaid
4 and uncanceled scholarship loan notes, student loan notes, and
5 defaulted guaranteed loan notes and employ the service of a
6 collection agent when deemed advisable in collecting
7 delinquent or defaulted accounts. However, no collection agent
8 may be paid a commission in excess of 35 percent of the amount
9 collected. Any expense incurred by the department in enforcing
10 the collection of a loan note may be borne by the signer of
11 the note and may be added to the amount of the principal of
12 such note.

13 (4) The department may charge off unpaid and
14 uncanceled scholarship loan notes and student loan notes which
15 are at least 3 years delinquent and which prove uncollectible
16 after good faith collection efforts. However, a delinquent
17 account with a past due balance of \$25 or less may be charged
18 off as uncollectible when it becomes 6 months past due and the
19 cost of further collection effort or assignment to a
20 collection agent would not be warranted.

21 (5) No individual borrower who has been determined to
22 be in default in making legally required scholarship loan,
23 student loan, or guaranteed loan repayments shall be furnished
24 with his or her academic transcripts or other student records
25 until such time as the loan is paid in full or the default
26 status has been removed.

27 (6) The department may charge an individual borrower
28 who has been determined to be in default in making legally
29 required loan repayments the maximum interest rate authorized
30 by law.

31

1 (7) The State Board of Education shall adopt such
2 rules as are necessary to regulate the collection, settlement,
3 and charging off of delinquent unpaid and uncanceled
4 scholarship loan notes, student loan notes, and defaulted
5 guaranteed loan notes.

6 Section 481. Section 1009.96, Florida Statutes, is
7 created to read:

8 1009.96 Annual review of financial assistance
9 programs.--All new and existing financial assistance programs
10 authorized under this chapter which are not funded for 3
11 consecutive years after enactment shall stand repealed.
12 Financial assistance programs provided under this part on July
13 1, 1992, which lose funding for 3 consecutive years shall
14 stand repealed. The Department of Education shall annually
15 review the legislative appropriation for financial assistance
16 programs to identify such programs.

17 Section 482. Part IV of chapter 1009, Florida
18 Statutes, shall be entitled "Prepaid College Board Programs"
19 and shall consist of ss. 1009.97-1009.984.

20 Section 483. Section 1009.97, Florida Statutes, is
21 created to read:

22 1009.97 General provisions.--

23 (1) LEGISLATIVE FINDING; EDUCATIONAL OPPORTUNITY.--The
24 Legislature recognizes that educational opportunity at the
25 postsecondary level is a critical state interest and is best
26 ensured through the provision of postsecondary institutions
27 that are geographically and financially accessible, that
28 affordability and accessibility of higher education are
29 essential to the welfare and well-being of the residents of
30 the state and are a critical state interest, and that

31

1 promoting and enhancing financial access to postsecondary
2 institutions serve a legitimate public purpose.
3 (2) LEGISLATIVE INTENT.--It is the intent of the
4 Legislature that a prepaid program be established through
5 which many of the costs associated with postsecondary
6 attendance may be paid in advance and fixed at a guaranteed
7 level for the duration of undergraduate enrollment and that
8 this program fosters timely financial planning for
9 postsecondary attendance and to encourage employer
10 participation in such planning through program contributions
11 on behalf of employees and the dependents of employees. It is
12 further the intent of the Legislature that a savings program
13 be established as a supplement and alternative to the prepaid
14 program to allow persons to make contributions to a trust
15 account to meet some or all of the qualified higher education
16 expenses of a designated beneficiary, consistent with federal
17 law authorizing such programs, but without a guarantee by the
18 state that such contributions, together with the investment
19 return on such contributions, if any, will be adequate to pay
20 for qualified higher education expenses, to enable
21 participants to save for qualified higher education expenses,
22 and to provide a choice to persons who determine that the
23 overall educational needs of their families are best suited to
24 a savings program or who wish to save to meet postsecondary
25 educational needs beyond the traditional 4-year curriculum.
26 Finally, the Legislature intends that the prepaid program and
27 the savings program be conducted in a manner to maximize
28 program efficiency and effectiveness.
29 (3) DEFINITIONS.--As used in ss. 1009.97-1009.984, the
30 term:
31

- 1 (a) "Advance payment contract" means a contract
2 entered into by the board and a purchaser pursuant to s.
3 1009.98.
- 4 (b) "Board" means the Florida Prepaid College Board.
- 5 (c) "Trust fund" means the Florida Prepaid College
6 Trust Fund.
- 7 (d) "Prepaid program" means the Florida Prepaid
8 College Program established pursuant to s. 1009.98.
- 9 (e) "Purchaser" means a person who makes or is
10 obligated to make advance registration or dormitory residence
11 payments in accordance with an advance payment contract.
- 12 (f) "Qualified beneficiary" means:
- 13 1. A resident of this state at the time a purchaser
14 enters into an advance payment contract on behalf of the
15 resident;
- 16 2. A nonresident who is the child of a noncustodial
17 parent who is a resident of this state at the time that such
18 parent enters into an advance payment contract on behalf of
19 the child; or
- 20 3. For purposes of advance payment contracts entered
21 into pursuant to s. 1009.983, a graduate of an accredited high
22 school in this state who is a resident of this state at the
23 time he or she is designated to receive the benefits of the
24 advance payment contract.
- 25 (g) "Registration fee" means tuition fee, financial
26 aid fee, building fee, and Capital Improvement Trust Fund fee.
- 27 (h) "State postsecondary institution" means any public
28 community college or state university.
- 29 (i) "Benefactor" means any person making a deposit,
30 payment, contribution, gift, or other expenditure into the
31 savings program.

- 1 (j) "Designated beneficiary" means:
2 1. Any individual designated in the participation
3 agreement;
4 2. Any individual defined in s. 152(a)(1)-(8) of the
5 Internal Revenue Code; or
6 3. Any individual receiving a scholarship from
7 interests in the program purchased by a state or local
8 government or an organization described in s. 501(c)(3) of the
9 Internal Revenue Code.
10 (k) "Eligible educational institution" means an
11 institution of higher education that qualifies under s. 529 of
12 the Internal Revenue Code as an eligible educational
13 institution.
14 (l) "Internal Revenue Code" means the Internal Revenue
15 Code of 1986, as defined in s. 220.03(1), and regulations
16 adopted pursuant thereto.
17 (m) "Participation agreement" means an agreement
18 between the board and a benefactor for participation in the
19 savings program for a designated beneficiary.
20 (n) "Savings program" means the Florida College
21 Savings Program established pursuant to s. 1009.981.
22 (o) "Qualified higher education expenses" means higher
23 education expenses permitted under s. 529 of the Internal
24 Revenue Code and required for the enrollment or attendance of
25 a designated beneficiary at an eligible educational
26 institution, including undergraduate and graduate schools, and
27 any other higher education expenses that are permitted under
28 s. 529 of the Internal Revenue Code.
29 (p) "Prepaid fund" means the fund within the trust
30 fund into which moneys belonging to the prepaid program are
31 deposited and held.

1 (a) "Savings fund" means the fund within the trust
2 fund into which moneys belonging to the savings program are
3 deposited and held.

4 Section 484. Section 1009.971, Florida Statutes, is
5 created to read:

6 1009.971 Florida Prepaid College Board.--

7 (1) FLORIDA PREPAID COLLEGE BOARD; CREATION.--The
8 Florida Prepaid College Board is hereby created as a body
9 corporate with all the powers of a body corporate for the
10 purposes delineated in this section. The board shall
11 administer the prepaid program and the savings program, and
12 shall perform essential governmental functions as provided in
13 ss. 1009.97-1009.984. For the purposes of s. 6, Art. IV of the
14 State Constitution, the board shall be assigned to and
15 administratively housed within the State Board of
16 Administration, but it shall independently exercise the powers
17 and duties specified in ss. 1009.97-1009.984.

18 (2) FLORIDA PREPAID COLLEGE BOARD; MEMBERSHIP.--The
19 board shall consist of seven members to be composed of the
20 Attorney General, the Chief Financial Officer, the Deputy
21 Commissioner of Colleges and Universities, the Deputy
22 Commissioner of Community Colleges, and three members
23 appointed by the Governor and subject to confirmation by the
24 Senate. Each member appointed by the Governor shall possess
25 knowledge, skill, and experience in the areas of accounting,
26 actuary, risk management, or investment management. Each
27 member of the board not appointed by the Governor may name a
28 designee to serve on the board on behalf of the member;
29 however, any designee so named shall meet the qualifications
30 required of gubernatorial appointees to the board. Members
31 appointed by the Governor shall serve terms of 3 years. Any

1 person appointed to fill a vacancy on the board shall be
2 appointed in a like manner and shall serve for only the
3 unexpired term. Any member shall be eligible for reappointment
4 and shall serve until a successor qualifies. Members of the
5 board shall serve without compensation but shall be reimbursed
6 for per diem and travel in accordance with s. 112.061. Each
7 member of the board shall file a full and public disclosure of
8 his or her financial interests pursuant to s. 8, Art. II of
9 the State Constitution and corresponding statute.

10 (3) FLORIDA PREPAID COLLEGE BOARD; ELECTIONS;
11 MEETINGS.--The board shall annually elect a board member to
12 serve as chair and a board member to serve as vice chair and
13 shall designate a secretary-treasurer who need not be a member
14 of the board. The secretary-treasurer shall keep a record of
15 the proceedings of the board and shall be the custodian of all
16 printed material filed with or by the board and of its
17 official seal. Notwithstanding the existence of vacancies on
18 the board, a majority of the members shall constitute a
19 quorum. The board shall take no official action in the absence
20 of a quorum. The board shall meet, at a minimum, on a
21 quarterly basis at the call of the chair.

22 (4) FLORIDA PREPAID COLLEGE BOARD; POWERS AND
23 DUTIES.--The board shall have the powers and duties necessary
24 or proper to carry out the provisions of ss. 1009.97-1009.984,
25 including, but not limited to, the power and duty to:

26 (a) Appoint an executive director to serve as the
27 chief administrative and operational officer of the board and
28 to perform other duties assigned to him or her by the board.

29 (b) Adopt an official seal and rules.

30 (c) Sue and be sued.

31

- 1 (d) Make and execute contracts and other necessary
2 instruments.
- 3 (e) Establish agreements or other transactions with
4 federal, state, and local agencies, including state
5 universities and community colleges.
- 6 (f) Administer the trust fund in a manner that is
7 sufficiently actuarially sound to defray the obligations of
8 the prepaid program and the savings program, considering the
9 separate purposes and objectives of each program. The board
10 shall annually evaluate or cause to be evaluated the actuarial
11 soundness of the prepaid fund. If the board perceives a need
12 for additional assets in order to preserve actuarial soundness
13 of the prepaid program, the board may adjust the terms of
14 subsequent advance payment contracts to ensure such soundness.
- 15 (g) Invest funds not required for immediate
16 disbursement.
- 17 (h) Appear in its own behalf before boards,
18 commissions, or other governmental agencies.
- 19 (i) Hold, buy, and sell any instruments, obligations,
20 securities, and property determined appropriate by the board.
- 21 (j) Require a reasonable length of state residence for
22 qualified beneficiaries.
- 23 (k) Segregate contributions and payments to the trust
24 fund into the appropriate fund.
- 25 (l) Procure and contract for goods and services,
26 employ personnel, and engage the services of private
27 consultants, actuaries, managers, legal counsel, and auditors
28 in a manner determined to be necessary and appropriate by the
29 board.
- 30 (m) Solicit and accept gifts, grants, loans, and other
31 aids from any source or participate in any other way in any

1 government program to carry out the purposes of ss.
2 1009.97-1009.984.

3 (n) Require and collect administrative fees and
4 charges in connection with any transaction and impose
5 reasonable penalties, including default, for delinquent
6 payments or for entering into an advance payment contract or a
7 participation agreement on a fraudulent basis.

8 (o) Procure insurance against any loss in connection
9 with the property, assets, and activities of the trust fund or
10 the board.

11 (p) Impose reasonable time limits on use of the
12 benefits provided by the prepaid program or savings program.
13 However, any such limitations shall be specified within the
14 advance payment contract or the participation agreement,
15 respectively.

16 (q) Delineate the terms and conditions under which
17 payments may be withdrawn from the trust fund and impose
18 reasonable fees and charges for such withdrawal. Such terms
19 and conditions shall be specified within the advance payment
20 contract or the participation agreement.

21 (r) Provide for the receipt of contributions in lump
22 sums or installment payments.

23 (s) Require that purchasers of advance payment
24 contracts or benefactors of participation agreements verify,
25 under oath, any requests for contract conversions,
26 substitutions, transfers, cancellations, refund requests, or
27 contract changes of any nature. Verification shall be
28 accomplished as authorized and provided for in s.
29 92.525(1)(a).

30 (t) Delegate responsibility for administration of one
31 or both of the comprehensive investment plans required in s.

1 1009.973 to persons the board determines to be qualified. Such
2 persons shall be compensated by the board.

3 (u) Endorse insurance coverage written exclusively for
4 the purpose of protecting advance payment contracts, and
5 participation agreements, and the purchasers, benefactors, and
6 beneficiaries thereof, including group life policies and group
7 disability policies, which are exempt from the provisions of
8 part V of chapter 627.

9 (v) Form strategic alliances with public and private
10 entities to provide benefits to the prepaid program, savings
11 program, and participants of either or both programs.

12 (w) Solicit proposals and contract, pursuant to s.
13 287.057, for the marketing of the prepaid program or the
14 savings program, or both together. Any materials produced for
15 the purpose of marketing the prepaid program or the savings
16 program shall be submitted to the board for review. No such
17 materials shall be made available to the public before the
18 materials are approved by the board. Any educational
19 institution may distribute marketing materials produced for
20 the prepaid program or the savings program; however, all such
21 materials shall be approved by the board prior to
22 distribution. Neither the state nor the board shall be liable
23 for misrepresentation of the prepaid program or the savings
24 program by a marketing agent.

25 (x) Establish other policies, procedures, and criteria
26 to implement and administer the provisions of ss.
27 1009.97-1009.984.

28 (y) Adopt procedures to govern contract dispute
29 proceedings between the board and its vendors.
30
31

1 (5) FLORIDA PREPAID COLLEGE BOARD; CONTRACTUAL
2 SERVICES.--The board shall solicit proposals and contract,
3 pursuant to s. 287.057, for:
4 (a) The services of records administrators.
5 (b) Investment consultants to review the performance
6 of the board's investment managers and advise the board on
7 investment management and performance and investment policy,
8 including the contents of the comprehensive investment plans.
9 (c) Trustee services firms to provide trustee and
10 related services to the board. The trustee services firm shall
11 agree to meet the obligations of the board to qualified
12 beneficiaries if moneys in the fund fail to offset the
13 obligations of the board as a result of imprudent selection or
14 supervision of investment programs by such firm.
15 (d) Investment managers to provide investment
16 portfolios for the prepaid program or the savings program.
17 Investment managers shall be limited to authorized insurers as
18 defined in s. 624.09, banks as defined in s. 658.12,
19 associations as defined in s. 665.012, authorized Securities
20 and Exchange Commission investment advisers, and investment
21 companies as defined in the Investment Company Act of 1940.
22 All investment managers shall have their principal place of
23 business and corporate charter located and registered in the
24 United States. In addition, each investment manager shall
25 agree to meet the obligations of the board to qualified
26 beneficiaries if moneys in the fund fail to offset the
27 obligations of the board as a result of imprudent investing by
28 such provider. Each authorized insurer shall evidence superior
29 performance overall on an acceptable level of surety in
30 meeting its obligations to its policyholders and other
31 contractual obligations. Only qualified public depositories

1 approved by the Insurance Commissioner and Treasurer shall be
2 eligible for board consideration. Each investment company
3 shall provide investment plans as specified within the request
4 for proposals.

5
6 The goals of the board in procuring such services shall be to
7 provide all purchasers and benefactors with the most secure,
8 well-diversified, and beneficially administered prepaid
9 program or savings program possible, to allow all qualified
10 firms interested in providing such services equal
11 consideration, and to provide such services to the state at no
12 cost and to the purchasers and benefactors at the lowest cost
13 possible. Evaluations of proposals submitted pursuant to this
14 subsection shall include, but not be limited to, fees and
15 other costs that are charged to purchasers or benefactors that
16 affect account values, or that impact the operational costs of
17 the prepaid program or the savings program; past experience
18 and past performance in providing the required services;
19 financial history and current financial strength and capital
20 adequacy to provide the required services; and capabilities
21 and experience of the proposed personnel that will provide the
22 required services.

23 (6) QUALIFIED TUITION PROGRAM STATUS.--Notwithstanding
24 any other provision of ss. 1009.97-1009.984, the board may
25 adopt rules necessary for the prepaid program and the savings
26 program each to retain its status as a "qualified tuition
27 program" in order to maintain its tax exempt status or other
28 similar status of the program, purchasers, and qualified
29 beneficiaries under the Internal Revenue Code. The board shall
30 inform participants in the prepaid program and the savings

31

1 program of changes to the tax or securities status of advance
2 purchase contracts and participation agreements.

3 Section 485. Section 1009.972, Florida Statutes, is
4 created to read:

5 1009.972 Florida Prepaid College Trust Fund.--

6 (1) There is created within the State Board of
7 Administration the Florida Prepaid College Trust Fund. The
8 trust fund shall be segregated into two separate funds, the
9 prepaid fund and the savings fund.

10 (2) The prepaid fund shall consist of state
11 appropriations, moneys acquired from other governmental or
12 private sources for the prepaid program, and moneys remitted
13 in accordance with advance payment contracts. Dividends,
14 interest, and gains accruing to the prepaid fund shall
15 increase the total funds available for the prepaid program. If
16 dividends, interest, and gains for the prepaid fund exceed the
17 amount necessary for program administration and disbursements,
18 the board may designate an additional percentage of the
19 prepaid fund to serve as a contingency fund.

20 (3) The savings fund shall consist of appropriations,
21 moneys acquired from other governmental or private sources for
22 the savings program, and moneys remitted in accordance with
23 participation agreements. The amounts on deposit in the
24 savings fund shall remain therein and shall be available
25 solely for carrying out the purposes of the savings program.

26 (4) Any balance contained within the trust fund, and
27 within each fund in the trust fund, at the end of a fiscal
28 year shall remain therein and shall be available for carrying
29 out the purposes of each respective program and the
30 direct-support organization established pursuant to s.

31 1009.983. Moneys contained within the trust fund shall be

1 exempt from the investment requirements of s. 18.10. All funds
2 deposited in the prepaid fund may be invested pursuant to s.
3 215.47. Any funds of a direct-support organization created
4 pursuant to s. 1009.983 shall be exempt from the provisions of
5 this section.

6 (5) Notwithstanding the provisions of chapter 717,
7 funds associated with terminated advance payment contracts
8 pursuant to s. 1009.98(4)(k) and canceled contracts for which
9 no refunds have been claimed shall be retained by the board.
10 The board shall establish procedures for notifying purchasers
11 who subsequently cancel their advance payment contracts of any
12 unclaimed refund and shall establish a time period after which
13 no refund may be claimed by a purchaser who canceled a
14 contract. The board may transfer funds retained from such
15 terminated advance payment contracts and cancelled contracts
16 to the Florida Prepaid Tuition Scholarship Program to provide
17 matching funds for prepaid tuition scholarships for
18 economically disadvantaged youth that remain drug free and
19 crime free.

20 (6) The assets of the prepaid fund and the savings
21 fund shall be maintained, invested, and expended solely for
22 the purposes of the prepaid program and the savings program,
23 respectively, and shall not be loaned, transferred, or
24 otherwise used by the state for any purpose other than the
25 purposes of ss. 1009.97-1009.984. This subsection shall not be
26 construed to prohibit the board from investing in, by purchase
27 or otherwise, bonds, notes, or other obligations of the state
28 or an agency or instrumentality of the state. Unless otherwise
29 specified by the board, assets of the prepaid fund and the
30 savings fund shall be expended in the following order of
31 priority:

1 (a) To make payments to state postsecondary
2 institutions on behalf of qualified beneficiaries or
3 designated beneficiaries.

4 (b) To make refunds upon termination of advance
5 payment contracts or participation agreements.

6 (c) To pay the costs of administration and operations
7 for the prepaid program and the savings program.

8 Section 486. Section 1009.973, Florida Statutes, is
9 created to read:

10 1009.973 Comprehensive investment plans.--The Florida
11 Prepaid College Board shall establish separate comprehensive
12 investment plans for the prepaid program and for the savings
13 program, each subject to the approval of the State Board of
14 Administration. Each comprehensive investment plan shall
15 specify the investment policies to be utilized by the board in
16 its administration of each respective program. The board may
17 place assets of each program in investment products pursuant
18 to the comprehensive investment plan for each respective
19 program and in such proportions as may be designated or
20 approved under the plan for each respective program. Such
21 products shall be underwritten and offered in compliance with
22 the applicable federal and state laws, regulations, and rules
23 by persons authorized by applicable federal and state
24 authorities. A purchaser may not direct the investment of his
25 or her contribution to the prepaid program. A benefactor or
26 designated beneficiary may not direct the investment of any
27 contributions to the savings program other than the specific
28 fund options provided by the board, if any. Board members and
29 employees of the board are not prohibited from purchasing
30 advance payment contracts or entering into participation
31 agreements by virtue of their fiduciary responsibilities as

1 members of the board or official duties as employees of the
2 board.

3 Section 487. Section 1009.974, Florida Statutes, is
4 created to read:

5 1009.974 Exemption from claims of creditors.--Moneys
6 paid into or out of the trust fund by or on behalf of a
7 purchaser or qualified beneficiary of an advance payment
8 contract or benefactor or designated beneficiary of a
9 participation agreement are exempt, as provided by s. 222.22,
10 from all claims of creditors of the purchaser or the qualified
11 beneficiary of an advance payment contract or the benefactor
12 or designated beneficiary of a participation agreement,
13 respectively, provided that the advance payment contract or
14 participation agreement has not been terminated. Neither
15 moneys paid into the prepaid program or savings program nor
16 benefits accrued through the prepaid program or savings
17 program may be pledged for the purpose of securing a loan.

18 Section 488. Section 1009.975, Florida Statutes, is
19 created to read:

20 1009.975 Payroll deduction authority.--The state or
21 any state agency, county, municipality, or other political
22 subdivision may, by contract or collective bargaining
23 agreement, agree with any employee to remit payments toward
24 advance payment contracts or participation agreements through
25 payroll deductions made by the appropriate officer or officers
26 of the state, state agency, county, municipality, or political
27 subdivision. Such payments shall be held and administered in
28 accordance with ss. 1009.97-1009.984.

29 Section 489. Section 1009.976, Florida Statutes, is
30 created to read:

31

1 1009.976 Annual report.--On or before March 31 of each
2 year, the Florida Prepaid College Board shall prepare or cause
3 to be prepared separate reports setting forth in appropriate
4 detail an accounting of the prepaid program and the savings
5 program which include a description of the financial condition
6 of each respective program at the close of the fiscal year.
7 The board shall submit copies of the reports to the Governor,
8 the President of the Senate, the Speaker of the House of
9 Representatives, and the minority leaders of the House and
10 Senate and shall make the report for the prepaid program
11 available to each purchaser and the report for the savings
12 program available to each benefactor and designated
13 beneficiary. The accounts of the fund for the prepaid program
14 and the savings program shall be subject to annual audits by
15 the Auditor General.

16 Section 490. Section 1009.98, Florida Statutes, is
17 created to read:

18 1009.98 Florida Prepaid College Program.--

19 (1) FLORIDA PREPAID COLLEGE PROGRAM; CREATION.--There
20 is created a Florida Prepaid College Program to provide a
21 medium through which the cost of registration and dormitory
22 residence may be paid in advance of enrollment in a state
23 postsecondary institution at a rate lower than the projected
24 corresponding cost at the time of actual enrollment. Such
25 payments shall be combined and invested in a manner that
26 yields, at a minimum, sufficient interest to generate the
27 difference between the prepaid amount and the cost of
28 registration and dormitory residence at the time of actual
29 enrollment. Students who enroll in a state postsecondary
30 institution pursuant to this section shall be charged no fees

31

1 in excess of the terms delineated in the advance payment
2 contract.

3 (2) PREPAID COLLEGE PLANS.--At a minimum, the board
4 shall make advance payment contracts available for two
5 independent plans to be known as the community college plan
6 and the university plan. The board may also make advance
7 payment contracts available for a dormitory residence plan.
8 The board may restrict the number of participants in the
9 community college plan, university plan, and dormitory
10 residence plan, respectively. However, any person denied
11 participation solely on the basis of such restriction shall be
12 granted priority for participation during the succeeding year.

13 (a)1. Through the community college plan, the advance
14 payment contract shall provide prepaid registration fees for a
15 specified number of undergraduate semester credit hours not to
16 exceed the average number of hours required for the conference
17 of an associate degree. Qualified beneficiaries shall bear the
18 cost of any laboratory fees associated with enrollment in
19 specific courses. Each qualified beneficiary shall be
20 classified as a resident for tuition purposes, pursuant to s.
21 1009.21, regardless of his or her actual legal residence.

22 2. Effective July 1, 1998, the board may provide
23 advance payment contracts for additional fees delineated in s.
24 1009.23, not to exceed the average number of hours required
25 for the conference of an associate degree, in conjunction with
26 advance payment contracts for registration fees. Community
27 college plan contracts purchased prior to July 1, 1998, shall
28 be limited to the payment of registration fees as defined in
29 s. 1009.97.

30 (b)1. Through the university plan, the advance payment
31 contract shall provide prepaid registration fees for a

1 specified number of undergraduate semester credit hours not to
2 exceed the average number of hours required for the conference
3 of a baccalaureate degree. Qualified beneficiaries shall bear
4 the cost of any laboratory fees associated with enrollment in
5 specific courses. Each qualified beneficiary shall be
6 classified as a resident for tuition purposes pursuant to s.
7 1009.21, regardless of his or her actual legal residence.

8 2. Effective July 1, 1998, the board may provide
9 advance payment contracts for additional fees delineated in s.
10 1009.24(8)-(11), for a specified number of undergraduate
11 semester credit hours not to exceed the average number of
12 hours required for the conference of a baccalaureate degree,
13 in conjunction with advance payment contracts for registration
14 fees. Such contracts shall provide prepaid coverage for the
15 sum of such fees, to a maximum of 45 percent of the cost of
16 registration fees. University plan contracts purchased prior
17 to July 1, 1998, shall be limited to the payment of
18 registration fees as defined in s. 1009.97.

19 (c) The cost of participation in contracts authorized
20 under paragraph (a) or paragraph (b) shall be based primarily
21 on the current and projected registration fees within the
22 Florida Community College System or the State University
23 System, respectively, and the number of years expected to
24 elapse between the purchase of the plan on behalf of a
25 qualified beneficiary and the exercise of the benefits
26 provided in the plan by such beneficiary.

27 (d) Through the dormitory residence plan, the advance
28 payment contract may provide prepaid housing fees for a
29 maximum of 10 semesters of full-time undergraduate enrollment
30 in a state university. Dormitory residence plans shall be
31 purchased in increments of 2 semesters. The cost of

1 participation in the dormitory residence plan shall be based
2 primarily on the average current and projected housing fees
3 within the State University System and the number of years
4 expected to elapse between the purchase of the plan on behalf
5 of a qualified beneficiary and the exercise of the benefits
6 provided in the plan by such beneficiary. Qualified
7 beneficiaries shall have the highest priority in the
8 assignment of housing within university residence halls.
9 Qualified beneficiaries shall bear the cost of any additional
10 elective charges such as laundry service or long-distance
11 telephone service. Each state university may specify the
12 residence halls or other university-held residences eligible
13 for inclusion in the plan. In addition, any state university
14 may request immediate termination of a dormitory residence
15 contract based on a violation or multiple violations of rules
16 of the residence hall or other university-held residences. In
17 the event that sufficient housing is not available for all
18 qualified beneficiaries, the board shall refund the purchaser
19 or qualified beneficiary an amount equal to the fees charged
20 for dormitory residence during that semester. If a qualified
21 beneficiary fails to be admitted to a state university or
22 chooses to attend a community college that operates one or
23 more dormitories or residency opportunities, or has one or
24 more dormitories or residency opportunities operated by the
25 community college direct-support organization, the qualified
26 beneficiary may transfer or cause to have transferred to the
27 community college, or community college direct-support
28 organization, the fees associated with dormitory residence.
29 Dormitory fees transferred to the community college or
30 community college direct-support organization may not exceed
31 the maximum fees charged for state university dormitory

1 residence for the purposes of this section, or the fees
2 charged for community college or community college
3 direct-support organization dormitories or residency
4 opportunities, whichever is less.

5 (3) TRANSFER OF BENEFITS TO PRIVATE AND OUT-OF-STATE
6 COLLEGES AND UNIVERSITIES AND TO AREA TECHNICAL CENTERS.--A
7 qualified beneficiary may apply the benefits of an advance
8 payment contract toward:

9 (a) An independent college or university that is
10 located and chartered in Florida, that is not for profit, that
11 is accredited by the Commission on Colleges of the Southern
12 Association of Colleges and Schools or the Accrediting Council
13 for Independent Colleges and Schools, and that confers degrees
14 as defined in s. 1005.02.

15 (b) An out-of-state college or university that is not
16 for profit and is accredited by a regional accrediting
17 association, and that confers degrees.

18 (c) An applied technology diploma program or technical
19 certificate program conducted by a community college listed in
20 s. 1004.02(2) or technical center operated by a district
21 school board.

22
23 The board shall transfer or cause to be transferred to the
24 institution designated by the qualified beneficiary an amount
25 not to exceed the redemption value of the advance payment
26 contract at a state postsecondary institution. If the cost of
27 registration or housing fees at such institution is less than
28 the corresponding fees at a state postsecondary institution,
29 the amount transferred may not exceed the actual cost of
30 registration and housing fees. A transfer authorized under
31 this subsection may not exceed the number of semester credit

1 hours or semesters of dormitory residence contracted on behalf
2 of a qualified beneficiary. Notwithstanding any other
3 provision in this section, an institution must be an "eligible
4 educational institution" under s. 529 of the Internal Revenue
5 Code to be eligible for the transfer of advance payment
6 contract benefits.

7 (4) ADVANCE PAYMENT CONTRACTS.--The board shall
8 develop advance payment contracts for registration and may
9 develop advance payment contracts for dormitory residence as
10 provided in this section. Advance payment contracts shall be
11 exempt from chapter 517 and the Florida Insurance Code. Such
12 contracts shall include, but not be limited to, the following:

13 (a) The amount of the payment or payments and the
14 number of payments required from a purchaser on behalf of a
15 qualified beneficiary.

16 (b) The terms and conditions under which purchasers
17 shall remit payments, including, but not limited to, the date
18 or dates upon which each payment shall be due.

19 (c) Provisions for late payment charges and for
20 default.

21 (d) Provisions for penalty fees for withdrawals from
22 the fund.

23 (e) Except for an advance payment contract entered
24 into pursuant to subsection (9) or s. 1009.983, the name and
25 date of birth of the qualified beneficiary on whose behalf the
26 contract is drawn and the terms and conditions under which
27 another person may be substituted as the qualified
28 beneficiary.

29 (f) The name of any person who may terminate the
30 contract. The terms of the contract shall specify whether the
31 contract may be terminated by the purchaser, the qualified

1 beneficiary, a specific designated person, or any combination
2 of these persons.

3 (g) The terms and conditions under which a contract
4 may be terminated, modified, or converted, the name of the
5 person entitled to any refund due as a result of termination
6 of the contract pursuant to such terms and conditions, and the
7 amount of refund, if any, due to the person so named.

8 (h) The number of semester credit hours or semesters
9 of dormitory residence contracted by the purchaser.

10 (i) The state postsecondary system toward which the
11 contracted credit hours or semesters of dormitory residence
12 will be applied.

13 (j) The assumption of a contractual obligation by the
14 board to the qualified beneficiary to provide for a specified
15 number of semester credit hours of undergraduate instruction
16 at a state postsecondary institution, not to exceed the
17 average number of credit hours required for the conference of
18 the degree that corresponds to the plan purchased on behalf of
19 the qualified beneficiary or to provide for a specified number
20 of semesters of dormitory residence, not to exceed the number
21 of semesters of full-time enrollment required for the
22 conference of a baccalaureate degree.

23 (k) The period of time after which advance payment
24 contracts that have not been terminated or the benefits used
25 shall be considered terminated. Time expended by a qualified
26 beneficiary as an active duty member of any of the armed
27 services of the United States shall be added to the period of
28 time specified by the board. No purchaser or qualified
29 beneficiary whose advance payment contract is terminated
30 pursuant to this paragraph shall be entitled to a refund.

31 Notwithstanding chapter 717, the board shall retain any moneys

1 paid by the purchaser for an advance payment contract that has
2 been terminated in accordance with this paragraph. Such moneys
3 may be transferred to the Florida Prepaid Tuition Scholarship
4 Program to provide matching funds for prepaid tuition
5 scholarships for economically disadvantaged youths that remain
6 drug free and crime free.

7 (1) Other terms and conditions deemed by the board to
8 be necessary or proper.

9 (5) REFUNDS.--

10 (a) No refund shall exceed the amount paid into the
11 fund by the purchaser except as provided in paragraphs (b) and
12 (c).

13 (b) If the beneficiary is awarded a scholarship, the
14 terms of which cover the benefits included in the advance
15 payment contracts, moneys paid for the purchase of the advance
16 payment contracts shall be refunded to the purchaser in
17 semester installments coinciding with the tuition by the
18 beneficiary in an amount which, in total, does not exceed the
19 redemption value of the advance payment contract at a state
20 postsecondary institution.

21 (c) In the event of the death or total disability of
22 the beneficiary, moneys paid for the purchase of advance
23 payment contracts shall be refunded to the purchaser in an
24 amount not to exceed the redemption value of the advance
25 payment contract at a state postsecondary institution.

26 (d) If an advance payment contract is converted from
27 one registration plan to a plan of lesser value, the amount
28 refunded shall not exceed the difference between the amount
29 paid for the original contract and the amount that would have
30 been paid for the contract to which the plan is converted had
31 the converted plan been purchased under the same payment plan

1 at the time the original advance payment contract was
2 executed.

3 (e) No refund shall be authorized through an advance
4 payment contract for any school year partially attended but
5 not completed. For purposes of this section, a school year
6 partially attended but not completed shall mean any one
7 semester whereby the student is still enrolled at the
8 conclusion of the official drop-add period, but withdraws
9 before the end of such semester. If a beneficiary does not
10 complete a community college plan or university plan for
11 reasons other than specified in paragraph (c), the purchaser
12 shall receive a refund of the amount paid into the fund for
13 the remaining unattended years of the advance payment contract
14 pursuant to rules promulgated by the board.

15 (6) CONFIDENTIALITY OF ACCOUNT
16 INFORMATION.--Information that identifies the purchasers or
17 beneficiaries of any plan promulgated under this section and
18 their advance payment account activities is exempt from the
19 provisions of s. 119.07(1). However, the board may authorize
20 the program's records administrator to release such
21 information to a community college, college, or university in
22 which a beneficiary may enroll or is enrolled. Community
23 colleges, colleges, and universities shall maintain such
24 information as exempt from the provisions of s. 119.07(1).

25 (7) OBLIGATIONS OF BOARD.--The state shall agree to
26 meet the obligations of the board to qualified beneficiaries
27 if moneys in the fund fail to offset the obligations of the
28 board. The Legislature shall appropriate to the Florida
29 Prepaid College Trust Fund the amount necessary to meet the
30 obligations of the board to qualified beneficiaries.

31

1 (8) PROGRAM TERMINATION.--In the event that the state
2 determines the prepaid program to be financially infeasible,
3 the state may discontinue the provision of the program. Any
4 qualified beneficiary who has been accepted by and is enrolled
5 or is within 5 years of enrollment in an eligible independent
6 college or university or state postsecondary institution shall
7 be entitled to exercise the complete benefits for which he or
8 she has contracted. All other contract holders shall receive a
9 refund of the amount paid in and an additional amount in the
10 nature of interest at a rate that corresponds, at a minimum,
11 to the prevailing interest rates for savings accounts provided
12 by banks and savings and loan associations.

13 (9) SCHOLARSHIPS.--A nonprofit organization described
14 in s. 501(c)(3) of the United States Internal Revenue Code and
15 exempt from taxation under s. 501(a) of the United States
16 Internal Revenue Code may purchase advance payment contracts
17 for a scholarship program that has been approved by the board
18 and is operated by the purchasing organization.

19 Section 491. Section 1009.981, Florida Statutes, is
20 created to read:

21 1009.981 Florida College Savings Program.--

22 (1)(a) The Florida Prepaid College Board is authorized
23 to create, establish, and administer the Florida College
24 Savings Program to promote and enhance the affordability of
25 higher education in the state and to enable persons to
26 contribute funds that are combined and invested to pay the
27 subsequent higher education expenses of a designated
28 beneficiary. The board may not implement the savings program
29 until it has obtained:

30 1. A written opinion from counsel specializing in
31 federal tax matters indicating that the savings program

1 constitutes a qualified tuition program under s. 529 of the
2 Internal Revenue Code;

3 2. A written opinion from a qualified member of the
4 United States Patent Bar indicating that the implementation of
5 the savings program or the operation of the savings program
6 will not knowingly infringe upon any patent or copyright
7 specifically related to the financing of higher education
8 expenses;

9 3. A written opinion of qualified counsel specializing
10 in federal securities law that the savings program and the
11 offering of participation in the savings program does not
12 violate federal securities law; and

13 4. A written opinion from the board's litigation
14 counsel indicating that the implementation or operation of the
15 savings program will not adversely impact any pending
16 litigation against the board.

17 (b) The benefactor retains ownership of all amounts on
18 deposit in his or her account with the savings program up to
19 the date of distribution on behalf of a designated
20 beneficiary. Earnings derived from investment of the
21 contributions shall be considered to be held in trust in the
22 same manner as contributions, except as applied for purposes
23 of the designated beneficiary and for purposes of maintaining
24 and administering the program as provided in this section.

25 (c) All amounts attributable to penalties shall be
26 used for purposes of the savings program or as required by the
27 Internal Revenue Code, and other amounts received other than
28 contributions shall be properties of the savings program.
29 Proceeds from penalties shall remain with the program and may
30 be used for any costs or purposes of the savings program or
31 used as required by the Internal Revenue Code.

1 (d) Deposits and contributions to the program, the
2 property of the board, and the earnings on the college savings
3 accounts are exempt from taxation.

4 (e) The assets of the savings program shall be
5 continuously invested and reinvested in a manner consistent
6 with the purposes of the program, expended on expenses
7 incurred by the operation and management of the savings
8 program, or refunded to the benefactor or designated
9 beneficiary under the conditions provided in the participation
10 agreement. The board is not required to invest directly in
11 obligations of the state or any political subdivision of the
12 state or in any investment or other fund administered by the
13 state.

14 (2) PARTICIPATION AGREEMENTS.--

15 (a) The board may establish plans to permit
16 benefactors to prepay the qualified higher education expenses
17 associated with enrollment in an eligible educational
18 institution and may permit benefactors to select from among
19 alternative investment plans designed to provide funds to pay
20 qualified education expenses of a designated beneficiary. The
21 board shall not accept contributions in excess of the amount
22 allowed pursuant to s. 529 of the Internal Revenue Code and
23 shall prescribe by rule the methodology and information
24 sources that shall be used to determine the projected costs of
25 qualified higher education expenses for designated
26 beneficiaries of prescribed ages.

27 (b) The board shall develop a participation agreement
28 which shall be the agreement between the board and each
29 benefactor, which may include, but is not limited to:

30 1. The name, date of birth, and social security number
31 of the designated beneficiary.

1 2. The amount of the contribution or contributions and
2 number of contributions required from a benefactor on behalf
3 of a designated beneficiary.

4 3. The terms and conditions under which benefactors
5 shall remit contributions, including, but not limited to, the
6 date or dates upon which each contribution is due. Deposits to
7 the savings program by benefactors may only be in cash.
8 Benefactors may contribute in a lump sum, periodically, in
9 installments, or through electronic funds transfer or employer
10 payroll deductions.

11 4. Provisions for late contribution charges and for
12 default.

13 5. Provisions for penalty fees for withdrawals from
14 the program.

15 6. The name of the person who may terminate
16 participation in the program. The participation agreement must
17 specify whether the account may be terminated by the
18 benefactor, the designated beneficiary, a specific designated
19 person, or any combination of these persons.

20 7. The terms and conditions under which an account may
21 be terminated, modified, or converted, the name of the person
22 entitled to any refund due as a result of termination of the
23 account pursuant to such terms and conditions, and the amount
24 of refund, if any, due to the person so named.

25 8. Penalties for distributions not used or made in
26 accordance with s. 529 of the Internal Revenue Code.

27 9. Any charges or fees in connection with the
28 administration of the savings fund.

29 10. The period of time after which each participation
30 agreement shall be considered to be terminated. Time expended
31 by a designated beneficiary as an active duty member of any of

1 the armed services of the United States shall be added to the
2 period specified pursuant to this subparagraph. Should a
3 participation agreement be terminated, the balance of the
4 account, after notice to the benefactor, shall be declared
5 unclaimed and abandoned property. The board shall retain any
6 monies paid by the benefactor for a participation agreement
7 that has been terminated in accordance with this subparagraph.
8 Such moneys may be transferred to the Florida Prepaid Tuition
9 Scholarship Program to provide matching funds for prepaid
10 tuition scholarships for economically disadvantaged youths
11 that remain drug free and crime free.

12 11. Other terms and conditions deemed by the board to
13 be necessary or proper.

14 (c) The participation agreement shall clearly state
15 that:

16 1. The contract is only a debt or obligation of the
17 savings program and the savings fund, and is not otherwise a
18 debt or obligation of the state.

19 2. Participation in the program does not guarantee
20 that sufficient funds will be available to cover all qualified
21 higher education expenses for any designated beneficiary and
22 does not guarantee admission to or continued enrollment at an
23 eligible educational institution of any designated
24 beneficiary.

25 (d) The participation agreement may be freely amended
26 throughout its term for purposes including, but not limited
27 to, allowing to enable the benefactor to increase or decrease
28 the level of participation, change designated beneficiaries,
29 and carry out similar matters permitted by this section and
30 the Internal Revenue Code.

31

1 (3) DISTRIBUTIONS FOR QUALIFIED HIGHER EDUCATION
2 EXPENSES.--The board shall establish requirements and
3 procedures for beneficiaries to realize the benefits of
4 participation agreements. In establishing such requirements
5 and procedures, the board shall make distributions in as
6 efficient and expeditious manner as is prudent and possible,
7 consistent with the Internal Revenue Code.
8 (4) REFUNDS.--
9 (a) A benefactor may request a refund of the principal
10 amount of his or her contributions, plus actual investment
11 earnings or minus actual investment losses on the
12 contributions, less any applicable penalty, and less any
13 amounts used to provide benefits to the designated
14 beneficiary.
15 (b) Notwithstanding paragraph (a), a penalty may not
16 be levied if a benefactor requests a refund from the program
17 due to:
18 1. Death of the beneficiary.
19 2. Total disability of the beneficiary.
20 3. Scholarship, allowance, or payment received by the
21 beneficiary to the extent that the amount of the refund does
22 not exceed the amount of the scholarship, allowance, or
23 payment in accordance with federal law.
24 (c) If a benefactor requests a refund of funds
25 contributed to the program for any cause other than those
26 listed in paragraph (b), there shall be imposed a penalty of
27 10 percent of the earnings of the account and any applicable
28 taxes, or the amount required by the Internal Revenue Code.
29 Earnings shall be calculated as the total value of the
30 participation agreement, less the aggregate contributions, or
31 in the manner prescribed in the Internal Revenue Code.

1 (5) MATERIAL MISREPRESENTATION; PENALTY.--If the
2 benefactor or the designated beneficiary makes any material
3 misrepresentation in the application for a participation
4 agreement or in any communication with the board regarding the
5 program, especially regarding the withdrawal or distribution
6 of funds therefrom, the account may be involuntarily
7 liquidated by the board. If the account is so liquidated, the
8 benefactor is entitled to a refund, subject to a 10-percent
9 penalty or the amount required by the Internal Revenue Code.

10 (6) CONFIDENTIALITY OF ACCOUNT
11 INFORMATION.--Information that identifies the benefactors or
12 the designated beneficiary of any account initiated under this
13 section and information regarding individual account
14 activities conducted through the savings program established
15 in this section are confidential and exempt from the
16 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
17 Constitution. However, the board may authorize the release of
18 such information to a community college, college, or
19 university in which a designated beneficiary may enroll or is
20 enrolled. Community colleges, colleges, and universities shall
21 maintain the confidentiality of such information. This
22 subsection is subject to the Open Government Sunset Review Act
23 of 1995 in accordance with s. 119.15, and shall stand repealed
24 on October 2, 2005, unless reviewed and saved from repeal
25 through reenactment by the Legislature.

26 (7) OBLIGATIONS OF BOARD.--Any contract or
27 participation agreement entered into by or any obligation of
28 the board on behalf of and for the benefit of the savings
29 program does not constitute a debt or obligation of the state
30 but is an obligation of the savings program. The state has no
31 obligation to any designated beneficiary or any other person

1 as a result of the savings program. The obligation of the
2 savings program is limited solely to those amounts deposited
3 in the savings fund. All amounts obligated to be paid from the
4 savings fund are limited to amounts available for such
5 obligation. The amounts on deposit in the savings program may
6 only be disbursed in accordance with the provisions of this
7 section.

8 (8) PROGRAM TERMINATION.--The savings program shall
9 continue in existence until its existence is terminated by
10 law. If the state determines that the savings program is
11 financially infeasible, the state may discontinue the savings
12 program. Upon termination of the savings program, all deposits
13 shall be returned to benefactors, to the extent possible, and
14 any unclaimed assets in the savings program may be transferred
15 to the Florida Prepaid Tuition Scholarship Program to provide
16 matching funds for prepaid tuition scholarships for
17 economically disadvantaged youths that remain drug free and
18 crime free.

19 (9) STATE PLEDGE.--The state pledges to benefactors
20 and designated beneficiaries of the savings program that the
21 state will not limit or alter the rights under this section
22 which are vested in the program until such obligations are met
23 and discharged. However, this subsection does not preclude
24 such limitation if adequate provision is made by law for the
25 protection of the benefactors and designated beneficiaries
26 pursuant to the obligations of the board, and, if the state or
27 the board determines that the savings program is not
28 financially feasible, the state or the board may discontinue
29 the program. If the program is discontinued, the board shall
30 refund to benefactors their contributions to the program, plus
31 any investment earnings or minus any investment losses. The

1 board, on behalf of the state, may include this pledge and
2 undertaking by the state in participation agreements.

3 Section 492. Section 1009.982, Florida Statutes, is
4 created to read:

5 1009.982 Disclaimer.--Nothing in ss. 1009.97-1009.984
6 shall be construed as a promise or guarantee that a qualified
7 beneficiary or a designated beneficiary will be admitted to a
8 state postsecondary institution or to a particular state
9 postsecondary institution, will be allowed to continue
10 enrollment at a state postsecondary institution after
11 admission, or will be graduated from a state postsecondary
12 institution.

13 Section 493. Section 1009.983, Florida Statutes, is
14 created to read:

15 1009.983 Direct-support organization; authority.--

16 (1) The Florida Prepaid College Board may establish a
17 direct-support organization which is:

18 (a) A Florida corporation, not for profit,
19 incorporated under the provisions of chapter 617 and approved
20 by the Secretary of State.

21 (b) Organized and operated exclusively to receive,
22 hold, invest, and administer property and to make expenditures
23 to or for the benefit of the board.

24 (c) An organization which the board, after review, has
25 certified to be operating in a manner consistent with the
26 goals of the board and in the best interests of the state.
27 Unless so certified, the organization may not use the name of
28 the prepaid program or savings program.

29 (2) The direct-support organization shall operate
30 under written contract with the board. The contract must
31 provide for:

1 (a) Approval of the articles of incorporation and
2 bylaws of the direct-support organization by the board.
3 (b) Submission of an annual budget for the approval of
4 the board. The budget must comply with rules adopted by the
5 board.
6 (c) Certification by the board that the direct-support
7 organization is complying with the terms of the contract and
8 in a manner consistent with the goals and purposes of the
9 board and in the best interest of the state. Such
10 certification must be made annually and reported in the
11 official minutes of a meeting of the board.
12 (d) The reversion to the board, or to the state if the
13 board ceases to exist, of moneys and property held in trust by
14 the direct-support organization for the benefit of the board
15 or prepaid program if the direct-support organization is no
16 longer approved to operate for the board or if the board
17 ceases to exist.
18 (e) The fiscal year of the direct-support
19 organization, which must begin July 1 of each year and end
20 June 30 of the following year.
21 (f) The disclosure of material provisions of the
22 contract and of the distinction between the board and the
23 direct-support organization to donors of gifts, contributions,
24 or bequests, and such disclosure on all promotional and
25 fundraising publications.
26 (3) The direct-support organization shall provide for
27 an annual financial audit in accordance with s. 215.981. The
28 board and Auditor General may require and receive from the
29 organization or its independent auditor any detail or
30 supplemental data relative to the operation of the
31 organization.

1 (4) The identity of donors who desire to remain
2 anonymous shall be confidential and exempt from the provisions
3 of s. 119.07(1) and s. 24(a), Art. I of the State
4 Constitution, and such anonymity shall be maintained in the
5 auditor's report. Information received by the organization
6 that is otherwise confidential or exempt by law shall retain
7 such status. Any sensitive, personal information regarding
8 contract beneficiaries, including their identities, is exempt
9 from the provisions of s. 119.07(1) and s. 24(a), Art. I of
10 the State Constitution.

11 (5) The chair and the executive director of the board
12 shall be directors of the direct-support organization and
13 shall jointly name, at a minimum, three other individuals to
14 serve as directors of the organization.

15 (6) The board may authorize the direct-support
16 organization established in this section to use board
17 property, except money, and use facilities and personal
18 services subject to the provisions of this section. If the
19 direct-support organization does not provide equal employment
20 opportunities to all persons regardless of race, color,
21 religion, sex, age, or national origin, it may not use the
22 property, facilities, or personal services of the board. For
23 the purposes of this section, the term "personal services"
24 includes full-time personnel and part-time personnel as well
25 as payroll processing as prescribed by rule of the board. The
26 board shall adopt rules prescribing the procedures by which
27 the direct-support organization is governed and any conditions
28 with which such a direct-support organization must comply to
29 use property, facilities, or personal services of the board.

30 (7) The board may invest funds of the direct-support
31 organization which have been allocated for the purchase of

1 advance payment contracts for scholarships with receipts for
2 advance payment contracts.

3 Section 494. Section 1009.984, Florida Statutes, is
4 created to read:

5 1009.984 Florida Prepaid Tuition Scholarship
6 Program.--The Florida Prepaid Tuition Scholarship Program is
7 established to provide economically disadvantaged youth with
8 prepaid postsecondary tuition scholarships. The direct-support
9 organization established pursuant to s. 1009.983 shall
10 administer the program with the assistance and cooperation of
11 the Department of Education to:

12 (1) Provide an incentive for economically
13 disadvantaged youth to improve school attendance and academic
14 performance in order to graduate and pursue a postsecondary
15 education.

16 (2) Obtain the commitment and involvement of private
17 sector entities by virtue of funding matches with a ratio of
18 50 percent provided by the private sector and 50 percent
19 provided by the state.

20 (3) Purchase prepaid tuition scholarships for students
21 certified by the Department of Education to the direct-support
22 organization who meet minimum economic and school requirements
23 and remain drug free and crime free.

24 (a) For the purpose of this subsection, "drug free"
25 means not being convicted of, or adjudicated delinquent for,
26 any violation of chapter 893 after being designated a
27 recipient of a Florida prepaid tuition scholarship.

28 (b) For the purpose of this subsection, "crime free"
29 means not being convicted of, or adjudicated delinquent for,
30 any felony or first degree misdemeanor as defined in ss.

31

1 775.08 and 775.081 after being designated a recipient of a
2 Florida prepaid tuition scholarship.

3 Section 495. Part V of chapter 1009, Florida Statutes,
4 shall be entitled "Florida Higher Education Loan Authority"
5 and shall consist of ss. 1009.99-1009.9994.

6 Section 496. Section 1009.99, Florida Statutes, is
7 created to read:

8 1009.99 Short title.--Sections 1009.99-1009.9994 may
9 be cited as the "Florida Higher Education Loan Authority Act."

10 Section 497. Section 1009.991, Florida Statutes, is
11 created to read:

12 1009.991 Purpose.--It is the purpose of this act to
13 provide assistance and an additional method of financing the
14 cost of higher education to students and the families of
15 students attending institutions of higher education in this
16 state and to encourage investment of private capital to
17 provide funds for financing student loans.

18 Section 498. Section 1009.992, Florida Statutes, is
19 created to read:

20 1009.992 Definitions.--As used in this act:

21 (1) "Authority" means any public corporation created
22 by s. 1009.993 or any board, body, commission, department, or
23 officer of the county succeeding to the principal functions
24 thereof or to whom the powers conferred upon an authority by
25 this act are given by this act.

26 (2) "Authority loan" means any loan by an authority to
27 an institution of higher education for the purpose of funding
28 education loans.

29 (3) "Bond" or "revenue bond" means any revenue bond of
30 an authority issued under the provisions of this act,
31 including any revenue-refunding bond, notwithstanding that the

1 bond may be secured by mortgage or the full faith and credit
2 of a participating institution of higher education or any
3 other lawfully pledged security of a participating institution
4 of higher education.

5 (4) "Bond resolution" means the resolution of an
6 authority and the trust agreement, if any, and any supplement
7 or amendment to the foregoing, authorizing the issuance of,
8 and providing for the terms and conditions applicable to,
9 obligations.

10 (5) "Bond service charge" means the principal
11 (including mandatory sinking fund requirements for retirement
12 of obligations) and interest, and redemption premium, if any,
13 required to be paid by an authority on obligations.

14 (6) "Borrower" means any student who has received an
15 education loan or any parent who has received or agreed to pay
16 an education loan.

17 (7) "Clerk" means the clerk of a commission or the
18 county officer charged with the duties customarily imposed
19 upon the clerk.

20 (8) "Commission" means a board of county commissioners
21 or other body charged with governing the county.

22 (9) "Default insurance" means insurance insuring
23 education loans, authority loans, or obligations against
24 default.

25 (10) "Default reserve fund" means a fund established
26 pursuant to a bond resolution for the purpose of securing
27 education loans, authority loans, or obligations.

28 (11) "Education loan" means a loan which is made by an
29 institution to a student or the parents of a student, or both,
30 in an amount not in excess of the maximum amount specified in
31 regulations to be formulated by the authority, in order to

1 finance all or any part of the cost of the student's
2 attendance at such institution.

3 (12) "Education loan series portfolio" means all
4 educational loans made by a specific institution which are
5 funded from the proceeds of an authority loan to such
6 institution out of the proceeds of a related specific issue of
7 obligations through the authority.

8 (13) "Institution" means any college or university
9 which, by virtue of law or charter, is accredited by and holds
10 membership in the Commission on Recognition of Postsecondary
11 Accreditation; which grants baccalaureate or associate
12 degrees; which is not a pervasively sectarian institution; and
13 which does not discriminate in the admission of students on
14 the basis of race, color, religion, sex, or creed.

15 (14) "Loan funding deposit" means moneys or other
16 property which is deposited by an institution with the
17 authority or a trustee for the purpose of:

- 18 (a) Providing security for obligations;
19 (b) Funding a default reserve fund;
20 (c) Acquiring default insurance; or
21 (d) Defraying costs of the authority, and
22

23 which shall be in such amounts as are deemed necessary by the
24 authority as a condition for participation by such institution
25 in the program of the authority.

26 (15) "Obligation" means any revenue bond, note, or
27 other evidence of indebtedness of an authority, including any
28 interest coupon pertaining thereto, issued under this act,
29 including any refunding bond.

30 (16) "Parent" means any parent or guardian of a
31 student at an institution.

1 (17) "Participating institution" means an institution
2 of higher education which, pursuant to the provisions of this
3 act, undertakes the financing of an educational student loan
4 program or undertakes the refunding or refinancing of
5 obligations, a mortgage, or advances as provided in and
6 permitted by this act.

7 (18) "Person" means any person, firm, partnership,
8 association, corporation, or other body, public or private.

9 Section 499. Section 1009.993, Florida Statutes, is
10 created to read:

11 1009.993 Authority; creation, membership, terms of
12 members, expenses.--

13 (1) In each county there is created a public body
14 corporate and politic to be known as the "... County
15 Education Loan Authority." Each such authority is constituted
16 as a public instrumentality, and its exercise of the powers
17 conferred by this act shall be deemed the performance of an
18 essential public function. No authority shall transact any
19 business or exercise any power pursuant to this act until the
20 commission by ordinance or resolution declares that there is a
21 need for an authority to function in such county.

22 (2) The commission may adopt such an ordinance or
23 resolution of need if it finds that the youth of the county
24 and state do not have the opportunity to attend institutions
25 of higher learning located within the county because of their
26 inability to obtain financing for the cost of such education
27 and the inability of such institutions to provide adequate
28 financial aid to their students.

29 (3) In any suit, action, or proceeding involving the
30 validity or enforcement of or relating to any contract of the
31 authority, the authority shall be conclusively deemed to have

1 been established and authorized to transact business and
2 exercise its powers hereunder upon proof of the adoption of an
3 ordinance or resolution by the commission declaring the need
4 for the authority. Such ordinance or resolution shall be
5 sufficient if it declares that there is such a need for an
6 authority in the county. A copy of such ordinance or
7 resolution certified by the clerk shall be admissible in
8 evidence in any suit, action, or proceeding.

9 (4) The ordinance or resolution shall designate five
10 persons as members of the authority. The membership of the
11 authority shall include:

12 (a) A trustee, director, officer, or employee of an
13 institution located in such county.

14 (b) One lay citizen who does not derive a majority of
15 his or her income from education or an education-related
16 field.

17 (c) Two persons from the commercial financial
18 community in the county, each of whom has a favorable
19 reputation for skill, knowledge, and experience in the field
20 of state and municipal finance.

21 (d) One person from the commercial financial community
22 or educational community in the state who has a favorable
23 reputation for skill, knowledge, and experience in the field
24 of higher education loan finance.

25 (5) Of the members first appointed, one shall serve
26 for 1 year, one for 2 years, one for 3 years, one for 4 years,
27 and one for 5 years, in each case until his or her successor
28 is appointed and has qualified. Thereafter, the commission
29 shall appoint for terms of 5 years each members to succeed
30 those whose terms will expire. The commission shall fill any
31 vacancy for the unexpired portion of the term. Any member of

1 the authority may be reappointed. Any member of the authority
2 may be removed by the commission for misfeasance, malfeasance,
3 or willful neglect of duty. Before entering upon his or her
4 duties, each member of the authority shall take and subscribe
5 to the oath or affirmation required by the State Constitution.
6 A record of each such oath shall be filed with the Department
7 of State and with the clerk.

8 (6) The authority shall annually elect one of its
9 members as chair and one as vice chair and shall also appoint
10 an executive director who shall not be a member of the
11 authority and who shall serve at the pleasure of the authority
12 and receive such compensation as fixed by the authority.

13 (7) The executive director shall keep a record of the
14 proceedings of the authority and shall be custodian of all
15 books, documents, and papers filed with the authority; the
16 minute book or journal of the authority; and its official
17 seal. The director may have copies made of all minutes and
18 other records and documents of the authority and may give
19 certificates under the official seal of the authority to the
20 effect that such copies are true copies, and any person
21 dealing with the authority may rely upon any such certificate.

22 (8) Three members of the authority shall constitute a
23 quorum, and the affirmative vote of a majority of the members
24 present at a meeting shall be necessary for any action to be
25 taken; however, any action may be taken by an authority with
26 the unanimous consent of all of the members. A vacancy in the
27 membership of the authority shall not impair the right of a
28 quorum to exercise the rights or perform the duties of the
29 authority. The majority shall not include any member who has a
30 conflict of interest, and a statement by a member of a
31 conflict of interest is conclusive for this purpose. Any

1 action taken by the authority under the provisions of this act
2 may be authorized by resolution at any regular or special
3 meeting. Each such resolution shall take effect immediately
4 and need not be published or posted.

5 (9) The members of the authority shall receive no
6 compensation for the performance of their duties, but each
7 member, when engaged in the performance of such duties, shall
8 be entitled to per diem and travel expenses as provided in s.
9 112.061.

10 (10) Notwithstanding any other law to the contrary, it
11 shall not be, nor shall it constitute, a conflict of interest
12 for a trustee, director, officer, or employee of an
13 institution to serve as a member of the authority.

14 Section 500. Section 1009.994, Florida Statutes, is
15 created to read:

16 1009.994 Functions and powers of authority.--Each
17 authority shall have the following functions and powers:

18 (1) To adopt rules for the regulation of its affairs
19 and the conduct of its business.

20 (2) To adopt an official seal.

21 (3) To maintain an office at a place it designates.

22 (4) To sue and be sued in its own name and to plead
23 and be impleaded.

24 (5) To establish rules for the use of education loan
25 financing programs and to designate a participating
26 institution as its agent to establish rules for the use of a
27 program undertaken by such participating institution.

28 (6) To issue obligations for the purpose of making
29 authority loans to participating institutions for the purpose
30 of providing education loans utilizing such eligibility

31

1 standards for borrowers as the authority determines to be
2 necessary, but such standards shall include the following:
3 (a) Each student shall have a certificate of admission
4 or enrollment at a participating institution;
5 (b) Each student or his or her parents shall satisfy
6 such financial qualifications as the authority shall
7 establish; and
8 (c) Each student and his or her parents shall submit
9 such information to the applicable institution as may be
10 required by the authority.
11 (7) To contract with financial institutions and other
12 qualified loan origination and servicing organizations, which
13 shall assist in prequalifying borrowers for education loans
14 and which shall service and administer each education loan and
15 the respective loan series portfolio of each institution, and
16 to establish sufficient fees for each educational loan to
17 cover the applicable pro rata cost of such servicing and
18 originating organizations.
19 (8) To establish criteria governing the eligibility of
20 institutions to participate in its programs, the making and
21 allocation of authority loans and education loans, provisions
22 for default, the establishment of default reserve funds, the
23 purchase of default insurance, the provision of prudent debt
24 service reserves, and the furnishing by participating
25 institutions of such additional guarantees of the education
26 loans, authority loans, or obligations as the authority shall
27 determine necessary to assure the marketability of the
28 obligations and the adequacy of the security therefor;
29 however, the provisions applicable to participation by Florida
30 public participating institutions in the financing programs of
31 the authority shall be subject to approval and authorization

1 by the budgetary and other state agencies having jurisdiction
2 over those institutions.

3 (9) To fix, revise, charge, and collect rates, fees,
4 and charges for services furnished by the authority and to
5 contract with any person in respect thereto, including any
6 financial institution, loan originator, servicer,
7 administrator, issuer of letters of credit, or insurer.

8 (10) To employ consultants, attorneys, accountants,
9 financial experts, loan processors, bankers, managers, and
10 such other employees and agents as may be necessary and to fix
11 their compensation.

12 (11) To receive and accept, from any source, loans,
13 contributions, or grants for or in aid of an authority
14 education loan financing program or any portion thereof and,
15 when required, to use such funds, property, or labor only for
16 the purposes for which it was loaned, contributed, or granted.

17 (12) To make authority loans to institutions and
18 require that the proceeds thereof be used solely for making
19 education loans or for costs and fees in connection therewith
20 and to require institutions to obtain certification from each
21 borrower that proceeds from any education loan are used solely
22 for the purpose intended by this act.

23 (13) To charge to and apportion among participating
24 institutions administrative and operating costs and expenses
25 incurred in the exercise of the powers and duties conferred by
26 this act.

27 (14) To borrow working capital funds and other funds
28 as may be necessary for startup and continuing operations,
29 provided that such funds are borrowed solely in the name of
30 the authority. Such borrowings shall be limited obligations of
31 the character described in s. 1009.9975 and shall be payable

1 solely from revenues of the authority or proceeds of
2 obligations pledged for that purpose.

3 (15) Notwithstanding any other provisions of this act,
4 to commingle and pledge as security for a series or issue of
5 obligations, with the consent of all of the institutions which
6 are participating in such series or issue:

7 (a) The education loan series portfolios and some or
8 all future education loan series portfolios of such
9 institutions; and

10 (b) The loan funding deposits of such institutions,
11 except that education loan series portfolios and other
12 security and moneys set aside in any fund pledged for any
13 series or issue of obligations shall be held for the sole
14 benefit of such series or issue separate and apart from
15 education loan series portfolios and other security and moneys
16 pledged for any other series of issue of obligations of the
17 authority. Obligations may be issued in series under one or
18 more resolutions or trust agreements in the discretion of the
19 authority.

20 (16) To examine records and financial reports of
21 participating institutions and to examine records and
22 financial reports of any contractor organization or
23 institution retained by the authority under the provisions of
24 this act.

25 (17) To make loans to a participating institution to
26 refund outstanding obligations, mortgages, or advances issued,
27 made, or given by such institution for authority loans; and
28 whenever such refunding obligations are issued to refund
29 obligations, the proceeds of which were used to make authority
30 loans, the authority may reduce the amount of interest owed to
31 it by the institution which had received authority loans from

1 the proceeds of the refunded obligations. Such institution
2 may use this reduced amount to reduce the amount of interest
3 being paid on education loans which the institution had made
4 pursuant to the authority loans from the proceeds of the
5 refunded obligations.

6 (18) To authorize its officers, agents, and employees
7 to take any other action which is necessary in order to carry
8 out the purposes of this act.

9 Section 501. Section 1009.995, Florida Statutes, is
10 created to read:

11 1009.995 Expenses of authority.--All expenses incurred
12 in carrying out the provisions of this act shall be payable
13 solely from funds provided under the provisions of this act;
14 and, except as specifically authorized under this act, no
15 liability shall be incurred by an authority beyond the extent
16 to which moneys have been provided under this act.

17 Section 502. Section 1009.996, Florida Statutes, is
18 created to read:

19 1009.996 Higher education facilities authority as
20 higher education loan authority.--As an alternative to the
21 creation of an authority, a commission may confer all rights,
22 powers, privileges, duties, and immunities of an authority
23 upon any entity in existence on July 1, 1982, which has been
24 authorized by law to function as a higher education facilities
25 authority pursuant to the provisions of chapter 243. Any such
26 entity which has been vested with the rights, powers,
27 privileges, duties, and immunities of a higher education loan
28 authority shall be subject to all provisions and
29 responsibilities imposed by this act, notwithstanding any
30 provisions to the contrary in any law which established the
31 entity. Nothing in this act shall be construed to impair or

1 diminish any powers of any other entity in existence on July
2 1, 1982, or to repeal, modify, or amend any law establishing
3 such entity, except as specifically set forth herein.

4 Section 503. Section 1009.9965, Florida Statutes, is
5 created to read:

6 1009.9965 Moneys, endowments, properties; acquisition,
7 deposit, and guarantees.--Each authority is authorized to
8 establish specific guidelines relating to the deposits of
9 moneys, endowments, or properties by institutions which
10 moneys, endowments, or properties would provide prudent
11 security for education loan funding programs, authority loans,
12 education loans, or obligations; and it may establish
13 guidelines relating to guarantees of, or contracts to
14 purchase, education loans or obligations by such institutions,
15 financial institutions, or others. A default reserve fund may
16 be established for each series or issue of obligations. In
17 this regard, the authority is empowered to receive such
18 moneys, endowments, properties, and guarantees as it deems
19 appropriate and, if necessary, to take title in the name of
20 the authority or in the name of a participating institution or
21 a trustee, subject, however, to the limitations applicable to
22 public participating institutions set forth in s. 1009.994(8).

23 Section 504. Section 1009.997, Florida Statutes, is
24 created to read:

25 1009.997 Conveyance of loan funding deposit to
26 participating institutions.--When the principal of and
27 interest on obligations of an authority issued to finance the
28 cost of an education loan financing program, including any
29 refunding obligations issued to refund and refinance such
30 obligations, have been fully paid and retired or when adequate
31 provision has been made to fully pay and retire the

1 obligations and all other conditions of the bond resolution
2 have been satisfied and the lien created by such bond
3 resolution has been released in accordance with the provisions
4 thereof, the authority shall promptly do such things and
5 execute such deeds and conveyances as are necessary to convey
6 any remaining moneys, properties, and other assets comprising
7 loan funding deposits to the institutions in proportion to the
8 amounts furnished by the respective institutions.

9 Section 505. Section 1009.9975, Florida Statutes, is
10 created to read:

11 1009.9975 Notes of authority.--An authority may issue
12 its negotiable notes for any corporate purpose and renew any
13 notes by the issuance of new notes, whether or not the notes
14 to be renewed have matured. The authority may issue notes
15 partly to renew notes or to discharge other obligations then
16 outstanding and partly for any other purpose. The notes may be
17 authorized, sold, executed, and delivered in the same manner
18 as bonds. Any resolution authorizing notes of the authority
19 or any issue thereof may contain any provisions which the
20 authority is authorized to include in any resolution
21 authorizing revenue bonds or any issue thereof, and the
22 authority may include in any notes any terms, covenants, or
23 conditions which it is authorized to include in any bonds.
24 All such notes shall be payable solely from the revenues of
25 the authority, subject only to any contractual rights of the
26 holders of any of its notes or other obligations then
27 outstanding.

28 Section 506. Section 1009.9976, Florida Statutes, is
29 created to read:

30 1009.9976 Issuance of obligations.--
31

1 (1) An authority may issue its negotiable revenue
2 obligations for any corporate purpose. In anticipation of the
3 sale of such obligations, the authority may issue negotiable
4 bond anticipation notes and may renew them, but the maximum
5 maturity of any such note, including renewals thereof, shall
6 not exceed 5 years from the date of issue of the original
7 note. Such notes shall be paid from revenues of the authority
8 available therefor and not otherwise pledged or from the
9 proceeds of sale of the revenue bonds of the authority in
10 anticipation of which they were issued. The notes shall be
11 issued in the same manner as the revenue bonds. Such notes and
12 the resolution authorizing them may contain any provisions,
13 conditions, or limitations which a bond resolution of the
14 authority may contain.

15 (2) Each issue of obligations shall be payable solely
16 out of those revenues of the authority that pertain to the
17 program relating to such issue, including principal and
18 interest on authority loans and education loans; payments by
19 institutions of higher education, banks, insurance companies,
20 or others pursuant to letters of credit or purchase
21 agreements; investment earnings from funds or accounts
22 maintained pursuant to the bond resolution; insurance
23 proceeds; loan funding deposits; proceeds of sales of
24 education loans; proceeds of refunding obligations; and fees,
25 charges, and other revenues of the authority from such
26 program, subject only to any agreements with the holders of
27 particular revenue bonds or notes pledging any particular
28 reserves.

29 (3) The obligations may be issued as serial
30 obligations or as term obligations, or in both forms. The
31 obligations shall be authorized by a bond resolution of the

1 authority and shall bear such dates; mature at such times, not
2 to exceed the year following the last year in which the final
3 payments in an education loan series portfolio are due or 30
4 years, whichever is sooner, from their respective dates of
5 issue; bear interest at such rates; be payable at such times;
6 be in such denominations; be in such form, either coupon or
7 fully registered; carry such registration and conversion
8 privileges; be payable in lawful money of the United States of
9 America at such places; and be subject to such terms of
10 redemption as such bond resolution may provide. Obligations
11 shall be executed by the manual or facsimile signatures of
12 such officers of the authority as shall be designated by the
13 authority. Obligations may be sold at public or private sale
14 in such manner and for such price as the authority shall
15 determine. Pending preparation of the definitive bonds, the
16 authority may issue interim receipts or certificates which
17 shall be exchanged for such definitive bonds.

18 (4) Any bond resolution may contain provisions, which
19 shall be a part of the contract with the holders of the
20 obligations to be authorized, as to:

21 (a) The pledging or assigning of all or part of the
22 revenues derived from the authority loans and education loans
23 to secure the payment of the obligations to be issued.

24 (b) The fees and other amounts to be charged; the sums
25 to be raised in each year thereby; and the use, investment,
26 and disposition of such sums.

27 (c) The setting aside of loan funding deposits, debt
28 service reserves, capitalized interest accounts, cost of
29 insurance accounts, and sinking funds and the regulation,
30 investment, and disposition thereof.

31

1 (d) Limitations on the right of the authority or its
2 agent to restrict and regulate the use of education loans.

3 (e) Limitations on the purpose to which the proceeds
4 of sale of any issue of obligations then or thereafter to be
5 issued may be invested or applied.

6 (f) Limitations on the issuance of additional
7 obligations; the terms upon which additional obligations may
8 be issued and secured; the terms upon which additional
9 obligations may rank on a parity with, or be subordinate or
10 superior to, other obligations; and the refunding of
11 outstanding obligations.

12 (g) The procedure, if any, by which the terms of any
13 contract with bondholders may be amended or abrogated, the
14 amount of obligations the holders of which must consent
15 thereto, and the manner in which such consent may be given.

16 (h) Limitations on the amount of moneys derived from
17 the loan program to be expended for operating, administrative,
18 or other expenses of the authority.

19 (i) Defining the acts or omissions to act which
20 constitute a default in the duties of the authority to holders
21 of obligations and providing the rights or remedies of such
22 holders in the event of a default.

23 (j) Providing for guarantees, pledges or endowments,
24 letters of credit, property, or other security for the benefit
25 of the holders of such obligations.

26 (k) Any other matters relating to the obligations
27 which the authority deems desirable to include in the bond
28 resolution.

29 (5) Neither the members of the authority nor any
30 person executing the obligations shall be liable personally on
31

1 the obligations or be subject to any personal liability or
2 accountability by reason of the issuance thereof.

3 (6) The authority shall have power to purchase its
4 obligations out of any funds available therefor. The
5 authority may hold, pledge, cancel, or resell such obligations
6 subject to and in accordance with agreements with bondholders.

7 (7) The authority shall have the power to refund any
8 of its obligations. Such refunding obligations shall be
9 issued in the same manner as other obligations of the
10 authority.

11 Section 507. Section 1009.9977, Florida Statutes, is
12 created to read:

13 1009.9977 Trust agreement to secure obligations.--In
14 the discretion of the authority, any obligations issued under
15 the provisions of this act may be secured by a trust agreement
16 by and between the authority and a corporate trustee, which
17 may be any trust company or bank having the powers of a trust
18 company within or without the state. The trust agreement may
19 pledge or assign the revenues to be received by the authority;
20 may contain such provisions for protecting and enforcing the
21 rights and remedies of the bondholders as may be reasonable
22 and proper and not in violation of law, particularly including
23 such provisions as have hereinabove been specifically
24 authorized to be included in any bond resolution of the
25 authority; and may restrict individual rights of action by
26 bondholders. Any bank or trust company incorporated under the
27 laws of this state which may act as depository of the proceeds
28 of bonds or of revenues or other moneys may furnish such
29 indemnifying bonds or pledge such securities as may be
30 required by the authority. Any such trust agreement may set
31 forth the rights and remedies of the bondholders and of the

1 trustee. In addition, any trust agreement may contain such
2 other provisions as the authority may deem reasonable and
3 proper for the security of the bondholders. All expenses
4 incurred in carrying out the provisions of the trust agreement
5 may be treated as part of the cost of the operation of an
6 education loan program.

7 Section 508. Section 1009.9978, Florida Statutes, is
8 created to read:

9 1009.9978 Payment of obligations.--Obligations issued
10 under the provisions of this act shall not be deemed to
11 constitute a debt or liability of the state or the county or a
12 pledge of the faith and credit of the state or any county, but
13 such obligations shall be payable solely from the funds herein
14 provided therefor from revenues. Each such obligation shall
15 contain on its face a statement to the effect that neither the
16 county nor the authority shall be obligated to pay the same or
17 the interest thereon except from revenues of the loan program
18 for which it is issued and that neither the faith and credit
19 nor the taxing power of the state or of any political
20 subdivision thereof is pledged to the payment of the principal
21 of or the interest on such bonds. The issuance of obligations
22 under the provisions of this act shall not directly,
23 indirectly, or contingently obligate the state or any
24 political subdivision thereof to levy or pledge any form of
25 taxation whatever therefor or to make any appropriation for
26 their payment.

27 Section 509. Section 1009.9979, Florida Statutes, is
28 created to read:

29 1009.9979 Pledge of revenues.--Each authority shall
30 fix, revise, charge, and collect fees, and it is empowered to
31 contract with any person in respect thereof. Each agreement

1 entered into by the authority with an institution shall
2 provide that the fees and other amounts payable by the
3 institution of higher education with respect to any program of
4 the authority shall be sufficient at all times to:

5 (1) Pay the institution's share of the administrative
6 costs and expenses of such program;

7 (2) Pay the principal of, the premium, if any, on, and
8 the interest on outstanding obligations of the authority which
9 have been issued in respect of such program to the extent that
10 other revenues of the authority pledged for the payment of the
11 obligations are insufficient to pay the obligations as they
12 become due and payable;

13 (3) Create and maintain reserves which may, but need
14 not, be required or provided for in the bond resolution
15 relating to such obligations of the authority; and

16 (4) Establish and maintain whatever education loan
17 servicing, control, or audit procedures are deemed necessary
18 to the prudent operations of the authority.

19
20 The authority shall pledge the revenues from each program as
21 security for the issue of obligations relating to such
22 program. Such pledge shall be valid and binding from the time
23 the pledge is made; the revenues so pledged by the authority
24 shall immediately be subject to the lien of such pledge
25 without any physical delivery thereof or further act, and the
26 lien of any such pledge shall be valid and binding against all
27 parties having claims of any kind in tort, in contract, or
28 otherwise against the authority or any participating
29 institution, irrespective of whether such parties have notice
30 thereof.

31

1 Section 510. Section 1009.998, Florida Statutes, is
2 created to read:

3 1009.998 Funds as trust funds.--All moneys received by
4 or on behalf of an authority pursuant to this act, whether as
5 proceeds from the sale of obligations or as revenues, shall be
6 deemed to be trust funds to be held and applied solely as
7 provided in this act. Any officer with whom, or any bank or
8 trust company with which, such moneys are deposited shall act
9 as trustee of such moneys and shall hold and apply the same
10 for the purposes of this act, subject to such regulations as
11 this act and the bond resolution authorizing the issue of any
12 obligations may provide.

13 Section 511. Section 1009.9981, Florida Statutes, is
14 created to read:

15 1009.9981 Obligations; qualities of investment
16 securities.--All obligations issued under the provisions of
17 this act, regardless of form or terms, shall have all the
18 qualities and incidents, including negotiability, of
19 investment securities under the Uniform Commercial Code.
20 Compliance with the provisions of such code respecting the
21 filing of a financing statement to perfect a security interest
22 is not necessary for perfecting any security interest granted
23 by an authority.

24 Section 512. Section 1009.9982, Florida Statutes, is
25 created to read:

26 1009.9982 Rights of holders of obligations.--Any
27 holder of obligations issued pursuant to this act or a trustee
28 under a trust agreement entered into pursuant to this act,
29 except to the extent that the rights herein given may be
30 restricted by any bond resolution or trust agreement, may, by
31 any suitable form of legal proceedings:

1 (1) Protect and enforce any and all rights under the
2 laws of this state or granted hereunder or by the bond
3 resolution or trust agreement;
4 (2) Enjoin unlawful activities; and
5 (3) In the event of default with respect to the
6 payment of any principal of, premiums, if any, on, and
7 interest on any obligation or in the performance of any
8 covenant or agreement on the part of the authority in the bond
9 resolution, apply to the circuit court to appoint a receiver
10 to administer and operate the education loan program or
11 programs, the revenues of which are pledged to the payment of
12 principal of, premium, if any, on, and interest on such
13 obligations, with full power to pay, and to provide for
14 payment of, principal of, premium, if any, on, and interest on
15 such obligations and with such powers, subject to the
16 direction of the court, as are permitted by law and are
17 accorded receivers, excluding any power to pledge additional
18 revenues of the authority to the payment of such principal,
19 premium, and interest.

20 Section 513. Section 1009.9983, Florida Statutes, is
21 created to read:

22 1009.9983 Refunding obligations; purpose, proceeds;
23 investment of proceeds.--

24 (1) An authority may provide for the issuance of
25 obligations for the purpose of refunding any of its
26 obligations then outstanding, including the payment of any
27 redemption premium thereon and any interest accrued or to
28 accrue to the earliest or any subsequent date of redemption,
29 purchase, or maturity of such obligations.

30 (2) The proceeds of any such obligations issued for
31 the purpose of refunding outstanding obligations may, in the

1 discretion of the authority, be applied to the purchase or
2 retirement at maturity or redemption of such outstanding
3 obligations either on their earliest or any subsequent
4 redemption date or upon the purchase or at the maturity
5 thereof and may, pending such application, be placed in escrow
6 to be applied to such purchase or retirement at maturity or
7 redemption on such date as may be determined by the authority.

8 (3) Any such escrowed proceeds, pending such use, may
9 be invested and reinvested in direct obligations of the United
10 States of America or in certificates of deposit or time
11 deposits of financial institutions secured as to principal by
12 such direct obligations, which direct obligations,
13 certificates of deposit, or time deposits mature at such time
14 as shall be appropriate to assure the prompt payment, as to
15 principal, interest, and redemption premium, if any, of the
16 outstanding obligations to be so refunded. The interest,
17 income, and profits, if any, earned or realized on any such
18 investment may also be applied to the payment of the
19 outstanding obligations to be so refunded. After the terms of
20 the escrow have been fully satisfied and carried out, any
21 balance of such proceeds and interest, income, and profits, if
22 any, earned or realized on the investments thereof shall be
23 returned to the authority for use in any lawful manner.

24 (4) All such refunding bonds shall be subject to this
25 act in the same manner and to the same extent as other revenue
26 bonds issued pursuant to this act.

27 Section 514. Section 1009.9984, Florida Statutes, is
28 created to read:

29 1009.9984 Investment of funds of authority.--Except as
30 otherwise provided in s. 1009.9983(3), an authority may invest
31 any funds in:

- 1 (1) Direct obligations of the United States of
2 America;
- 3 (2) Obligations as to which the timely payment of
4 principal and interest is fully guaranteed by the United
5 States of America;
- 6 (3) Obligations of the Federal Intermediate Credit
7 Banks, Federal Banks for Cooperatives, Federal Land Banks,
8 Federal Home Loan Banks, Federal National Mortgage
9 Association, Government National Mortgage Association, and
10 Student Loan Marketing Association;
- 11 (4) Certificates of deposit or time deposits
12 constituting direct obligations of any financial institution
13 as defined by the financial institutions codes, as now or
14 hereafter amended, except that investments may be made only in
15 those certificates of deposit or time deposits in financial
16 institutions which are insured by the appropriate federal
17 regulatory agency as defined in s. 655.005; and
- 18 (5) Withdrawable capital accounts or deposits of state
19 or federally chartered savings and loan associations which are
20 insured by an agency of the Federal Government. Any such
21 securities may be purchased at the offering or market price
22 thereof at the time of such purchase. All such securities so
23 purchased shall mature or be redeemable on a date prior to the
24 time when, in the judgment of the authority, the funds so
25 invested will be required for expenditure. The express
26 judgment of the authority as to the time when any funds will
27 be required for expenditure or be redeemable is final and
28 conclusive.

29 Section 515. Section 1009.9985, Florida Statutes, is
30 created to read:

31

1 1009.9985 Obligations as legal investments.--Any bank,
2 banker, trust company, savings bank or institution, building
3 and loan association, savings and loan association, investment
4 company, or other person carrying on a banking business or
5 investment business; insurance company or insurance
6 association; executor, administrator, guardian, trustee, or
7 other fiduciary; or public officer or public body of the state
8 or its political subdivisions may legally invest any sinking
9 funds, moneys, or other funds belonging to it or within its
10 control in any obligations issued pursuant to this act.

11 Section 516. Section 1009.9986, Florida Statutes, is
12 created to read:

13 1009.9986 Validation of bonds and proceedings.--A
14 higher education loan authority shall determine its authority
15 to issue any of its bonds, and the legality of all proceedings
16 in connection therewith, as provided in chapter 75.

17 Section 517. Section 1009.9987, Florida Statutes, is
18 created to read:

19 1009.9987 Actions to contest validity of bonds.--An
20 action or proceeding to contest the validity of any bond
21 issued under this act, other than a proceeding pursuant to s.
22 1009.9986, shall be commenced within 30 days after
23 notification, in a newspaper of general circulation within the
24 area, of the passage by the authority of the resolution
25 authorizing the issuance of such bond.

26 Section 518. Section 1009.9988, Florida Statutes, is
27 created to read:

28 1009.9988 Annual report.--Each authority shall keep an
29 accurate account of all of its activities and shall annually
30 provide a report thereof to the commission and to the
31 Commissioner of Education. Such report shall be a public

1 record and open for inspection at the offices of the authority
2 during normal business hours. The report shall include:

3 (1) Summaries of all applications by institutions of
4 higher education for education loan financing assistance
5 presented to the authority during such fiscal year;

6 (2) Summaries of all education loan programs which
7 have received any form of financial assistance from the
8 authority during such year;

9 (3) The nature and amount of all education loan
10 financing assistance;

11 (4) A report concerning the financial condition of the
12 various education loan series portfolios; and

13 (5) Projected activities of the authority for the next
14 fiscal year, including projections of the total amount of
15 financial assistance anticipated and the amount of obligations
16 that will be necessary to provide the projected level of
17 assistance during the next fiscal year.

18 Section 519. Section 1009.9989, Florida Statutes, is
19 created to read:

20 1009.9989 Act as alternative method.--This act shall
21 be deemed to provide a complete, additional, and alternative
22 method for the doing of the things authorized hereby and shall
23 be regarded as supplemental and additional to powers or rights
24 conferred by other laws; however, the issuance of obligations
25 and refunding obligations under this act need not comply with
26 the requirements of any other law applicable to the issuance
27 of obligations. Except as otherwise expressly provided in
28 this act, none of the powers granted to an authority under
29 this act shall be subject to the supervision or regulation, or
30 require the approval or consent, of any municipality or
31 political subdivision or any department, division, commission,

1 board, body, bureau, official, or agency thereof or of the
2 state.

3 Section 520. Section 1009.9990, Florida Statutes, is
4 created to read:

5 1009.9990 State agreement.--The state does hereby
6 pledge to and agree with the holders of any obligations issued
7 under this act, and with those parties who may enter into
8 contracts with an authority pursuant to the provisions of this
9 act, that the state will not limit or alter the rights hereby
10 vested in the authority until such obligations, together with
11 the interest thereon, are fully met and discharged and such
12 contracts are fully performed on the part of the authority;
13 however, nothing herein contained shall preclude such
14 limitation or alteration if adequate provision is made by law
15 for the protection of the holders of such obligations of an
16 authority or those entering into such contracts with an
17 authority. An authority is authorized to include this pledge
18 and undertaking for the state in such obligations or
19 contracts.

20 Section 521. Section 1009.9991, Florida Statutes, is
21 created to read:

22 1009.9991 Conflicts of interest.--
23 (1) If any member, officer, or employee of an
24 authority has an interest, either direct or indirect, in any
25 contract to which the authority is, or is to be, a party or in
26 any institution requesting an authority loan from the
27 authority, such interest shall be disclosed to the authority
28 in writing and shall be set forth in the minutes of the
29 authority. The person having such interest shall not
30 participate in any action by the authority with respect to
31 such contract or such institution.

1 (2) Nothing in this section shall be construed to
2 limit the right of any member, officer, or employee of an
3 authority to acquire an interest in bonds of the authority or
4 to have an interest in any banking institution in which the
5 bonds of the authority are, or are to be, deposited or which
6 is, or is to be, acting as trustee or paying agent under any
7 bond resolution, trust indenture, or similar instrument to
8 which the authority is a party.

9 Section 522. Section 1009.9992, Florida Statutes, is
10 created to read:

11 1009.9992 Liberal construction.--This act, being
12 necessary for the welfare of the state and its inhabitants,
13 shall be liberally construed to effect its purpose.

14 Section 523. Section 1009.9993, Florida Statutes, is
15 created to read:

16 1009.9993 Tax exemption.--Neither an authority nor its
17 agent or trustee shall be required to pay any taxes or
18 assessments upon any transactions, or any property acquired or
19 used by the authority or its agents or trustees under the
20 provisions of this act or upon the income therefrom. Any
21 bonds, notes, or other obligations issued under the provisions
22 of this act and their transfer and the income therefrom,
23 including any profit made on the sale thereof, shall at all
24 times be exempt from taxation of any kind by the state or any
25 of its political subdivisions. The exemption granted by this
26 section shall not be applicable to any tax imposed by chapter
27 220 on interest, income, or profits on debt obligations owned
28 by corporations.

29 Section 524. Section 1009.9994, Florida Statutes, is
30 created to read:

31

1 1009.9994 State Board of Administration authority to
2 borrow and lend funds to finance student loans; conditions and
3 limitations.--

4 (1) The State of Florida, acting through the State
5 Board of Administration, is authorized to borrow funds to
6 finance student loans and to lend such funds to eligible
7 lenders described under the provisions of the Higher Education
8 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may
9 be amended, or other federal laws providing for the guarantee
10 of loans to students and the partial payment of interest on
11 such loans by the United States Government.

12 (2) In order to obtain such funds, the State of
13 Florida, acting through the State Board of Administration, is
14 authorized to enter into loan agreements and interlocal
15 agreements with any county, municipality, special district, or
16 other local governmental body. Such agreements shall be for
17 such periods and under such terms and conditions as may be
18 mutually agreed upon by the parties thereto in order to carry
19 out the purposes of s. 15, Art. VII of the State Constitution.
20 The loans shall be repaid only from the proceeds received
21 under loan agreements with eligible lenders or from the
22 proceeds received from the repayment of the student loans.
23 Such agreements shall provide that the loans to the state will
24 not constitute a general or moral obligation or a pledge of
25 the faith and credit or the taxing power of the state.

26 (3) The State of Florida, acting through the State
27 Board of Administration, is further authorized to enter into
28 loan agreements or other contracts under which the state will
29 loan the funds obtained from the local governments to eligible
30 lenders as defined in s. 435(q)(1)(D) of the Higher Education
31 Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended or as may

1 be amended, or other federal laws providing for the guarantee
2 of loans to students and the partial payment of interest on
3 such loans by the United States Government. Such agreements
4 or contracts shall be for such periods and under such terms
5 and conditions as may be mutually agreed upon by the parties
6 thereto in order to carry out the purposes of s. 15, Art. VII
7 of the State Constitution. Higher Education Loan Program of
8 Florida, Inc., a Florida nonprofit corporation, is hereby
9 designated an eligible lender hereunder, and any other lender,
10 to the extent permitted under s. 435(q)(1)(D) of the Higher
11 Education Act of 1965 (20 U.S.C. ss. 1071 et seq.), as amended
12 or as may be amended, or other federal laws providing for the
13 guarantee of loans to students and the partial payment of
14 interest on such loans by the United States Government, may be
15 designated by the Governor, with the concurrence of the State
16 Board of Administration, as an eligible lender hereunder.

17 (4) The State of Florida, acting through the State
18 Board of Administration, is further authorized to enter into
19 such further contracts and to take such further actions as may
20 be necessary or convenient in order to carry out the purposes
21 of this section.

22 (5) Notice shall be published in a newspaper of
23 general circulation within the territorial jurisdiction of the
24 governmental body following adoption by the local governmental
25 body of a resolution authorizing a loan agreement or
26 interlocal agreement under this section. An action or
27 proceeding to contest the validity of any such loan agreement
28 or interlocal agreement must be commenced within 30 days after
29 publication of such notice.

30 (6) The provisions of this section shall be liberally
31 construed in order to effectively carry out its purposes.

1 This section shall be deemed to provide an additional and
2 alternative method for the doing of the things authorized
3 hereby and shall be regarded as supplemental to powers
4 conferred by other laws, and shall not be regarded as in
5 derogation of any powers now existing.

6 Section 525. Contingent upon ss. 1011.41 and
7 1011.4106, Florida Statutes, which transfer funding associated
8 with student tuition and fees and other authorized fees for
9 services to local accounts to be managed by university boards
10 of trustees, becoming law, the total receipts of the state
11 which are subject to the revenue limitations of Article VII,
12 Section 1(e) of the Florida Constitution shall be reduced by
13 the Revenue Estimation Conference to reflect this transfer.

14 Section 526. Chapter 1010, Florida Statutes, shall be
15 entitled "Financial Matters" and shall consist of ss.
16 1010.01-1010.86.

17 Section 527. Part I of chapter 1010, Florida Statutes,
18 shall be entitled "General Accounting Requirements" and shall
19 consist of ss. 1010.01-1010.11.

20 Section 528. Section 1010.01, Florida Statutes, is
21 created to read:

22 1010.01 Uniform records and accounts.--

23 (1) The financial records and accounts of each school
24 district, community college, university, and other institution
25 or agency under the supervision of the State Board of
26 Education shall be prepared and maintained as prescribed by
27 law and rules of the State Board of Education.

28 (2) Rules of the State Board of Education shall
29 incorporate the requirements of law and the appropriate
30 requirements of the Governmental Accounting Standards Board
31 (GASB) for State and Local Government.

1 (3) Required financial accounts and reports shall
2 include provisions that are unique to each of the following:
3 K-12 school districts, community colleges, and state
4 universities, and shall provide for the data to be reported to
5 the National Center of Educational Statistics and other
6 governmental and professional educational data information
7 services as appropriate.

8 Section 529. Section 1010.011, Florida Statutes, is
9 created to read:

10 1010.011 Definition.--For purposes of chapters 1010
11 and 1011, the following terms: university, universities, and
12 university board of trustees include New College under the
13 supervision of the State Board of Education.

14 Section 530. Section 1010.02, Florida Statutes, is
15 created to read:

16 1010.02 Financial accounting and expenditures.--All
17 funds accruing to a school district, a community college, or a
18 university must be received, accounted for, and expended in
19 accordance with law and rules of the State Board of Education.

20 Section 531. Section 1010.03, Florida Statutes, is
21 created to read:

22 1010.03 Delinquent accounts.--District school boards,
23 community college boards of trustees, and university boards of
24 trustees:

25 (1) Shall exert every effort to collect all delinquent
26 accounts.

27 (2) May charge off or settle such accounts as may
28 prove uncollectible.

29 (3) May employ the services of a collection agency
30 when deemed advisable in collecting delinquent accounts.

31

1 (4) May adopt rules, as necessary, to implement the
2 provisions of this section, including setoff procedures,
3 payroll deductions, and restrictions on release of
4 transcripts, awarding of diplomas, and access to other
5 resources and services of the school district, community
6 college, or university.

7 Section 532. Section 1010.04, Florida Statutes, is
8 created to read:

9 1010.04 Purchasing.--

10 (1) Purchases and leases by school districts,
11 community colleges, and universities shall comply with the
12 requirements of law and rules of the State Board of Education.

13 (2) Each district school board, community college
14 board of trustees, and each university board of trustees shall
15 adopt rules to be followed in making purchases.

16 (3) In districts in which the county purchasing agent
17 is authorized by law to make purchases for the benefit of
18 other governmental agencies within the county, the district
19 school board and community college board of trustees shall
20 have the option to purchase from the current county contracts
21 at the unit price stated therein if such purchase is to the
22 economic advantage of the district school board or the
23 community college board of trustees; subject to confirmation
24 of the items of purchase to the standards and specifications
25 prescribed by the school district or community college.

26 (4) The State Board of Education may, by rule, provide
27 for alternative procedures for bidding or purchasing in cases
28 in which the character of the item requested renders
29 competitive bidding impractical.

30 Section 533. Section 1010.05, Florida Statutes, is
31 created to read:

1 1010.05 Federal grants; maximization of indirect cost
2 allowance.--The Department of Education shall maximize the
3 available federal indirect cost allowed on all federal grants.
4 Beginning with the 2002-2003 fiscal year, none of the funds
5 received from indirect cost allowance shall be expended by the
6 department without specific appropriation by the Legislature.
7 Funds received pursuant to s. 1004.22 are specifically exempt
8 from this provision.

9 Section 534. Section 1010.07, Florida Statutes, is
10 created to read:

11 1010.07 Bonds or insurance required.--

12 (1) Each district school board, community college
13 board of trustees, and university board of trustees shall
14 ensure that each official and employee responsible for
15 handling, expending, or authorizing the expenditure of funds
16 shall be appropriately bonded or insured to protect the board
17 and the funds involved.

18 (2) Contractors paid from school district, community
19 college, or university funds shall give bond for the faithful
20 performance of their contracts in such amount and for such
21 purposes as prescribed by s. 255.05 or by rules of the State
22 Board of Education relating to the type of contract involved.
23 It shall be the duty of the district school board, community
24 college board of trustees, and university board of trustees to
25 require construction contractors a bond adequate to protect
26 the board and the board's funds involved.

27 Section 535. Section 1010.08, Florida Statutes, is
28 created to read:

29 1010.08 Promotion and public relations; funding.--Each
30 district school board and community college board of trustees
31 may budget and use a portion of the funds accruing to it from

1 auxiliary enterprises and undesignated gifts for promotion and
2 public relations as prescribed by rules of the State Board of
3 Education. Such funds may be used to provide hospitality to
4 business guests in the district or elsewhere. However, such
5 hospitality expenses may not exceed the amount authorized for
6 such contingency funds as prescribed by rules of the State
7 Board of Education.

8 Section 536. Section 1010.09, Florida Statutes, is
9 created to read:

10 1010.09 Direct-support organizations.--School
11 district, community college, and university direct-support
12 organizations shall be organized and conducted under the
13 provisions of ss. 1004.28, 1004.70, 1013.77 and rules of the
14 State Board of Education, as applicable.

15 Section 537. Section 1010.11, Florida Statutes, is
16 created to read:

17 1010.11 Electronic transfer of funds.--Pursuant to the
18 provisions of s. 215.85, each district school board, community
19 college board of trustees, and university board of trustees
20 shall adopt written policies prescribing the accounting and
21 control procedures under which any funds under their control
22 are allowed to be moved by electronic transaction for any
23 purpose including direct deposit, wire transfer, withdrawal,
24 or investment. Electronic transactions shall comply with the
25 provisions of chapter 668.

26 Section 538. Part II of chapter 1010, Florida
27 Statutes, shall be entitled "Financial Reporting" and shall
28 consist of ss. 1010.20-1010.24.

29 Section 539. Section 1010.20, Florida Statutes, is
30 created to read:

31

1 1010.20 Cost accounting and reporting for school
2 districts.--
3 (1) COST ACCOUNTING.--Each school district shall
4 account for expenditures of all state, local, and federal
5 funds on a school-by-school and a district-aggregate basis in
6 accordance with the manual developed by the Department of
7 Education or as provided by law.
8 (2) COST REPORTING.--
9 (a) Each district shall report on a district-aggregate
10 basis expenditures for inservice training pursuant to s.
11 1011.62(3) and for categorical programs as provided in s.
12 1011.62(5).
13 (b) Each district shall report on a school-by-school
14 and on an aggregate district basis expenditures for each
15 program funded in s. 1011.62(1)(c).
16 (c) The Commissioner of Education shall present to the
17 Legislature, prior to the opening of the regular session each
18 year, a district-by-district report of the expenditures
19 reported pursuant to paragraphs (a) and (b). The report shall
20 include total expenditures, a detailed analysis showing
21 expenditures for each program, and such other data as may be
22 useful for management of the education system. The
23 Commissioner of Education shall also compute cost factors
24 relative to the base student allocation for each funded
25 program in s. 1011.62(1)(c).
26 (3) PROGRAM EXPENDITURE REQUIREMENTS.--
27 (a) Each district shall expend at least the percent of
28 the funds generated by each of the programs listed in this
29 section on the aggregate total school costs for such programs:
30 1. Kindergarten and grades 1, 2, and 3, 90 percent.
31 2. Grades 4, 5, 6, 7, and 8, 80 percent.

- 1 3. Grades 9, 10, 11, and 12, 80 percent.
2 4. Programs for exceptional students, on an aggregate
3 program basis, 90 percent.
4 5. Grades 7 through 12 career and technical education
5 programs, on an aggregate program basis, 80 percent.
6 6. Students-at-risk programs, on an aggregate program
7 basis, 80 percent.
8 7. Juvenile justice programs, on an aggregate program
9 basis, 80 percent.
10 8. Any new program established and funded under s.
11 1011.62(1)(c), that is not included under subparagraphs 1.-6.,
12 on an aggregate basis as appropriate, 80 percent.
13 (b) Funds for inservice training established in s.
14 1011.62(3) and for categorical programs established in s.
15 1011.62(5) shall be expended for the costs of the identified
16 programs as provided by law and in accordance with the rules
17 of the State Board of Education.
18 Section 540. Section 1010.21, Florida Statutes, is
19 created to read:
20 1010.21 Indirect costs.--District school boards shall
21 assess district indirect costs only for services received by
22 the program or institution against which such cost is
23 assessed. When assigning each specific indirect cost to
24 multiple programs or institutions, district school boards
25 shall identify one basis for the assessment of such cost and
26 shall maintain the same basis for assigning such cost to each
27 program or institution.
28 Section 541. Section 1010.215, Florida Statutes, is
29 created to read:
30 1010.215 Educational funding accountability.--
31 (1) As used in this section, the term:

1 (a) "Administrative personnel" means those employees
2 responsible for management functions such as the development
3 of broad policies and implementation of those policies through
4 the direction of personnel.

5 (b) "Educational support personnel" means
6 district-based and school-based employees, including
7 professional staff, technicians, secretaries, clerks, skilled
8 workers, transportation employees, food service employees, and
9 custodial and maintenance workers.

10 (c) "Instructional personnel" means classroom
11 teachers, including substitute teachers.

12 (d) "Instructional specialists" means staff members
13 responsible for providing student personnel services,
14 librarians, and media specialists.

15 (e) "Instructional support personnel" means aides or
16 assistants to instructional personnel or instructional
17 specialists.

18 (f) "Managers" means instructional and
19 noninstructional employees with some managerial and
20 supervisory functions, although primarily responsible for
21 general operations. This category includes only
22 district-based employees.

23 (2) Each district school board must classify each
24 employee of the district school board into one of the
25 following categories:

26 (a) Instructional personnel;

27 (b) Instructional specialists;

28 (c) Instructional support personnel;

29 (d) Administrative personnel;

30 (e) Managers; or

31 (f) Educational support personnel.

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The district school board shall notify each employee of such classification.

(3)(a) The school public accountability report to parents must include the number of employees in each of the categories listed in subsection (2), by work location. However, this does not include the number of temporary substitute employees.

(b) Any teacher-to-student ratio or class size measure required by law or State Board of Education rule must be computed by dividing the number of students in membership at the school by the number of full-time equivalent instructional personnel pursuant to paragraph (2)(a). Class size reports for exceptional student education shall be computed by dividing the number of exceptional students in membership by the number of full-time equivalent exceptional education classroom teachers who are classified as instructional personnel pursuant to paragraph (2)(a).

(4)(a) All expenditures within the general and special revenue funds for each district school board, including salaries, benefits, purchased services, energy services, materials and supplies, capital outlay, and miscellaneous expenditures, for the following purposes are classified as administrative expenditures:

1. District school board.
2. General administration.
3. School administration, excluding support expenditures.
4. Facilities acquisition and construction at the district level.
5. Fiscal services.

1 6. Central services at the district level.
2 (b) All expenditures within the general and special
3 revenue funds for each district school board, including
4 salaries, benefits, purchased services, energy services,
5 materials and supplies, capital outlay, and miscellaneous
6 expenditures, for the following purposes are classified as
7 instructional expenditures:
8 1. Instruction.
9 2. Instructional support services, including student
10 personnel services, instructional media services, instruction
11 and curriculum development, and instructional staff training
12 services.
13 3. School administration, including support
14 expenditures.
15 4. Facilities acquisition and construction at the
16 school level.
17 5. Food services.
18 6. Central services at the school level.
19 7. Student transportation services.
20 8. Operation of plant.
21 9. Maintenance of plant.
22
23 Definitions for the functions specified in this subsection are
24 specified in State Board of Education rules.
25 (5) The annual school public accountability report
26 required by ss. 1001.42(16) and 1008.345 must include a school
27 financial report. The purpose of the school financial report
28 is to better inform parents and the public concerning how
29 revenues were spent to operate the school during the prior
30 fiscal year. Each school's financial report must follow a
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1 uniform, districtwide format that is easy to read and
2 understand.
3 (a) Total revenue must be reported at the school,
4 district, and state levels. The revenue sources that must be
5 addressed are state and local funds, other than lottery funds;
6 lottery funds; federal funds; and private donations.
7 (b) Expenditures must be reported as the total
8 expenditures per unweighted full-time equivalent student at
9 the school level and the average expenditures per full-time
10 equivalent student at the district and state levels in each of
11 the following categories and subcategories:
12 1. Teachers, excluding substitute teachers, and
13 education paraprofessionals who provide direct classroom
14 instruction to students enrolled in programs classified by s.
15 1011.62 as:
16 a. Basic programs;
17 b. Students-at-risk programs;
18 c. Special programs for exceptional students;
19 d. Career education programs; and
20 e. Adult programs.
21 2. Substitute teachers.
22 3. Other instructional personnel, including
23 school-based instructional specialists and their assistants.
24 4. Contracted instructional services, including
25 training for instructional staff and other contracted
26 instructional services.
27 5. School administration, including school-based
28 administrative personnel and school-based education support
29 personnel.
30 6. The following materials, supplies, and operating
31 capital outlay:

1 a. Textbooks;
2 b. Computer hardware and software;
3 c. Other instructional materials;
4 d. Other materials and supplies; and
5 e. Library media materials.
6 7. Food services.
7 8. Other support services.
8 9. Operation and maintenance of the school plant.
9 (c) The school financial report must also identify the
10 types of district-level expenditures that support the school's
11 operations. The total amount of these district-level
12 expenditures must be reported and expressed as total
13 expenditures per full-time equivalent student.
14 (6) Based on the classifications in this section, each
15 district school board shall annually submit a report by
16 January 1, which identifies and summarizes administrative
17 expenditures and instructional expenditures by fund for the
18 preceding fiscal year. The report shall also state the number
19 of unweighted full-time equivalent students enrolled in the
20 school district. The total amount of administrative
21 expenditures shall be divided by the number of unweighted
22 full-time equivalent students to determine the administrative
23 expenditures per student. This calculation is to be made
24 separately for the general and the special revenue funds. In
25 addition, the report shall reflect the number of employees in
26 each category outlined in subsection (2) and the percentage of
27 employees in each category, excluding the number of temporary
28 substitute employees. This report shall be submitted to the
29 commissioner and shall be made available to the public. The
30 school public accountability report shall contain notification
31 of the availability of this report.

1 Section 542. Section 1010.22, Florida Statutes, is
2 created to read:

3 1010.22 Cost accounting and reporting for workforce
4 education.--

5 (1) Each school district and each community college
6 shall account for expenditures of all state, local, federal,
7 and other funds in the manner prescribed by the State Board of
8 Education.

9 (2) Each school district and each community college
10 shall report expenditures for workforce education in
11 accordance with requirements prescribed by the State Board of
12 Education.

13 (3) The Department of Education, in cooperation with
14 school districts and community colleges, shall develop and
15 maintain a database of valid comparable information on
16 workforce education which will meet both state and local
17 needs.

18 Section 543. Section 1010.23, Florida Statutes, is
19 created to read:

20 1010.23 Cost accounting and reporting for community
21 colleges.--Community colleges shall provide an annual report
22 on the cost of operations as provided in s. 1011.84.

23 Section 544. Section 1010.24, Florida Statutes, is
24 created to read:

25 1010.24 Cost accounting and reporting for
26 universities.--Universities shall provide an annual
27 expenditure analysis report as provided in s. 1011.90.

28 Section 545. Part III of chapter 1010, Florida
29 Statutes, shall be entitled "Audit Requirements and
30 Procedures" and shall consist of ss. 1010.30-1010.34.

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1 Section 546. Section 1010.30, Florida Statutes, is
2 created to read:

3 1010.30 Audits required.--School districts, community
4 colleges, universities, and other institutions and agencies
5 under the supervision of the State Board of Education are
6 subject to the audit provisions under ss. 11.45 and 218.39.

7 Section 547. Section 1010.305, Florida Statutes, is
8 created to read:

9 1010.305 Audit of student enrollment.--

10 (1) The Auditor General shall periodically examine the
11 records of school districts, and other agencies as
12 appropriate, to determine compliance with law and State Board
13 of Education rules relating to the classification, assignment,
14 and verification of full-time equivalent student enrollment
15 and student transportation reported under the Florida
16 Education Finance Program.

17 (2) If it is determined that the approved criteria and
18 procedures for the placement of students and the conduct of
19 programs have not been followed by the district, appropriate
20 adjustments in the full-time equivalent student count for that
21 district must be made, and any excess funds must be deducted
22 from subsequent allocations of state funds to that district.
23 As provided for by rule, if errors in a specific program of a
24 district recur in consecutive years due to lack of corrective
25 action by the district, adjustments may be made based upon
26 statistical estimates of error projected to the overall
27 district program.

28 Section 548. Section 1010.33, Florida Statutes, is
29 created to read:

30 1010.33 Financial and performance audits.--Each
31 district school board and community college board of trustees,

1 and university board of trustees is authorized to have an
2 audit of their accounts and records by an independent
3 certified public accountant retained by them and paid from
4 their public funds. These audits are in addition to those
5 required by ss. 11.45 and 218.39.

6 Section 549. Section 1010.34, Florida Statutes, is
7 created to read:

8 1010.34 Audits of direct-support
9 organizations.--Audits of school district, community college,
10 and state university direct-support organizations are subject
11 to the audit provisions of ss. 1013.77(4), 1004.28(5), and
12 1004.70(6), as applicable.

13 Section 550. Part IV of chapter 1010, Florida
14 Statutes, shall be entitled "Provisions Relating to Bonding"
15 and shall consist of ss. 1010.40-1010.619.

16 Section 551. Section 1010.40, Florida Statutes, is
17 created to read:

18 1010.40 Proposals for issuing bonds.--Whenever the
19 residents of a school district in this state shall desire the
20 issuance of bonds by such school district for the purpose of
21 acquiring, building, enlarging, furnishing, or otherwise
22 improving buildings or school grounds, or for any other
23 exclusive use of the public schools within such school
24 district, they shall present to the district school board a
25 petition signed by not less than 25 percent of the duly
26 qualified electors residing within the school district,
27 setting forth in general terms the amount of the bonds desired
28 to be issued, the purpose thereof, and that the proceeds
29 derived from the sale of such bonds shall be used for the
30 purposes set forth in the petition. The requirement for such
31 petition may be dispensed with and the proposition of issuing

1 bonds for the purposes as herein outlined may be initiated by
2 the district school board of the said district; however,
3 nothing contained in this section shall repeal any of the
4 provisions of ss. 100.201-100.221, 100.241, 100.261-100.341,
5 and 100.351.

6 Section 552. Section 1010.41, Florida Statutes, is
7 created to read:

8 1010.41 Procedure of district school boards with
9 reference to proposals for issuing bonds.--It shall be the
10 duty of the district school board to plan the school financial
11 program of the district so that, insofar as practicable,
12 needed capital outlay expenditures can be made without the
13 necessity of issuing bonds. Whenever the district school board
14 proposes an issue of bonds or has received any petition
15 proposing the issuance of bonds, as provided in s. 1010.40,
16 the said board shall forthwith proceed as follows:

17 (1) The district school board, after considering
18 recommendations submitted by the district school
19 superintendent, shall determine whether in its opinion the
20 projects for which bonds are proposed to be issued are
21 essential for the school program of the district.

22 (2) If the proposed projects are deemed essential by
23 the district school board or if the proposed projects are
24 rejected in whole or in part, the district school board shall,
25 if practicable, prepare a plan for carrying out the projects,
26 or at least part of the projects, with current funds which
27 have been or can be set aside for that purpose.

28 (3) If the district school board determines that any
29 portion of the projects cannot be carried out so that all
30 costs can be met from the proceeds of a special district
31 millage voted for that purpose or from district current funds

1 that are not needed for salaries of teachers or other
2 necessary expenses of operating the schools or from such funds
3 that can reasonably be expected to be available by the time
4 the projects are completed, or cannot be completed on the
5 basis of a loan against district current funds, approved in
6 accordance with s. 1011.14, the district school board shall
7 then determine the amount of bonds necessary to be issued to
8 complete the projects as proposed for the district and shall
9 adopt and transmit to the Department of Education a resolution
10 setting forth the proposals with reference to the projects and
11 the proposed plan for financing the projects, said resolution
12 to be in such form and contain such information as may be
13 prescribed by the State Board of Education. If the Department
14 of Education shall determine that the issuance of bonds as
15 proposed is unnecessary or is unnecessary in the amount and
16 according to the plan proposed, and shall notify the district
17 school board accordingly, the district school board shall then
18 amend its resolution to conform to the recommendation of the
19 Department of Education, and no further action shall be taken
20 for a period of at least 1 year on the proposal for a bond
21 issue unless, within 30 days thereafter, a petition signed by
22 at least 35 percent of the qualified electors within the
23 district is received by the school board requesting that an
24 election be called to vote bonds for the purposes set forth
25 and in an amount which shall not exceed the amount of bonds
26 proposed by the district school board. If such a petition is
27 received by the district school board, as provided herein, or
28 if the resolution proposing a bond issue has been approved by
29 the Department of Education, the school board shall then
30 proceed at its next ensuing meeting to adopt a resolution
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1 authorizing that an election be held for the purpose of
2 determining whether bonds shall be issued as proposed.

3 Section 553. Section 1010.42, Florida Statutes, is
4 created to read:

5 1010.42 Publication of resolution.--It shall be the
6 duty of the district school board, when the resolution
7 proposing a bond issue has been approved by the Department of
8 Education or when such a proposal has been rejected by the
9 Department of Education and a new petition signed by 35
10 percent of the qualified electors of the district has been
11 presented, and when the resolution authorizing an election has
12 been adopted as set forth above, to cause such resolution to
13 be published at least once each week for 2 consecutive weeks
14 in some newspaper published in the district. This resolution
15 may also include a notice of election as prescribed in s.
16 1010.43.

17 Section 554. Section 1010.43, Florida Statutes, is
18 created to read:

19 1010.43 Notice of election; qualifications of
20 electors.--The district school board shall also, at the
21 meeting at which is passed the resolution provided for in s.
22 1010.41, order that an election shall be held in the school
23 district to determine whether or not there shall be issued by
24 the district the bonds provided for in such resolution, in
25 which election only the duly qualified electors thereof shall
26 vote; and prior to the time of holding such election, the
27 district school board shall cause to be published at least
28 once each week for 2 consecutive weeks in a newspaper
29 published in the district a notice of the holding of such
30 election, which shall specify the time and place or places of
31 the holding thereof. The resolution prescribed in s. 1010.41

1 may be incorporated in and published as a part of the notice
2 prescribed in this section.

3 Section 555. Section 1010.44, Florida Statutes, is
4 created to read:

5 1010.44 Conduct of election; form of ballot;
6 appointment of inspectors; canvassing returns.--The election,
7 provided for in s. 1010.43, shall be held at the place or
8 several places in the district where the last general election
9 was held throughout the district, unless the district school
10 board orders otherwise; and the district school board shall
11 appoint inspectors for the election and cause to be prepared
12 and furnished to the inspectors the ballots to be used at the
13 election; the form of ballots for such election shall be: "For
14 bonds" or "Against bonds." The inspectors shall make returns
15 to the the district school board immediately after the
16 election, and the school board shall hold a special meeting as
17 soon thereafter as practicable for the purpose of canvassing
18 the election returns and shall determine and certify its
19 result.

20 Section 556. Section 1010.45, Florida Statutes, is
21 created to read:

22 1010.45 Result of election held.--If it appears by the
23 result of the election that a majority of the votes cast shall
24 be "For bonds," the district school board shall issue the
25 bonds authorized by the election for the purposes specified in
26 the resolution as published, not to exceed the amount named
27 therein. If the majority of the votes cast shall have been
28 "Against bonds," no bonds shall be issued.

29 Section 557. Section 1010.46, Florida Statutes, is
30 created to read:

31

1 1010.46 If election adverse, no second election within
2 6 months.--If the result of the election is adverse to the
3 issuance of the bonds, no election shall be held for such
4 purpose within 6 months thereafter. In the event such election
5 shall result or shall have resulted in an equal number of
6 votes being cast for the issuance of the bonds as shall be
7 cast adverse to issuance of bonds, the district school board
8 may call and order another or second election within the
9 district to have determined the question of whether the bonds
10 specified in the original petition and resolution shall be
11 issued by the district, after giving notice as provided for by
12 s. 1010.43, and it shall not be necessary to have presented to
13 the district school board further petitions to order the
14 second election.

15 Section 558. Section 1010.47, Florida Statutes, is
16 created to read:

17 1010.47 Receiving bids and sale of bonds.--

18 (1) If the issuance of bonds is authorized at the
19 election, or if any bonds outstanding against the district are
20 being refunded, the district school board shall cause notice
21 to be given by publication in some newspaper published in the
22 district that the board will receive bids for the purchase of
23 the bonds at the office of the district school superintendent.
24 The notice shall be published twice and the first publication
25 shall be given not less than 30 days prior to the date set for
26 receiving the bids. The notice shall specify the amount of the
27 bonds offered for sale, shall state whether the bids shall be
28 sealed bids or whether the bonds are to be sold at auction,
29 and shall give the schedule of maturities of the proposed
30 bonds and such other pertinent information as may be
31 prescribed by rules of the State Board of Education. Bidders

1 may be invited to name the rate of interest that the bonds are
2 to bear or the district school board may name rates of
3 interest and invite bids thereon. In addition to publication
4 of notice of the proposed sale as set forth in this
5 subsection, the district school board shall notify in writing
6 at least three recognized bond dealers in the state, and, at
7 the same time, notify the Department of Education concerning
8 the proposed sale and enclose a copy of the advertisement.

9 (2) All bonds and refunding bonds issued as provided
10 by law shall be sold to the highest and best bidder at such
11 public sale unless sold at a better price or yield basis
12 within 30 days after failure to receive an acceptable bid at a
13 duly advertised public sale, provided that at no time shall
14 bonds or refunding bonds be sold or exchanged at less than par
15 value except as specifically authorized by the Department of
16 Education; and provided, further, that the district school
17 board shall have the right to reject all bids and cause a new
18 notice to be given in like manner inviting other bids for such
19 bonds, or to sell all or any part of such bonds to the State
20 Board of Education at a price and yield basis that shall not
21 be less advantageous to the district school board than that
22 represented by the highest and best bid received. In the
23 marketing of the bonds the district school board shall be
24 entitled to have such assistance as can be rendered by the
25 Division of Bond Finance, the Commissioner of Education, or
26 any other public state officer or agency. In determining the
27 highest and best bidder for bonds offered for sale, the net
28 interest cost to the school board as shown in standard bond
29 tables shall govern, provided that the determination of the
30 district school board as to the highest and best bidder shall
31 be final.

1 Section 559. Section 1010.48, Florida Statutes, is
2 created to read:

3 1010.48 Bidders to give security.--The district school
4 board may require of all bidders for the bonds that they give
5 security by bond or by a deposit to the district school board
6 that the bidder shall comply with the terms of the bid, and
7 any bidder whose bid is accepted shall be liable to the
8 district school board for all damages on account of the
9 nonperformance of the terms of such bid or to a forfeiture of
10 the deposit required by the district school board.

11 Section 560. Section 1010.49, Florida Statutes, is
12 created to read:

13 1010.49 Form and denomination of bonds.--The district
14 school board may prescribe the denomination of the bonds to be
15 issued, and such bonds may be issued with or without interest
16 coupons in the discretion of the board. The form of the bonds
17 to be issued may be prescribed by the State Board of Education
18 on the recommendation of the Department of Legal Affairs. The
19 schedule of maturities of the proposed bonds shall be so
20 arranged that the total payments required each year shall be
21 as nearly equal as practicable. The schedule shall provide
22 that all bonds are to be retired within a period of 20 years
23 from the date of issuance unless a longer period is required
24 and has been specifically approved by the Department of
25 Education. All bonds issued under this section that bear
26 interest in excess of 2.99 percent shall be callable on terms
27 prescribed by the district school board beginning not later
28 than 10 years from the date of issuance.

29 Section 561. Section 1010.50, Florida Statutes, is
30 created to read:

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1 1010.50 Investment of fiduciary funds in bonds;
2 security for deposit of public funds.--School district bonds
3 authorized and issued under the provisions of this chapter
4 shall be lawful investments for fiduciary and trust funds,
5 including all funds in the control of trustees, assignees,
6 administrators, and executors, and may be accepted as security
7 for all deposits of public funds.

8 Section 562. Section 1010.51, Florida Statutes, is
9 created to read:

10 1010.51 Records to be kept and reports to be
11 made.--The district school board shall maintain a complete
12 record of all bonds issued under the provisions of this
13 chapter, which record shall show upon what authority the bonds
14 are issued, the amount for which issued, the persons to whom
15 issued, the date of issuance, the purpose or purposes for
16 which issued, the rate of interest to be paid, and the time
17 and place of payment of each installment of principal and
18 interest. This record shall be so arranged as to show the
19 amount of principal and interest to be paid each year and
20 shall also show the annual or semiannual payments which are
21 made and the bonds which are canceled. In addition the
22 district school superintendent shall file with the Department
23 of Education in accordance with rules of the State Board of
24 Education reports giving such information as may be required
25 regarding any bonds which may be issued as provided herein.

26 Section 563. Section 1010.52, Florida Statutes, is
27 created to read:

28 1010.52 Bonds may be validated; validity of
29 bonds.--When an issue of bonds for any school district shall
30 be authorized in the manner provided under the terms of this
31 chapter, such bonds shall, in the discretion of the district

1 school board, be subject to validation in the manner provided
2 for in chapter 75. In lieu of validation as set forth in that
3 chapter, the district school board may, in its discretion,
4 submit to the Department of Legal Affairs all information
5 relating to the issuance of bonds as provided in said chapter
6 75, and an approving opinion of the Department of Legal
7 Affairs shall be sufficient evidence that the bonds are valid.
8 Bonds reciting that they are issued pursuant to the terms of
9 this chapter shall, in any action or proceeding involving
10 their validity, be conclusively deemed to be fully authorized
11 thereby, to have been issued, sold, executed, and delivered in
12 conformity therewith, and with all other provisions of law
13 applicable thereto, and shall be incontestable, anything
14 herein or in other statutes to the contrary notwithstanding,
15 unless such action or proceeding is begun before or within 30
16 days after the date upon which the bonds are sold, paid for
17 and delivered.

18 Section 564. Section 1010.53, Florida Statutes, is
19 created to read:

20 1010.53 Proceeds; how expended.--The proceeds derived
21 from the sale of the bonds shall be held by the district
22 school board and shall be expended by the board for the
23 purpose for which the bonds were authorized for the school
24 district, and shall be held and expended in the manner
25 following:

26 (1) The district school board shall deposit, or cause
27 to be deposited, the proceeds arising from the sale of each
28 issue of bonds in a separate bond construction fund account in
29 the school depository.

30 (2) All or any part of the fund derived from the
31 proceeds of any such bond issue that in the judgment of the

1 district school board is not immediately needed may be placed
2 in the following securities maturing not later than the time
3 when the funds are reasonably expected to be needed:

4 (a) In investments listed in s. 218.415(16).

5 (b) In any bonds issued by the district; provided,
6 such bonds are not in default and can be obtained at a price
7 which will result in a net saving to the taxpayers of the
8 district.

9 (c) In any obligations of the district school board
10 approved in accordance with the provisions of ss. 1011.13,
11 1011.14, and 1011.15.

12 (d) In any bonds issued by the State Board of
13 Education or another school district.

14 Section 565. Section 1010.54, Florida Statutes, is
15 created to read:

16 1010.54 Disposition of surplus of bond issue.--Should
17 there remain any of the proceeds of the sale of school
18 district bonds after the purpose and object for which the
19 bonds were issued shall have been carried out and performed by
20 the district school board, the surplus then shall be held by
21 the district school board and expended for the exclusive use
22 of the public schools within the school district as the
23 district school board may deem reasonable and proper.

24 Section 566. Section 1010.55, Florida Statutes, is
25 created to read:

26 1010.55 Additional bond issues.--After the issuance by
27 any school district of bonds in the manner authorized in this
28 chapter, the qualified electors of the school district may
29 thereafter, from time to time, in the manner herein provided
30 for, authorize one or more additional bond issues as they may
31 determine upon.

1 Section 567. Section 1010.56, Florida Statutes, is
2 created to read:

3 1010.56 Board of Administration to act as fiscal agent
4 in issuance and sale of motor vehicle anticipation
5 certificates.--

6 (1) In aid of the provisions of s. 18, Art. XII of the
7 State Constitution of 1885 as adopted by s. 9(d), Art. XII,
8 1968 revised constitution and the additional provisions of s.
9 9(d), the State Board of Administration may upon request of
10 the State Board of Education, act as fiscal agent for the
11 State Board of Education in the issuance and sale of any or
12 all bonds or motor vehicle tax anticipation certificates,
13 including any refunding of bonds, certificates or interest
14 coupons thereon which may be issued pursuant to the above
15 cited provisions of the State Constitution and upon request of
16 the State Board of Education the State Board of Administration
17 may take over the management, control, bond trusteeship,
18 administration, custody and payment of any or all debt service
19 or other funds or assets now or hereafter available for any
20 bonds or certificates issued for the purpose of obtaining
21 funds for the use of any district school board or to pay, fund
22 or refund any bonds or certificates theretofore issued for
23 such purpose. The State Board of Education may from time to
24 time provide by its duly adopted resolution or resolutions the
25 duties said fiscal agent shall perform as authorized by this
26 section and such duties may be changed, modified or repealed
27 by subsequent resolution or resolutions as the State Board of
28 Education may deem appropriate, provided, however, that such
29 changes shall only affect the duties of the State Board of
30 Administration as fiscal agent and shall not affect or modify
31 the paramount constitutional authority of the State Board of

1 Education nor affect, modify, or impair the contract rights of
2 persons holding or owning the obligations so authorized to be
3 issued.

4 (2) No such bonds or motor vehicle tax anticipation
5 certificates shall ever be issued by the State Board of
6 Administration until after the adoption of a resolution
7 requesting the issuance thereof by the State Board of
8 Education for and on behalf of the district for which the
9 obligations are to be issued.

10 (3) All such bonds or certificates issued pursuant to
11 this part shall be issued in the name of the State Board of
12 Education but shall be issued for and on behalf of the
13 district school board requesting the issuance thereof and
14 shall be issued pursuant to any rules adopted by the State
15 Board of Education which are not in conflict with the
16 provisions of s. 18, Art. XII of the State Constitution of
17 1885 as adopted by s. 9(d), Art. XII, 1968 revised
18 constitution, and the additional provisions of s. 9(d).

19 (4) The proceeds of any sale of original bonds or
20 original certificates shall be deposited in the State Treasury
21 to the credit of the particular construction account for which
22 the original bonds or original certificates were issued and
23 shall be under the direct control and supervision of the State
24 Board of Education, and withdrawals from such construction
25 accounts shall be made only upon warrants signed by the
26 Comptroller and drawn upon the Treasurer. Such warrants shall
27 be issued by the Comptroller only when the vouchers requesting
28 such warrants are accompanied by the certificates of the State
29 Board of Education to the effect that such withdrawals are
30 proper expenditures for the cost of the particular

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1 construction account against which the requested warrants are
2 to be drawn.

3 (5) The State Board of Administration shall annually
4 determine the amounts necessary to meet the debt service
5 requirements of all bonds or certificates administered by it
6 pursuant to this section and shall certify to the State Board
7 of Education said amounts needed. The State Board of
8 Education, upon being satisfied that the amounts are correct,
9 shall pay the amounts direct to the State Board of
10 Administration for application by the State Board of
11 Administration as provided under the terms of the resolutions
12 authorizing the issuance of the bonds or certificates and as
13 provided in s. 18, Art. XII of the State Constitution of 1885
14 as adopted by s. 9(d), Art. XII, 1968 revised constitution,
15 and the additional provisions of s. 9(d).

16 (6) The expenses of the State Board of Administration
17 incident to the issuance and sale of any bonds or certificates
18 issued under the provisions of the constitution and under the
19 provisions of this section shall be paid from the proceeds of
20 the sale of the bonds or certificates or from the funds
21 distributable to each county under the provisions of s. 18(a),
22 Art. XII of the Constitution of 1885 as adopted by s. 9(d),
23 Art. XII, 1968 revised constitution. All other expenses of the
24 State Board of Administration for services rendered
25 specifically for, or which are properly chargeable to the
26 account of any bonds or certificates issued for and on behalf
27 of any district school board under the above cited provisions
28 of the State Constitution shall be paid from the funds
29 distributable to each county under the provisions of s. 18(a),
30 Art. XII of the State Constitution of 1885 as adopted by s.
31 9(d), Art. XII, 1968 revised constitution; but general

1 expenses of the State Board of Administration for services
2 rendered all the districts alike shall be prorated among them
3 and paid from the funds distributable to each district on the
4 same basis as such funds are distributable under the
5 provisions of s. 18(a), Art. XII of the State Constitution of
6 1885 as adopted by s. 9(d), Art. XII, 1968 revised
7 constitution.

8 (7) The provisions of this section contemplate that it
9 will aid the State Board of Education and better serve the
10 purposes contemplated by s. 18, Art. XII of the State
11 Constitution of 1885 as adopted by s. 9(d), Art. XII, 1968
12 revised constitution, and the additional provisions of s. 9(d)
13 and not be inconsistent therewith.

14 Section 568. Section 1010.57, Florida Statutes, is
15 created to read:

16 1010.57 Bonds payable from motor vehicle license tax
17 funds; instruction units computed.--

18 (1) For the purpose of administering the provisions of
19 s. 9(d), Art. XII of the State Constitution as amended in
20 1972, the number of current instruction units in districts
21 shall be computed annually by the Department of Education by
22 multiplying the number of full-time equivalent students in
23 programs under s. 1011.62(1)(c) in each district by the cost
24 factors established in the General Appropriations Act and
25 dividing by 23, except that all basic program cost factors
26 shall be one, and the special program cost factors for
27 hospital and homebound I and for community service shall be
28 zero. Full-time equivalent membership for students residing in
29 Department of Children and Family Services residential care
30 facilities or identified as Department of Juvenile Justice
31 students shall not be included in this computation. Any

1 portion of the fund not expended during any fiscal year may be
2 carried forward in ensuing budgets and shall be temporarily
3 invested as prescribed by law or rules of the State Board of
4 Education.

5 (2) Whenever the State Board of Education issues bonds
6 or certificates for and on behalf of any district school
7 board, or whenever any district school board issues bonds or
8 certificates repayable from motor vehicle license tax funds,
9 the aggregate number of instruction units in the district in
10 any future school fiscal year, as authorized under the
11 amendment contained in s. 18, Art. XII of the State
12 Constitution of 1885 as amended and adopted by reference in s.
13 9(d), Art. XII of the Constitution of 1968, to the full extent
14 necessary to pay all principal of and interest on, and
15 reserves for, bonds or certificates issued for and on behalf
16 of the district or by the district school board in any school
17 fiscal year, as they become due and payable, shall be not less
18 than the aggregate number of instruction units in the district
19 for the school fiscal year preceding the school fiscal year in
20 which the bonds or certificates are issued, computed in
21 accordance with the statutes in force in the school fiscal
22 year preceding the school fiscal year in which the bonds or
23 certificates are issued.

24 (3) The provisions of this section are not intended
25 to, and shall not, be applicable to, or confer any rights on,
26 any district to payments from said motor vehicle license taxes
27 except to the full extent necessary to pay all principal of
28 and interest on, and reserves for, bonds or certificates so
29 issued by the district school board and by the State Board of
30 Education for and on behalf of the school districts, in each
31 future school fiscal year as they mature and become due; and

1 except for such purpose, all payments of the amounts of the
2 motor vehicle license taxes distributable under the provisions
3 of s. 18, Art. XII of the State Constitution of 1885 as
4 amended and adopted by reference in s. 9(d), Art. XII of the
5 Constitution of 1968 shall continue to be made and distributed
6 to the districts in the manner provided by the amendment and
7 the general laws of Florida in force and effect at the time of
8 the distributions.

9 Section 569. Section 1010.58, Florida Statutes, is
10 created to read:

11 1010.58 Procedure for determining number of
12 instruction units for community colleges.--The number of
13 instruction units for community colleges shall be determined
14 from the full-time equivalent students in the community
15 college, provided that full-time equivalent students may not
16 be counted more than once in determining instruction units.
17 Instruction units for community colleges shall be computed as
18 follows:

19 (1) One unit for each 12 full-time equivalent students
20 at a community college for the first 420 students and one unit
21 for each 15 full-time equivalent students for all over 420
22 students, in other than career and technical education
23 programs as defined by rules of the State Board of Education,
24 and one unit for each 10 full-time equivalent students in
25 career and technical education programs and compensatory
26 education programs as defined by rules of the State Board of
27 Education. Full-time equivalent students enrolled in a
28 community college shall be defined by rules of the State Board
29 of Education.

30 (2) For each 8 instruction units in a community
31 college, 1 instruction unit or proportionate fraction of a

1 unit shall be allowed for administrative and special
2 instructional services, and for each 20 instruction units, 1
3 instruction unit or proportionate fraction of a unit shall be
4 allowed for student personnel services.

5 Section 570. Section 1010.59, Florida Statutes, is
6 created to read:

7 1010.59 Interest rates.--All bonds issued by the State
8 Board of Education pursuant to the provisions of s. 9(a), Art.
9 XII of the State Constitution, as amended, may bear interest
10 at such rate or rates as may be determined by the State Board
11 of Education. However, the maximum rate of interest shall not
12 exceed the rates authorized under the provisions of s. 215.84.

13 Section 571. Section 1010.60, Florida Statutes, is
14 created to read:

15 1010.60 State Board of Education; issuance of bonds
16 pursuant to s. 11(f), Art. VII, State Constitution.--

17 (1) Pursuant to s. 11(f), Art. VII of the State
18 Constitution, the State Board of Education, supported by the
19 building fee, the capital improvement fee, or any other
20 revenue approved by the Legislature for facilities
21 construction, is authorized to request the issuance of bonds
22 or other forms of indebtedness pursuant to the State Bond Act
23 to finance or refinance capital projects authorized by the
24 Legislature. In order to take advantage of economic
25 conditions, the Division of Bond Finance shall process
26 requests by the State Board of Education to refinance capital
27 projects under this section on a priority basis.

28 (2) The State Board of Education may approve the
29 issuance of revenue bonds or other forms of indebtedness by a
30 direct-support organization when such revenue bonds or other
31 forms of indebtedness are used to finance or refinance capital

1 projects which are to provide facilities necessary and
2 desirable to serve the needs and purposes of the university,
3 as determined by the systemwide strategic plan adopted by the
4 State Board of Education, and when the project has been
5 approved by the Legislature.

6 Section 572. Section 1010.61, Florida Statutes, is
7 created to read:

8 1010.61 Powers.--The State Board of Education shall
9 have all the powers necessary or advisable to carry out and
10 effectuate the purposes and provisions of s. 1010.60 and this
11 part and is hereby authorized:

12 (1) Pursuant to the State Bond Act, to borrow money
13 and issue interest-bearing revenue certificates or other forms
14 of indebtedness to acquire any projects approved by the
15 Legislature and to provide for the payment of the same and for
16 the rights of the holders thereof as herein provided.

17 (2) To pledge any trust funds which are available, and
18 not otherwise obligated, for purposes of securing the revenue
19 certificates and to combine such funds as the board may deem
20 appropriate.

21 (3) To adopt such rules as may be necessary for
22 carrying out the requirements of this part and to perform all
23 acts and do all things necessary or convenient to carry out
24 the powers granted herein.

25 Section 573. Section 1010.611, Florida Statutes, is
26 created to read:

27 1010.611 Resolution for issuance of revenue
28 certificates.--The issuance of revenue certificates under the
29 provisions of this part and the State Bond Act shall be
30 requested by resolution of the State Board of Education. Said
31 revenue certificates shall bear interest at such rate or rates

1 not exceeding the interest rate limitations set forth in s.
2 215.84(3), provided that certificates may be sold at a
3 reasonable discount to par not to exceed 3 percent, except
4 that this limitation on discount does not apply to the portion
5 of the discount that constitutes original issue discount. The
6 revenue certificates may be issued in one or more series, may
7 bear such date or dates, may be in such denomination or
8 denominations, may mature at such time or times, not exceeding
9 30 years from their respective dates, may be in such form,
10 either coupon or registered, may carry such registration
11 privileges, may be executed in such manner, may be payable in
12 such medium of payment and at such place or places, may be
13 subject to such terms of redemption, with or without premium,
14 may contain such terms, covenants, and conditions, and may be
15 declared or become due before the maturity date thereof as
16 such resolution or other resolutions may provide. The revenue
17 certificate may be sold at public sale by competitive bid or
18 negotiated sale. Pending the preparation of the definitive
19 certificates, interim receipts or certificates in such form
20 and with such provisions as the board may determine may be
21 issued to the purchaser or purchasers of certificates sold
22 pursuant to this part. The certificates and interim receipts
23 shall be fully negotiable within the meaning and for all the
24 purposes of the negotiable instruments law.

25 Section 574. Section 1010.612, Florida Statutes, is
26 created to read:

27 1010.612 Powers to secure revenue certificates.--The
28 State Board of Education, in connection with the issuance of
29 revenue certificates to acquire any projects for an
30 institution or in order to secure the payment of such revenue
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1 certificates and interest thereon, shall have power by
2 resolution:
3 (1) To fix and maintain fees, rentals, and other
4 charges from students and others using or being served by, or
5 having the right to use, or having the right to be served by,
6 such projects.
7 (2) To provide that such revenue certificates shall be
8 secured by a first, exclusive, and closed lien on the income
9 and revenue (but not the real property of such institution)
10 derived from, and shall be payable from, fees, rentals, and
11 other charges from students and others using or being served
12 by, or having the right to use, or having the right to be
13 served by, such project.
14 (3) To pledge and assign to, or in trust for the
15 benefit of, the holder or holders of such revenue certificates
16 an amount of the income and revenue derived from fees,
17 rentals, and other charges from students and others using or
18 being served by, or having the right to use, or having the
19 right to be served by, such project.
20 (4) To covenant with or for the benefit of the holder
21 or holders of such revenue certificates that so long as any of
22 such revenue certificates shall remain outstanding and unpaid,
23 such institution will fix, maintain, and collect in such
24 installments as may be agreed upon an amount of the fees,
25 rentals, and other charges from students and others using or
26 being served by, or having the right to use, or having the
27 right to be served by, such project, which shall be sufficient
28 to pay when due such revenue certificates and interest
29 thereon, and to create and maintain reasonable reserves
30 therefor, and to pay the cost of operation and maintenance of
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1 such project, which costs of operation and maintenance shall
2 be determined by the board in its absolute discretion.

3 (5) To make and enforce and agree to make and enforce
4 parietal rules that shall ensure the use of such project by
5 all students in attendance at such institutions to the maximum
6 extent to which such project is capable of serving such
7 students.

8 (6) To covenant that so long as any of such revenue
9 certificates shall remain outstanding and unpaid, it will not,
10 except upon such terms and conditions as may be determined:

11 (a) Voluntarily create or cause to be created any
12 debt, lien, pledge, assignment, encumbrance or other charge
13 having priority to the lien of such revenue certificates upon
14 any of the income and revenues derived from fees, rentals, and
15 other charges from students and others using or being served
16 by, or having the right to use, or having the right to be
17 served by, such project, or

18 (b) Convey or otherwise alienate such project or the
19 real estate upon which such project shall be located, except
20 at a price sufficient to pay all such revenue certificates
21 then outstanding and interest accrued thereon, and then only
22 in accordance with any agreements with the holder or holders
23 of such revenue certificates.

24 (7) To covenant as to the procedure by which the terms
25 of any contract with a holder or holders of such revenue
26 certificates may be amended or abrogated, the amount of
27 percentage of revenue certificates the holder or holders of
28 which must consent thereto, and the manner in which such
29 consent may be given.

30 (8) To vest in a trustee or trustees the right to
31 receive all or any part of the income and revenue pledged and

1 assigned to, or for the benefit of, the holder or holders of
2 such revenue certificates and to hold, apply and dispose of
3 the same and the right to enforce any covenant made to secure
4 or pay or in relation to such revenue certificates; to execute
5 and deliver a trust agreement or trust agreements which may
6 set forth the powers and duties and the remedies available to
7 such trustee or trustees and limiting the liabilities thereof
8 and describing what occurrences shall constitute events of
9 default and prescribing the terms and conditions upon which
10 such trustee or trustees or the holder or holders of revenue
11 certificates of any specified amount or percentage of such
12 revenue certificate may exercise such rights and enforce any
13 and all such covenants and resort to such remedies as may be
14 appropriate.

15 (9) To vest in a trustee or trustees or the holder or
16 holders of any specified amount or percentage of revenue
17 certificates the right to apply to any court of competent
18 jurisdiction for and have granted the appointment of a
19 receiver or receivers of the income and revenue pledged and
20 assigned to or for the benefit of the holder or holders of
21 such revenue certificates, which receiver or receivers may
22 have and be granted such powers and duties as such court may
23 order or decree for the protection of the revenue certificate
24 holders.

25 (10) To make covenants with the holders of any bonds
26 and to perform any other duties and responsibilities which are
27 deemed necessary or advisable to enhance the security of such
28 bonds, and the marketability thereof, and which are customary
29 in accordance with the market requirements for the sale of
30 such bonds.

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1 Section 575. Section 1010.613, Florida Statutes, is
2 created to read:

3 1010.613 Remedies of any holder of revenue
4 certificates.--Any holder or holders of revenue certificates,
5 including a trustee, or trustees for holders of such revenue
6 certificates, shall have the right, in addition to all other
7 rights, by mandamus or other suit, action, or proceeding in
8 any court of competent jurisdiction to enforce his or her or
9 their rights against the State Board of Education to fix and
10 collect such rentals and other charges adequate to carry out
11 any agreement as to or pledge of such fees, rentals, or other
12 charges, and require the State Board of Education to carry out
13 any other covenants and agreements and to perform its duties
14 under this part.

15 Section 576. Section 1010.614, Florida Statutes, is
16 created to read:

17 1010.614 Validity of revenue certificates.--The
18 revenue certificates bearing the signatures of officers in
19 office on the date of the signing thereof shall be valid and
20 binding obligations, notwithstanding that before the delivery
21 thereof and payment therefor any or all of the persons whose
22 signatures appear thereon shall have ceased to be officers of
23 the State Board of Education. The validity of the revenue
24 certificates shall not be dependent on nor affected by the
25 validity or regularity of any proceedings to acquire the
26 project financed by the revenue certificates or taken in
27 connection therewith.

28 Section 577. Section 1010.615, Florida Statutes, is
29 created to read:

30 1010.615 Prohibitions against obligating
31 state.--Nothing in this part shall be construed to authorize

1 the State Board of Education to contract a debt on behalf of,
2 or in any way to obligate, the state, or to pledge, assign, or
3 encumber in any way, or to permit the pledging, assigning, or
4 encumbering in any way of, appropriations made by the
5 Legislature.

6 Section 578. Section 1010.616, Florida Statutes, is
7 created to read:

8 1010.616 Revenue certificate obligations of State
9 Board of Education.--All revenue certificates issued pursuant
10 to this part shall be obligations of the State Board of
11 Education, payable only in accordance with the terms thereof
12 and shall not be obligations general, special, or otherwise of
13 the state. Such revenue certificates shall not be a bond or
14 debt of the state, and shall not be enforceable against the
15 state, nor shall payment thereof be enforceable out of any
16 funds of the board other than the income and revenue pledged
17 and assigned to, or in trust for the benefit of, the holder or
18 holders of such revenue certificates.

19 Section 579. Section 1010.617, Florida Statutes, is
20 created to read:

21 1010.617 Tax exemption and eligibility as legal
22 investments.--

23 (1) The exercise of the powers granted by this part in
24 all respects constitutes the performance of essential public
25 functions for the benefit of the people of the state. All
26 properties, revenues, or other assets of the State Board of
27 Education for which revenue certificates are issued under this
28 part, and all revenue certificates issued hereunder and the
29 interest thereon, shall be exempt from all taxation by any
30 agency or instrumentality of a county, municipality, or the
31 state. The exemption granted by this section is not applicable

1 to any tax imposed by chapter 220 on interest, income, or
2 profits on debt obligations owned by corporations.

3 (2) All obligations issued pursuant to this part shall
4 be and constitute legal investments without limitation for all
5 public bodies and for all banks, savings banks, guardians,
6 insurance funds, trustees, or other fiduciaries and shall be
7 and constitute eligible securities to be deposited as
8 collateral for security of any state, county, municipal, or
9 other public funds.

10 Section 580. Section 1010.618, Florida Statutes, is
11 created to read:

12 1010.618 Supplemental nature of part; construction and
13 purpose.--The powers conferred by this part shall be in
14 addition to and supplemental to, and the limitations imposed
15 by this part shall not affect, the powers conferred by any
16 other law, general or special, and revenue certificates may be
17 issued hereunder without any referendum, notwithstanding the
18 provisions of any other such law and without regard to the
19 procedure required by any other such law. Insofar as the
20 provisions of this part are inconsistent with the provisions
21 of any other law, general or special, the provisions of this
22 part shall be controlling.

23 Section 581. Section 1010.619, Florida Statutes, is
24 created to read:

25 1010.619 Board of Administration to act as fiscal
26 agent.--Prior to the issuance of any revenue certificates, the
27 State Board of Education may request the State Board of
28 Administration to advise the State Board of Education as to
29 the fiscal sufficiency of the proposed issue. Upon sale and
30 delivery of any revenue certificates and disbursement of the
31 proceeds thereof pursuant to this part, the State Board of

1 Administration may upon request of the State Board of
2 Education take over the management, control, administration,
3 custody, and payment of any or all debt services or funds or
4 assets now or hereafter available for any revenue certificates
5 issued pursuant to this part. The State Board of
6 Administration shall upon request of the State Board of
7 Education invest all funds, including reserve funds, available
8 for any revenue certificates issued pursuant to this part in
9 the manner provided in s. 215.47. The State Board of Education
10 may from time to time provide by its duly adopted resolution
11 the duties the State Board of Administration shall perform,
12 and such duties may be changed, modified, or repealed by
13 subsequent resolution as the State Board of Education may deem
14 appropriate.

15 Section 582. Part V of chapter 1010, Florida Statutes,
16 shall be entitled "Trust Funds" and shall consist of ss.
17 1010.70-1010.86.

18 Section 583. Section 1010.70, Florida Statutes, is
19 created to read:

20 1010.70 Educational Enhancement Trust Fund.--Each
21 fiscal year, at least 38 percent of the gross revenue from the
22 sale of lottery tickets and other earned revenue, excluding
23 application processing fees, shall be deposited in the
24 Educational Enhancement Trust Fund as provided in s. 24.121.

25 Section 584. Section 1010.71, Florida Statutes, is
26 created to read:

27 1010.71 State School Trust Fund.--

28 (1) The State School Trust Fund shall be derived from
29 the following sources:

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1 (a) The proceeds of all lands that have been or may
2 hereafter be granted to the state by the United States for
3 public school purposes;
4 (b) Donations to the state when the purpose is not
5 specified;
6 (c) Appropriations by the state;
7 (d) The proceeds of escheated property or forfeitures;
8 and
9 (e) Twenty-five percent of the sales of public lands
10 which are now or may hereafter be owned by the state.
11 (2) The land comprising part of the State School Trust
12 Fund shall not be subject to taxes of any kind whatsoever, but
13 shall enjoy constitutional immunity therefrom, nor shall taxes
14 of any kind be imposed thereon; nor, since not subject to tax,
15 shall the state or any state agency be liable for taxes or the
16 equivalent thereof sought to be imposed upon said land. All
17 outstanding tax sale certificates against land of the State
18 School Trust Fund are hereby canceled.
19 Section 585. Section 1010.72, Florida Statutes, is
20 created to read:
21 1010.72 Excellent Teaching Program Trust Fund.--
22 (1) The Excellent Teaching Program Trust Fund is
23 created to be administered by the Department of Education.
24 Funds must be credited to the trust fund as provided in
25 chapter 98-309, Laws of Florida, to be used for the purposes
26 set forth therein.
27 (2) Pursuant to the provisions of s. 19(f)(2), Art.
28 III of the State Constitution, the Excellent Teaching Program
29 Trust Fund shall, unless terminated sooner, be terminated on
30 July 1, 2002. Prior to its scheduled termination, the trust
31 fund shall be reviewed as provided in s. 215.3206(1) and (2).

1 Section 586. Section 1010.73, Florida Statutes, is
2 created to read:

3 1010.73 State Student Financial Assistance Trust
4 Fund.--

5 (1) The State Student Financial Assistance Trust Fund
6 is hereby created, to be administered by the Department of
7 Education. Funds shall be credited to the trust fund as
8 provided in the General Appropriations Act or similar
9 legislation, to be used for the purposes set forth therein.

10 (2) The department may transfer into this trust fund
11 general revenue, private donations for the purpose of matching
12 state funds, and federal receipts for scholarships and grant
13 programs. An individual account code shall be established for
14 each funded scholarship and grant program for accountability
15 purposes.

16 (3) Notwithstanding the provisions of s. 216.301, and
17 pursuant to s. 216.351, any balance in the trust fund at the
18 end of any fiscal year shall remain in the trust fund and
19 shall be available for carrying out the purposes of the trust
20 fund.

21 Section 587. Section 1010.731, Florida Statutes, is
22 created to read:

23 1010.731 Student Loan Guaranty Reserve Trust
24 Fund.--Chapter 99-35, Laws of Florida, re-created the Student
25 Loan Guaranty Reserve Trust Fund to be used by the Department
26 of Education for the administration of the guaranteed student
27 loan program as provided in s. 1009.92.

28 Section 588. Section 1010.74, Florida Statutes, is
29 created to read:

30 1010.74 Educational Certification and Services Trust
31 Fund.--The proceeds from the collection of certification fees,

1 fines, penalties, and costs levied pursuant to s. 1012.59
2 shall be remitted by the Department of Education to the
3 Treasurer for deposit into and disbursed from the "Educational
4 Certification and Services Trust Fund" as re-created by
5 chapter 99-31, Laws of Florida.

6 Section 589. Section 1010.75, Florida Statutes, is
7 created to read:

8 1010.75 Teacher Certification Examination Trust
9 Fund.--The proceeds for the certification examination fee
10 levied pursuant to s. 1012.59 shall be remitted by the
11 Department of Education to the Treasurer for deposit into and
12 disbursed for the "Teacher Certification Examination Trust
13 Fund" as re-created by chapter 99-28, Laws of Florida.

14 Section 590. Section 1010.76, Florida Statutes, is
15 created to read:

16 1010.76 Educational Aids Trust Fund.--Chapter 99-27,
17 Laws of Florida, re-created the Educational Aids Trust Fund to
18 administer receipts and disbursements for federal grants
19 received by the Department of Education.

20 Section 591. Section 1010.77, Florida Statutes, is
21 created to read:

22 1010.77 Food and Nutrition Services Trust
23 Fund.--Chapter 99-34, Laws of Florida, re-created the Food and
24 Nutrition Services Trust Fund to record revenue and
25 disbursements of Federal Food and Nutrition funds received by
26 the Department of Education as authorized in s. 1006.06.

27 Section 592. Section 1010.78, Florida Statutes, is
28 created to read:

29 1010.78 Projects, Contracts, and Grants Trust
30 Fund.--There is created in the Department of Education the
31 Projects, Contracts, and Grants Trust Fund. The personnel

1 employed to plan and administer grants or contracts for
2 specific projects shall be considered in time-limited
3 employment not to exceed the duration of the grant or until
4 completion of the project, whichever first occurs. Such
5 employees shall not acquire retention rights under the Career
6 Service System. Any employee holding permanent career service
7 status in a Department of Education position who is appointed
8 to a position under the Projects, Contracts, and Grants Trust
9 Fund shall retain such permanent status in the career service
10 position.

11 Section 593. Section 1010.79, Florida Statutes, is
12 created to read:

13 1010.79 Sophomore Level Test Trust Fund.--Chapter
14 99-26, Laws of Florida, re-created the Sophomore Level Test
15 Trust Fund to record revenue and disbursements of examination
16 fees received by the Department of Education as authorized in
17 s. 1008.29.

18 Section 594. Section 1010.80, Florida Statutes, is
19 created to read:

20 1010.80 Educational Media and Technology Trust
21 Fund.--Chapter 99-25, Laws of Florida, re-created the
22 Educational Media and Technology Trust Fund to record revenue
23 and disbursements by the Department of Education for the cost
24 of producing and disseminating educational materials and
25 products as authorized in s. 1006.39.

26 Section 595. Section 1010.81, Florida Statutes, is
27 created to read:

28 1010.81 Knott Data Center Working Capital Trust
29 Fund.--Chapter 99-29, Laws of Florida, re-created the Knott
30 Data Center Working Capital Trust Fund to record the revenue
31 from fees paid for services provided by the Department of

1 Education's data center and disbursements to pay the costs of
2 operating the data center as authorized in s. 216.272.

3 Section 596. Section 1010.82, Florida Statutes, is
4 created to read:

5 1010.82 Textbook Bid Trust Fund.--Chapter 99-36, Laws
6 of Florida, re-created the Textbook Bid Trust Fund to record
7 the revenue and disbursements of textbook bid performance
8 deposits submitted to the Department of Education as required
9 in s. 1006.32.

10 Section 597. Section 1010.83, Florida Statutes, is
11 created to read:

12 1010.83 Institutional Assessment Trust Fund.--

13 (1) Chapter 99-32, Laws of Florida, re-created the
14 Institutional Assessment Trust Fund to be administered by the
15 Department of Education pursuant to this section and rules of
16 the State Board of Education. The trust fund shall consist of
17 all fees and fines imposed upon nonpublic colleges and schools
18 pursuant to this chapter, including all fees collected from
19 nonpublic colleges for participation in the common course
20 designation and numbering system. The department shall
21 maintain separate revenue accounts for independent colleges
22 and universities; nonpublic career education; and the
23 Department of Education.

24 (2) Funds from the trust fund shall be used for
25 purposes including, but not limited to, the following:

26 (a) Authorized expenses of the respective boards in
27 carrying out their required duties.

28 (b) Financial assistance programs for students who
29 attend nonpublic institutions licensed by the board.

30 (c) Educational programs for the benefit of current
31 and prospective owners, administrators, agents, authorized

1 groups of individuals, and faculty of institutions receiving a
2 license, a certificate of exemption, or an authorization by
3 the board.

4 (d) Authorized expenses of the Department of Education
5 incurred as a result of the inclusion of nonpublic colleges in
6 the statewide course numbering system.

7 (3) The board may utilize other individuals or
8 entities to administer the programs authorized in subsection
9 (2).

10 Section 598. Section 1010.84, Florida Statutes, is
11 created to read:

12 1010.84 Displaced Homemaker Trust Fund.--Chapter
13 99-33, Laws of Florida, re-created the Displaced Homemaker
14 Trust Fund to record revenue and disbursements from fees as
15 authorized in s. 446.50.

16 Section 599. Section 1010.85, Florida Statutes, is
17 created to read:

18 1010.85 Phosphate Research Trust Fund.--Chapter 99-45,
19 Laws of Florida, re-created the Phosphate Research Trust Fund
20 to record the revenue and disbursements from tax on severance
21 of phosphate rock as provided in s. 211.3103.

22 Section 600. Section 1010.86, Florida Statutes, is
23 created to read:

24 1010.86 Administration of capital improvement and
25 building fees trust funds.--The State Board of Education shall
26 administer the Capital Improvement Fee Trust Fund and the
27 Building Fee Trust Fund which include receipts from capital
28 improvement and building student fee assessments, interest
29 earnings, and subsidy grants. All funds, except those to be
30 used for debt service payments, reserve requirements, and
31 educational research centers for child development, pursuant

1 to s. 1011.48, shall be used to fund projects appropriated by
2 the Legislature. Projects funded pursuant to this section may
3 be expanded by the use of supplemental funds such as grants,
4 auxiliary enterprises, private donations, and other nonstate
5 sources.

6 Section 601. Chapter 1011, Florida Statutes, shall be
7 entitled "Planning and Budgeting" and shall consist of ss.
8 1011.01-1011.93.

9 Section 602. Part I of chapter 1011, Florida Statutes,
10 shall be entitled "Preparation, Adoption, and Implementation
11 of Budgets" and shall consist of ss. 1011.01-1011.57.

12 Section 603. Section 1011.01, Florida Statutes, is
13 created to read:

14 1011.01 Budget system established.--

15 (1) The State Board of Education shall prepare and
16 submit a coordinated K-20 education annual legislative budget
17 request to the Governor and the Legislature on or before the
18 date provided by the Governor and the Legislature. The board's
19 legislative budget request must clearly define the needs of
20 school districts, community colleges, universities, other
21 institutions, organizations, programs, and activities under
22 the supervision of the board and that are assigned by law or
23 the General Appropriations Act to the Department of Education.

24 (2) There shall be established in each school
25 district, community college, and university a budget system as
26 prescribed by law and rules of the State Board of Education.

27 (3) Each district school board, each community college
28 board of trustees, and each state university board of trustees
29 shall prepare, adopt, and submit to the Commissioner of
30 Education for review an annual operating budget. Operating
31 budgets shall be prepared and submitted in accordance with the

1 provisions of law, rules of the State Board of Education, the
2 General Appropriations Act, and for district school boards in
3 accordance with the provisions of ss. 200.065 and 1011.64.

4 Section 604. Section 1011.011, Florida Statutes, is
5 created to read:

6 1011.011 Legislative capital outlay budget
7 request.--The State Board of Education shall submit an
8 integrated, comprehensive budget request for educational
9 facilities construction and fixed capital outlay needs for
10 school districts, community colleges, and universities
11 pursuant to this section and 1013.46 and applicable provisions
12 of chapter 216.

13 Section 605. Section 1011.012, Florida Statutes, is
14 created to read:

15 1011.012 Annual capital outlay budget.--

16 (1) Each district school board, community college
17 board of trustees, and university board of trustees shall,
18 each year, adopt a capital outlay budget for the ensuing year
19 in order that the capital outlay needs of the board for the
20 entire year may be well understood by the public. This capital
21 outlay budget shall be a part of the annual budget and shall
22 be based upon and in harmony with the educational plant and
23 ancillary facilities plan. This budget shall designate the
24 proposed capital outlay expenditures by project for the year
25 from all fund sources. The board may not expend any funds on
26 any project not included in the budget, as amended.

27 (2) Each district school board must prepare its
28 tentative district facilities work program as required by s.
29 1013.35 before adopting the capital outlay budget.

30 Section 606. Part I.a. of chapter 1011, Florida
31 Statutes, shall be entitled "District School Boards:

1 Preparation, Adoption, and Implementation of Budgets" and
2 shall consist of ss. 1011.02-1011.24.

3 Section 607. Section 1011.02, Florida Statutes, is
4 created to read:

5 1011.02 District school boards to adopt tentative
6 budget.--

7 (1) On or before the date prescribed in rules of the
8 State Board of Education, each district school board shall
9 receive and examine the tentative budget submitted by the
10 district school superintendent, and shall require such changes
11 to be made, in keeping with the purposes of the school code,
12 as may be to the best interest of the school program in the
13 district.

14 (2) The district school board shall determine, within
15 prescribed limits, the reserves to be allotted for
16 contingencies, and the cash balance to be carried forward at
17 the end of the year. If the district school board shall
18 require any changes to be made in receipts, in the reserves
19 for contingencies, or in the cash balance to be carried
20 forward at the end of the year, it shall also require
21 necessary changes to be made in the appropriations for
22 expenditures so that the budget, as changed, will not contain
23 appropriations for expenditures and reserves in excess of, or
24 less than, estimated receipts and balances.

25 (3) The proposed budget shall include an amount for
26 local required effort for current operation, in accordance
27 with the requirements of s. 1011.62(4).

28 (4) When a tentative budget has been prepared in
29 accordance with rules of the State Board of Education, the
30 proposed expenditures, plus transfers, and balances shall not
31

1 exceed the estimated income, transfers, and balances. The
2 budget and each of the parts thereof shall balance.

3 (5) The district school board shall adopt a tentative
4 budget.

5 Section 608. Section 1011.03, Florida Statutes, is
6 created to read:

7 1011.03 Public hearings; budget to be submitted to
8 Department of Education.--

9 (1) Each district school board must cause a summary of
10 its tentative budget, including the proposed millage levies as
11 provided for by law, and graphs illustrating a historical
12 summary of financial and demographic data, to be advertised at
13 least one time as a full-page advertisement in the newspaper
14 with the largest circulation published in the district or to
15 be posted at the courthouse door if there be no such
16 newspaper.

17 (2)(a) The advertisement must include a graph
18 illustrating the historical summary of financial and
19 demographic data for each of the following data values which
20 shall be plotted along the vertical axis of each graph:

21 1. Total revenue provided to the school district from
22 all sources for the corresponding fiscal year, including all
23 federal, state, and local revenue.

24 2. Total revenue provided to the school district for
25 the corresponding fiscal year for current operations.

26 3. Total revenue provided to the school district for
27 the corresponding fiscal year for fixed capital outlay
28 projects.

29 4. Total revenue provided to the school district for
30 the corresponding fiscal year for debt service.

31

- 1 5. Total number of unweighted full-time equivalent
2 students, inclusive of all programs listed in s. 1011.62.
- 3 6. Total revenue provided to the school district for
4 current operations divided by the number of unweighted
5 full-time equivalent students for the corresponding fiscal
6 year.
- 7 7. Total number of employees of the school district
8 for the corresponding fiscal year.
- 9 8. Total number of employees of the school district
10 classified as instructional personnel under s. 1012.01 for the
11 corresponding fiscal year.
- 12 (b) Each graph must include a separate histogram
13 corresponding to the financial and demographic data for each
14 of the following fiscal years, which shall be plotted along
15 the horizontal axis of each graph:
- 16 1. Current fiscal year.
- 17 2. Fiscal year that is 5 years before the current
18 fiscal year.
- 19 3. Fiscal year that is 10 years before the current
20 fiscal year.
- 21 (c) The numeric value of the financial and demographic
22 data corresponding to each histogram must be included in each
23 graph.
- 24 (3) The advertisement of a district that has been
25 required by the Legislature to increase classroom expenditures
26 pursuant to s. 1011.64 must include the following statement:
27
- 28 "This proposed budget reflects an increase in classroom
29 expenditures as a percent of total current operating
30 expenditures of XX percent over the (previous fiscal year)
31 fiscal year. This increase in classroom expenditures is

1 required by the Legislature because the district has performed
2 below the required performance standard on XX of XX student
3 performance standards for the (previous school year) school
4 year. In order to achieve the legislatively required level of
5 classroom expenditures as a percentage of total operating
6 expenditures, the proposed budget includes an increase in
7 overall classroom expenditures of \$XX,XXX,XXX above the amount
8 spent for this same purpose during the (previous fiscal year)
9 fiscal year. In order to achieve improved student academic
10 performance, this proposed increase is being budgeted for the
11 following activities: (list activities and amount budgeted)."

12 (4) The advertisement shall appear adjacent to the
13 advertisement required pursuant to s. 200.065. The State Board
14 of Education may adopt rules necessary to provide specific
15 requirements for the format of the advertisement.

16 (5) The board shall hold public hearings to adopt
17 tentative and final budgets pursuant to s. 200.065. The
18 hearings shall be primarily for the purpose of hearing
19 requests and complaints from the public regarding the budgets
20 and the proposed tax levies and for explaining the budget and
21 proposed or adopted amendments thereto, if any. The district
22 school board shall then require the superintendent to transmit
23 forthwith two copies of the adopted budget to the Department
24 of Education for approval as prescribed by law and rules of
25 the State Board of Education.

26 Section 609. Section 1011.04, Florida Statutes, is
27 created to read:

28 1011.04 Levying of taxes.--

29 (1) Upon receipt of the certificate of the property
30 appraiser giving the assessed valuation of the county and of
31 each of the special tax school districts pursuant to s.

1 200.065, the district school board shall determine by
2 resolution the amounts necessary to be raised for current
3 operating purposes and for each district bond interest and
4 sinking fund and the millage necessary to be levied for each
5 such fund, including the voted millage. A certified copy of
6 the resolution shall thereupon be filed with the county
7 property appraiser, and the district school board shall also
8 order the property appraiser to assess the several millages
9 certified by the school board against the appropriate taxable
10 property in the school district.

11 (2) The property appraiser shall then assess the taxes
12 as ordered by the district school board. Tax millages so
13 assessed shall be clearly designated and separately identified
14 as to source on the tax bill for other county taxes.

15 (3) The collector shall collect said taxes and pay
16 over the same promptly as collected to the district school
17 depository or depositories to be used as provided by law;
18 provided, that all taxes authorized herein shall be assessed
19 and collected on railroad, street railroad, sleeping car,
20 parlor car, and telegraph company property in the manner now
21 provided by law.

22 Section 610. Section 1011.05, Florida Statutes, is
23 created to read:

24 1011.05 Implementation of the official budget.--The
25 official budget shall give the appropriations and reserves
26 therein the force and effect of fixed appropriations and
27 reserves, and the same shall not be altered, amended, or
28 exceeded except as authorized. However, if the actual
29 receipts during any year are less than budgeted receipts, and
30 any obligations are thereby incurred which cannot be met
31 before the close of the year, such obligations shall be paid

1 and accounted for in the ensuing fiscal year in the manner
2 prescribed by rules of the State Board of Education and shall
3 be payable out of the first funds available for that purpose.

4 Section 611. Section 1011.06, Florida Statutes, is
5 created to read:

6 1011.06 Expenditures.--

7 (1) Expenditures shall be limited to the amount
8 budgeted under the classification of accounts provided for
9 each fund and to the total amount of the budget after the same
10 have been amended as prescribed by law and rules of the State
11 Board of Education. The school board shall endeavor to obtain
12 maximum value for all expenditures.

13 (2) EXPENDITURES FROM DISTRICT AND OTHER

14 FUNDS.--Expenditures from district and all other funds
15 available for the public school program of any district shall
16 be authorized by law and must be in accordance with procedures
17 prescribed by the district school board. A district school
18 board may establish policies that allow expenditures to exceed
19 the amount budgeted by function and object, provided that the
20 district school board approves the expenditure and amends the
21 budget within timelines established by school board policies.

22 Section 612. Section 1011.07, Florida Statutes, is
23 created to read:

24 1011.07 Internal funds.--

25 (1) The district school board shall be responsible for
26 the administration and control of all local school funds
27 derived by any public school from all activities or sources,
28 and shall prescribe the principles and procedures to be
29 followed in administering these funds consistent with
30 regulations adopted by the State Board of Education.

31

1 (2) The State Board of Education shall adopt rules
2 governing the procedures for the recording of the receipts,
3 expenditures, deposits, and disbursements of internal funds.

4 Section 613. 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 614. 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 615. 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 616. 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 617. 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 618. 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 619. 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 620. 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 621. 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 622. 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 623. 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 624. 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 625. 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 626. 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 627. 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 628. 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 629. 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 630. 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 631. 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 632. 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 633. 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 634. 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 635. 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 636. 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 637. 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 638. 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 639. 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 640. 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 641. 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 642. 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 643. 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 644. 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 645. 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 646. 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 647. 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 648. 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 649. 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 650. 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 651. 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 652. 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 653. 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 654. 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 655. 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 656. 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 657. Section 1011.62, Florida Statutes, is
9 created to read:

10 1011.62 Funds for operation of schools.--If the annual
11 allocation from the Florida Education Finance Program to each
12 district for operation of schools is not determined in the
13 annual appropriations act or the substantive bill implementing
14 the annual appropriations act, it shall be determined as
15 follows:

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

20 (a) Determination of full-time equivalent
21 membership.--During each of several school weeks, including
22 scheduled intersessions of a year-round school program during
23 the fiscal year, a program membership survey of each school
24 shall be made by each district by aggregating the full-time
25 equivalent student membership of each program by school and by
26 district. The department shall establish the number and
27 interval of membership calculations, except that for basic and
28 special programs such calculations shall not exceed nine for
29 any fiscal year. The district's full-time equivalent
30 membership shall be computed and currently maintained in
31 accordance with regulations of the commissioner.

1 (b) Determination of base student allocation.--The
2 base student allocation for the Florida Education Finance
3 Program for kindergarten through grade 12 shall be determined
4 annually by the Legislature and shall be that amount
5 prescribed in the current year's General Appropriations Act.
6 (c) Determination of programs.--Cost factors based on
7 desired relative cost differences between the following
8 programs shall be established in the annual General
9 Appropriations Act. The Commissioner of Education shall
10 specify a matrix of services and intensity levels to be used
11 by districts in the determination of the two weighted cost
12 factors for exceptional students with the highest levels of
13 need. For these students, the funding support level shall fund
14 the exceptional students' education program, with the
15 exception of extended school year services for students with
16 disabilities.
17 1. Basic programs.--
18 a. Kindergarten and grades 1, 2, and 3.
19 b. Grades 4, 5, 6, 7, and 8.
20 c. Grades 9, 10, 11, and 12.
21 2. Programs for exceptional students.--
22 a. Support Level IV.
23 b. Support Level V.
24 3. Secondary career and technical education
25 programs.--
26 4. English for Speakers of Other Languages.--
27 (d) Annual allocation calculation.--
28 1. The Department of Education is authorized and
29 directed to review all district programs and enrollment
30 projections and calculate a maximum total weighted full-time
31

1 equivalent student enrollment for each district for the K-12
2 FEFP.

3 2. Maximum enrollments calculated by the department
4 shall be derived from enrollment estimates used by the
5 Legislature to calculate the FEFP. If two or more districts
6 enter into an agreement under the provisions of s.
7 1001.42(4)(d), after the final enrollment estimate is agreed
8 upon, the amount of FTE specified in the agreement, not to
9 exceed the estimate for the specific program as identified in
10 paragraph (c), may be transferred from the participating
11 districts to the district providing the program.

12 3. As part of its calculation of each district's
13 maximum total weighted full-time equivalent student
14 enrollment, the department shall establish separate enrollment
15 ceilings for each of two program groups. Group 1 shall be
16 composed of basic programs for grades K-3, grades 4-8, and
17 grades 9-12. Group 2 shall be composed of students in
18 exceptional student education programs, English for Speakers
19 of Other Languages programs, and all career and technical
20 programs in grades 7-12.

21 a. The weighted enrollment ceiling for group 2
22 programs shall be calculated by multiplying the final
23 enrollment conference estimate for each program by the
24 appropriate program weight. The weighted enrollment ceiling
25 for program group 2 shall be the sum of the weighted
26 enrollment ceilings for each program in the program group,
27 plus the increase in weighted full-time equivalent student
28 membership from the prior year for clients of the Department
29 of Children and Family Services and the Department of Juvenile
30 Justice.

31

1 b. If, for any calculation of the FEFP, the weighted
2 enrollment for program group 2, derived by multiplying actual
3 enrollments by appropriate program weights, exceeds the
4 enrollment ceiling for that group, the following procedure
5 shall be followed to reduce the weighted enrollment for that
6 group to equal the enrollment ceiling:
7 (I) The weighted enrollment ceiling for each program
8 in the program group shall be subtracted from the weighted
9 enrollment for that program derived from actual enrollments.
10 (II) If the difference calculated under
11 sub-sub-subparagraph (I) is greater than zero for any program,
12 a reduction proportion shall be computed for the program by
13 dividing the absolute value of the difference by the total
14 amount by which the weighted enrollment for the program group
15 exceeds the weighted enrollment ceiling for the program group.
16 (III) The reduction proportion calculated under
17 sub-sub-subparagraph (II) shall be multiplied by the total
18 amount of the program group's enrollment over the ceiling as
19 calculated under sub-sub-subparagraph (I).
20 (IV) The prorated reduction amount calculated under
21 sub-sub-subparagraph (III) shall be subtracted from the
22 program's weighted enrollment. For any calculation of the
23 FEFP, the enrollment ceiling for group 1 shall be calculated
24 by multiplying the actual enrollment for each program in the
25 program group by its appropriate program weight.
26 c. For program group 2, the weighted enrollment
27 ceiling shall be a number not less than the sum obtained by:
28 (I) Multiplying the sum of reported FTE for all
29 programs in the program group that have a cost factor of 1.0
30 or more by 1.0, and
31

1 (II) By adding this number to the sum obtained by
2 multiplying the projected FTE for all programs with a cost
3 factor less than 1.0 by the actual cost factor.

4 4. Following completion of the weighted enrollment
5 ceiling calculation as provided in subparagraph 3., a
6 supplemental capping calculation shall be employed for those
7 districts that are over their weighted enrollment ceiling. For
8 each such district, the total reported unweighted FTE
9 enrollment for group 2 programs shall be compared with the
10 total appropriated unweighted FTE enrollment for group 2
11 programs. If the total reported unweighted FTE for group 2 is
12 greater than the appropriated unweighted FTE, then the excess
13 unweighted FTE up to the unweighted FTE transferred from group
14 2 to group 1 for each district by the Public School FTE
15 Estimating Conference shall be funded at a weight of 1.0 and
16 added to the funded weighted FTE computed in subparagraph 3.

17 (e) Funding model for exceptional student education
18 programs.--

19 1.a. The funding model uses basic, at-risk, support
20 levels IV and V for exceptional students and career and
21 technical Florida Education Finance Program cost factors, and
22 a guaranteed allocation for exceptional student education
23 programs. Exceptional education cost factors are determined by
24 using a matrix of services to document the services that each
25 exceptional student will receive. The nature and intensity of
26 the services indicated on the matrix shall be consistent with
27 the services described in each exceptional student's
28 individual educational plan.

29 b. In order to generate funds using one of the two
30 weighted cost factors, a matrix of services must be completed
31 at the time of the student's initial placement into an

1 exceptional student education program and at least once every
2 3 years by personnel who have received approved training.
3 Nothing listed in the matrix shall be construed as limiting
4 the services a school district must provide in order to ensure
5 that exceptional students are provided a free, appropriate
6 public education.

7 c. Students identified as exceptional, in accordance
8 with chapter 6A-6, Florida Administrative Code, who do not
9 have a matrix of services as specified in sub-subparagraph b.
10 shall generate funds on the basis of full-time-equivalent
11 student membership in the Florida Education Finance Program at
12 the same funding level per student as provided for basic
13 students. Additional funds for these exceptional students will
14 be provided through the guaranteed allocation designated in
15 subparagraph 2.

16 2. For students identified as exceptional who do not
17 have a matrix of services, there is created a guaranteed
18 allocation to provide these students with a free appropriate
19 public education, in accordance with s. 1001.42(4)(m) and
20 rules of the State Board of Education, which shall be
21 allocated annually to each school district in the amount
22 provided in the General Appropriations Act. These funds shall
23 be in addition to the funds appropriated on the basis of FTE
24 student membership in the Florida Education Finance Program,
25 and the amount allocated for each school district shall not be
26 recalculated during the year. These funds shall be used to
27 provide special education and related services for exceptional
28 students.

29 (f) Supplemental academic instruction; categorical
30 fund.--

31

1 1. There is created a categorical fund to provide
2 supplemental academic instruction to students in kindergarten
3 through grade 12. This paragraph may be cited as the
4 "Supplemental Academic Instruction Categorical Fund."

5 2. Categorical funds for supplemental academic
6 instruction shall be allocated annually to each school
7 district in the amount provided in the General Appropriations
8 Act. These funds shall be in addition to the funds
9 appropriated on the basis of FTE student membership in the
10 Florida Education Finance Program and shall be included in the
11 total potential funds of each district. These funds shall be
12 used to provide supplemental academic instruction to students
13 enrolled in the K-12 program. Supplemental instruction
14 strategies may include, but are not limited to: modified
15 curriculum, reading instruction, after-school instruction,
16 tutoring, mentoring, class size reduction, extended school
17 year, intensive skills development in summer school, and other
18 methods for improving student achievement. Supplemental
19 instruction may be provided to a student in any manner and at
20 any time during or beyond the regular 180-day term identified
21 by the school as being the most effective and efficient way to
22 best help that student progress from grade to grade and to
23 graduate.

24 3. Effective with the 1999-2000 fiscal year, funding
25 on the basis of FTE membership beyond the 180-day regular term
26 shall be provided in the FEFP only for students enrolled in
27 juvenile justice education programs. Funding for instruction
28 beyond the regular 180-day school year for all other K-12
29 students shall be provided through the supplemental academic
30 instruction categorical fund and other state, federal, and
31 local fund sources with ample flexibility for schools to

1 provide supplemental instruction to assist students in
2 progressing from grade to grade and graduating.

3 4. The Florida State University School, as a
4 developmental research school, is authorized to expend from
5 its FEFP or Lottery Enhancement Trust Fund allocation the cost
6 to the student of remediation in reading, writing, or
7 mathematics for any graduate who requires remediation at a
8 postsecondary educational institution.

9 5. Beginning in the 1999-2000 school year, dropout
10 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
11 (b), and (c), and 1003.54 shall be included in Group 1
12 programs under subparagraph (1)(d)3.

13 (g) Education for speakers of other languages.--A
14 school district shall be eligible to report full-time
15 equivalent student membership in the ESOL program in the
16 Florida Education Finance Program provided the following
17 conditions are met:

18 1. The school district has a plan approved by the
19 Department of Education.

20 2. The eligible student is identified and assessed as
21 limited English proficient based on assessment criteria.

22 3.a. An eligible student may be reported for funding
23 in the ESOL program for a base period of 3 years. However, a
24 student whose English competency does not meet the criteria
25 for proficiency after 3 years in the ESOL program may be
26 reported for a fourth, fifth, and sixth year of funding,
27 provided his or her limited English proficiency is assessed
28 and properly documented prior to his or her enrollment in each
29 additional year beyond the 3-year base period.

30 b. If a student exits the program and is later
31 reclassified as limited English proficient, the student may be

1 reported in the ESOL program for funding for an additional
2 year, or extended annually for a period not to exceed a total
3 of 6 years pursuant to this paragraph, based on an annual
4 evaluation of the student's status.

5 4. An eligible student may be reported for funding in
6 the ESOL program for membership in ESOL instruction in English
7 and ESOL instruction or home language instruction in the basic
8 subject areas of mathematics, science, social studies, and
9 computer literacy.

10 (h) Small, isolated high schools.--Districts which
11 levy the maximum nonvoted discretionary millage, exclusive of
12 millage for capital outlay purposes levied pursuant to s.
13 1011.71(2), may calculate full-time equivalent students for
14 small, isolated high schools by multiplying the number of
15 unweighted full-time equivalent students times 2.75; provided
16 the percentage of students at such school passing both parts
17 of the high school competency test, as defined by law and
18 rule, has been equal to or higher than such percentage for the
19 state or district, whichever is greater. For the purpose of
20 this section, the term "small, isolated high school" means any
21 high school which is located no less than 28 miles by the
22 shortest route from another high school; which has been
23 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) If a district school board finds and declares in a
10 resolution adopted at a regular meeting of the school board
11 that the funds received for any of the following categorical
12 appropriations are urgently needed to maintain school board
13 specified academic classroom instruction, the school board may
14 consider and approve an amendment to the school district
15 operating budget transferring the identified amount of the
16 categorical funds to the appropriate account for expenditure:

17 1. Funds for student transportation.

18 2. Funds for in-service educational personnel
19 training.

20 3. Funds for safe schools.

21 4. Funds for public school technology.

22 5. Funds for teacher recruitment and retention.

23 6. Funds for supplemental academic instruction.

24 (c) Each district school board shall include in its
25 annual financial report to the Department of Education the
26 amount of funds the school board transferred from each of the
27 categorical funds identified in this subsection and the
28 specific academic classroom instruction for which the
29 transferred funds were expended. The Department of Education
30 shall provide instructions and specify the format to be used

31

1 in submitting this required information as a part of the
2 district annual financial report.

3 (6) DETERMINATION OF SPARSITY SUPPLEMENT.--

4 (a) Annually, in an amount to be determined by the
5 Legislature through the General Appropriations Act, there
6 shall be added to the basic amount for current operation of
7 the FEFP qualified districts a sparsity supplement which shall
8 be computed as follows:

9
10
$$\text{Sparsity Factor} = \frac{1101.8918}{2700 + \text{district sparsity index}} - 0.1101$$

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 658. 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 659. 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 660. 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 661. 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 662. 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 663. 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 664. 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 665. 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 666. 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 667. 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 668. 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 669. 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 670. 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 671. 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 672. 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 673. 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 674. 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 675. 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 676. 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 677. 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 678. 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 679. 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 680. 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 681. 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 682. 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 683. 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 684. 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 685. 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 686. 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 687. 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 688. 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 689. Chapter 1012, Florida Statutes, shall be
21 entitled "Personnel" and shall consist of ss.
22 1012.01-1012.992.
23 Section 690. Part I of chapter 1012, Florida Statutes,
24 shall be entitled "General Provisions" and shall consist of s.
25 1012.01.
26 Section 691. 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 692. 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 693. 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 694. 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 695. 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 696. 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 697. 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 698. 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 699. 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 700. 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 701. 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 702. 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 703. 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 704. 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 705. 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 706. 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 707. 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 708. 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 709. 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 710. 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 711. 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 712. 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 713. 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 714. 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 715. 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 716. 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 717. 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 718. 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 719. 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 720. 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 721. 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 722. 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 723. 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 724. 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 725. 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 726. 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

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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.
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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 727. 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 728. Section 1012.54, Florida Statutes, is
30 created to read:

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1 1012.54 Purpose of instructional personnel
2 certification.--It is the intent of the Legislature that
3 school personnel certified in this state possess the
4 credentials, knowledge, and skills necessary to allow the
5 opportunity for a high-quality education in the public
6 schools. The purpose of school personnel certification is to
7 protect the educational interests of students, parents, and
8 the public at large by assuring that teachers in this state
9 are professionally qualified. In fulfillment of its duty to
10 the citizens of this state, the Legislature has established
11 certification requirements to assure that educational
12 personnel in public schools possess appropriate skills in
13 reading, writing, and mathematics, and adequate pedagogical
14 knowledge, including the use of technology to enhance student
15 learning, and relevant subject matter competence so as to
16 demonstrate an acceptable level of professional performance.
17 Further, the Legislature has established a certificate renewal
18 process which promotes the continuing professional improvement
19 of school personnel, thereby enhancing public education in all
20 areas of the state.

21 Section 729. 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 730. Effective July 1, 2002, section 1012.56,
11 Florida Statutes, is created to read:

12 **1012.56 Educator certification requirements.--**

13 **(1) APPLICATION.--Each person seeking certification**
14 **pursuant to this chapter shall submit a completed application**
15 **containing the applicant's social security number to the**
16 **Department of Education and remit the fee required pursuant to**
17 **s. 1012.59 and rules of the State Board of Education. Pursuant**
18 **to the federal Personal Responsibility and Work Opportunity**
19 **Reconciliation Act of 1996, each party is required to provide**
20 **his or her social security number in accordance with this**
21 **section. Disclosure of social security numbers obtained**
22 **through this requirement shall be limited to the purpose of**
23 **administration of the Title IV-D program of the Social**
24 **Security Act for child support enforcement. Pursuant to s.**
25 **120.60, the department shall issue within 90 calendar days**
26 **after the stamped receipted date of the completed application:**

27 **(a) A certificate covering the classification, level,**
28 **and area for which the applicant is deemed qualified; or**

29 **(b) An official statement of status of eligibility.**

30 **The statement of status of eligibility must advise the**
31 **applicant of any qualifications that must be completed to**

1 qualify for certification. Each statement of status of
2 eligibility is valid for 2 years after its date of issuance,
3 except as provided in paragraph (2)(d). A statement of status
4 of eligibility may be reissued for one additional 2-year
5 period if application is made while the initial statement of
6 status of eligibility is valid or within 1 year after the
7 initial statement expires, and if the certification subject
8 area is authorized to be issued by the state board at the time
9 the application requesting a reissued statement of status of
10 eligibility is received.

11 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
12 certification pursuant to this chapter, a person must:

13 (a) Be at least 18 years of age.

14 (b) File a written statement, under oath, that the
15 applicant subscribes to and will uphold the principles
16 incorporated in the Constitution of the United States and the
17 Constitution of the State of Florida.

18 (c) Document receipt of a bachelor's or higher degree
19 from an accredited institution of higher learning, or a
20 nonaccredited institution of higher learning that the
21 Department of Education has identified as having a quality
22 program resulting in a bachelor's degree, or higher. Each
23 applicant seeking initial certification must have attained at
24 least a 2.5 overall grade point average on a 4.0 scale in the
25 applicant's major field of study. The applicant may document
26 the required education by submitting official transcripts from
27 institutions of higher education or by authorizing the direct
28 submission of such official transcripts through established
29 electronic network systems. The bachelor's or higher degree
30 may not be required in areas approved in rule by the State
31 Board of Education as nondegreed areas.

1 (d) Submit to a fingerprint check from the Department
2 of Law Enforcement and the Federal Bureau of Investigation
3 pursuant to s. 1012.32. If the fingerprint reports indicate a
4 criminal history or if the applicant acknowledges a criminal
5 history, the applicant's records shall be referred to the
6 Bureau of Educator Standards for review and determination of
7 eligibility for certification. If the applicant fails to
8 provide the necessary documentation requested by the Bureau of
9 Educator Standards within 90 days after the date of the
10 receipt of the certified mail request, the statement of
11 eligibility and pending application shall become invalid.

12 (e) Be of good moral character.

13 (f) Be competent and capable of performing the duties,
14 functions, and responsibilities of an educator.

15 (g) Demonstrate mastery of general knowledge, pursuant
16 to subsection (3).

17 (h) Demonstrate mastery of subject area knowledge,
18 pursuant to subsection (4).

19 (i) Demonstrate mastery of professional preparation
20 and education competence, pursuant to subsection (5).

21 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
22 demonstrating mastery of general knowledge are:

23 (a) Achievement of passing scores on basic skills
24 examination required by state board rule;

25 (b) Achievement of passing scores on the College Level
26 Academic Skills Test earned prior to July 1, 2002;

27 (c) A valid standard teaching certificate issued by
28 another state that requires an examination of mastery of
29 general knowledge;

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- 1 (d) A valid standard teaching certificate issued by
2 another state and valid certificate issued by the National
3 Board for Professional Teaching Standards; or
4 (e) A valid standard teaching certificate issued by
5 another state and documentation of 2 years of continuous
6 successful full-time teaching or administrative experience
7 during the 5-year period immediately preceding the date of
8 application for certification.
- 9 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable
10 means of demonstrating mastery of subject area knowledge are:
11 (a) Achievement of passing scores on subject area
12 examinations required by state board rule;
13 (b) Completion of the subject area specialization
14 requirements specified in state board rule and verification of
15 the attainment of the essential subject matter competencies by
16 the district school superintendent of the employing school
17 district or chief administrative officer of the employing
18 state-supported or private school for a subject area for which
19 a subject area examination has not been developed and required
20 by state board rule;
21 (c) Completion of the graduate level subject area
22 specialization requirements specified in state board rule for
23 a subject coverage requiring a master's or higher degree and
24 achievement of a passing score on the subject area examination
25 specified in state board rule;
26 (d) A valid standard teaching certificate issued by
27 another state that requires an examination of mastery of
28 subject area knowledge;
29 (e) A valid standard teaching certificate issued by
30 another state and valid certificate issued by the National
31 Board for Professional Teaching Standards; or

- 1 (f) A valid standard teaching certificate issued by
2 another state and documentation of 2 years of continuous
3 successful full-time teaching or administrative experience
4 during the 5-year period immediately preceding the date of
5 application for certification.
- 6 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
7 COMPETENCE.--Acceptable means of demonstrating mastery of
8 professional preparation and education competence are:
- 9 (a) Completion of an approved teacher preparation
10 program at a postsecondary educational institution within this
11 state and achievement of a passing score on the professional
12 education competency examination required by state board rule;
- 13 (b) Completion of a teacher preparation program at a
14 postsecondary educational institution outside Florida and
15 achievement of a passing score on the professional education
16 competency examination required by state board rule;
- 17 (c) A valid standard teaching certificate issued by
18 another state that requires an examination of mastery of
19 professional education competence;
- 20 (d) A valid standard teaching certificate issued by
21 another state and valid certificate issued by the National
22 Board for Professional Teaching Standards;
- 23 (e) A valid standard teaching certificate issued by
24 another state and documentation of 2 years of continuous
25 successful full-time teaching or administrative experience
26 during the 5-year period immediately preceding the date of
27 application for certification;
- 28 (f) Completion of professional preparation courses as
29 specified in state board rule, successful completion of a
30 professional education competence demonstration program
31 pursuant to paragraph (7)(b), and achievement of a passing

1 score on the professional education competency examination
2 required by state board rule; or
3 (g) Successful completion of a professional
4 preparation alternative certification and education competency
5 program, outlined in paragraph (7)(a).
6 (6) TYPES AND TERMS OF CERTIFICATION.--
7 (a) The Department of Education shall issue a
8 professional certificate for a period not to exceed 5 years to
9 any applicant who meets all the requirements outlined in
10 subsection (2).
11 (b) The department shall issue a temporary certificate
12 to any applicant who completes the requirements outlined in
13 paragraphs (2)(a)-(f) and completes the subject area content
14 requirements specified in state board rule or demonstrates
15 mastery of subject area knowledge pursuant to subsection (4)
16 and holds an accredited degree or a degree approved by the
17 Department of Education at the level required for the subject
18 area specialization in state board rule.
19 (c) The department shall issue one nonrenewable 2-year
20 temporary certificate and one nonrenewable 5-year professional
21 certificate to a qualified applicant who holds a bachelor's
22 degree in the area of speech-language impairment to allow for
23 completion of a master's degree program in speech-language
24 impairment.
25
26 Each temporary certificate is valid for 3 school fiscal years
27 and is nonrenewable. However, the requirement in paragraph
28 (2)(g) must be met within 1 calendar year of the date of
29 employment under the temporary certificate. Individuals who
30 are employed under contract at the end of the 1 calendar year
31 time period may continue to be employed through the end of the

1 school year in which they have been contracted. A school
2 district shall not employ, or continue the employment of, an
3 individual in a position for which a temporary certificate is
4 required beyond this time period if the individual has not met
5 the requirement of paragraph (2)(g). The State Board of
6 Education shall adopt rules to allow the department to extend
7 the validity period of a temporary certificate for 2 years
8 when the requirements for the professional certificate, not
9 including the requirement in paragraph (2)(g), were not
10 completed due to the serious illness or injury of the
11 applicant or other extraordinary extenuating circumstances.
12 The department shall reissue the temporary certificate for 2
13 additional years upon approval by the Commissioner of
14 Education. A written request for reissuance of the certificate
15 shall be submitted by the district school superintendent, the
16 governing authority of a university lab school, the governing
17 authority of a state-supported school, or the governing
18 authority of a private school.

19 (7) PROFESSIONAL PREPARATION ALTERNATIVE CERTIFICATION
20 AND EDUCATION COMPETENCY PROGRAM.--

21 (a) The Department of Education shall develop and each
22 school district must provide a cohesive competency-based
23 professional preparation alternative certification program by
24 which members of a school district's instructional staff may
25 satisfy the mastery of professional preparation and education
26 competence requirements specified in this subsection and rules
27 of the State Board of Education. Participants must hold a
28 state-issued temporary certificate. A school district shall
29 provide a competency-based alternative certification
30 preparation program developed by the Department of Education

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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.
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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 731. 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 732. 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 733. 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 734. 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.

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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 735. 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.

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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 736. 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 737. 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 738. 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 739. 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
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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.
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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 physician licensed
17 under chapter 458, chapter 459, or chapter 460 or from the
18 county health officer.

19 (c) Compensation.--Any employee having unused sick
20 leave credit shall receive full-time compensation for the time
21 justifiably absent on sick leave, but no compensation may be
22 allowed beyond that which may be provided in subsection (4).

23 (d) Expenditure authorized.--District school boards
24 may expend public funds for payment to employees on account of
25 sickness. The expending and excluding of such funds shall be
26 in compliance with rules adopted by the Department of
27 Management Services pursuant to chapter 650.

28 (e) Use by family member.--Each district school system
29 must provide a policy under which a district employee may
30 authorize his or her spouse, child, parent, or sibling who is
31 also a district employee to use sick leave that has accrued to

1 the authorizing employee. In developing the policy, the
2 district school board must provide that the recipient may not
3 use the donated sick leave until all of his or her sick leave
4 has been depleted, excluding sick leave from a sick leave
5 pool, if the recipient participates in a sick leave pool.
6 Donated sick leave under this paragraph shall have no terminal
7 value as provided in s. 1012.61(2).

8 (3) SICK LEAVE POOL.--Notwithstanding any other
9 provision of this section, a district school board, based upon
10 the maintenance of reliable and accurate records by the
11 district school system showing the amount of sick leave which
12 has been accumulated and is unused by employees in accordance
13 with this section, may, by rule or collective bargaining
14 agreement, establish one or more plans allowing participating
15 full-time employees of a district school system to pool sick
16 leave accrued and allowing any sick leave thus pooled to be
17 disbursed to any participating employee who is in need of sick
18 leave in excess of that amount he or she has personally
19 accrued. Such rules or agreements shall include, but not be
20 limited to, the following provisions:

21 (a) Participation in any sick leave pool shall at all
22 times be voluntary on the part of employees.

23 (b) Any full-time employee shall be eligible for
24 participation in any sick leave pool after 1 year of
25 employment with the district school system, provided the
26 employee has accrued a minimum amount of unused sick leave
27 which shall be established by rule and provided, further, a
28 sick leave pool is established that allows participation by
29 that particular employee.

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- 1 (c) Any sick leave pooled pursuant to this section
2 shall be removed from the personally accumulated sick leave
3 balance of the employee donating such leave.
- 4 (d) Participating employees shall make equal
5 contributions to the sick leave pool. There shall be
6 established a maximum amount of sick leave which may be
7 contributed by an employee to the pool. After the initial
8 contribution which an employee makes upon electing to
9 participate, no further contributions shall be required except
10 as may be necessary to replenish the pool. Any such further
11 contribution shall be equally required of all employees
12 participating in the pool.
- 13 (e) Any sick leave time drawn from the pool by a
14 participating employee must be used for said employee's
15 personal illness, accident, or injury.
- 16 (f) A participating employee is not eligible to use
17 sick leave from the pool until all of his or her sick leave
18 has been depleted, unless otherwise agreed to in a collective
19 bargaining agreement. There shall be established a maximum
20 number of days for which an employee may draw sick leave from
21 the sick leave pool.
- 22 (g) A participating employee who uses sick leave from
23 the pool is not required to recontribute such sick leave to
24 the pool, except as otherwise provided in this section.
- 25 (h) A participating employee who chooses to no longer
26 participate in the sick leave pool is not eligible to withdraw
27 any sick leave already contributed to the pool.
- 28 (i) Alleged abuse of the use of the sick leave pool
29 shall be investigated and, on a finding of wrongdoing, the
30 employee shall repay all of the sick leave credits drawn from
31 the sick leave pool and be subject to such other disciplinary

1 action as determined by the district school board to be
2 appropriate. Rules adopted for the administration of this
3 program shall provide for the investigation of the use of sick
4 leave utilized by the participating employee in the sick leave
5 pool.

6 Section 740. Section 1012.62, Florida Statutes, is
7 created to read:

8 1012.62 Transfer of sick leave and annual leave.--In
9 implementing the provisions of ss. 1001.42(4)(n) and
10 402.22(1)(d), educational personnel in Department of Children
11 and Family Services residential care facilities who are
12 employed by a district school board may request, and the
13 district school board shall accept, a lump-sum transfer of
14 accumulated sick leave for such personnel to the maximum
15 allowed by policies of the district school board,
16 notwithstanding the provisions of s. 110.122. Educational
17 personnel in Department of Children and Family Services
18 residential care facilities who are employed by a district
19 school board under the provisions of s. 402.22(1)(d) may
20 request, and the district school board shall accept, a
21 lump-sum transfer of accumulated annual leave for each person
22 employed by the district school board in a position in the
23 district eligible to accrue vacation leave under policies of
24 the district school board.

25 Section 741. Section 1012.63, Florida Statutes, is
26 created to read:

27 1012.63 Illness-in-line-of-duty leave.--Any district
28 school board employee shall be entitled to
29 illness-in-line-of-duty leave when he or she has to be absent
30 from his or her duties because of a personal injury received
31 in the discharge of duty or because of illness from any

1 contagious or infectious disease contracted in school work.

2 The following requirements shall be observed:

3 (1) DURATION OF LEAVE AND COMPENSATION.--Leave of the
4 district school board employee shall be authorized for a total
5 of not to exceed 10 school days during any school year for
6 illness contracted, or injury incurred, from the causes
7 prescribed above. However, in the case of sickness or injury
8 occurring under such circumstances as in the opinion of the
9 district school board warrant it, additional emergency sick
10 leave may be granted out of local funds for such term and
11 under such conditions as the district school board deems
12 proper. The district school board may carry insurance to
13 safeguard the district school board against excessive payments
14 during any year.

15 (2) CLAIMS.--Any district school board employee who
16 has any claim for compensation while absent because of illness
17 contracted or injury incurred as prescribed herein shall file
18 a claim in the manner prescribed in s. 1012.61(2)(b) within 5
19 working days following the employee's return from such
20 absence. The school board of the district in which such person
21 is employed shall approve the claims and authorize the payment
22 thereof if the district school board is satisfied that the
23 claim correctly states the facts and that the claim is
24 entitled to payment in accordance with the provisions of this
25 section.

26 Section 742. Section 1012.64, Florida Statutes, is
27 created to read:

28 1012.64 Sabbatical leave.--

29 (1) Any member of the instructional staff of any
30 school district may be granted sabbatical leave for a period
31 not to exceed 1 year. A person who receives such leave may be

1 paid one-half of his or her ordinary salary during the period
2 of such leave, or in accordance with negotiated agreement or
3 district school board policy, and shall receive full benefits
4 during such period. A person compensated under this section
5 may not be compensated for other employment during the period
6 of sabbatical leave so that he or she would receive combined
7 compensation in excess of his or her ordinary salary.

8 (2) Funds, not to exceed 25 percent, of the district's
9 allocation for inservice training under s. 1011.62(3) or other
10 district funds may be expended in order to fulfill the
11 provisions of this section, provided that the district
12 allocates \$5 of district funds for each \$1 of state inservice
13 training funds expended under this subsection.

14 (3) Each district school board shall adopt rules to
15 implement this section.

16 Section 743. Section 1012.65, Florida Statutes, is
17 created to read:

18 1012.65 Terminal pay for accrued vacation leave.--A
19 district school board may establish policies to provide for a
20 lump-sum payment for accrued vacation leave to an employee of
21 the district school board upon termination of employment or
22 upon retirement, or to the employee's beneficiary if service
23 is terminated by death. Effective July 1, 2001, terminal pay
24 for accrued vacation leave may not exceed a maximum of 60 days
25 of actual payment. This limit does not impair any contractual
26 agreement established before July 1, 2001. For unused vacation
27 leave accumulated before July 1, 2001, terminal payment shall
28 be made pursuant to the district school board's policies,
29 contracts, or rules that are in effect on June 30, 2001.

30 Section 744. Section 1012.66, Florida Statutes, is
31 created to read:

1 1012.66 Provisions for leaves of absence.--All leaves
2 of absence for all district school board employees, except
3 those leaves prescribed by law, shall be granted with or
4 without compensation pursuant to rules adopted by the district
5 school board. Such leaves authorized by the district school
6 board shall include, but are not limited to, professional
7 leave and extended professional leave, personal leave,
8 military leave granted in compliance with chapter 115, and
9 maternity leave.

10 Section 745. Section 1012.67, Florida Statutes, is
11 created to read:

12 1012.67 Absence without leave.--Any district school
13 board employee who is willfully absent from duty without leave
14 shall forfeit compensation for the time of such absence, and
15 his or her employment shall be subject to termination by the
16 district school board.

17 Section 746. Section 1012.68, Florida Statutes, is
18 created to read:

19 1012.68 Records of absences.--The administrator of
20 each designated organizational unit shall see that both the
21 days present and the days absent for each employee are
22 reported to the district school superintendent at least once
23 each month in the manner prescribed for that purpose. This
24 report shall include the exact dates of, and the reasons for,
25 each absence. Each district school superintendent shall
26 establish procedures to ensure maintenance of the complete
27 records of all such absences.

28 Section 747. Section 1012.685, Florida Statutes, is
29 created to read:

30 1012.685 Retirement; annuities authorized.--

31

1 (1) District school boards may purchase annuities for
2 all school personnel with 25 or more years of creditable
3 service who have reached age 50 and have applied for
4 retirement under the Florida Retirement System or who have
5 reached age 55 and have applied for retirement under plan E of
6 the Teachers' Retirement System. No such annuity shall provide
7 for more than the total difference in retirement income
8 between the retirement benefit based on average monthly
9 compensation and creditable service as of the member's early
10 retirement date and the early retirement benefit.

11 (2) District school boards may purchase annuities for
12 members of the Florida Retirement System who have out-of-state
13 teaching service in another state or country which is
14 documented as valid by the appropriate district school board.
15 Such annuities may be based on no more than 5 years of
16 out-of-state teaching service and may equal, but not exceed,
17 the benefits that would be payable under the Florida
18 Retirement System if credit for out-of-state teaching was
19 authorized under that system.

20 (3) District school boards may invest funds, purchase
21 annuities, or provide local supplemental retirement programs
22 for purposes of providing annuities for school personnel.

23 (4) All retirement annuities shall comply with s. 14,
24 Art. X of the State Constitution.

25 Section 748. Section 1012.69, Florida Statutes, is
26 created to read:

27 1012.69 Provisions relating to Workers' Compensation
28 Law.--Nothing contained in this chapter shall supersede any of
29 the provisions of the Workers' Compensation Law; provided,
30 however, that where amounts payable under the provisions of
31 the education code, for injuries, accidents, or other

1 disabilities which would entitle an employee to compensation
2 under the provisions of the Workers' Compensation Law exceed
3 the amounts payable under the compensation law, payments shall
4 be made, as provided in the education code, for the difference
5 between the amount paid under the Workers' Compensation Law
6 and the amount due under the provisions of the education code.

7 Section 749. Section 1012.695, Florida Statutes, is
8 created to read:

9 1012.695 Local civil service system laws not
10 superseded.--Sections 1012.66, 1012.61, and 1012.63 shall not
11 be construed to supersede or modify any local law establishing
12 a civil service system covering employees of any school
13 district.

14 Section 750. Part III.f. of chapter 1012, Florida
15 Statutes, shall be entitled "Educator Benefits; Liability
16 Protection; Awards in Public Schools" and shall consist of ss.
17 1012.71-1012.77.

18 Section 751. Section 1012.71, Florida Statutes, is
19 created to read:

20 1012.71 The Florida Teachers Lead Program Stipend.--

21 (1) Funding for the Florida Teachers Lead Program
22 Stipend shall be as determined by the Legislature in the
23 General Appropriations Act. Funds appropriated for the Florida
24 Teachers Lead Program Stipend are provided to purchase
25 classroom materials and supplies used in the instruction of
26 students in kindergarten through grade 12 of the public school
27 system. From the funds appropriated, the Commissioner of
28 Education shall calculate an amount for each school district
29 by prorating the total of each school district's share of the
30 total K-12 unweighted FTE student enrollment.

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1 (2) From the funds allocated to each district, the
2 district school board shall calculate an identical amount for
3 each classroom teacher which is his or her proportionate share
4 of the amount allocated to the district for the total number
5 of teachers in the district. The district school board shall
6 provide the funds no later than September 30 of each year
7 directly to each teacher as a stipend to purchase, on behalf
8 of the school district, classroom materials and supplies to be
9 used in the instruction of students assigned to the teacher.
10 Each teacher shall have sole discretion regarding which
11 classroom materials and supplies best meet the needs of the
12 students, when they are needed, and where they are acquired.
13 The funds expended by individual teachers shall not be subject
14 to state or local competitive bidding requirements.
15 Disbursement of Florida Teachers Lead Program Stipend funds
16 directly to each teacher shall complete the school district's
17 expenditure of these funds.

18 (3) Each teacher shall sign a statement acknowledging
19 receipt of the funds, agreeing to keep receipts to show the
20 expenditure of the funds used to purchase classroom materials
21 and supplies for use in the instruction of the students
22 assigned to them, and agreeing to return any unused funds by
23 the end of the regular school year. The statement to be signed
24 and dated by each teacher for receipt of the Florida Teachers
25 Lead Program Stipend shall include the wording: "I, ...(Name
26 of teacher)..., am employed by the County District School
27 Board as a full-time classroom teacher. I acknowledge that
28 Florida Teachers Lead Program Stipend funds are appropriated
29 by the Legislature for the sole purpose of purchasing
30 classroom materials and supplies to be used in the instruction
31 of students assigned to me. In accepting custody of these

1 funds, I agree to keep receipts for all expenditures. I
2 understand that if I do not keep receipts showing these funds
3 were spent to purchase classroom materials and supplies for
4 use with my students, it will be my personal responsibility to
5 pay any federal taxes due on these funds. I also agree to
6 return any unused funds to the district school board at the
7 end of the regular school year for deposit into the School
8 Advisory Council account of the school at which I was employed
9 at the time of the receipt of the funds."

10 (4) Florida Teachers Lead Program Stipend funds shall
11 be provided to each teacher in addition to any other funds
12 appropriated for public school operations.

13 (5) Any unused funds which are returned to the
14 district school board shall be deposited into the School
15 Advisory Council account of the school at which the teacher
16 returning the funds was employed at the time of the receipt of
17 the funds.

18 (6) For purposes of this section, the term "classroom
19 teacher" includes certified teachers employed on or before
20 September 1 of each year whose full-time job responsibility is
21 the classroom instruction of students in kindergarten through
22 grade 12, and full-time media specialists and guidance
23 counselors who serve students in kindergarten through grade
24 12. Only school district personnel employed in these positions
25 are eligible for the classroom materials and supply stipend
26 from funds appropriated to implement the provisions of this
27 section.

28 Section 752. Section 1012.72, Florida Statutes, is
29 created to read:

30 1012.72 Excellent Teaching Program.--
31

1 (1) The Legislature recognizes that teachers play a
2 critical role in preparing students to achieve the high levels
3 of academic performance expected by the Sunshine State
4 Standards. The Legislature further recognizes the importance
5 of identifying and rewarding teaching excellence and of
6 encouraging good teachers to become excellent teachers. The
7 Legislature finds that the National Board of Professional
8 Teaching Standards (NBPTS) has established high and rigorous
9 standards for accomplished teaching and has developed a
10 national voluntary system for assessing and certifying
11 teachers who demonstrate teaching excellence by meeting those
12 standards. It is therefore the Legislature's intent to provide
13 incentives for teachers to seek NBPTS certification and to
14 reward teachers who demonstrate teaching excellence by
15 attaining NBPTS certification and sharing their expertise with
16 other teachers.

17 (2) The Excellent Teaching Program is created to
18 provide monetary incentives and bonuses for teaching
19 excellence. The Department of Education shall distribute to
20 each school district or to the NBPTS an amount as prescribed
21 annually by the Legislature for the Excellent Teaching
22 Program. For purposes of this section, the Florida School for
23 the Deaf and the Blind shall be considered a school district.
24 Unless otherwise provided in the General Appropriations Act,
25 each distribution shall be the sum of the amounts earned for
26 the following incentives and bonuses:

27 (a) A fee subsidy to be paid by the Department of
28 Education to the NBPTS on behalf of each individual who is an
29 employee of a district school board or a public school within
30 the school district, who is certified by the district to have
31 demonstrated satisfactory teaching performance pursuant to s.

1 1012.34 and who satisfies the prerequisites for participating
2 in the NBPTS certification program, and who agrees, in
3 writing, to pay 10 percent of the NBPTS participation fee and
4 to participate in the NBPTS certification program during the
5 school year for which the fee subsidy is provided. The fee
6 subsidy for each eligible participant shall be an amount equal
7 to 90 percent of the fee charged for participating in the
8 NBPTS certification program. The fee subsidy is a one-time
9 award and may not be duplicated for any individual.

10 (b) A portfolio-preparation incentive of \$150 paid by
11 the Department of Education to each teacher employed by a
12 district school board or a public school within a school
13 district who is participating in the NBPTS certification
14 program. The portfolio-preparation incentive is a one-time
15 award paid during the school year for which the NBPTS fee
16 subsidy is provided.

17 (c) An annual bonus equal to 10 percent of the prior
18 fiscal year's statewide average salary for classroom teachers
19 to be distributed to the school district to be paid to each
20 individual who holds NBPTS certification and is employed by
21 the district school board or by a public school within the
22 school district. The district school board shall distribute
23 the annual bonus to each individual who meets the requirements
24 of this paragraph and who is certified annually by the
25 district to have demonstrated satisfactory teaching
26 performance pursuant to s. 1012.34. The annual bonus may be
27 paid as a single payment or divided into not more than three
28 payments.

29 (d) An annual bonus equal to 10 percent of the prior
30 fiscal year's statewide average salary for classroom teachers
31 to be distributed to the school district to be paid to each

1 individual who meets the requirements of paragraph (c) and
2 agrees, in writing, to provide the equivalent of 12 workdays
3 of mentoring and related services to public school teachers
4 within the state who do not hold NBPTS certification. The
5 district school board shall distribute the annual bonus in a
6 single payment following the completion of all required
7 mentoring and related services for the year. It is not the
8 intent of the Legislature to remove excellent teachers from
9 their assigned classrooms; therefore, credit may not be
10 granted by a school district or public school for mentoring or
11 related services provided during student contact time during
12 the 196 days of required service for the school year.

13
14 A teacher for whom the state pays the certification fee and
15 who does not complete the certification program or does not
16 teach in a public school of this state for at least 1 year
17 after completing the certification program must repay the
18 amount of the certification fee to the state. However, a
19 teacher who completes the certification program but fails to
20 be awarded NBPTS certification is not required to repay the
21 amount of the certification fee if the teacher meets the
22 1-year teaching requirement. Repayment is not required of a
23 teacher who does not complete the certification program or
24 fails to fulfill the teaching requirement because of the
25 teacher's death or disability or because of other extenuating
26 circumstances as determined by the State Board of Education.

27 (3)(a) In addition to any other remedy available under
28 the law, any person who is a recipient of a certification fee
29 subsidy paid to the NBPTS and who is an employee of the state
30 or any of its political subdivisions is considered to have
31 consented, as a condition of employment, to the voluntary or

1 involuntary withholding of wages to repay to the state the
2 amount of such a certification fee subsidy awarded under this
3 section. Any such employee who defaults on the repayment of
4 such a certification fee subsidy must, within 60 days after
5 service of a notice of default by the Department of Education
6 to the employee, establish a repayment schedule which must be
7 agreed to by the department and the employee, for repaying the
8 defaulted sum through payroll deductions. The department may
9 not require the employee to pay more than 10 percent of the
10 employee's pay per pay period under such a repayment schedule
11 or plan. If the employee fails to establish a repayment
12 schedule within the specified period of time or fails to meet
13 the terms and conditions of the agreed upon or approved
14 repayment schedule as authorized by this subsection, the
15 employee has breached an essential condition of employment and
16 is considered to have consented to the involuntary withholding
17 of wages or salary for the repayment of the certification fee
18 subsidy.

19 (b) A person who is employed by the state, or any of
20 its political subdivisions, may not be dismissed for having
21 defaulted on the repayment of the certification fee subsidy to
22 the state.

23 (4) The State Board of Education may adopt rules
24 pursuant to ss. 120.536 and 120.54 as necessary to implement
25 the provisions for payment of the fee subsidies, incentives,
26 and bonuses and for the repayment of defaulted certification
27 fee subsidies under this section.

28 (5) The Excellent Teaching Program Trust Fund shall be
29 administered by the Department of Education pursuant to s.
30 1010.72.

31

1 Section 753. Section 1012.73, Florida Statutes, is
2 created to read:

3 1012.73 Florida Mentor Teacher School Pilot Program.--

4 (1) The Legislature recognizes that high-quality
5 teachers are essential to assuring excellence and increasing
6 the achievement levels of all students. The purpose of this
7 section is to provide a model to reform and improve the
8 current structure of the teaching profession. There is created
9 a Florida Mentor Teacher School Pilot Program to attract,
10 retain, and motivate high-quality teachers. The commissioner
11 shall select a combination of elementary, middle, and high
12 schools representing small, medium, and large districts. Each
13 approved school shall receive an equivalent grant based upon
14 the number of schools selected by the commissioner and the
15 amount of the legislative appropriation. Each mentor teacher
16 school program shall be approved based on criteria specified
17 by the commissioner.

18 (2) The goals of the Florida Mentor Teacher School
19 Pilot Program are to:

20 (a) Provide teachers with multiple career paths,
21 beginning as education paraprofessionals and rising to
22 associate teachers, teachers, lead teachers, and mentor
23 teachers. The five levels must have highly differentiated
24 duties. The mentor teacher shall have a reduced teaching
25 schedule that permits weekly instruction to all students under
26 the mentor teacher's supervision while also allowing for
27 demonstration lessons, coaching, facilitating curriculum
28 development, and providing staff development for other
29 teachers at the school.

30 (b) Establish broad salary ranges to provide
31 flexibility and to reward performance and to negotiate

1 salaries to attract teachers to hard-to-staff schools and
2 subjects. Advancement shall be determined by academic
3 achievement, examination, demonstration, and student learning
4 gains data. Each mentor teacher shall be eligible for a total
5 annual salary incentive of up to twice the average district
6 classroom teacher's salary. Fifty percent of the mentor
7 teacher salary incentive shall be based on increased student
8 achievement of students assigned to the supervision of the
9 mentor teacher.

10 (c) Provide ongoing professional development for
11 teachers to learn and grow professionally that includes a
12 daily block of time for associate teachers, teachers, and lead
13 teachers to reflect and plan and to interact with the mentor
14 teacher.

15 (d) Provide all eligible teachers with the opportunity
16 for national certification.

17 (e) Provide for a specified organizational pattern,
18 such as clusters or teams of teachers for grade levels or
19 subject areas comprised of associate teachers, teachers, and
20 lead teachers who are supported by education paraprofessional
21 learning guides and directed by a mentor teacher.

22 (3) The five teacher career development positions and
23 minimum requirements are:

24 (a) Education paraprofessional learning guide.--An
25 education paraprofessional learning guide must hold an
26 associate degree from a postsecondary educational institution
27 and must demonstrate appropriate writing, speaking, and
28 computation skills.

29 (b) Associate teacher.--An associate teacher must hold
30 a bachelor's degree from a postsecondary educational
31

1 institution and a valid Florida teaching certificate as
2 provided by s. 1012.56.

3 (c) Teacher.--A teacher must hold a bachelor's degree
4 or higher from a postsecondary educational institution and a
5 valid Florida teaching certificate, have a minimum of 3 years'
6 full-time teaching experience, document satisfactory teaching
7 performance, and document evidence of positive student
8 learning gains, when data become available.

9 (d) Lead teacher.--A lead teacher must hold a
10 bachelor's degree or higher from a postsecondary educational
11 institution and a valid Florida professional teaching
12 certificate, have a minimum of 3 years' full-time teaching
13 experience, document exemplary teaching performance, and
14 document evidence of significant positive student learning
15 gains, when data become available. A lead teacher shall
16 provide intensive support for associate teachers and teachers.

17 (e) Mentor teacher.--A mentor teacher must:

18 1. Hold a bachelor's degree or higher from a
19 postsecondary educational institution and a valid Florida
20 professional teaching certificate.

21 2. Have a minimum of 5 years' full-time teaching
22 experience.

23 3. Document exemplary teaching performance.

24 4. Document evidence of significant positive student
25 learning gains, when data become available.

26 5. Hold a valid National Board for Professional
27 Teaching Standards certificate; have been selected as a
28 school, district, or state teacher of the year; or hold an
29 equivalent status as determined by the commissioner.

30 6. Demonstrate expertise as a staff developer.

31

1 (4) The State Board of Education may adopt rules,
2 pursuant to ss. 120.536(1) and 120.54, for the implementation
3 of this section and approval of the mentor teacher school
4 program.

5 (5) This section shall be implemented to the extent
6 specifically funded in the General Appropriations Act.

7 Section 754. Section 1012.74, Florida Statutes, is
8 created to read:

9 1012.74 Florida educators professional liability
10 insurance protection.--

11 (1) The Legislature intends that all the teachers in
12 this state be protected from liability for monetary damages
13 and the cost of defense of actions resulting from claims made
14 against them arising out of occurrences in the course of
15 activities in their professional capacity.

16 (2)(a) Educator professional liability coverage for
17 all instructional personnel, as defined by s. 1012.01(2), who
18 are full-time personnel, as defined by the district school
19 board policy, shall be provided by specific appropriations
20 under the General Appropriations Act.

21 (b) Educator professional liability coverage shall be
22 extended at cost to all instructional personnel, as defined by
23 s. 1012.01(3), who are part-time personnel, as defined by the
24 district school board policy, and choose to participate in the
25 state-provided program.

26 (c) Educator professional liability coverage shall be
27 extended at cost to all administrative personnel, as defined
28 by s. 1012.01(2), who choose to participate in the
29 state-provided program.

30 (3) The Department of Education shall administer the
31 educator liability program. The insurance carrier providing

1 any portion of educator professional liability coverage under
2 the program which is procured with state funds must be
3 selected by a competitive process. The amount of the
4 appropriation for purchase of liability insurance remaining
5 after liability insurance is provided shall revert to general
6 revenue unallocated.

7 Section 755. Section 1012.75, Florida Statutes, is
8 created to read:

9 1012.75 Liability of teacher or principal; excessive
10 force.--

11 (1) Except in the case of excessive force or cruel and
12 unusual punishment, a teacher or other member of the
13 instructional staff, a principal or the principal's designated
14 representative, or a bus driver shall not be civilly or
15 criminally liable for any action carried out in conformity
16 with State Board of Education and district school board rules
17 regarding the control, discipline, suspension, and expulsion
18 of students, including, but not limited to, any exercise of
19 authority under s. 1003.32 or s. 1006.09.

20 (2) The State Board of Education shall adopt rules
21 that outline administrative standards for the use of
22 reasonable force by school personnel to maintain a safe and
23 orderly learning environment. Such standards shall be
24 distributed to each school in the state and shall provide
25 guidance to school personnel in receiving the limitations on
26 liability specified in this section.

27 Section 756. Section 1012.77, Florida Statutes, is
28 created to read:

29 1012.77 Christa McAuliffe Ambassador for Education
30 Program.--

31

1 (1) The Legislature recognizes that Florida continues
2 to face teacher shortages and that fewer young people consider
3 teaching as a career. It is the intent of the Legislature to
4 promote the positive and rewarding aspects of being a teacher,
5 to encourage more individuals to become teachers, and to
6 provide annual sabbatical support for outstanding Florida
7 teachers to serve as goodwill ambassadors for education. The
8 Legislature further wishes to honor the memory of Christa
9 McAuliffe, who epitomized the challenge and inspiration that
10 teaching can be.

11 (2) The Christa McAuliffe Ambassador for Education
12 Program is established to provide salary, travel, and other
13 related expenses annually for an outstanding Florida teacher
14 to promote the positive aspects of teaching as a career. The
15 goals of the program are to:

16 (a) Enhance the stature of teachers and the teaching
17 profession.

18 (b) Promote the importance of quality education and
19 teaching for our future.

20 (c) Inspire and attract talented people to become
21 teachers.

22 (d) Provide information regarding Florida's
23 scholarship and loan programs related to teaching.

24 (e) Promote the teaching profession within community
25 and business groups.

26 (f) Provide information to retired military personnel
27 and other individuals who might consider teaching as a second
28 career.

29 (g) Work with and represent the Department of
30 Education, as needed.

31

1 (h) Work with and encourage the efforts of school and
2 district teachers of the year.

3 (i) Support the activities of the Florida Future
4 Educator of America Program.

5 (j) Represent Florida teachers at business, trade,
6 education, and other conferences and meetings.

7 (k) Promote the teaching profession in other ways
8 related to the teaching responsibilities, background
9 experiences, and aspirations of the Ambassador for Education.

10 (3) The Teacher of the Year shall serve as the
11 Ambassador for Education. If the Teacher of the Year is
12 unable to serve as the Ambassador for Education, the first
13 runner-up shall serve in his or her place. The Department of
14 Education shall establish application and selection procedures
15 for determining an annual teacher of the year. Applications
16 and selection criteria shall be developed and distributed
17 annually by the Department of Education to all school
18 districts. The Commissioner of Education shall establish a
19 selection committee which assures representation from teacher
20 organizations, administrators, and parents to select the
21 Teacher of the Year and Ambassador for Education from among
22 the district teachers of the year.

23 (4)(a) The Commissioner of Education shall pay an
24 annual salary, fringe benefits, travel costs, and other costs
25 associated with administering the program.

26 (b) The Ambassador for Education shall serve for 1
27 year, from July 1 to June 30, and shall be assured of
28 returning to his or her teaching position upon completion of
29 the program. The ambassador will not have a break in
30 creditable or continuous service or employment for the period
31 of time in which he or she participates in the program.

1 Section 757. Part III.g. of chapter 1012, Florida
2 Statutes, shall be entitled "Personnel Discipline and
3 Assistance in Public Schools" and shall consist of ss.
4 1012.79-1012.798.

5 Section 758. Section 1012.79, Florida Statutes, is
6 created to read:

7 1012.79 Education Practices Commission;
8 organization.--

9 (1) The Education Practices Commission consists of 17
10 members, including 7 teachers, 5 administrators, and 5 lay
11 citizens (of whom 2 shall be former district school board
12 members), appointed by the State Board of Education from
13 nominations by the Commissioner of Education and subject to
14 Senate confirmation. Prior to making nominations, the
15 commissioner shall consult with the teaching and other
16 involved associations in the state. In making nominations, the
17 commissioner shall attempt to achieve equal geographical
18 representation, as closely as possible.

19 (a) A teacher member, in order to be qualified for
20 appointment:

- 21 1. Must be certified to teach in the state.
- 22 2. Must be a resident of the state.
- 23 3. Must have practiced the profession in this state
24 for at least 5 years immediately preceding the appointment.

25 (b) A school administrator member, in order to be
26 qualified for appointment:

- 27 1. Must have an endorsement on the educator
28 certificate in the area of school administration or
29 supervision.
- 30 2. Must be a resident of the state.

31

1 3. Must have practiced the profession as an
2 administrator for at least 5 years immediately preceding the
3 appointment.
4 (c) The lay members must be residents of the state.
5 (2) Members of the commission shall serve for 4-year
6 staggered terms. No commission member may serve more than 8
7 years.
8 (3) The State Board of Education may remove any member
9 from the commission for misconduct or malfeasance in office,
10 incapacity, or neglect of duty.
11 (4) From among its members, the commission shall elect
12 a chair who shall preside over meetings of the commission and
13 perform other duties directed by the commission or required by
14 its duly adopted rules or operating procedures. School
15 districts shall be reimbursed for substitute teachers required
16 to replace commission members, when they are carrying out
17 their official duties, at a rate established by the school
18 district for substitute teachers. The department may
19 reimburse local school districts for substitutes.
20 (5) The commission, by a vote of three-fourths of the
21 membership, shall employ an executive director, who shall be
22 exempt from career service. The executive director may be
23 dismissed by a majority vote of the membership.
24 (6)(a) The commission shall be assigned to the
25 Department of Education for administrative purposes. The
26 commission, in the performance of its powers and duties, shall
27 not be subject to control, supervision, or direction by the
28 Department of Education.
29 (b) The property, personnel, and appropriations
30 related to the specified authority, powers, duties, and
31

1 responsibilities of the commission shall be provided to the
2 commission by the Department of Education.
3 (7) The duties and responsibilities of the commission
4 are to:
5 (a) Interpret and apply the standards of professional
6 practice established by the State Board of Education.
7 (b) Revoke or suspend a certificate or take other
8 appropriate action as provided in ss. 1012.56 and 1012.796.
9 (c) Report to and meet with the State Board of
10 Education at least once each year.
11 (d) Adopt rules pursuant to ss. 120.536(1) and 120.54
12 to implement provisions of law conferring duties upon it.
13 (8)(a) The commission shall, from time to time,
14 designate members of the commission to serve on panels for the
15 purpose of reviewing and issuing final orders upon cases
16 presented to the commission. A case concerning a complaint
17 against a teacher shall be reviewed and a final order thereon
18 shall be entered by a panel composed of seven commission
19 members, four of whom shall be teachers. A case concerning a
20 complaint against an administrator shall be reviewed and a
21 final order thereon shall be entered by a panel composed of
22 seven commission members, four of whom shall be
23 administrators.
24 (b) A majority of a quorum of a panel of the
25 commission shall have final agency authority in all cases
26 involving the revocation, suspension, or other disciplining of
27 certificates of teachers and school administrators. A majority
28 of the membership of the panel shall constitute a quorum. The
29 district school board shall retain the authority to discipline
30 teachers and administrators pursuant to law.
31

1 (9) The commission shall make such expenditures as may
2 be necessary in exercising its authority and powers and
3 carrying out its duties and responsibilities, including
4 expenditures for personal services, general counsel or access
5 to counsel, and rent at the seat of government and elsewhere;
6 for books of reference, periodicals, furniture, equipment, and
7 supplies; and for printing and binding. The expenditures of
8 the commission shall be subject to the powers and duties of
9 the Department of Banking and Finance as provided in s. 17.03.

10 (10) The commission shall be financed from the
11 following: certification fees; fines, penalties, and costs
12 collected pursuant to s. 1012.796(9); and general revenue.

13 Section 759. Section 1012.795, Florida Statutes, is
14 created to read:

15 1012.795 Education Practices Commission; authority to
16 discipline.--

17 (1) The Education Practices Commission may suspend the
18 educator certificate of any person as defined in s. 1012.01(2)
19 or (3) for a period of time not to exceed 3 years, thereby
20 denying that person the right to teach for that period of
21 time, after which the holder may return to teaching as
22 provided in subsection (4); may revoke the educator
23 certificate of any person, thereby denying that person the
24 right to teach for a period of time not to exceed 10 years,
25 with reinstatement subject to the provisions of subsection
26 (4); may revoke permanently the educator certificate of any
27 person; may suspend the educator certificate, upon order of
28 the court, of any person found to have a delinquent child
29 support obligation; or may impose any other penalty provided
30 by law, provided it can be shown that the person:

31

- 1 (a) Obtained the educator certificate by fraudulent
2 means.
- 3 (b) Has proved to be incompetent to teach or to
4 perform duties as an employee of the public school system or
5 to teach in or to operate a private school.
- 6 (c) Has been guilty of gross immorality or an act
7 involving moral turpitude.
- 8 (d) Has had an educator certificate revoked in another
9 state.
- 10 (e) Has been convicted of a misdemeanor, felony, or
11 any other criminal charge, other than a minor traffic
12 violation.
- 13 (f) Upon investigation, has been found guilty of
14 personal conduct which seriously reduces that person's
15 effectiveness as an employee of the district school board.
- 16 (g) Has breached a contract, as provided in s.
17 1012.33(2).
- 18 (h) Has been the subject of a court order directing
19 the Education Practices Commission to suspend the certificate
20 as a result of a delinquent child support obligation.
- 21 (i) Has violated the Principles of Professional
22 Conduct for the Education Profession prescribed by State Board
23 of Education rules.
- 24 (j) Has otherwise violated the provisions of law, the
25 penalty for which is the revocation of the educator
26 certificate.
- 27 (k) Has violated any order of the Education Practices
28 Commission.
- 29 (2) The plea of guilty in any court, the decision of
30 guilty by any court, the forfeiture by the teaching
31 certificateholder of a bond in any court of law, or the

1 written acknowledgment, duly witnessed, of offenses listed in
2 subsection (1) to the district school superintendent or a duly
3 appointed representative or to the district school board shall
4 be prima facie proof of grounds for revocation of the
5 certificate as listed in subsection (1) in the absence of
6 proof by the certificateholder that the plea of guilty,
7 forfeiture of bond, or admission of guilt was caused by
8 threats, coercion, or fraudulent means.

9 (3) The revocation by the Education Practices
10 Commission of an educator certificate of any person
11 automatically revokes any and all Florida educator
12 certificates held by that person.

13 (4)(a) An educator certificate which has been
14 suspended under this section is automatically reinstated at
15 the end of the suspension period, provided the certificate did
16 not expire during the period of suspension. If the
17 certificate expired during the period of suspension, the
18 holder of the former certificate may secure a new certificate
19 by making application therefor and by meeting the
20 certification requirements of the state board current at the
21 time of the application for the new certificate. An educator
22 certificate suspended pursuant to a court order for a
23 delinquent child support obligation may only be reinstated
24 upon notice from the court that the party has complied with
25 the terms of the court order.

26 (b) A person whose educator certificate has been
27 revoked under this section may apply for a new certificate at
28 the expiration of that period of ineligibility fixed by the
29 Education Practices Commission by making application therefor
30 and by meeting the certification requirements of the state

31

1 board current at the time of the application for the new
2 certificate.

3 (5) Each district school superintendent and the
4 governing authority of each university lab school,
5 state-supported school, or private school shall report to the
6 department the name of any person certified pursuant to this
7 chapter or employed and qualified pursuant to s. 1012.39:

8 (a) Who has been convicted of, or who has pled nolo
9 contendere to, a misdemeanor, felony, or any other criminal
10 charge, other than a minor traffic infraction;

11 (b) Who that official has reason to believe has
12 committed or is found to have committed any act which would be
13 a ground for revocation or suspension under subsection (1); or

14 (c) Who has been dismissed or severed from employment
15 because of conduct involving any immoral, unnatural, or
16 lascivious act.

17 (6)(a) When an individual violates the provisions of a
18 settlement agreement enforced by a final order of the
19 Education Practices Commission, an order to show cause may be
20 issued by the clerk of the commission. The order shall require
21 the individual to appear before the commission to show cause
22 why further penalties should not be levied against the
23 individual's certificate pursuant to the authority provided to
24 the Education Practices Commission in subsection (1). The
25 Education Practices Commission may fashion further penalties
26 under the authority of subsection (1) as deemed appropriate
27 when the show cause order is responded to by the individual.

28 (b) The Education Practices Commission shall issue a
29 final order revoking an individual's Florida educator's
30 certificate for a minimum of 1 year under the following
31 circumstances:

- 1 1. If the individual:
2 a. Has been found to have violated the provisions of
3 this section, such that the Education Practices Commission has
4 the authority to discipline the individual's Florida
5 educator's certificate on two separate occasions;
6 b. Has twice entered into a settlement agreement
7 enforced by a final order of the Education Practices
8 Commission; or
9 c. Has been found to have violated the provisions of
10 this section, such that the Education Practices Commission has
11 the authority to discipline the individual's Florida
12 educator's certificate on one occasion and entered into a
13 settlement agreement enforced by a final order of the
14 Education Practices Commission on one occasion; and
15 2. A third finding of probable cause and a finding
16 that the allegations are proven or admitted to is subsequently
17 found by the Commissioner of Education.

18
19 If, in the third instance, the individual enters into a
20 settlement agreement with the Department of Education, that
21 agreement shall also include a penalty revoking that
22 individual's Florida educator's certificate for a minimum of 1
23 year.

24 Section 760. Section 1012.796, Florida Statutes, is
25 created to read:

26 1012.796 Complaints against teachers and
27 administrators; procedure; penalties.--

28 (1)(a) The Department of Education shall cause to be
29 investigated expeditiously any complaint filed before it or
30 otherwise called to its attention which, if legally
31 sufficient, contains grounds for the revocation or suspension

1 of a certificate or any other appropriate penalty as set forth
2 in subsection (7). The complaint is legally sufficient if it
3 contains the ultimate facts which show a violation has
4 occurred as provided in s. 1012.795. The department may
5 investigate or continue to investigate and take appropriate
6 action in a complaint even though the original complainant
7 withdraws the complaint or otherwise indicates a desire not to
8 cause it to be investigated or prosecuted to completion. The
9 department may investigate or continue to investigate and take
10 action on a complaint filed against a person whose educator
11 certificate has expired if the act or acts which are the basis
12 for the complaint were allegedly committed while that person
13 possessed an educator certificate.

14 (b) When an investigation is undertaken, the
15 department shall notify the certificateholder and the district
16 school superintendent in the district in which the
17 certificateholder is employed and shall inform the
18 certificateholder of the substance of any complaint which has
19 been filed against that certificateholder, unless the
20 department determines that such notification would be
21 detrimental to the investigation, in which case the department
22 may withhold notification.

23 (c) Each school district shall file in writing with
24 the department all legally sufficient complaints within 30
25 days after the date on which subject matter of the complaint
26 comes to the attention of the school district. The school
27 district shall include all information relating to the
28 complaint which is known to the school district at the time of
29 filing. Each district school board shall develop policies and
30 procedures to comply with this reporting requirement. The
31 district school board policies and procedures shall include

1 appropriate penalties for all personnel of the district school
2 board for nonreporting and procedures for promptly informing
3 the district school superintendent of each legally sufficient
4 complaint. The district school superintendent is charged with
5 knowledge of these policies and procedures. If the district
6 school superintendent has knowledge of a legally sufficient
7 complaint and does not report the complaint, or fails to
8 enforce the policies and procedures of the district school
9 board, and fails to comply with the requirements of this
10 subsection, in addition to other actions against
11 certificateholders authorized by law, the district school
12 superintendent shall be subject to penalties as specified in
13 s. 1001.51(13). This paragraph does not limit or restrict the
14 power and duty of the department to investigate complaints as
15 provided in paragraphs (a) and (b), regardless of the school
16 district's untimely filing, or failure to file, complaints and
17 followup reports.

18 (2) The Commissioner of Education shall develop job
19 specifications for investigative personnel employed by the
20 department. Such specifications shall be substantially
21 equivalent to or greater than those job specifications of
22 investigative personnel employed by the Department of Business
23 and Professional Regulation. The department may contract with
24 the Department of Business and Professional Regulation for
25 investigations. No person who is responsible for conducting an
26 investigation of a teacher or administrator may prosecute the
27 same case. The department general counsel or members of that
28 staff may conduct prosecutions under this section.

29 (3) The department staff shall advise the commissioner
30 concerning the findings of the investigation. The department
31 general counsel or members of that staff shall review the

1 investigation and advise the commissioner concerning probable
2 cause or lack thereof. The determination of probable cause
3 shall be made by the commissioner. The commissioner shall
4 provide an opportunity for a conference, if requested, prior
5 to determining probable cause. The commissioner may enter
6 into deferred prosecution agreements in lieu of finding
7 probable cause when in his or her judgment such agreements
8 would be in the best interests of the department, the
9 certificateholder, and the public. Such deferred prosecution
10 agreements shall become effective when filed with the clerk of
11 the Education Practices Commission. However, a deferred
12 prosecution agreement shall not be entered into where there is
13 probable cause to believe that a felony or an act of moral
14 turpitude has occurred. Upon finding no probable cause, the
15 commissioner shall dismiss the complaint.

16 (4) The complaint and all information obtained
17 pursuant to the investigation by the department shall be
18 confidential and exempt from the provisions of s. 119.07(1)
19 until the conclusion of the preliminary investigation of the
20 complaint, until such time as the preliminary investigation
21 ceases to be active, or until such time as otherwise provided
22 by s. 1012.798(6). However, the complaint and all material
23 assembled during the investigation may be inspected and copied
24 by the certificateholder under investigation, or the
25 certificateholder's designee, after the investigation is
26 concluded, but prior to the determination of probable cause by
27 the commissioner. If the preliminary investigation is
28 concluded with the finding that there is no probable cause to
29 proceed, the complaint and information shall be open
30 thereafter to inspection pursuant to s. 119.07(1). If the
31 preliminary investigation is concluded with the finding that

1 there is probable cause to proceed and a complaint is filed
2 pursuant to subsection (6), the complaint and information
3 shall be open thereafter to inspection pursuant to s.
4 119.07(1). If the preliminary investigation ceases to be
5 active, the complaint and all such material shall be open
6 thereafter to inspection pursuant to s. 119.07(1), except as
7 otherwise provided pursuant to s. 1012.798(6). For the purpose
8 of this subsection, a preliminary investigation shall be
9 considered active as long as it is continuing with a
10 reasonable, good faith anticipation that an administrative
11 finding will be made in the foreseeable future.

12 (5) When deemed necessary to protect the health,
13 safety, and welfare of a minor student, the district school
14 superintendent in consultation with the school principal may,
15 and upon the request of the Commissioner of Education shall,
16 temporarily suspend a certificateholder from the
17 certificateholder's regularly assigned duties, with pay, and
18 reassign the suspended certificateholder to a position that
19 does not require direct contact with students in the district
20 school system. Such suspension shall continue until the
21 completion of the proceedings and the determination of
22 sanctions, if any, pursuant to this section and s. 1012.795.

23 (6) Upon the finding of probable cause, the
24 commissioner shall file a formal complaint and prosecute the
25 complaint pursuant to the provisions of chapter 120. An
26 administrative law judge shall be assigned by the Division of
27 Administrative Hearings of the Department of Management
28 Services to hear the complaint if there are disputed issues of
29 material fact. The administrative law judge shall make
30 recommendations in accordance with the provisions of
31 subsection (7) to the appropriate Education Practices

1 Commission panel which shall conduct a formal review of such
2 recommendations and other pertinent information and issue a
3 final order. The commission shall consult with its legal
4 counsel prior to issuance of a final order.

5 (7) A panel of the commission shall enter a final
6 order either dismissing the complaint or imposing one or more
7 of the following penalties:

8 (a) Denial of an application for a teaching
9 certificate or for an administrative or supervisory
10 endorsement on a teaching certificate. The denial may provide
11 that the applicant may not reapply for certification, and that
12 the department may refuse to consider that applicant's
13 application, for a specified period of time or permanently.

14 (b) Revocation or suspension of a certificate.

15 (c) Imposition of an administrative fine not to exceed
16 \$2,000 for each count or separate offense.

17 (d) Placement of the teacher, administrator, or
18 supervisor on probation for a period of time and subject to
19 such conditions as the commission may specify, including
20 requiring the certified teacher, administrator, or supervisor
21 to complete additional appropriate college courses or work
22 with another certified educator, with the administrative costs
23 of monitoring the probation assessed to the educator placed on
24 probation.

25 (e) Restriction of the authorized scope of practice of
26 the teacher, administrator, or supervisor.

27 (f) Reprimand of the teacher, administrator, or
28 supervisor in writing, with a copy to be placed in the
29 certification file of such person.

30 (g) Imposition of an administrative sanction, upon a
31 person whose teaching certificate has expired, for an act or

1 acts committed while that person possessed a teaching
2 certificate or an expired certificate subject to late renewal,
3 which sanction bars that person from applying for a new
4 certificate for a period of 10 years or less, or permanently.

5 (8) Violations of the provisions of probation shall
6 result in an order to show cause issued by the clerk of the
7 Education Practices Commission. Upon failure of the
8 probationer, at the time and place stated in the order, to
9 show cause satisfactorily to the Education Practices
10 Commission why a penalty for violating probation should not be
11 imposed, the Education Practices Commission shall impose
12 whatever penalty is appropriate as established in s.
13 1012.795(6). Any probation period will be tolled when an order
14 to show cause has been issued until the issue is resolved by
15 the Education Practices Commission.

16 (9) All moneys collected by, or awarded to, the
17 commission as fees, fines, penalties, or costs shall be
18 deposited into the Educational Certification and Service Trust
19 Fund pursuant to s. 1012.59.

20 Section 761. Section 1012.797, Florida Statutes, is
21 created to read:

22 1012.797 Notification of district school
23 superintendent of certain charges against or convictions of
24 employees.--

25 (1) Notwithstanding the provisions of s. 985.04(4) or
26 any other provision of law to the contrary, a law enforcement
27 agency shall, within 48 hours, notify the appropriate district
28 school superintendent of the name and address of any employee
29 of the school district who is charged with a felony or with a
30 misdemeanor involving the abuse of a minor child or the sale
31 or possession of a controlled substance. The notification

1 shall include the specific charge for which the employee of
2 the school district was arrested. Such notification shall
3 include other education providers such as the Florida School
4 for the Deaf and the Blind, university lab schools, and
5 private elementary and secondary schools.

6 (2) Except to the extent necessary to protect the
7 health, safety, and welfare of other students, the information
8 obtained by the district school superintendent pursuant to
9 this section may be released only to appropriate school
10 personnel or as otherwise provided by law.

11 Section 762. Section 1012.798, Florida Statutes, is
12 created to read:

13 1012.798 Recovery network program for educators.--

14 (1) RECOVERY NETWORK ESTABLISHED.--There is created
15 within the Department of Education, a recovery network program
16 to assist educators who are impaired as a result of alcohol
17 abuse, drug abuse, or a mental condition in obtaining
18 treatment to permit their continued contribution to the
19 education profession. Any person who holds certification
20 issued by the department pursuant to s. 1012.56 is eligible
21 for the assistance.

22 (2) STAFF.--

23 (a) The department shall employ an administrator and
24 staff as are necessary to be assigned exclusively to the
25 recovery network program.

26 (b) The Commissioner of Education shall establish the
27 criteria for and appoint the staff of the program.

28 (c) The department may contract with other
29 professionals to implement this section.

30 (3) PURPOSE.--The recovery network program shall
31 assist educators in obtaining treatment and services from

1 approved treatment providers, but each impaired educator must
2 pay for his or her treatment under terms and conditions agreed
3 upon by the impaired educator and the treatment provider. A
4 person who is admitted to the program must contract with the
5 treatment provider and the program. The treatment contract
6 must prescribe the type of treatment and the responsibilities
7 of the impaired educator and of the provider and must provide
8 that the impaired educator's progress will be monitored by the
9 program.

10 (4) APPROVAL OF TREATMENT PROVIDERS.--The recovery
11 network program shall locate, evaluate, and approve qualified
12 treatment providers.

13 (5) RELATIONSHIP WITH EDUCATION PRACTICES COMMISSION
14 AND DEPARTMENT.--The recovery network program shall operate
15 independently of, but may cooperate with, the Office of
16 Professional Practices Services of the Department of Education
17 and the Education Practices Commission. A person's
18 participation in the program entitles the commissioner to
19 enter into a deferred prosecution agreement pursuant to s.
20 1012.796, or such participation may be considered a factor in
21 mitigation of or a condition of disciplinary action against
22 the person's certificate by the Education Practices Commission
23 pursuant to s. 1012.795.

24 (6) PARTICIPATION.--The recovery network program shall
25 operate independently of employee assistance programs operated
26 by local school districts, and the powers and duties of school
27 districts to make employment decisions, including disciplinary
28 decisions, is not affected except as provided in this section:

29 (a) A person who is not subject to investigation or
30 proceedings under ss. 1012.795 and 1012.796 may voluntarily
31 seek assistance through a local school district employee

1 assistance program for which he or she is eligible and through
2 the recovery network, regardless of action taken against him
3 or her by a school district. Voluntarily seeking assistance
4 alone does not subject a person to proceedings under ss.
5 1012.795 and 1012.796.

6 (b) A person who is subject to investigation or
7 proceedings under ss. 1012.795 and 1012.796 may be required to
8 participate in the program. The program may approve a local
9 employee assistance program as a treatment provider or as a
10 means of securing a treatment provider. The program and the
11 local school district shall cooperate so that the person may
12 obtain treatment without limiting the school district's
13 statutory powers and duties as an employer or the disciplinary
14 procedures under ss. 1012.795 and 1012.796.

15 (c) A person who has not previously been under
16 investigation by the department may be enrolled in a treatment
17 program by the recovery network after an investigation has
18 commenced, if the person:

19 1. Acknowledges his or her impairment.

20 2. Agrees to evaluation, as approved by the recovery
21 network.

22 3. Agrees to enroll in an appropriate treatment
23 program approved by the recovery network.

24 4. Executes releases for all medical and treatment
25 records regarding his or her impairment and participation in a
26 treatment program to the recovery network, pursuant to 42
27 U.S.C. s. 290dd-3 and the federal regulations adopted
28 thereunder.

29 5. Enters into a deferred prosecution agreement with
30 the commissioner, which provides that no prosecution shall be
31 instituted concerning the matters enumerated in the agreement

1 if the person is properly enrolled in the treatment program
2 and successfully completes the program as certified by the
3 recovery network. The commissioner is under no obligation to
4 enter into a deferred prosecution agreement with the educator
5 but may do so if he or she determines that it is in the best
6 interest of the educational program of the state.
7 6. Has not previously entered a substance abuse
8 program.
9 7. Is not being investigated for any action involving
10 commission of a felony or violent act against another person.
11 8. Has not had multiple arrests for minor drug use,
12 possession, or abuse of alcohol.
13 (7) REFERRAL TO NETWORK WHEN NO PROBABLE CAUSE IS
14 DETERMINED.--If a complaint is made to the department against
15 a teacher or an administrator pursuant to s. 1012.796 and a
16 finding of no probable cause indicates that no concern other
17 than impairment exists, the department shall inform the person
18 of the availability of assistance provided by the recovery
19 network program.
20 (8) ADMISSION.--A person who is referred or who
21 requests admission to the recovery network program shall be
22 temporarily admitted pending a finding that he or she has:
23 (a) Acknowledged his or her impairment problem.
24 (b) Agreed to evaluation as approved by the recovery
25 network program.
26 (c) Voluntarily enrolled in an appropriate treatment
27 program approved by the recovery network program.
28 (d) Voluntarily sought agreement from the school
29 district for temporary leave or limitations on the scope of
30 employment if the temporary leave or limitations are included
31 in the treatment provider's recommendations; or voluntarily

1 agreed to pursue the alternative treatment recommended by the
2 treatment provider if the school district does not approve
3 such temporary leave or limitations on the scope of
4 employment.

5 (e) Executed releases to the recovery network program
6 for all medical and treatment records regarding his or her
7 impairment and participation in a treatment program pursuant
8 to 42 U.S.C. s. 290dd-3 and the federal regulations adopted
9 thereunder.

10 (9) DISCLOSURE OF MEDICAL RECORDS.--An approved
11 treatment provider must disclose to the recovery network
12 program all information in its possession which relates to a
13 person's impairment and participation in the treatment
14 program. Information obtained under this subsection is
15 confidential and exempt from s. 119.07(1) and s. 24(a), Art. I
16 of the State Constitution. This exemption is necessary to
17 promote the rehabilitation of impaired educators and to
18 protect the privacy of treatment program participants. The
19 failure to provide such information to the program is grounds
20 for withdrawal of approval of a treatment provider. Medical
21 records provided to the program may not be disclosed to any
22 other person, except as authorized by law.

23 (10) DECLARATION OF INELIGIBILITY.--

24 (a) A person may be declared ineligible for further
25 assistance from the recovery network program if he or she does
26 not progress satisfactorily in a treatment program or leaves a
27 prescribed program or course of treatment without the approval
28 of the treatment provider.

29 (b) The determination of ineligibility must be made by
30 the commissioner in cases referred to him or her by the
31 program administrator. Before referring a case to the

1 commissioner, the administrator must discuss the circumstances
2 with the treatment provider. The commissioner may direct the
3 Office of Professional Practices Services to investigate the
4 case and provide a report.

5 (c) If a treatment contract with the program is a
6 condition of a deferred prosecution agreement, and the
7 commissioner determines that the person is ineligible for
8 further assistance, the commissioner may agree to modify the
9 terms and conditions of the deferred prosecution agreement or
10 may issue an administrative complaint, pursuant to s.
11 1012.796, alleging the charges regarding which prosecution was
12 deferred. The person may dispute the determination as an
13 affirmative defense to the administrative complaint by
14 including with his or her request for hearing on the
15 administrative complaint a written statement setting forth the
16 facts and circumstances that show that the determination of
17 ineligibility was erroneous. If administrative proceedings
18 regarding the administrative complaint, pursuant to ss.
19 120.569 and 120.57, result in a finding that the determination
20 of ineligibility was erroneous, the person is eligible to
21 participate in the program. If the determination of
22 ineligibility was the only reason for setting aside the
23 deferred prosecution agreement and issuing the administrative
24 complaint and the administrative proceedings result in a
25 finding that the determination was erroneous, the complaint
26 shall be dismissed and the deferred prosecution agreement
27 reinstated without prejudice to the commissioner's right to
28 reissue the administrative complaint for other breaches of the
29 agreement.

30 (d) If a treatment contract with the program is a
31 condition of a final order of the Education Practices

1 Commission, the commissioner's determination of ineligibility
2 constitutes a finding of probable cause that the person failed
3 to comply with the final order. The commissioner shall issue
4 an administrative complaint, and the case shall proceed under
5 ss. 1012.795 and 1012.796, in the same manner as cases based
6 on a failure to comply with an order of the Education
7 Practices Commission.

8 (e) If the person voluntarily entered into a treatment
9 contract with the program, the commissioner shall issue a
10 written notice stating the reasons for the determination of
11 ineligibility. Within 20 days after the date of such notice,
12 the person may contest the determination of ineligibility
13 pursuant to ss. 120.569 and 120.57.

14 (11) MEDICAL RECORDS RELEASE.--Medical records
15 released pursuant to paragraph (8)(e) may be disclosed to the
16 commissioner, the Office of Professional Practices Services,
17 and the Education Practices Commission only as required for
18 purposes of this section, or as otherwise authorized by law.
19 Further disclosure or release of the medical records may not
20 be made except as authorized by law and in accordance with 42
21 U.S.C. s. 290dd-2 and the federal regulations adopted
22 thereunder. The medical records are confidential and exempt
23 from s. 119.07(1) and s. 24(a), Art. I of the State
24 Constitution.

25 (12) FEES.--The State Board of Education shall include
26 in the fees established pursuant to s. 1012.59 an amount
27 sufficient to implement the provisions of this section. The
28 State Board of Education shall by rule establish procedures
29 and additional standards for:

30 (a) Approving treatment providers, including
31 appropriate qualifications and experience, amount of

1 reasonable fees and charges, and quality and effectiveness of
2 treatment programs provided.

3 (b) Admitting eligible persons to the program.

4 (c) Evaluating impaired persons by the recovery
5 network program.

6 Section 763. Part IV of chapter 1012, Florida
7 Statutes, shall be entitled "Public Postsecondary Educational
8 Institutions; Personnel" and shall consist of ss.
9 1012.80-1012.97.

10 Section 764. Part IV.a. of chapter 1012, Florida
11 Statutes, shall be entitled "General Provisions" and shall
12 consist of ss. 1012.80-1012.801.

13 Section 765. Section 1012.80, Florida Statutes, is
14 created to read:

15 1012.80 Participation by employees in disruptive
16 activities at public postsecondary educational institutions;
17 penalties.--

18 (1) Any person who accepts the privilege extended by
19 the laws of this state of employment at any public
20 postsecondary educational institution shall, by so working at
21 such institution, be deemed to have given his or her consent
22 to the policies of that institution, the State Board of
23 Education, and the laws of this state. Such policies shall
24 include prohibition against disruptive activities at public
25 postsecondary educational institutions.

26 (2) After it has been determined that an employee of a
27 public postsecondary educational institution has participated
28 in disruptive activities, the institution may terminate the
29 contract of the employee, and thereafter such person shall not
30 be employed by any state public school or public postsecondary
31 educational institution.

1 Section 766. Effective upon this act becoming a law,
2 section 1012.801, Florida Statutes, is created to read:

3 1012.801 Employees of the Division of Colleges and
4 Universities.--Employees of the Division of Colleges and
5 Universities of the Department of Education who are
6 participating in the State University Optional Retirement
7 Program prior to June 30, 2002, shall be eligible to continue
8 such participation as long as they remain employees of the
9 Department of Education or a state university without a break
10 in continuous service.

11 Section 767. Part IV.b. of chapter 1012, Florida
12 Statutes, shall be entitled "Community Colleges; Personnel"
13 and shall consist of ss. 1012.81-1012.88.

14 Section 768. Section 1012.81, Florida Statutes, is
15 created to read:

16 1012.81 Personnel records.--Rules of the State Board
17 of Education shall prescribe the content and custody of
18 limited-access records which a community college may maintain
19 on its employees. Such records shall be limited to
20 information reflecting evaluations of employee performance and
21 shall be open to inspection only by the employee and by
22 officials of the college who are responsible for supervision
23 of the employee. Such limited-access employee records are
24 confidential and exempt from the provisions of s. 119.07(1).
25 Except as required for use by the president in the discharge
26 of his or her official responsibilities, the custodian of
27 limited-access employee records may release information from
28 such records only upon authorization in writing from the
29 employee or the president or upon order of a court of
30 competent jurisdiction.

1 Section 769. Section 1012.82, Florida Statutes, is
2 created to read:

3 1012.82 Teaching faculty; minimum teaching hours per
4 week.--Each full-time member of the teaching faculty at any
5 community college who is paid wholly from funds appropriated
6 from the community college program fund shall teach a minimum
7 of 15 classroom contact hours per week at such institution.
8 However, the required classroom contact hours per week may be
9 reduced upon approval of the president of the institution in
10 direct proportion to specific duties and responsibilities
11 assigned the faculty member by his or her departmental chair
12 or other appropriate college administrator. Such specific
13 duties may include specific research duties, specific duties
14 associated with developing television, video tape, or other
15 specifically assigned innovative teaching techniques or
16 devices, or assigned responsibility for off-campus student
17 internship or work-study programs. A "classroom contact hour"
18 consists of a regularly scheduled classroom activity of not
19 less than 50 minutes in a course of instruction which has been
20 approved by the community college board of trustees. Any
21 full-time faculty member who is paid partly from community
22 college program funds and partly from other funds or
23 appropriations shall teach a minimum number of classroom
24 contact hours per week in such proportion to 15 classroom
25 contact hours as his or her salary paid from community college
26 program funds bears to his or her total salary.

27 Section 770. Section 1012.83, Florida Statutes, is
28 created to read:

29 1012.83 Contracts with administrative and
30 instructional staff.--Each person employed in an
31 administrative or instructional capacity in a community

1 college shall be entitled to a contract as provided by rules
2 of the State Board of Education.

3 Section 771. Section 1012.84, Florida Statutes, is
4 created to read:

5 1012.84 Exemption from county civil service
6 commissions.--

7 (1) Any community college located in a county which
8 has either a budget commission or a civil service commission
9 is exempt from the regulation, supervision, and control of any
10 such commission.

11 (2) Any general or special law conflicting with this
12 section is repealed to the extent that said law conflicts with
13 this section.

14 Section 772. Section 1012.85, Florida Statutes, is
15 created to read:

16 1012.85 Payment of costs of civil actions against
17 officers, employees, or agents of community college board of
18 trustees.--

19 (1) Whenever any civil action has been brought against
20 any officer of the community college board of trustees,
21 including a board member, or any person employed by or agent
22 of the community college board of trustees, of any community
23 college for any act or omission arising out of and in the
24 course of the performance of his or her duties and
25 responsibilities, the community college board of trustees may
26 defray all costs of defending such action, including
27 reasonable attorney's fees and expenses together with costs of
28 appeal, if any, and may save harmless and protect such person
29 from any financial loss resulting therefrom; and the community
30 college board of trustees may be self-insured, to enter into
31 risk management programs, or to purchase insurance for

1 whatever coverage it may choose, or to have any combination
2 thereof, to cover all such losses and expenses. However, any
3 attorney's fees paid from public funds for any officer,
4 employee, or agent who is found to be personally liable by
5 virtue of acting outside the scope of his or her employment or
6 acting in bad faith, with malicious purpose, or in a manner
7 exhibiting wanton and willful disregard of human rights,
8 safety, or property may be recovered by the state, county,
9 municipality, or political subdivision in a civil action
10 against such officer, employee, or agent.

11 (2) Failure by a community college board of trustees
12 to perform any act authorized by this section shall not
13 constitute a cause of action against a community college or
14 its trustees, officers, employees, or agents.

15 Section 773. Section 1012.855, Florida Statutes, is
16 created to read:

17 1012.855 Employment of community college personnel;
18 discrimination in granting salary prohibited.--

19 (1)(a) Employment of all personnel in each community
20 college shall be upon recommendation of the president, subject
21 to rejection for cause by the community college board of
22 trustees; to the rules of the State Board of Education
23 relative to certification, tenure, leaves of absence of all
24 types, including sabbaticals, remuneration, and such other
25 conditions of employment as the State Board of Education deems
26 necessary and proper; and to policies of the community college
27 board of trustees not inconsistent with law.

28 (b) Any internal auditor employed by a community
29 college shall be hired by the community college board of
30 trustees and shall report directly to the board.

31

1 (2) Each community college board of trustees shall
2 undertake a program to eradicate any discrimination on the
3 basis of gender, race, or physical handicap in the granting of
4 salaries to employees.

5 Section 774. Section 1012.86, Florida Statutes, is
6 created to read:

7 1012.86 Community college employment equity
8 accountability program.--

9 (1) Each community college shall include in its annual
10 equity update a plan for increasing the representation of
11 women and minorities in senior-level administrative positions
12 and in full-time faculty positions, and for increasing the
13 representation of women and minorities who have attained
14 continuing-contract status. Positions shall be defined in the
15 personnel data element directory of the Department of
16 Education. The plan must include specific measurable goals and
17 objectives, specific strategies and timelines for
18 accomplishing these goals and objectives, and comparable
19 national standards as provided by the Department of Education.
20 The goals and objectives shall be based on meeting or
21 exceeding comparable national standards and shall be reviewed
22 and recommended by the State Board of Education as
23 appropriate. Such plans shall be maintained until appropriate
24 representation has been achieved and maintained for at least 3
25 consecutive reporting years.

26 (2)(a) On or before May 1 of each year, each community
27 college president shall submit an annual employment
28 accountability plan to the Commissioner of Education and the
29 State Board of Education. The accountability plan must show
30 faculty and administrator employment data according to

31

1 requirements specified on the federal Equal Employment
2 Opportunity (EEO-6) report.
3 (b) The plan must show the following information for
4 those positions including, but not limited to:
5 1. Job classification title.
6 2. Gender.
7 3. Ethnicity.
8 4. Appointment status.
9 5. Salary information. At each community college,
10 salary information shall also include the salary ranges in
11 which new hires were employed compared to the salary ranges
12 for employees with comparable experience and qualifications.
13 6. Other comparative information including, but not
14 limited to, composite information regarding the total number
15 of positions within the particular job title classification
16 for the community college by race, gender, and salary range
17 compared to the number of new hires.
18 7. A statement certifying diversity and balance in the
19 gender and ethnic composition of the selection committee for
20 each vacancy, including a brief description of guidelines used
21 for ensuring balanced and diverse membership on selection and
22 review committees.
23 (c) The annual employment accountability plan shall
24 also include an analysis and an assessment of the community
25 college's attainment of annual goals and of long-range goals
26 for increasing the number of women and minorities in faculty
27 and senior-level administrative positions, and a corrective
28 action plan for addressing underrepresentation.
29 (d) Each community college's employment accountability
30 plan must also include:
31

1 1. The requirements for receiving a continuing
2 contract.
3 2. A brief description of the process used to grant
4 continuing-contract status.
5 3. A brief description of the process used to annually
6 apprise each eligible faculty member of progress toward
7 attainment of continuing-contract status.
8 (3) Community college presidents and the heads of each
9 major administrative division shall be evaluated annually on
10 the progress made toward meeting the goals and objectives of
11 the community college's employment accountability plan.
12 (a) The community college presidents, or the
13 presidents' designees, shall annually evaluate each department
14 chairperson, dean, provost, and vice president in achieving
15 the annual and long-term goals and objectives. A summary of
16 the results of such evaluations shall be reported annually by
17 the community college president to the community college board
18 of trustees. Annual budget allocations by the community
19 college board of trustees for positions and funding must take
20 into consideration these evaluations.
21 (b) Community college boards of trustees shall
22 annually evaluate the performance of the community college
23 presidents in achieving the annual and long-term goals and
24 objectives. A summary of the results of such evaluations shall
25 be reported to the Commissioner of Education and the State
26 Board of Education as part of the community college's annual
27 employment accountability plan, and to the Legislature as part
28 of the annual equity progress report submitted by the State
29 Board of Education.
30 (4) The State Board of Education shall submit an
31 annual equity progress report to the President of the Senate

1 and the Speaker of the House of Representatives on or before
2 January 1 of each year.

3 (5) Each community college shall develop a budgetary
4 incentive plan to support and ensure attainment of the goals
5 developed pursuant to this section. The plan shall specify,
6 at a minimum, how resources shall be allocated to support the
7 achievement of goals and the implementation of strategies in a
8 timely manner. After prior review and approval by the
9 community college president and the community college board of
10 trustees, the plan shall be submitted as part of the annual
11 employment accountability plan submitted by each community
12 college to the State Board of Education.

13 (6) Subject to available funding, the Legislature
14 shall provide an annual appropriation to the State Board of
15 Education to be allocated to community college presidents,
16 faculty, and administrative personnel to further enhance
17 equity initiatives and related priorities that support the
18 mission of colleges and departments in recognition of the
19 attainment of the equity goals and objectives.

20 Section 775. Section 1012.865, Florida Statutes, is
21 created to read:

22 1012.865 Sick leave.--Each community college board of
23 trustees shall adopt rules whereby any full-time employee who
24 is unable to perform his or her duties at the community
25 college on account of personal sickness, accident disability,
26 or extended personal illness, or because of illness or death
27 of the employee's father, mother, brother, sister, husband,
28 wife, child, or other close relative or member of the
29 employee's own household, and who consequently has to be
30 absent from work shall be granted leave of absence for
31 sickness by the president or by the president's designated

1 representative. The following provisions shall govern sick
2 leave:
3 (1) DEFINITIONS.--As used in this section, unless the
4 context otherwise requires, the term:
5 (a) "Educational support employee" means any person
6 employed by a community college as an education or
7 administrative paraprofessional; a member of the operations,
8 maintenance, or comparable department; or a secretary,
9 clerical, or comparable level support employee.
10 (b) "Instructional staff" shall be used synonymously
11 with the word "teacher" or "faculty" and includes faculty
12 members, librarians, counselors, and other comparable members
13 engaged in an instructional capacity in the community college.
14 (2) EXTENT OF LEAVE WITH COMPENSATION.--
15 (a) Each full-time employee shall earn 1 day of sick
16 leave with compensation for each calendar month or major
17 fraction of a calendar month of service, not to exceed 12 days
18 for each fiscal year. Such leave shall be taken only when
19 necessary because of sickness as herein prescribed. Such sick
20 leave shall be cumulative from year to year. Accumulated sick
21 leave may be transferred from another Florida community
22 college, the Florida Department of Education, a state
23 university, a Florida district school board, or a state
24 agency, provided that at least one-half of the sick leave
25 accumulated at any time must have been established in the
26 college in which such employee is currently employed.
27 (b) A community college board of trustees may
28 establish rules and prescribe procedures whereby a full-time
29 employee may, at the beginning date of employment in any year,
30 be credited with 12 days of sick leave with compensation in
31 excess of the number of days the employee has earned. Upon

1 termination of employment, the employee's final compensation
2 shall be adjusted in an amount necessary to ensure that sick
3 leave with compensation does not exceed the days of earned
4 sick leave as provided herein.

5 (c) A community college board of trustees may
6 establish rules and prescribe standards to permit a full-time
7 employee to be absent no more than 4 days for personal
8 reasons. However, such absences for personal reasons shall be
9 charged only to accrued sick leave, and leave for personal
10 reasons shall be noncumulative.

11 (d) A community college board of trustees may
12 establish rules to provide terminal pay for accumulated sick
13 leave to full-time instructional staff and educational support
14 employees or to the employee's beneficiary if service is
15 terminated by death. However, such terminal pay may not
16 exceed an amount determined as follows:

17 1. During the first 3 years of service, the daily rate
18 of pay multiplied by 35 percent times the number of days of
19 accumulated sick leave.

20 2. During the next 3 years of service, the daily rate
21 of pay multiplied by 40 percent times the number of days of
22 accumulated sick leave.

23 3. During the next 3 years of service, the daily rate
24 of pay multiplied by 45 percent times the number of days of
25 accumulated sick leave.

26 4. During the 10th year of service, the daily rate of
27 pay multiplied by 50 percent times the number of days of
28 accumulated sick leave.

29 5. During the next 20 years of service, the daily rate
30 of pay multiplied by 50 percent plus up to an additional 2.5
31

1 percent per year for each year of service beyond 10 years,
2 times the number of days of accumulated sick leave.

3
4 If an employee receives terminal pay benefits based on unused
5 sick leave credit, all unused sick leave credit shall become
6 invalid; however, if an employee terminates his or her
7 employment without receiving terminal pay benefits and is
8 reemployed, his or her sick leave credit shall be reinstated.

9 (e) A community college board of trustees may, by
10 rule, provide for terminal pay for accumulated unused sick
11 leave to be paid to any full-time employee of a community
12 college other than instructional staff or educational support
13 employees. If termination of employment is by death of the
14 employee, any terminal pay to which the employee may have been
15 entitled shall be made to the employee's beneficiary.

16 1. For unused sick leave accumulated before July 1,
17 2001, terminal pay shall be made pursuant to rules or policies
18 of the board of trustees which were in effect on June 30,
19 2001.

20 2. For unused sick leave accumulated on or after July
21 1, 2001, terminal payment may not exceed an amount equal to
22 one-fourth of the employee's unused sick leave or 60 days of
23 the employee's pay, whichever amount is less.

24 3. If the employee had an accumulated sick leave
25 balance of 60 days or more on June 30, 2001, sick leave earned
26 after that date may not be accumulated for terminal pay
27 purposes until the accumulated leave balance as of June 30,
28 2001, is less than 60 days.

29 (3) CLAIM MUST BE FILED.--Any full-time employee who
30 finds it necessary to be absent from his or her duties because
31 of illness as defined in this section shall notify the

1 community college president or a college official designated
2 by the president, if possible before the opening of college on
3 the day on which the employee must be absent or during the
4 day, except when he or she is absent for emergency reasons
5 recognized by the community college board of trustees as
6 valid. Any employee shall, before claiming and receiving
7 compensation for the time absent from his or her duties while
8 absent because of sick leave as prescribed in this section,
9 make and file a written certificate which shall set forth the
10 day or days absent, that such absence was necessary, and that
11 he or she is entitled or not entitled to receive pay for such
12 absence in accordance with the provisions of this section. The
13 community college board of trustees may adopt rules under
14 which the president may require a certificate of illness from
15 a licensed physician or from the county health officer.

16 (4) COMPENSATION.--Any full-time employee who has
17 unused sick leave credit shall receive full-time compensation
18 for the time justifiably absent on sick leave; however, no
19 compensation may be allowed beyond that provided in subsection
20 (6).

21 (5) EXPENDITURE AUTHORIZED.--Community college boards
22 of trustees may expend public funds for payment to employees
23 on account of sickness. The expending and excluding of such
24 funds shall be in compliance with rules adopted by the
25 Department of Management Services pursuant to chapter 650.

26 (6) SICK LEAVE POOL.--Notwithstanding any other
27 provision of this section, a community college board of
28 trustees may, by rule, based upon the maintenance of reliable
29 and accurate records by the community college showing the
30 amount of sick leave which has been accumulated and is unused
31 by employees in accordance with this section, establish a plan

1 allowing participating full-time employees of the community
2 college to pool sick leave accrued and allowing any sick leave
3 thus pooled to be disbursed to any participating employee who
4 is in need of sick leave in excess of that amount he or she
5 has personally accrued. Such rules shall include, but not be
6 limited to, the following provisions:

7 (a) Participation in the sick leave pool shall at all
8 times be voluntary on the part of employees.

9 (b) Any full-time employee shall be eligible for
10 participation in the sick leave pool after 1 year of
11 employment with the community college, provided such employee
12 has accrued a minimum amount of unused sick leave, which
13 minimum shall be established by rule.

14 (c) Any sick leave pooled pursuant to this section
15 shall be removed from the personally accumulated sick leave
16 balance of the employee donating such leave.

17 (d) Participating employees shall make equal
18 contributions to the sick leave pool. There shall be
19 established a maximum amount of sick leave which may be
20 contributed to the pool by an employee. After the initial
21 contribution which an employee makes upon electing to
22 participate, no further contributions shall be required except
23 as may be necessary to replenish the pool. Any such further
24 contribution shall be equally required of all employees
25 participating in the pool.

26 (e) Any sick leave time drawn from the pool by a
27 participating employee must be used for that employee's
28 personal illness, accident, or injury.

29 (f) A participating employee will not be eligible to
30 use sick leave from the pool until all of his or her sick
31 leave has been depleted. There shall be established a maximum

1 number of days for which an employee may draw sick leave from
2 the sick leave pool.

3 (g) A participating employee who uses sick leave from
4 the pool will not be required to recontribute such sick leave
5 to the pool, except as otherwise provided herein.

6 (h) A participating employee who chooses to no longer
7 participate in the sick leave pool will not be eligible to
8 withdraw any sick leave already contributed to the pool.

9 (i) Alleged abuse of the use of the sick leave pool
10 shall be investigated, and, on a finding of wrongdoing, the
11 employee shall repay all of the sick leave credits drawn from
12 the sick leave pool and shall be subject to such other
13 disciplinary action as is determined by the board to be
14 appropriate. Rules adopted for the administration of this
15 program shall provide for the investigation of the use of sick
16 leave utilized by the participating employee in the sick leave
17 pool.

18 Section 776. Section 1012.87, Florida Statutes, is
19 created to read:

20 1012.87 Retirement annuities.--Each community college
21 board of trustees may purchase annuities for its community
22 college personnel who have 25 or more years of creditable
23 service and who have reached age 55 and have applied for
24 retirement under the Florida Retirement System. No such
25 annuity may provide for more than the total difference in
26 retirement income between the retirement benefit based on
27 average monthly compensation and creditable service as of the
28 member's early retirement date and the early retirement
29 benefit. Community college boards of trustees may also
30 purchase annuities for members of the Florida Retirement
31 System who have out-of-state teaching service in another state

1 or country which is documented as valid by the appropriate
2 educational entity. Such annuities may be based on no more
3 than 5 years of out-of-state teaching service and may equal,
4 but not exceed, the benefits that would be payable under the
5 Florida Retirement System if credit for out-of-state teaching
6 was authorized under that system. Each community college board
7 of trustees may invest funds, purchase annuities, or provide
8 local supplemental retirement programs for purposes of
9 providing retirement annuities for community college
10 personnel. All such retirement annuities shall comply with s.
11 14, Art. X of the State Constitution.

12 Section 777. Section 1012.875, Florida Statutes, is
13 created to read:

14 1012.875 Community College Optional Retirement
15 Program.--Each community college may implement an optional
16 retirement program, if such program is established therefor
17 pursuant to s. 1001.64(20), under which annuity contracts
18 providing retirement and death benefits may be purchased by,
19 and on behalf of, eligible employees who participate in the
20 program. Except as otherwise provided herein, this retirement
21 program, which shall be known as the State Community College
22 System Optional Retirement Program, may be implemented and
23 administered only by an individual community college or by a
24 consortium of community colleges.

25 (1) As used in this section, the term:

26 (a) "Activation" means the date upon which an optional
27 retirement program is first made available by the program
28 administrator to eligible employees.

29 (b) "College" means community colleges as defined in
30 s. 1000.21.

31

1 (c) "Department" means the Department of Management
2 Services.
3 (d) "Program administrator" means the individual
4 college or consortium of colleges responsible for implementing
5 and administering an optional retirement program.
6 (e) "Program participant" means an eligible employee
7 who has elected to participate in an available optional
8 retirement program as authorized by this section.
9 (2) Participation in the optional retirement program
10 provided by this section is limited to employees who satisfy
11 the criteria set forth in s. 121.051(2)(c).
12 (3)(a) With respect to any employee who is eligible to
13 participate in the optional retirement program by reason of
14 qualifying employment commencing before the program's
15 activation:
16 1. The employee may elect to participate in the
17 optional retirement program in lieu of participation in the
18 Florida Retirement System. To become a program participant,
19 the employee must file with the personnel officer of the
20 college, within 60 days after the program's activation, both a
21 written election on a form provided by the department and a
22 completed application for an individual contract or
23 certificate.
24 2. An employee's participation in the optional
25 retirement program commences on the first day of the next full
26 calendar month following the filing of the election and
27 completed application with the program administrator and
28 receipt of such election by the department. An employee's
29 membership in the Florida Retirement System terminates on this
30 same date.
31

1 3. Any such employee who fails to make an election to
2 participate in the optional retirement program within 60 days
3 after its activation has elected to retain membership in the
4 Florida Retirement System.

5 (b) With respect to any employee who becomes eligible
6 to participate in an optional retirement program by reason of
7 qualifying employment commencing on or after the program's
8 activation:

9 1. The employee may elect to participate in the
10 optional retirement program in lieu of participation in the
11 Florida Retirement System. To become a program participant,
12 the employee must file with the personnel officer of the
13 college, within 60 days after commencing qualifying
14 employment, both a written election on a form provided by the
15 department and a completed application for an individual
16 contract or certificate.

17 2. An employee's participation in the optional
18 retirement program commences on the first day of the next full
19 calendar month following the filing of the election and
20 completed application with the program administrator and
21 receipt of such election by the department. An employee's
22 membership in the Florida Retirement System terminates on this
23 same date.

24 3. If the employee makes an election to participate in
25 the optional retirement program before the community college
26 submits its initial payroll for the employee, participation in
27 the optional retirement program commences on the first date of
28 employment.

29 4. Any such employee who fails to make an election to
30 participate in the optional retirement program within 60 days
31

1 after commencing qualifying employment has elected to retain
2 membership in the Florida Retirement System.

3 (c) Any employee who, on or after an optional
4 retirement program's activation, becomes eligible to
5 participate in the program by reason of a change in status due
6 to the subsequent designation of the employee's position as
7 one of those referenced in subsection (2), or due to the
8 employee's appointment, promotion, transfer, or
9 reclassification to a position referenced in subsection (2),
10 must be notified by the community college of the employee's
11 eligibility to participate in the optional retirement program
12 in lieu of participation in the Florida Retirement System.
13 These eligible employees are subject to the provisions of
14 paragraph (b) and may elect to participate in the optional
15 retirement program in the same manner as those employees
16 described in paragraph (b), except that the 60-day election
17 period commences upon the date notice of eligibility is
18 received by the employee.

19 (d) Program participants must be fully and immediately
20 vested in the optional retirement program.

21 (e) The election by an eligible employee to
22 participate in the optional retirement program is irrevocable
23 for so long as the employee continues to meet the eligibility
24 requirements set forth in this section and in s.
25 121.051(2)(c), except as provided in paragraph (i).

26 (f) If a program participant becomes ineligible to
27 continue participating in the optional retirement program
28 pursuant to the criteria referenced in subsection (2), the
29 employee becomes a member of the Florida Retirement System if
30 eligible. The college must notify the department of an
31 employee's change in eligibility status within 30 days after

1 the event that makes the employee ineligible to continue
2 participation in the optional retirement program.

3 (g) An eligible employee who is a member of the
4 Florida Retirement System at the time of election to
5 participate in the optional retirement program retains all
6 retirement service credit earned under the Florida Retirement
7 System at the rate earned. Additional service credit in the
8 Florida Retirement System may not be earned while the employee
9 participates in the optional retirement program, nor is the
10 employee eligible for disability retirement under the Florida
11 Retirement System.

12 (h) A program participant may not simultaneously
13 participate in any other state-administered retirement system,
14 plan, or class.

15 (i) Except as provided in s. 121.052(6)(d), a program
16 participant who is or who becomes dually employed in two or
17 more positions covered by the Florida Retirement System, one
18 of which is eligible for an optional retirement program
19 pursuant to this section and one of which is not, is subject
20 to the dual employment provisions of chapter 121.

21 (4)(a) Each college must contribute on behalf of each
22 program participant an amount equal to 10.43 percent of the
23 participant's gross monthly compensation. The college shall
24 deduct an amount approved by the community college to provide
25 for the administration of the optional retirement program.
26 Payment of this contribution must be made either directly by
27 the community college or through the program administrator to
28 the designated company contracting for payment of benefits to
29 the program participant.

30 (b) Each community college must contribute on behalf
31 of each program participant an amount equal to the unfunded

1 actuarial accrued liability portion of the employer
2 contribution which would be required if the program
3 participant were a member of the Regular Class of the Florida
4 Retirement System. Payment of this contribution must be made
5 directly by the college to the department for deposit in the
6 Florida Retirement System Trust Fund.

7 (c) Each program participant who has executed an
8 annuity contract may contribute by way of salary reduction or
9 deduction a percentage of the program participant's gross
10 compensation, but this percentage may not exceed the
11 corresponding percentage contributed by the community college
12 to the optional retirement program. Payment of this
13 contribution may be made either directly by the college or
14 through the program administrator to the designated company
15 contracting for payment of benefits to the program
16 participant.

17 (d) Contributions to an optional retirement program by
18 a college or a program participant are in addition to, and
19 have no effect upon, contributions required now or in future
20 by the federal Social Security Act.

21 (5)(a) The benefits to be provided to program
22 participants must be provided through individual contracts or
23 group annuity contracts, which may be fixed, variable, or
24 both. Each individual contract or certificate must state the
25 type of annuity contract on its face page, and must include at
26 least a statement of ownership, the contract benefits, annuity
27 income options, limitations, expense charges, and surrender
28 charges, if any.

29 (b) Benefits are payable under the optional retirement
30 program to program participants or their beneficiaries, and
31 the benefits must be paid only by the designated company in

1 accordance with the terms of the annuity contracts applicable
2 to the program participant, provided that benefits funded by
3 employer contributions are payable only as a lifetime annuity
4 to the program participant, except for:
5 1. A lump-sum payment to the program participant's
6 beneficiary or estate upon the death of the program
7 participant; or
8 2. A cash-out of a de minimis account upon the request
9 of a former program participant who has been terminated for a
10 minimum of 6 months from the employment that caused the
11 participant to be eligible for participation. A de minimis
12 account is an account with a designated company containing
13 employer contributions and accumulated earnings of not more
14 than \$3,500. The cash-out must be a complete liquidation of
15 the account balance with that designated company and is
16 subject to the provisions of the Internal Revenue Code.
17 (c) The benefits payable to any person under the
18 optional retirement program, and any contribution accumulated
19 under the program, are not subject to assignment, execution,
20 attachment, or to any legal process whatsoever.
21 (6)(a) The optional retirement program authorized by
22 this section must be implemented and administered by the
23 program administrator under s. 403(b) of the Internal Revenue
24 Code. The program administrator has the express authority to
25 contract with a third party to fulfill any of the program
26 administrator's duties.
27 (b) The program administrator shall solicit
28 competitive bids or issue a request for proposal and select no
29 more than four companies from which annuity contracts may be
30 purchased under the optional retirement program. In making
31

1 these selections, the program administrator shall consider the
2 following factors:

- 3 1. The financial soundness of the company.
4 2. The extent of the company's experience in providing
5 annuity contracts to fund retirement programs.
6 3. The nature and extent of the rights and benefits
7 provided to program participants in relation to the premiums
8 paid.
9 4. The suitability of the rights and benefits provided
10 to the needs of eligible employees and the interests of the
11 college in the recruitment and retention of employees.

12
13 In lieu of soliciting competitive bids or issuing a request
14 for proposals, the program administrator may authorize the
15 purchase of annuity contracts under the optional retirement
16 program from those companies currently selected by the
17 department to offer such contracts through the State
18 University System Optional Retirement Program, as set forth in
19 s. 121.35.

20 (c) Optional retirement program annuity contracts must
21 be approved in form and content by the program administrator
22 in order to qualify. The program administrator may use the
23 same annuity contracts currently used within the State
24 University System Optional Retirement Program, as set forth in
25 s. 121.35.

26 (d) The provision of each annuity contract applicable
27 to a program participant must be contained in a written
28 program description that includes a report of pertinent
29 financial and actuarial information on the solvency and
30 actuarial soundness of the program and the benefits applicable
31 to the program participant. The company must furnish the

1 description annually to the program administrator, and to each
2 program participant upon commencement of participation in the
3 program and annually thereafter.

4 (e) The program administrator must ensure that each
5 program participant is provided annually with an accounting of
6 the total contributions and the annual contributions made by
7 and on the behalf of the program participant.

8 Section 778. Section 1012.88, Florida Statutes, is
9 created to read:

10 1012.88 Community college police.--

11 (1) Each community college is permitted and empowered
12 to employ police officers for the community college, who must
13 be designated community college police.

14 (2) Each community college police officer is a law
15 enforcement officer of the state and a conservator of the
16 peace who has the authority to arrest, in accordance with the
17 laws of this state, any person for a violation of state law or
18 applicable county or municipal ordinance if that violation
19 occurs on or in any property or facilities of the community
20 college by which he or she is employed or any property or
21 facilities of a direct-support organization of such community
22 college. A community college police officer may also arrest a
23 person off campus for a violation committed on campus after a
24 hot pursuit of that person that began on any such property or
25 facilities. A community college police officer may bear arms
26 in the performance of his or her duties and carry out a search
27 pursuant to a search warrant on the campus where he or she is
28 employed. Community college police, upon request of the
29 sheriff or local police authority, may serve subpoenas or
30 other legal process and may make arrests of persons against
31 whom arrest warrants have been issued or against whom charges

1 have been made for violations of federal or state laws or
2 county or municipal ordinances.

3 (3) Community college police shall promptly deliver
4 all persons arrested and charged with felonies to the sheriff
5 of the county within which the community college is located
6 and all persons arrested and charged with misdemeanors to the
7 applicable authority as provided by law, but otherwise to the
8 sheriff of the county in which the community college is
9 located.

10 (4) Community college police must meet the minimum
11 standards established by the Police Standards and Training
12 Commission of the Department of Law Enforcement and chapter
13 943 for law enforcement officers. Each community college
14 police officer must, before entering into the performance of
15 his or her duties, take the oath of office established by the
16 community college. Each community college that employs police
17 officers may obtain and approve a bond on each police officer,
18 conditioned upon the officer's faithful performance of his or
19 her duties, which bond must be payable to the Governor. The
20 community college may determine the amount of the bond. In
21 determining the amount of the bond, the community college may
22 consider the amount of money or property likely to be in the
23 custody of the officer at any one time. The community college
24 shall provide a uniform set of identifying credentials to each
25 community college police officer it employs.

26 (5) In performance of any of the powers, duties, and
27 functions authorized by law, community college police have the
28 same rights, protections, and immunities afforded other law
29 enforcement officers.

30 (6) The community college, with the approval of the
31 Department of Law Enforcement, shall adopt rules, including,

1 without limitation, rules for the appointment, employment, and
2 removal of community college police in accordance with the
3 state Career Service System and shall establish in writing a
4 policy manual, that includes, without limitation, procedures
5 for managing routine law enforcement situations and emergency
6 law enforcement situations. The community college shall
7 furnish a copy of the policy manual to each of the police
8 officers it employs.

9 Section 779. Part IV.c. of chapter 1012, Florida
10 Statutes, shall be entitled "Universities; Personnel" and
11 shall consist of ss. 1012.91-1012.97.

12 Section 780. Section 1012.91, Florida Statutes, is
13 created to read:

14 1012.91 Personnel records.--

15 (1) Each university board of trustees shall adopt
16 rules prescribing the content and custody of limited-access
17 records that the university may maintain on its employees.
18 Such limited-access records are confidential and exempt from
19 the provisions of s. 119.07(1). Such records are limited to
20 the following:

21 (a) Records containing information reflecting academic
22 evaluations of employee performance shall be open to
23 inspection only by the employee and by officials of the
24 university responsible for supervision of the employee.

25 (b) Records maintained for the purposes of any
26 investigation of employee misconduct, including but not
27 limited to a complaint against an employee and all information
28 obtained pursuant to the investigation of such complaint,
29 shall be confidential until the investigation ceases to be
30 active or until the university provides written notice to the

31

1 employee who is the subject of the complaint that the
2 university has either:
3 1. Concluded the investigation with a finding not to
4 proceed with disciplinary action;
5 2. Concluded the investigation with a finding to
6 proceed with disciplinary action; or
7 3. Issued a letter of discipline.

8
9 For the purpose of this paragraph, an investigation shall be
10 considered active as long as it is continuing with a
11 reasonable, good faith anticipation that a finding will be
12 made in the foreseeable future. An investigation shall be
13 presumed to be inactive if no finding is made within 90 days
14 after the complaint is filed.

15 (c) Records maintained for the purposes of any
16 disciplinary proceeding brought against an employee shall be
17 confidential until a final decision is made in the proceeding.
18 The record of any disciplinary proceeding, including any
19 evidence presented, shall be open to inspection by the
20 employee at all times.

21 (d) Records maintained for the purposes of any
22 grievance proceeding brought by an employee for enforcement of
23 a collective bargaining agreement or contract shall be
24 confidential and shall be open to inspection only by the
25 employee and by officials of the university conducting the
26 grievance proceeding until a final decision is made in the
27 proceeding.

28 (2) Notwithstanding the foregoing, any records or
29 portions thereof which are otherwise confidential by law shall
30 continue to be exempt from the provisions of s. 119.07(1). In
31 addition, for sexual harassment investigations, portions of

1 such records which identify the complainant, a witness, or
2 information which could reasonably lead to the identification
3 of the complainant or a witness are limited-access records.

4 (3) Except as required for use by the president in the
5 discharge of his or her official responsibilities, the
6 custodian of limited-access records may release information
7 from such records only upon authorization in writing from the
8 employee or upon order of a court of competent jurisdiction.

9 (4) Notwithstanding the provisions of subsection (1),
10 records comprising the common core items contained in the
11 State University System Student Assessment of Instruction or
12 comparable instrument may not be prescribed as limited-access
13 records.

14 (5) This section shall apply to records created after
15 July 1, 1995.

16 Section 781. Section 1012.92, Florida Statutes, is
17 created to read:

18 1012.92 Personnel codes of conduct; disciplinary
19 measures; rulemaking authority.--

20 (1) Each university board of trustees may adopt, by
21 rule, codes of conduct and appropriate penalties for
22 violations of rules by employees, to be administered by the
23 university. Such penalties, unless otherwise provided by law,
24 may include: reprimand; restitution; fines; restrictions on
25 the use of or removal from university facilities; educational
26 training or counseling requirements; and the imposition of
27 probation, suspension, dismissal, demotion, or other
28 appropriate disciplinary action.

29 (2) Sanctions authorized by university codes of
30 conduct may be imposed only for acts or omissions in violation
31 of rules adopted by the university, including rules adopted

1 under this section, rules of the State Board of Education,
2 county and municipal ordinances, and the laws of this state,
3 the United States, or any other state.

4 (3) The university board of trustees shall adopt rules
5 for the lawful discipline of any employee who intentionally
6 acts to impair, interfere with, or obstruct the orderly
7 conduct, processes, and functions of a state university. Said
8 rules may apply to acts conducted on or off campus when
9 relevant to such orderly conduct, processes, and functions.

10 Section 782. Section 1012.93, Florida Statutes, is
11 created to read:

12 1012.93 Faculty members; test of spoken English.--The
13 State Board of Education shall adopt rules requiring that all
14 faculty members in each state university and New College,
15 other than those persons who teach courses that are conducted
16 primarily in a foreign language, be proficient in the oral use
17 of English, as determined by a satisfactory grade on the "Test
18 of Spoken English" of the Educational Testing Service or a
19 similar test approved by the state board.

20 Section 783. Section 1012.94, Florida Statutes, is
21 created to read:

22 1012.94 Evaluations of faculty members; report.--

23 (1) For the purpose of evaluating faculty members,
24 each university board of trustees shall adopt rules for the
25 assignment of duties and responsibilities to faculty members.
26 These assigned duties or responsibilities shall be conveyed to
27 each faculty member at the beginning of each academic term, in
28 writing, by his or her departmental chair or other appropriate
29 university administrator making the assignment. In evaluating
30 the competencies of a faculty member, primary assessment shall
31 be in terms of his or her performance of the assigned duties

1 and responsibilities, and such evaluation shall be given
2 adequate consideration for the purpose of salary adjustments,
3 promotions, reemployment, and tenure. A faculty member who is
4 assigned full-time teaching duties as provided by law shall be
5 rewarded with salary adjustments, promotions, reemployment, or
6 tenure for meritorious teaching and other scholarly activities
7 related thereto.

8 (2) The State Board of Education shall establish
9 criteria for evaluating the quantity and quality of service to
10 public schools by university faculty members and shall require
11 consideration of this service in promotion, tenure, and other
12 reward measures. Each university board of trustees shall
13 ensure that the following policies are implemented:

14 (a) Flexible criteria for rewarding faculty members,
15 consistent with the educational goals and objectives of the
16 university, shall be established, which criteria shall include
17 quality teaching and service to public schools as major
18 factors in determining salary adjustments, promotions,
19 reemployment, or tenure.

20 (b) Measures shall be taken to increase the
21 recognition, reinforcements, and rewards given quality
22 teaching and service to public schools. Such measures might
23 include grants for professional development, curriculum
24 improvement, and instructional innovation, as well as awards
25 of varying kinds for meritorious teaching.

26 (c) The means of identifying and evaluating quality
27 teachers and outstanding service to public schools shall be
28 determined in accordance with established guidelines of the
29 university.

30 (3) The chief academic officer at each state
31 university and New College shall disseminate information to

1 all faculty members which clearly states that service to
2 public schools is one of the criteria used to determine salary
3 adjustments, promotions, reemployment, and tenure for faculty
4 members.

5 Section 784. Section 1012.945, Florida Statutes, is
6 created to read:

7 1012.945 Required number of classroom teaching hours
8 for university faculty members.--

9 (1) As used in this section:

10 (a) "State funds" means those funds appropriated
11 annually in the General Appropriations Act.

12 (b) "Classroom contact hour" means a regularly
13 scheduled 1-hour period of classroom activity in a course of
14 instruction which has been approved by the university.

15 (2) Each full-time equivalent teaching faculty member
16 at a university who is paid wholly from state funds shall
17 teach a minimum of 12 classroom contact hours per week at such
18 university. However, any faculty member who is assigned by his
19 or her departmental chair or other appropriate university
20 administrator professional responsibilities and duties in
21 furtherance of the mission of the university shall teach a
22 minimum number of classroom contact hours in proportion to 12
23 classroom hours per week as such especially assigned
24 aforementioned duties and responsibilities bear to 12
25 classroom contact hours per week. Any full-time faculty member
26 who is paid partly from state funds and partly from other
27 funds or appropriations shall teach a minimum number of
28 classroom contact hours in such proportion to 12 classroom
29 contact hours per week as his or her salary paid from state
30 funds bears to his or her total salary. In determining the
31 appropriate hourly weighting of assigned duties other than

1 classroom contact hours, the universities shall develop and
2 apply a formula designed to equate the time required for
3 nonclassroom duties with classroom contact hours. "Full-time
4 equivalent teaching faculty member" shall be interpreted to
5 mean all faculty personnel budgeted in the instruction and
6 research portion of the budget, exclusive of those full-time
7 equivalent positions assigned to research, public service,
8 administrative duties, and academic advising. Full-time
9 administrators, librarians, and counselors shall be exempt
10 from the provisions of this section; and colleges of medicine
11 and law and others which are required for purposes of
12 accreditation to meet national standards prescribed by the
13 American Medical Association, the American Bar Association, or
14 other professional associations shall be exempt from the
15 provisions of this section to the extent that the requirements
16 of this section differ from the requirements of accreditation.

17 Section 785. Section 1012.95, Florida Statutes, is
18 created to read:

19 1012.95 University employment equity accountability
20 program.--

21 (1) Each state university and New College shall
22 maintain an annual equity plan for appropriate representation
23 of women and minorities in senior-level administrative
24 positions, within tenure-track faculty, and within
25 faculty-granted tenure. Such plan shall be maintained until
26 appropriate representation has been achieved. As used in this
27 subsection, the term:

28 (a) "Appropriate representation" means category
29 employment representation that at least meets comparable
30 national standards for at least two consecutive reporting
31 periods.

1 **(b) "Category" means major executive, administrative,**
2 **and professional grouping, including senior-level**
3 **administrative and professional positions, senior academic**
4 **administrative-level positions, and tenure-track faculty.**

5 **(2)(a) By April 1 of each year, each state university**
6 **president shall submit an annual equity report to the**
7 **Commissioner of Education and the State Board of Education.**
8 **The equity report shall consist of a status update, an**
9 **analysis, and a status report of selected personnel**
10 **transactions. As used in this paragraph, the term, "selected**
11 **personnel transactions" means new hires in, promotions into,**
12 **tenure actions in, and terminations from a category. Each**
13 **university shall provide the following information for the**
14 **selected personnel transactions including, but not limited to:**

- 15 **1. Job classification title.**
- 16 **2. Gender.**
- 17 **3. Race.**
- 18 **4. Appointment status.**

19
20 **The status update shall assess underrepresentation in each**
21 **category. The status report shall consist of current category**
22 **employment representation, comparable national standards, an**
23 **evaluation of representation, and annual goals to address**
24 **underrepresentation.**

25 **(b) After 1 year of implementation of a plan, and**
26 **annually thereafter, for those categories in which prior year**
27 **goals were not achieved, each university shall provide, in its**
28 **annual equity report, a narrative explanation and a plan for**
29 **achievement of equity. The plan shall include guidelines for**
30 **ensuring balanced membership on selection committees and**
31 **specific steps for developing a diverse pool of candidates for**

1 each vacancy in the category. The plan shall also include a
2 systematic process by which those responsible for hiring are
3 provided information and are evaluated regarding their
4 responsibilities pursuant to this section.

5 (c) The equity report shall include an analysis and
6 assessment of the university's accomplishment of annual goals,
7 as specified in the university's affirmative action plan, for
8 increasing the representation of women and minorities in
9 tenure-earning and senior-level administrative positions.

10 (d) The equity report shall also include the current
11 rank, race, and gender of faculty eligible for tenure in a
12 category. In addition, each university shall report
13 representation of the pool of tenure-eligible faculty at each
14 stage of the transaction process and provide certification
15 that each eligible faculty member was apprised annually of
16 progress toward tenure. Each university shall also report on
17 the dissemination of standards for achieving tenure; racial
18 and gender composition of committees reviewing recommendations
19 at each transaction level; and dissemination of guidelines for
20 equitable distribution of assignments.

21 (3)(a) A factor in the evaluation of university
22 presidents, vice presidents, deans, and chairpersons shall be
23 their annual progress in achieving the annual and long-range
24 hiring and promotional goals and objectives, as specified in
25 the university's equity plan and affirmative action plan.
26 Annual budget allocations for positions and funding shall be
27 based on this evaluation. A summary of such evaluations shall
28 be submitted to the Commissioner of Education and the State
29 Board of Education as part of the university's annual equity
30 report.

31

1 (b) The university boards of trustees shall annually
2 evaluate the performance of the university presidents in
3 achieving the annual equity goals and objectives. A summary of
4 the results of such evaluations shall be included as part of
5 the annual equity progress report submitted by the university
6 boards of trustees to the Legislature and the State Board of
7 Education.

8 (4) The State Board of Education shall submit an
9 annual equity progress report to the President of the Senate
10 and the Speaker of the House of Representatives on or before
11 August 1 of each year.

12 (5) Each university shall develop a budgetary
13 incentive plan to support and ensure attainment of the goals
14 developed pursuant to this section. The plan shall specify, at
15 a minimum, how resources shall be allocated to support the
16 achievement of goals and the implementation of strategies in a
17 timely manner. After prior review and approval by the
18 university president and the university board of trustees, the
19 plan shall be submitted as part of the annual equity report
20 submitted by each university to the State Board of Education.

21 (6) Relevant components of each university's
22 affirmative action plan may be used to satisfy the
23 requirements of this section.

24 (7) Subject to available funding, the Legislature
25 shall provide an annual appropriation to be allocated to the
26 universities to further enhance equity initiatives and related
27 priorities that support the mission of departments, divisions,
28 or colleges in recognition of the attainment of equity goals
29 and objectives.

30 Section 786. 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 787. 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 788. 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 789. 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 790. 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 791. Section 1012.985, Florida Statutes, is
7 created to read:

8 1012.985 Statewide system for inservice professional
9 development.--The intent of this section is to establish a
10 statewide system of professional development that provides a
11 wide range of targeted inservice training to teachers,
12 managers, and administrative personnel designed to upgrade
13 skills and knowledge needed to reach world class standards in
14 education. The system shall consist of a network of
15 professional development academies in each region of the state
16 that are operated in partnership with area business partners
17 to develop and deliver high-quality training programs
18 purchased by school districts. The academies shall be
19 established to meet the human resource development needs of
20 professional educators, schools, and school districts. Funds
21 appropriated for the initiation of professional development
22 academies shall be allocated by the Commissioner of Education,
23 unless otherwise provided in an appropriations act. To be
24 eligible for startup funds, the academy must:

25 (1) Be established by the collaborative efforts of one
26 or more district school boards, members of the business
27 community, and the postsecondary educational institutions
28 which may award college credits for courses taught at the
29 academy.

30 (2) Demonstrate the capacity to provide effective
31 training to improve teaching skills in the areas of elementary

1 reading and mathematics, the use of instructional technology,
2 high school algebra, and classroom management, and to deliver
3 such training using face-to-face, distance learning, and
4 individualized computer-based delivery systems.

5 (3) Propose a plan for responding in an effective and
6 timely manner to the professional development needs of
7 teachers, managers, administrative personnel, schools, and
8 school districts relating to improving student achievement and
9 meeting state and local education goals.

10 (4) Demonstrate the ability to provide high-quality
11 trainers and training, appropriate followup and coaching for
12 all participants, and support school personnel in positively
13 impacting student performance.

14 (5) Be operated under contract with its public
15 partners and governed by an independent board of directors,
16 which should include at least one district school
17 superintendent and one district school board chair from the
18 participating school districts, the president of the
19 collective bargaining unit that represents the majority of the
20 region's teachers, and at least three individuals who are not
21 employees or elected or appointed officials of the
22 participating school districts. Regional educational consortia
23 as defined in s. 1001.451 satisfy the requirements of this
24 subsection.

25 (6) Be financed during the first year of operation by
26 an equal or greater match from private funding sources and
27 demonstrate the ability to be self-supporting within 1 year
28 after opening through fees for services, grants, or private
29 contributions. Regional educational consortia as defined in s.
30 1001.451 which serve rural areas of critical economic concern
31 are exempt from the funding match required by this subsection.

1 wherever educated, declare that it is the policy of each of
2 them, on the basis of cooperation with one another, to take
3 advantage of the preparation and experience of such persons
4 wherever gained, thereby serving the best interests of
5 society, of education, and of the teaching profession. It is
6 the purpose of this agreement to provide for the development
7 and execution of such programs of cooperation as will
8 facilitate the movement of teachers and other professional
9 educational personnel among the states party to it, and to
10 authorize specific interstate educational personnel contracts
11 to achieve that end.

12 2. The party states find that included in the large
13 movement of population among all sections of the nation are
14 many qualified educational personnel who move for family and
15 other personal reasons but who are hindered in using their
16 professional skill and experience in their new locations.
17 Variations from state to state in requirements for qualifying
18 educational personnel discourage such personnel from taking
19 the steps necessary to qualify in other states. As a
20 consequence, a significant number of professionally prepared
21 and experienced educators is lost to our school systems.
22 Facilitating the employment of qualified educational
23 personnel, without reference to their states of origin, can
24 increase the available educational resources. Participation in
25 this compact can increase the availability of educational
26 personnel.

27
28 ARTICLE II

29
30 DEFINITIONS

31

1 As used in this agreement and contracts made pursuant
2 to it, unless the context clearly requires otherwise:

3 1. "Educational personnel" means persons who must meet
4 requirements pursuant to state law as a condition of
5 employment in educational programs.

6 2. "Designated state official" means the education
7 official of a state selected by that state to negotiate and
8 enter into, on behalf of this state, contracts pursuant to
9 this agreement.

10 3. "Accept," or any variant thereof, means to
11 recognize and give effect to one or more determinations of
12 another state relating to the qualifications of educational
13 personnel in lieu of making or requiring a like determination
14 that would otherwise be required by or pursuant to the laws of
15 a receiving state.

16 4. "State" means a state, territory, or possession of
17 the United States; the district of Columbia; or the
18 Commonwealth of Puerto Rico.

19 5. "Originating state" means a state and the
20 subdivision thereof, if any, whose determination that certain
21 educational personnel are qualified to be employed for
22 specific duties in schools is acceptable in accordance with
23 the terms of a contract made pursuant to Article III.

24 6. "Receiving state" means a state and the
25 subdivisions thereof which accept educational personnel in
26 accordance with the terms of a contract made pursuant to
27 Article III.

28
29 ARTICLE III

30
31 INTERSTATE EDUCATIONAL

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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 794. 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 795. 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 796. Chapter 1013, Florida Statutes, shall be
25 entitled "Educational Facilities" and shall consist of ss.
26 1013.01-1013.82.

27 Section 797. 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 798. 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 799. 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 800. 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 801. 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 802. 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 803. 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 804. 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 805. 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 806. 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 807. 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 808. 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 809. 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 810. 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 811. 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 812. 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 813. 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 814. 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 815. 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 816. 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 817. 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 818. 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 819. 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 820. 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 821. 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 822. 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 823. 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 824. 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 825. 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 826. 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 827. 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 828. 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 829. 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 830. 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 831. 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 832. Section 1013.355, Florida Statutes, is
11 created to read:

12 1013.355 Abandonment or disposal of satisfactory
13 educational facilities prohibited.--District school boards are
14 prohibited from abandoning or disposing of existing
15 satisfactory educational facilities constructed with Public
16 Education Capital Outlay funds if the school district does not
17 have excess student stations to serve the projected student
18 enrollment in its required 5-year work program.

19 Section 833. Section 1013.36, Florida Statutes, is
20 created to read:

21 1013.36 Site planning and selection.--

22 (1) Before acquiring property for sites, each district
23 school board and community college board of trustees shall
24 determine the location of proposed educational centers or
25 campuses. In making this determination, the board shall
26 consider existing and anticipated site needs and the most
27 economical and practicable locations of sites. The board shall
28 coordinate with the long-range or comprehensive plans of
29 local, regional, and state governmental agencies to assure the
30 compatibility of such plans with site planning. Boards are
31 encouraged to locate educational facilities proximate to urban

1 residential areas to the extent possible, and shall seek to
2 collocate educational facilities with other public facilities,
3 such as parks, libraries, and community centers, to the extent
4 possible.

5 (2) Each new site selected must be adequate in size to
6 meet the educational needs of the students to be served on
7 that site by the original educational facility or future
8 expansions of the facility through renovation or the addition
9 of relocatables. The State Board of Education shall prescribe
10 by rule recommended sizes for new sites according to
11 categories of students to be housed and other appropriate
12 factors determined by the state board. Less-than-recommended
13 site sizes are allowed if the board recommends such a site and
14 finds that it can provide an appropriate and equitable
15 educational program on the site.

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

29 (4) It shall be the responsibility of the board to
30 provide adequate notice to appropriate municipal, county,
31 regional, and state governmental agencies for requested

1 traffic control and safety devices so they can be installed
2 and operating prior to the first day of classes or to satisfy
3 itself that every reasonable effort has been made in
4 sufficient time to secure the installation and operation of
5 such necessary devices prior to the first day of classes. It
6 shall also be the responsibility of the board to review
7 annually traffic control and safety device needs and to
8 request all necessary changes indicated by such review.

9 (5) Each board may request county and municipal
10 governments to construct and maintain sidewalks and bicycle
11 trails within a 2-mile radius of each educational facility
12 within the jurisdiction of the local government. When a board
13 discovers or is aware of an existing hazard on or near a
14 public sidewalk, street, or highway within a 2-mile radius of
15 a school site and the hazard endangers the life or threatens
16 the health or safety of students who walk, ride bicycles, or
17 are transported regularly between their homes and the school
18 in which they are enrolled, the board shall, within 24 hours
19 after discovering or becoming aware of the hazard, excluding
20 Saturdays, Sundays, and legal holidays, report such hazard to
21 the governmental entity within the jurisdiction of which the
22 hazard is located. Within 5 days after receiving notification
23 by the board, excluding Saturdays, Sundays, and legal
24 holidays, the governmental entity shall investigate the
25 hazardous condition and either correct it or provide such
26 precautions as are practicable to safeguard students until the
27 hazard can be permanently corrected. However, if the
28 governmental entity that has jurisdiction determines upon
29 investigation that it is impracticable to correct the hazard,
30 or if the entity determines that the reported condition does
31 not endanger the life or threaten the health or safety of

1 students, the entity shall, within 5 days after notification
2 by the board, excluding Saturdays, Sundays, and legal
3 holidays, inform the board in writing of its reasons for not
4 correcting the condition. The governmental entity, to the
5 extent allowed by law, shall indemnify the board from any
6 liability with respect to accidents or injuries, if any,
7 arising out of the hazardous condition.

8 Section 834. Section 1013.365, Florida Statutes, is
9 created to read:

10 1013.365 Schools on contaminated site prohibited.--

11 (1) DEFINITIONS.--For purposes of this section, the
12 following terms shall have the same meaning as provided in the
13 definitions in s. 376.301: "contaminant," "contaminated
14 site," "discharge," "engineering controls," "hazardous
15 substances," "institutional controls," "pollutants," and "site
16 rehabilitation."

17 (2) LEGISLATIVE INTENT.--The Legislature finds:

18 (a) Steps should be taken to eliminate or reduce the
19 risk to student health posed by attendance at K-12 schools
20 located on or adjacent to a contaminated site.

21 (b) District school boards have a duty and a
22 responsibility to ensure the safety of school children while
23 attending K-12 schools and engaging in extracurricular
24 activities on school properties.

25 (c) Ensuring student safety includes preventing,
26 eliminating, or reducing exposure to contaminants that may
27 exist at or adjacent to K-12 school properties.

28 (3) K-12 SCHOOL SITING LIMITATIONS; PROHIBITIONS.--No
29 K-12 school shall be built on or adjacent to a known
30 contaminated site unless steps have been taken to ensure that
31 children attending the school or playing on school property

1 will not be exposed to contaminants in the air, water, or soil
2 at levels that present a threat to human health or the
3 environment.

4 (4) DUTIES OF DISTRICT SCHOOL BOARD.--Before taking
5 title to real property upon which a K-12 school may be built
6 or initiating action to locate a K-12 school on real property
7 already owned by the school district, the district school
8 board shall conduct appropriate due diligence including all
9 appropriate inquiry into the previous ownership and use of the
10 property consistent with good commercial or customary practice
11 in an effort to determine the existence of any potential air,
12 water, or soil contamination that may exist on or adjacent to
13 the proposed K-12 school site. The district school board is
14 encouraged to contact the Department of Environmental
15 Protection to obtain any information about contaminated sites
16 on or adjacent to a proposed K-12 school site. Any evidence
17 of a discharge of pollutants or hazardous substances on or
18 adjacent to a proposed K-12 school site shall prompt the
19 district school board to conduct further investigation using
20 at least a Phase II Environmental Audit, in accordance with
21 standards established by the American Society for Testing and
22 Materials (ASTM), that includes air, water, and soil sampling.
23 If the results of the environmental audit confirm the presence
24 of contaminants or pollution on or adjacent to the proposed
25 K-12 school site at concentrations that pose a threat to human
26 health or the environment, then the district school board
27 shall conduct appropriate site rehabilitation in accordance
28 with the provisions of subsection (5) before initiating K-12
29 school construction at the site.

30 (5) CORRECTIVE ACTION.--The Department of
31 Environmental Protection may use risk-based corrective action

1 cleanup criteria as described in ss. 376.3071, 376.3078, and
2 376.81, and in Chapter 62-777, F.A.C., in reviewing and
3 approving site rehabilitation conducted by district school
4 boards pursuant to this section.

5 Section 835. Part III.b. of chapter 1013, Florida
6 Statutes, shall be entitled "Building Codes and Construction
7 for Educational Facilities" and shall consist of ss.
8 1013.37-1013.45.

9 Section 836. Section 1013.37, Florida Statutes, is
10 created to read:

11 1013.37 State uniform building code for public
12 educational facilities construction.--

13 (1) UNIFORM BUILDING CODE.--A uniform statewide
14 building code for the planning and construction of public
15 educational and ancillary plants by district school boards and
16 community college district boards of trustees shall be adopted
17 by the Florida Building Commission within the Florida Building
18 Code, pursuant to s. 553.73. Included in this code must be
19 flood plain management criteria in compliance with the rules
20 and regulations in 44 C.F.R. parts 59 and 60, and subsequent
21 revisions thereto which are adopted by the Federal Emergency
22 Management Agency. It is also the responsibility of the
23 department to develop, as a part of the uniform building code,
24 standards relating to:

25 (a) Prefabricated facilities or factory-built
26 facilities that are designed to be portable, relocatable,
27 demountable, or reconstructible; are used primarily as
28 classrooms; and do not fall under the provisions of ss.
29 320.822-320.862. Such standards must permit boards to contract
30 with the Department of Community Affairs for factory
31 inspections by certified building code inspectors to certify

1 conformance with applicable law and rules. The standards must
2 comply with the requirements of s. 1013.20 for relocatable
3 facilities intended for long-term use as classroom space, and
4 the relocatable facilities shall be designed subject to
5 missile impact criteria of s. 423(24)(d)(1) of the Florida
6 Building Code when located in the windborne debris region.
7 (b) The sanitation of educational and ancillary plants
8 and the health of occupants of educational and ancillary
9 plants.
10 (c) The safety of occupants of educational and
11 ancillary plants as provided in s. 1013.12, except that the
12 firesafety criteria shall be established by the State Fire
13 Marshal in cooperation with the Florida Building Commission
14 and the department and such firesafety requirements must be
15 incorporated into the Florida Fire Prevention Code.
16 (d) Accessibility for children, notwithstanding the
17 provisions of s. 553.512.
18 (e) The performance of life-cycle cost analyses on
19 alternative architectural and engineering designs to evaluate
20 their energy efficiencies.
21 1. The life-cycle cost analysis must consist of the
22 sum of:
23 a. The reasonably expected fuel costs over the life of
24 the building which are required to maintain illumination,
25 water heating, temperature, humidity, ventilation, and all
26 other energy-consuming equipment in a facility; and
27 b. The reasonable costs of probable maintenance,
28 including labor and materials, and operation of the building.
29 2. For computation of the life-cycle costs, the
30 department shall develop standards that must include, but need
31 not be limited to:

- 1 a. The orientation and integration of the facility
2 with respect to its physical site.
- 3 b. The amount and type of glass employed in the
4 facility and the directions of exposure.
- 5 c. The effect of insulation incorporated into the
6 facility design and the effect on solar utilization of the
7 properties of external surfaces.
- 8 d. The variable occupancy and operating conditions of
9 the facility and subportions of the facility.
- 10 e. An energy-consumption analysis of the major
11 equipment of the facility's heating, ventilating, and cooling
12 system; lighting system; and hot water system and all other
13 major energy-consuming equipment and systems as appropriate.
- 14 3. Life-cycle cost criteria published by the
15 Department of Education for use in evaluating projects.
- 16 4. Standards for construction materials and systems
17 based on life-cycle costs that consider initial costs,
18 maintenance costs, custodial costs, operating costs, and life
19 expectancy. The standards may include multiple acceptable
20 materials. It is the intent of the Legislature to require
21 district school boards to comply with these standards when
22 expending funds from the Public Education Capital Outlay and
23 Debt Service Trust Fund or the School District and Community
24 College District Capital Outlay and Debt Service Trust Fund
25 and to prohibit district school boards from expending local
26 capital outlay revenues for any project that includes
27 materials or systems that do not comply with these standards,
28 unless the district school board submits evidence that
29 alternative materials or systems meet or exceed standards
30 developed by the department.
- 31

1 It is not a purpose of the Florida Building Code to inhibit
2 the use of new materials or innovative techniques; nor may it
3 specify or prohibit materials by brand names. The code must be
4 flexible enough to cover all phases of construction so as to
5 afford reasonable protection for the public safety, health,
6 and general welfare. The department may secure the service of
7 other state agencies or such other assistance as it finds
8 desirable in recommending to the Florida Building Commission
9 revisions to the code.

10 (2) APPROVAL.--

11 (a) Before a contract has been let for the
12 construction, the department, the district school board, the
13 community college board, or its authorized review agent must
14 approve the phase III construction documents. A district
15 school board or a community college board may reuse prototype
16 plans on another site, provided the facilities list and phase
17 III construction documents have been updated for the new site
18 and for compliance with the Florida Building Code and the
19 Florida Fire Prevention Code and any laws relating to
20 firesafety, health and sanitation, casualty safety, and
21 requirements for the physically handicapped which are in
22 effect at the time a construction contract is to be awarded.

23 (b) In reviewing plans for approval, the department,
24 the district school board, the community college board, or its
25 review agent as authorized in s. 1013.38, shall take into
26 consideration:

- 27 1. The need for the new facility.
- 28 2. The educational and ancillary plant planning.
- 29 3. The architectural and engineering planning.
- 30 4. The location on the site.
- 31 5. Plans for future expansion.

- 1 6. The type of construction.
2 7. Sanitary provisions.
3 8. Conformity to Florida Building Code standards.
4 9. The structural design and strength of materials
5 proposed to be used.
6 10. The mechanical design of any heating,
7 air-conditioning, plumbing, or ventilating system. Typical
8 heating, ventilating, and air-conditioning systems preapproved
9 by the department for specific applications may be used in the
10 design of educational facilities.
11 11. The electrical design of educational plants.
12 12. The energy efficiency and conservation of the
13 design.
14 13. Life-cycle cost considerations.
15 14. The design to accommodate physically handicapped
16 persons.
17 15. The ratio of net to gross square footage.
18 16. The proposed construction cost per gross square
19 foot.
20 17. Conformity with the Florida Fire Prevention Code.
21 (c) The district school board or the community college
22 board may not occupy a facility until the project has been
23 inspected to verify compliance with statutes, rules, and codes
24 affecting the health and safety of the occupants. Verification
25 of compliance with rules, statutes, and codes for nonoccupancy
26 projects such as roofing, paving, site improvements, or
27 replacement of equipment may be certified by the architect or
28 engineer of record and verification of compliance for other
29 projects may be made by an inspector certified by the
30 department or certified pursuant to chapter 468 who is not the
31 architect or engineer of record. The board shall maintain a

1 record of the project's completion and permanent archive of
2 phase III construction documents, including any addenda and
3 change orders to the project. The boards shall provide project
4 data to the department, as requested, for purposes and reports
5 needed by the Legislature.

6 (3) REVIEW PROCEDURE.--The Commissioner of Education
7 shall cooperate with the Florida Building Commission in
8 addressing all questions, disputes, or interpretations
9 involving the provisions of the Florida Building Code which
10 govern the construction of public educational and ancillary
11 facilities, and any objections to decisions made by the
12 inspectors or the department must be submitted in writing.

13 (4) BIENNIAL REVIEW AND UPDATE; DISSEMINATION.--The
14 department shall biennially review and recommend to the
15 Florida Building Commission updates and revisions to the
16 provisions of the Florida Building Code which govern the
17 construction of public educational and ancillary facilities.
18 The department shall publish and make available to each board
19 at no cost copies of the state requirements for educational
20 facilities and each amendment and revision thereto. The
21 department shall make additional copies available to all
22 interested persons at a price sufficient to recover costs.

23 (5) LOCAL LEGISLATION PROHIBITED.--After June 30,
24 1985, pursuant to s. 11(a)(21), Art. III of the State
25 Constitution, there shall not be enacted any special act or
26 general law of local application which proposes to amend,
27 alter, or contravene any provisions of the State Building Code
28 adopted under the authority of this section.

29 Section 837. Section 1013.371, Florida Statutes, is
30 created to read:

31 1013.371 Conformity to codes.--

1 (1) CONFORMITY TO FLORIDA BUILDING CODE AND FLORIDA
2 FIRE PREVENTION CODE REQUIRED FOR APPROVAL.--

3 (a) Except as otherwise provided in paragraph (b), all
4 public educational and ancillary plants constructed by a board
5 must conform to the Florida Building Code and the Florida Fire
6 Prevention Code, and the plants are exempt from all other
7 state building codes; county, municipal, or other local
8 amendments to the Florida Building Code and local amendments
9 to the Florida Fire Prevention Code; building permits, and
10 assessments of fees for building permits, except as provided
11 in s. 553.80; ordinances; road closures; and impact fees or
12 service availability fees. Any inspection by local or state
13 government must be based on the Florida Building Code and the
14 Florida Fire Prevention Code. Each board shall provide for
15 periodic inspection of the proposed educational plant during
16 each phase of construction to determine compliance with the
17 state requirements for educational facilities.

18 (b) A board may comply with the Florida Building Code
19 and the Florida Fire Prevention Code and the administration of
20 the codes when constructing ancillary plants that are not
21 attached to educational facilities, if those plants conform to
22 the space size requirements established in the codes.

23 (c) A board may not approve any plans for the
24 construction, renovation, remodeling, or demolition of any
25 educational or ancillary plants unless these plans conform to
26 the requirements of the Florida Building Code and the Florida
27 Fire Prevention Code. Each board may adopt policies for
28 delegating to the district school superintendent, community
29 college president, or university president authority for
30 submitting documents to the department and for awarding
31 contracts subsequent to and consistent with board approval of

1 the scope, timeframes, funding source, and budget of a
2 survey-recommended project.
3 (2) ENFORCEMENT BY BOARD.--It is the responsibility of
4 each board to ensure that all plans and educational and
5 ancillary plants meet the standards of the Florida Building
6 Code and the Florida Fire Prevention Code and to provide for
7 the enforcement of these codes in the areas of its
8 jurisdiction. Each board shall provide for the proper
9 supervision and inspection of the work. Each board may employ
10 a chief building official or inspector and such other
11 inspectors, who have been certified pursuant to chapter 468,
12 and such personnel as are necessary to administer and enforce
13 the provisions of this code. Boards may also use local
14 building department inspectors who are certified by the
15 department to enforce this code. Plans or facilities that fail
16 to meet the standards of the Florida Building Code or the
17 Florida Fire Prevention Code may not be approved. When
18 planning for and constructing an educational, auxiliary, or
19 ancillary facility, a board must use construction materials
20 and systems that meet standards adopted pursuant to s.
21 1013.37(1)(e)3. and 4. If the planned or actual construction
22 of a facility deviates from the adopted standards, the board
23 must, at a public hearing, quantify and compare the costs of
24 constructing the facility with the proposed deviations and in
25 compliance with the adopted standards and the Florida Building
26 Code. The board must explain the reason for the proposed
27 deviations and compare how the total construction costs and
28 projected life-cycle costs of the facility or component system
29 of the facility would be affected by implementing the proposed
30 deviations rather than using materials and systems that meet
31 the adopted standards.

1 (3) ENFORCEMENT BY DEPARTMENT.--As a further means of
2 ensuring that all educational and ancillary facilities
3 constructed or materially altered or added to conform to the
4 Florida Building Code standards or Florida Fire Prevention
5 Code standards, each board that undertakes the construction,
6 renovation, remodeling, purchasing, or lease-purchase of any
7 educational plant or ancillary facility, the cost of which
8 exceeds \$200,000, may submit plans to the department for
9 approval.

10 Section 838. Section 1013.372, Florida Statutes, is
11 created to read:

12 1013.372 Education facilities as emergency shelters.--

13 (1) The Department of Education shall, in consultation
14 with boards and county and state emergency management offices,
15 include within the standards to be developed under this
16 subsection public shelter design criteria to be incorporated
17 into the Florida Building Code. The new criteria must be
18 designed to ensure that appropriate new educational facilities
19 can serve as public shelters for emergency-management
20 purposes. A facility, or an appropriate area within a
21 facility, for which a design contract is entered into after
22 the effective date of the inclusion of the public shelter
23 criteria in the code must be built in compliance with the
24 amended code unless the facility or a part of it is exempted
25 from using the new shelter criteria due to its location, size,
26 or other characteristics by the applicable board with the
27 concurrence of the applicable local emergency management
28 agency or the Department of Community Affairs. Any educational
29 facility located or proposed to be located in an identified
30 category 1, 2, or 3 evacuation zone is not subject to the
31 requirements of this subsection. If the regional planning

1 council region in which the county is located does not have a
2 hurricane evacuation shelter deficit, as determined by the
3 Department of Community Affairs, educational facilities within
4 the planning council region are not required to incorporate
5 the public shelter criteria.

6 (2) By January 31 of each even-numbered year, the
7 Department of Community Affairs shall prepare and submit a
8 statewide emergency shelter plan to the Governor and the
9 Cabinet for approval. The plan must identify the general
10 location and square footage of existing shelters, by regional
11 planning council region, and the general location and square
12 footage of needed shelters, by regional planning council
13 region, during the next 5 years. The plan must identify the
14 types of public facilities that should be constructed to
15 comply with emergency-shelter criteria and must recommend an
16 appropriate and available source of funding for the additional
17 cost of constructing emergency shelters within these public
18 facilities. After the approval of the plan, a board may not be
19 required to build more emergency-shelter space than identified
20 as needed in the plan, and decisions pertaining to exemptions
21 pursuant to subsection (1) must be guided by the plan.

22 (3) The provisions of s. 1013.74 apply to university
23 facilities as emergency shelters.

24 Section 839. Section 1013.38, Florida Statutes, is
25 created to read:

26 1013.38 Boards to ensure that facilities comply with
27 building codes and life safety codes.--

28 (1) Boards shall ensure that all new construction,
29 renovation, remodeling, day labor, and maintenance projects
30 conform to the appropriate sections of the Florida Building
31 Code, Florida Fire Prevention Code, or, where applicable as

1 authorized in other sections of law, other building codes, and
2 life safety codes.

3 (2) Boards may provide compliance as follows:

4 (a) Boards or consortia may individually or
5 cooperatively provide review services under the insurance risk
6 management oversight through the use of board employees or
7 consortia employees, registered pursuant to chapter 471,
8 chapter 481, or part XII of chapter 468.

9 (b) Boards may elect to review construction documents
10 using their own employees registered pursuant to chapter 471,
11 chapter 481, or part XII of chapter 468.

12 (c) Boards may submit phase III construction documents
13 for review to the department.

14 (d) Boards or consortia may contract for plan review
15 services directly with engineers and architects registered
16 pursuant to chapter 471 or chapter 481.

17 (3) The Department of Management Services may, upon
18 request, provide facilities services for the Florida School
19 for the Deaf and the Blind, the Division of Blind Services,
20 and Public Broadcasting. As used in this section, the term
21 "facilities services" means project management, code and
22 design plan review, and code compliance inspection for
23 projects as defined in s. 287.017(1)(e).

24 Section 840. Section 1013.39, Florida Statutes, is
25 created to read:

26 1013.39 Building construction standards;
27 exemptions.--Universities are exempt from local amendments to
28 the Florida Building Code and the Florida Fire Prevention
29 Code.

30 Section 841. Section 1013.40, Florida Statutes, is
31 created to read:

1 1013.40 Planning and construction of community college
2 facilities; property acquisition.--

3 (1) The need for community college facilities shall be
4 established by a survey conducted pursuant to this chapter.
5 The facilities recommended by such survey must be approved by
6 the State Board of Education and the projects must be
7 constructed according to the provisions of this chapter and
8 State Board of Education rules.

9 (2) No community college may expend public funds for
10 the acquisition of additional property without the specific
11 approval of the Legislature.

12 (3) No facility may be acquired or constructed by a
13 community college or its direct-support organization if such
14 facility requires general revenue funds for operation or
15 maintenance upon project completion or in subsequent years of
16 operation, unless prior approval is received from the
17 Legislature.

18 Section 842. Section 1013.41, Florida Statutes, is
19 created to read:

20 1013.41 SMART schools; Classrooms First; legislative
21 purpose.--

22 (1) SMART SCHOOLS.--"SMART schools" are schools that
23 are soundly made, accountable, reasonable, and thrifty. It is
24 the purpose of the Legislature to provide a balanced and
25 principle-based plan for a functional, safe, adequate, and
26 thrifty learning environment for Florida's K-12 students
27 through SMART schools. The plan must be balanced in serving
28 all school districts and must also be balanced between the
29 operating and capital sides of the budget. The principles upon
30 which the plan is based are less government, lower taxes,
31 increased responsibility of school districts, increased

1 freedom through local control, and family and community
2 empowerment.
3 (2) CLASSROOMS FIRST.--It is the purpose of the
4 Legislature to substantially increase the state's investment
5 in school construction in an equitable, fair, and reasonable
6 way.
7 (3) SCHOOL DISTRICT FACILITIES WORK PROGRAMS.--It is
8 the purpose of the Legislature to create s. 1013.35, requiring
9 each school district annually to adopt a district facilities
10 5-year work program. The purpose of the district facilities
11 work program is to keep the district school board and the
12 public fully informed as to whether the district is using
13 sound policies and practices that meet the essential needs of
14 students and that warrant public confidence in district
15 operations. The district facilities work program will be
16 monitored by the Office of Educational Facilities and SMART
17 Schools Clearinghouse, which will also apply performance
18 standards pursuant to s. 1013.04.
19 (4) OFFICE OF EDUCATIONAL FACILITIES AND SMART SCHOOLS
20 CLEARINGHOUSE.--It is the purpose of the Legislature to create
21 s. 1013.05, establishing the Office of Educational Facilities
22 and SMART Schools Clearinghouse to assist the school districts
23 in building SMART schools utilizing functional and frugal
24 practices. The Office of Educational Facilities and SMART
25 Schools Clearinghouse must review district facilities work
26 programs and projects and identify districts qualified for
27 incentive funding available through School Infrastructure
28 Thrift Program awards; identify opportunities to maximize
29 design and construction savings; develop school district
30 facilities work program performance standards; and provide for
31

1 review and recommendations to the Governor, the Legislature,
2 and the State Board of Education.

3 (5) EFFORT INDEX GRANTS.--It is the purpose of the
4 Legislature to create s. 1013.73, in order to provide grants
5 from state funds to assist school districts that have provided
6 a specified level of local effort funding.

7 (6) SCHOOL INFRASTRUCTURE THRIFT (SIT) PROGRAM
8 AWARDS.--It is the purpose of the Legislature to convert the
9 SIT Program established in ss. 1013.42 and 1013.72 to an
10 incentive award program to encourage functional, frugal
11 facilities and practices.

12 Section 843. Section 1013.42, Florida Statutes, is
13 created to read:

14 1013.42 School Infrastructure Thrift (SIT) Program
15 Act.--

16 (1) This section and s. 1013.72 may be cited as the
17 "School Infrastructure Thrift Program Act."

18 (2) The School Infrastructure Thrift (SIT) Program is
19 established within the Department of Education, and the State
20 Board of Education may adopt rules as necessary to operate the
21 program. To facilitate the program's purposes, the department
22 shall aggressively seek the elimination or revision of
23 obsolete, excessively restrictive, or unnecessary laws, rules,
24 and regulations for the purpose of reducing the cost of
25 constructing educational facilities and related costs without
26 sacrificing safety or quality of construction. Such efforts
27 must include, but are not limited to, the elimination of
28 duplicate or overlapping inspections; the relaxation of
29 requirements relating to the life cycle of buildings,
30 landscaping, operable glazing, operable windows, radon
31 testing, and firesafety when lawful, safe, and

1 cost-beneficial; and other cost savings identified as lawful,
2 safe, and cost-beneficial.
3 (3) The SIT Program is designed as:
4 (a) An incentive program to reward districts for
5 savings realized through functional, frugal construction.
6 (b) A recognition program to provide an annual SMART
7 school of the year recognition award to the district that
8 builds the highest quality functional, frugal school.
9 (4) Funds shall be appropriated to the SIT Program on
10 an annual basis as determined by the Legislature.
11 Notwithstanding the provisions of s. 216.301 and pursuant to
12 s. 216.351, undisbursed balances of appropriations to the SIT
13 Program shall not revert. It is the intent of the Legislature
14 to continue funding the SIT Program with funds available
15 through frugal government operation and agency savings.
16 (5) Participating school districts may seek SIT
17 Program awards beginning July 1, 1997, for projects commenced
18 after or for projects underway at that time, if the projects
19 comply with s. 1013.72.
20 (6)(a) Each school district may submit to the Office
21 of Educational Facilities and SMART Schools Clearinghouse,
22 with supporting data, its request, based on eligibility
23 pursuant to s. 1013.72 for an award of SIT Program dollars.
24 (b) The Office of Educational Facilities and SMART
25 Schools Clearinghouse shall examine the supporting data from
26 each school district and shall report to the commissioner each
27 district's eligibility pursuant to s. 1013.72. Based on the
28 office's report and pursuant to ss. 1013.04 and 1013.05, the
29 office shall make recommendations, ranked in order of
30 priority, for SIT Program awards.
31

1 (c) The criteria for SIT Program evaluation and
2 recommendation for awards must be based on the school
3 district's eligibility pursuant to s. 1013.72 and the balance
4 of dollars in the SIT Program.

5 (7) Awards from the SIT Program shall be made by the
6 commissioner from funds appropriated by the Legislature. An
7 award funded by an appropriation from the General Revenue Fund
8 may be used for any lawful capital outlay expenditure. An
9 award funded by an appropriation of the proceeds of bonds
10 issued pursuant to s. 1013.70 may be used only for bondable
11 capital outlay projects.

12 Section 844. Section 1013.43, Florida Statutes, is
13 created to read:

14 1013.43 Small school requirement.--

15 (1) LEGISLATIVE FINDINGS.--The Legislature finds that:

16 (a) Florida's schools are among the largest in the
17 nation.

18 (b) Smaller schools provide benefits of reduced
19 discipline problems and crime, reduced truancy and gang
20 participation, reduced dropout rates, improved teacher and
21 student attitudes, improved student self-perception, student
22 academic achievement equal to or superior to that of students
23 at larger schools, and increased parental involvement.

24 (c) Smaller schools can provide these benefits while
25 not increasing administrative and construction costs.

26 (2) DEFINITION.--As used in this section, "small
27 school" means:

28 (a) An elementary school with a student population of
29 not more than 500 students.

30 (b) A middle school with a student population of not
31 more than 700 students.

1 (c) A high school with a student population of not
2 more than 900 students.

3 (d) A school serving kindergarten through grade 8 with
4 a student population of not more than 700 students.

5 (e) A school serving kindergarten through grade 12
6 with a student population of not more than 900 students.

7
8 A school on a single campus which operates as a
9 school-within-a-school, as defined by s. 1003.02(4), shall be
10 considered a small school if each smaller unit located on the
11 single campus meets the requirements of this subsection.

12 (3) REQUIREMENTS.--

13 (a) Beginning July 1, 2003, all plans for new
14 educational facilities to be constructed within a school
15 district and reflected in the 5-year school district
16 facilities work plan shall be plans for small schools in order
17 to promote increased learning and more effective use of school
18 facilities.

19 (b) Small schools shall comply with all laws, rules,
20 and court orders relating to racial balance.

21 (4) EXCEPTIONS.--This section does not apply to plans
22 for new educational facilities already under architectural
23 contract on July 1, 2003.

24 Section 845. Section 1013.44, Florida Statutes, is
25 created to read:

26 1013.44 Low-energy use design; solar energy systems;
27 swimming pool heaters.--

28 (1)(a) Passive design elements and low-energy usage
29 features shall be included in the design and construction of
30 new educational facilities. Operable glazing consisting of at
31 least 5 percent of the floor area shall be placed in each

1 classroom located on the perimeter of the building. For a
2 relocatable classroom, the area of operable glazing and the
3 area of exterior doors, together, shall consist of at least 5
4 percent of the floor area. Operable glazing is not required in
5 community colleges, auxiliary facilities, music rooms, gyms,
6 locker and shower rooms, special laboratories requiring
7 special climate control, and large group instruction areas
8 having a capacity of more than 100 persons.

9 (b) In the remodeling and renovation of educational
10 facilities which have existing natural ventilation, adequate
11 sources of natural ventilation shall be retained, or a
12 combination of natural and low-energy usage mechanical
13 equipment shall be provided that will permit the use of the
14 facility without air-conditioning or heat when ambient
15 conditions are moderate. However, the Commissioner of
16 Education is authorized to waive this requirement when
17 environmental conditions, particularly noise and pollution
18 factors, preclude the effective use of natural ventilation.

19 (2) Each new educational facility for which the
20 projected demand for hot water exceeds 1,000 gallons a day
21 shall be constructed, whenever economically and physically
22 feasible, with a solar energy system as the primary energy
23 source for the domestic hot water system of the facility. The
24 solar energy system shall be sized so as to provide at least
25 65 percent of the estimated needs of the facility. Sizing
26 shall be determined by generally recognized simulation models,
27 such as F-chart and SOLCOST, or by sizing tables generated by
28 the Florida Solar Energy Center.

29 (3) If swimming and wading pools constructed as an
30 integral part of an educational facility or plant are heated,

31

1 such pools shall, whenever feasible, be heated by either a
2 waste heat recovery system or a solar energy system.

3 Section 846. Section 1013.45, Florida Statutes, is
4 created to read:

5 1013.45 Educational facilities contracting and
6 construction techniques.--

7 (1) Boards may employ procedures to contract for
8 construction of new facilities, or major additions to existing
9 facilities, that will include, but not be limited to:

10 (a) Competitive bids.

11 (b) Design-build pursuant to s. 287.055.

12 (c) Selecting a construction management entity,
13 pursuant to the process provided by s. 287.055, that would be
14 responsible for all scheduling and coordination in both design
15 and construction phases and is generally responsible for the
16 successful, timely, and economical completion of the
17 construction project. The construction management entity must
18 consist of or contract with licensed or registered
19 professionals for the specific fields or areas of construction
20 to be performed, as required by law. At the option of the
21 board, the construction management entity, after having been
22 selected, may be required to offer a guaranteed maximum price
23 or a guaranteed completion date; in which case, the
24 construction management entity must secure an appropriate
25 surety bond pursuant to s. 255.05 and must hold construction
26 subcontracts. The criteria for selecting a construction
27 management entity shall not unfairly penalize an entity that
28 has relevant experience in the delivery of construction
29 projects of similar size and complexity by methods of delivery
30 other than construction management.

31

1 (d) Selecting a program management entity, pursuant to
2 the process provided by s. 287.055, that would act as the
3 agent of the board and would be responsible for schedule
4 control, cost control, and coordination in providing or
5 procuring planning, design, and construction services. The
6 program management entity must consist of or contract with
7 licensed or registered professionals for the specific areas of
8 design or construction to be performed as required by law. The
9 program management entity may retain necessary design
10 professionals selected under the process provided in s.
11 287.055. At the option of the board, the program management
12 entity, after having been selected, may be required to offer a
13 guaranteed maximum price or a guaranteed completion date, in
14 which case, the program management entity must secure an
15 appropriate surety bond pursuant to s. 255.05 and must hold
16 design and construction subcontracts. The criteria for
17 selecting a program management entity shall not unfairly
18 penalize an entity that has relevant experience in the
19 delivery of construction programs of similar size and
20 complexity by methods of delivery other than program
21 management.

22 (e) Day-labor contracts not exceeding \$200,000 for
23 construction, renovation, remodeling, or maintenance of
24 existing facilities.

25 (2) For the purposes of this section, "day-labor
26 contract" means a project constructed using persons employed
27 directly by a board or by contracted labor.

28 (3) Contractors, design-build firms, contract
29 management entities, program management entities, or any other
30 person under contract to construct facilities or major
31 additions to facilities may use any construction techniques

1 allowed by contract and not prohibited by law, including, but
2 not limited to, those techniques known as fast-track
3 construction scheduling, use of components, and systems
4 building process.

5 (4) Except as otherwise provided in this section and
6 s. 481.229, the services of a registered architect must be
7 used for the development of plans for the erection,
8 enlargement, or alteration of any educational facility. The
9 services of a registered architect are not required for a
10 minor renovation project for which the construction cost is
11 less than \$50,000 or for the placement or hookup of
12 relocatable educational facilities that conform with standards
13 adopted under s. 1013.37. However, boards must provide
14 compliance with building code requirements and ensure that
15 these structures are adequately anchored for wind resistance
16 as required by law. Boards are encouraged to consider the
17 reuse of existing construction documents or design criteria
18 packages where such reuse is feasible and practical.
19 Notwithstanding s. 287.055, a board may purchase the
20 architectural services for the design of educational or
21 ancillary facilities under an existing contract agreement for
22 professional services held by a district school board in the
23 State of Florida, provided that the purchase is to the
24 economic advantage of the purchasing board, the services
25 conform to the standards prescribed by rules of the State
26 Board of Education, and such reuse is not without notice to,
27 and permission from, the architect of record whose plans or
28 design criteria are being reused. Plans shall be reviewed for
29 compliance with the state requirements for educational
30 facilities. Rules adopted under this section must establish
31 uniform prequalification, selection, bidding, and negotiation

1 procedures applicable to construction management contracts and
2 the design-build process. This section does not supersede any
3 small, woman-owned or minority-owned business enterprise
4 preference program adopted by a board. Except as otherwise
5 provided in this section, the negotiation procedures
6 applicable to construction management contracts and the
7 design-build process must conform to the requirements of s.
8 287.055. A board may not modify any rules regarding
9 construction management contracts or the design-build process.

10 Section 847. Part III.c. of chapter 1013, Florida
11 Statutes, shall be entitled "Contracting for Educational
12 Facilities" and shall consist of ss. 1013.46-1013.51.

13 Section 848. Section 1013.46, Florida Statutes, is
14 created to read:

15 1013.46 Advertising and awarding contracts;
16 prequalification of contractor.--

17 (1)(a) As soon as practicable after any bond issue has
18 been voted upon and authorized or funds have been made
19 available for the construction, remodeling, renovation,
20 demolition, or otherwise for the improvement, of any
21 educational or ancillary plant, and after plans for the work
22 have been approved, the board, if competitively bidding the
23 project pursuant to s. 1013.45, after advertising the same in
24 the manner prescribed by law or rule, shall award the contract
25 for the building or improvements to the lowest responsible
26 bidder. However, if after taking all deductive alternates, the
27 bid of the lowest responsible bidder exceeds the construction
28 budget for the project established at the phase III submittal,
29 the board may declare an emergency. After stating the reasons
30 why an emergency exists, the board may negotiate the
31 construction contract or modify the contract, including the

1 specifications, with the lowest responsible bidder and, if the
2 contract is modified, shall resubmit the documents to the
3 authorized review authority for review to confirm that the
4 project remains in compliance with building and fire codes.
5 The board may reject all bids received and may readvertise,
6 calling for new bids.

7 (b) Each board may declare an emergency pursuant to
8 this subsection. A situation created by fire, storm, or other
9 providential cause resulting in:

- 10 1. Imminent danger to life or safety; or
11 2. Overcrowding of students

12
13 constitutes an emergency.

14 (c) As an option, any county, municipality, or board
15 may set aside up to 10 percent of the total amount of funds
16 allocated for the purpose of entering into construction
17 capital project contracts with minority business enterprises,
18 as defined in s. 287.094. Such contracts shall be
19 competitively bid only among minority business enterprises.
20 The set-aside shall be used to redress present effects of past
21 discriminatory practices and shall be subject to periodic
22 reassessment to account for changing needs and circumstances.

23 (2) Boards shall prequalify bidders for construction
24 contracts according to rules prescribed by the State Board of
25 Education which require the prequalification of bidders of
26 educational facilities construction. Boards shall require that
27 all construction or capital improvement bids be accompanied by
28 evidence that the bidder holds an appropriate certificate or
29 license or that the prime contractor has a current valid
30 license.

31

1 Section 849. Section 1013.47, Florida Statutes, is
2 created to read:
3 1013.47 Substance of contract; contractors to give
4 bond; penalties.--Each board shall develop contracts
5 consistent with this chapter and statutes governing public
6 facilities. Such a contract must contain the drawings and
7 specifications of the work to be done and the material to be
8 furnished, the time limit in which the construction is to be
9 completed, the time and method by which payments are to be
10 made upon the contract, and the penalty to be paid by the
11 contractor for any failure to comply with the terms of the
12 contract. The board may require the contractor to pay a
13 penalty for any failure to comply with the terms of the
14 contract and may provide an incentive for early completion.
15 Upon accepting a satisfactory bid, the board shall enter into
16 a contract with the party or parties whose bid has been
17 accepted. The contractor shall furnish the board with a
18 performance and payment bond as set forth in s. 255.05. A
19 board or other public entity may not require a contractor to
20 secure a surety bond under s. 255.05 from a specific agent or
21 bonding company. Notwithstanding any other provision of this
22 section, if 25 percent or more of the costs of any
23 construction project is paid out of a trust fund established
24 pursuant to 31 U.S.C. s. 1243(a)(1), laborers and mechanics
25 employed by contractors or subcontractors on such construction
26 will be paid wages not less than those prevailing on similar
27 construction projects in the locality, as determined by the
28 Secretary of Labor in accordance with the Davis-Bacon Act, as
29 amended. A person, firm, or corporation that constructs any
30 part of any educational plant, or addition thereto, on the
31 basis of any unapproved plans or in violation of any plans

1566

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 approved in accordance with the provisions of this chapter and
2 rules of the State Board of Education relating to building
3 standards or specifications is subject to forfeiture of bond
4 and unpaid compensation in an amount sufficient to reimburse
5 the board for any costs that will need to be incurred in
6 making any changes necessary to assure that all requirements
7 are met and is also guilty of a misdemeanor of the second
8 degree, punishable as provided in s. 775.082 or s. 775.083,
9 for each separate violation.

10 Section 850. Section 1013.48, Florida Statutes, is
11 created to read:

12 1013.48 Changes in construction requirements after
13 award of contract.--The board may, at its option and by
14 written policy duly adopted and entered in its official
15 minutes, authorize the superintendent or president or other
16 designated individual to approve change orders in the name of
17 the board for preestablished amounts. Approvals shall be for
18 the purpose of expediting the work in progress and shall be
19 reported to the board and entered in its official minutes. For
20 accountability, the school district shall monitor and report
21 the impact of change orders on its district facilities work
22 program pursuant to s. 1013.35.

23 Section 851. Section 1013.49, Florida Statutes, is
24 created to read:

25 1013.49 Toxic substances in construction, repair, or
26 maintenance of educational facilities.--

27 (1) All toxic substances enumerated in the Florida
28 Substance List established pursuant to s. 442.103 that are to
29 be used in the construction, repair, or maintenance of
30 educational facilities have restricted usage provisions.

31

1 (2) Before any such substance may be used, the
2 contractor shall notify the district school superintendent or
3 public postsecondary institution president in writing at least
4 three working days prior to using the substance. The
5 notification shall contain:

- 6 (a) The name of the substance to be used;
7 (b) Where the substance is to be used; and
8 (c) When the substance is to be used.

9
10 A copy of a material safety data sheet as defined in s.
11 442.102 shall be attached to the notification for each such
12 substance.

13 Section 852. Section 1013.50, Florida Statutes, is
14 created to read:

15 1013.50 Final payment to contractor.--

16 (1) The final payment to the contractor shall not be
17 made until the construction project has been inspected by the
18 architect or other person designated by the board for that
19 purpose and until he or she has issued a written certificate
20 that the project has been constructed in accordance with the
21 approved plans and specifications and approved change orders
22 and until the board, acting on these recommendations, has
23 accepted the project. After acceptance by the board, a
24 duplicate copy of this written certificate, duly certified as
25 having been accepted by the board, as well as other related
26 data on contract costs and total costs per student station,
27 space inventory update, and other related building information
28 must be filed with the department for budget and cost
29 reporting purposes.

30 (2) Boards shall have full authority and
31 responsibility for all decisions regarding educational and

1 ancillary plant construction contracts, change orders, and
2 payments.

3 Section 853. Section 1013.51, Florida Statutes, is
4 created to read:

5 1013.51 Expenditures authorized for certain
6 infrastructure.--

7 (1)(a) Subject to exemption from the assessment of
8 fees pursuant to s. 1013.37(1), education boards, boards of
9 county commissioners, municipal boards, and other agencies and
10 boards of the state may expend funds, separately or
11 collectively, by contract or agreement, for the placement,
12 paving, or maintaining of any road, byway, or sidewalk if the
13 road, byway, or sidewalk is contiguous to or runs through the
14 property of any educational plant or for the maintenance or
15 improvement of the property of any educational plant or of any
16 facility on such property. Expenditures may also be made for
17 sanitary sewer, water, stormwater, and utility improvements
18 upon, or contiguous to, and for the installation, operation,
19 and maintenance of traffic control and safety devices upon, or
20 contiguous to, any existing or proposed educational plant.

21 (b) A board may pay its proportionate share of the
22 cost of onsite and offsite system improvements necessitated by
23 the educational facility development, but a board is not
24 required to pay for or install any improvements that exceed
25 those required to meet the onsite and offsite needs of a new
26 public educational facility or an expanded site. Development
27 exactions assessed against school boards or community college
28 districts may not exceed the proportionate share of the cost
29 of system improvements necessitated by the educational
30 facility development and may not address existing facility or
31 service backlogs or deficits.

1 (c) The boards of county commissioners, municipal
2 boards, and other agencies and boards of the state may plant
3 or maintain trees, flowers, shrubbery, and beautifying plants
4 upon the grounds of any educational plant, upon approval of
5 the superintendent or president or the designee of either of
6 them. Payment by a board for any improvement set forth in this
7 section shall be authorized in any amounts agreed to by the
8 board. Any payments so authorized to be made are not mandatory
9 unless the specific improvement and costs have been agreed to
10 prior to the improvement's being made.

11 (2) The provisions of any law, municipal ordinance, or
12 county ordinance to the contrary notwithstanding, the
13 provisions of this section regulate the levying of assessments
14 for special benefits on school or community college districts
15 and the directing of the payment thereof. Any municipal
16 ordinance or county ordinance making provision to the contrary
17 is void.

18 (3) Notwithstanding any other law, if a board agrees
19 to construct or upgrade water or sewer facilities, or
20 otherwise provide, construct, upgrade, or maintain offsite
21 infrastructure beyond its proportionate share of
22 responsibility, the local government that issues development
23 approvals shall assure that the board is reimbursed for the
24 additional costs incurred, to the extent that other
25 development occurs which demands use of such infrastructure.

26 (4) Expenditure for infrastructure for universities
27 shall be as authorized in s. 1013.30.

28 Section 854. Part III.d. of chapter 1013, Florida
29 Statutes, shall be entitled "Cooperative Development of
30 Educational Facilities" and shall consist of ss.
31 1013.52-1013.54.

1 Section 855. Section 1013.52, Florida Statutes, is
2 created to read:

3 1013.52 Cooperative development and joint use of
4 facilities by two or more boards.--

5 (1) Two or more boards, including district school
6 boards, community college boards of trustees, the Board of
7 Trustees for the Florida School for the Deaf and the Blind,
8 and university boards of trustees, desiring to cooperatively
9 establish a common educational facility to accommodate
10 students shall:

11 (a) Jointly request a formal assessment by the
12 Commissioner of Education of the academic program need and the
13 need to build new joint-use facilities to house approved
14 programs. Completion of the assessment and approval of the
15 project by the State Board of Education or the Commissioner of
16 Education, as appropriate, should be done prior to conducting
17 an educational facilities survey.

18 (b) Demonstrate the need for construction of new
19 joint-use facilities involving postsecondary institutions by
20 those institutions presenting evidence of the presence of
21 sufficient actual full-time equivalent enrollments in the
22 locale in leased, rented, or borrowed spaces to justify the
23 requested facility for the programs identified in the formal
24 assessment rather than using projected or anticipated future
25 full-time equivalent enrollments as justification. If the
26 decision is made to construct new facilities to meet this
27 demonstrated need, then building plans should consider
28 full-time equivalent enrollment growth facilitated by this new
29 construction and subsequent new program offerings made
30 possible by the existence of the new facilities.

31

1 (c) Adopt and submit to the commissioner a joint
2 resolution of the participating boards indicating their
3 commitment to the utilization of the requested facility and
4 designating the locale of the proposed facility. The joint
5 resolution shall contain a statement of determination by the
6 participating boards that alternate options, including the use
7 of leased, rented, or borrowed space, were considered and
8 found less appropriate than construction of the proposed
9 facility. The joint resolution shall contain assurance that
10 the development of the proposed facility has been examined in
11 conjunction with the programs offered by neighboring public
12 educational facilities offering instruction at the same level.
13 The joint resolution also shall contain assurance that each
14 participating board shall provide for continuity of
15 educational progression. All joint resolutions shall be
16 submitted to the commissioner by August 1 for consideration of
17 funding by the subsequent Legislature.

18 (d) Submit requests for funding of joint-use
19 facilities projects involving state universities and community
20 colleges for approval by the Commissioner of Education. The
21 Commissioner of Education shall determine the priority for
22 funding these projects in relation to the priority of all
23 other capital outlay projects under their consideration. To be
24 eligible for funding from the Public Education Capital Outlay
25 and Debt Service Trust Fund under the provisions of this
26 section, projects involving both state universities and
27 community colleges shall appear on the 3-year capital outlay
28 priority lists of community colleges and of universities
29 required by s. 1013.64. Projects involving a state university,
30 community college, and a public school, and in which the
31 larger share of the proposed facility is for the use of the

1 state university or the community college, shall appear on the
2 3-year capital outlay priority lists of the community colleges
3 or of the universities, as applicable.

4 (e) Include in their joint resolution for the
5 joint-use facilities, comprehensive plans for the operation
6 and management of the facility upon completion. Institutional
7 responsibilities for specific functions shall be identified,
8 including designation of one participating board as sole owner
9 of the facility. Operational funding arrangements shall be
10 clearly defined.

11 (2) An educational plant survey must be conducted
12 within 90 days after submission of the joint resolution and
13 substantiating data describing the benefits to be obtained,
14 the programs to be offered, and the estimated cost of the
15 proposed project. Upon completion of the educational plant
16 survey, the participating boards may include the recommended
17 projects in their plan as provided in s. 1013.31. Upon
18 approval of the project by the commissioner, 25 percent of the
19 total cost of the project, or the pro rata share based on
20 space utilization of 25 percent of the cost, must be included
21 in the department's legislative capital outlay budget request
22 as provided in s. 1013.60 for educational plants. The
23 participating boards must include in their joint resolution a
24 commitment to finance the remaining funds necessary to
25 complete the planning, construction, and equipping of the
26 facility. Funds from the Public Education Capital Outlay and
27 Debt Service Trust Fund may not be expended on any project
28 unless specifically authorized by the Legislature.

29 (3) Included in all proposals for joint-use facilities
30 must be documentation that the proposed new campus or new
31 joint-use facility has been reviewed by the State Board of

1 Education and has been formally requested for authorization by
2 the Legislature.

3 (4) No district school board, community college, or
4 state university shall receive funding for more than one
5 approved joint-use facility per campus in any 3-year period.

6 Section 856. Section 1013.53, Florida Statutes, is
7 created to read:

8 1013.53 Cooperative development of educational
9 facilities in juvenile justice programs.--

10 (1) The Department of Juvenile Justice shall provide
11 early notice to school districts regarding the siting of new
12 juvenile justice facilities. School districts shall include
13 the projected number of students in the districts' annual
14 estimates. School districts must be consulted regarding the
15 types of students expected to be assigned to commitment
16 facilities for education planning and budgeting purposes.

17 (2) The Department of Juvenile Justice shall notify,
18 in writing, the Department of Education when a request for
19 proposals is issued for the construction or operation of a
20 commitment or detention facility anywhere in the state. The
21 Department of Juvenile Justice shall notify, in writing, the
22 appropriate school district when a request for proposals is
23 issued for the construction or operation of a commitment or
24 detention facility when a county or site is specifically
25 identified.

26 (3) The Department of Juvenile Justice shall also
27 notify the district school superintendent within 30 days
28 after:

29 (a) The award of a contract for the construction or
30 operation of a commitment or detention facility within that
31 school district.

1 (b) Obtaining a permit to begin construction of a new
2 detention or commitment facility within that school district.

3 Section 857. Section 1013.54, Florida Statutes, is
4 created to read:

5 1013.54 Cooperative development and use of satellite
6 facilities by private industry and district school boards.--

7 (1) Each district school board may submit, prior to
8 August 1 of each year, a request to the commissioner for funds
9 from the Public Education Capital Outlay and Debt Service
10 Trust Fund to construct, remodel, or renovate an educational
11 facility within the industrial environment. No district school
12 board may apply for more than one facility per year. Such
13 request shall contain the following provisions:

14 (a) A detailed description of the satellite site, the
15 site development necessary for new construction, remodeling,
16 or renovation for the accomplishment of the project, and the
17 facility to be constructed. The facility shall be located on a
18 site owned by the business and leased to the district school
19 board at no cost. However, the minimum agreement shall be for
20 a period of at least 5 years. The amounts provided by the
21 state and the district school board shall be considered full
22 consideration for the lease. If the lease agreement is
23 terminated early, the business shall reimburse the district
24 school board an amount determined by multiplying the amounts
25 contributed by the district school board and the state by a
26 fraction the numerator of which is the number of months
27 remaining in the original agreement and the denominator of
28 which is the total number of months of the agreement.

29 (b) A detailed description and analysis of the
30 educational programs to be offered and the benefits that will
31

1 accrue to the students through the instructional programs upon
2 completion of the facility.

3 (c) The estimated number of full-time students whose
4 regularly scheduled daily instructional program will utilize
5 the facility.

6 (d) The estimated cost of the facility and site
7 development not to exceed the department's average cost of new
8 construction adjusted to the respective county cost index. If
9 a site must be acquired, the estimated cost of the site shall
10 be provided.

11 (e) A resolution or other appropriate indication of
12 intent to participate in the funding and utilization of the
13 educational facility from private industry. Such indication
14 shall include a commitment by private industry to provide at
15 least one-half of the cost of the facility. The district
16 school board shall provide one-fourth of the cost of the
17 facility and, if approved, the state shall provide one-fourth
18 of the cost of the facility. Funds from the Public Education
19 Capital Outlay and Debt Service Trust Fund may not be expended
20 on any project unless specifically authorized by the
21 Legislature.

22 (f) The designation as to which agency is to assume
23 responsibility for the operation, maintenance, and control of
24 the proposed facility.

25 (g) Documentation by the district school board that a
26 long-term lease for the use of the educational facility for a
27 period of not less than 40 years or the life expectancy of the
28 permanent facility constructed thereon, whichever is longer,
29 has been obtained from private industry.

30 (2) The commissioner shall appoint a review committee
31 to make recommendations and prioritize requests. If the

1 project is approved by the commissioner, the commissioner
2 shall include up to one-fourth of the cost of the project in
3 the legislative capital outlay budget request, as provided in
4 s. 1013.60, for the funding of capital outlay projects
5 involving both educational and private industry. The
6 commissioner shall prioritize any such projects for each
7 fiscal year and, notwithstanding the provisions of s.
8 1013.64(3)(c), limit the recommended state funding amount not
9 to exceed 5 percent off the top of the total funds recommended
10 pursuant to s. 1013.64(2) and (3).

11 (3) Facilities funded pursuant to this section and all
12 existing satellite facilities shall be exempt from ad valorem
13 taxes as long as the facility is used exclusively for public
14 educational purposes.

15 Section 858. Part IV of chapter 1013, Florida
16 Statutes, shall be entitled "Funding for Educational
17 Facilities" and shall consist of ss. 1013.60-1013.82.

18 Section 859. Section 1013.60, Florida Statutes, is
19 created to read:

20 1013.60 Legislative capital outlay budget request.--

21 (1) The Commissioner of Education shall develop a
22 procedure deemed appropriate in arriving at the amounts
23 required to fund projects as reflected in the integrated,
24 comprehensive budget request required by this section. The
25 official estimates for funds accruing to the Public Education
26 Capital Outlay and Debt Service Trust Fund made by the revenue
27 estimating conference shall be used in determining the budget
28 request pursuant to this section. The commissioner, in
29 consultation with the appropriations committees of the
30 Legislature, shall provide annually an estimate of funds that
31 shall be utilized by community colleges and universities in

1 developing their required 3-year priority lists pursuant to s.
2 1013.64.

3 (2) The commissioner shall submit to the Governor and
4 to the Legislature an integrated, comprehensive budget request
5 for educational facilities construction and fixed capital
6 outlay needs for school districts, community colleges, and
7 universities, pursuant to the provisions of s. 1013.64 and
8 applicable provisions of chapter 216. Each community college
9 board of trustees and each university board of trustees shall
10 submit to the commissioner a 3-year plan and data required in
11 the development of the annual capital outlay budget. No
12 further disbursements shall be made from the Public Education
13 Capital Outlay and Debt Service Trust Fund to a board of
14 trustees that fails to timely submit the required data until
15 such board of trustees submits the data.

16 (3) The commissioner shall submit an integrated,
17 comprehensive budget request to the Executive Office of the
18 Governor and to the Legislature each fiscal year by the
19 submission date specified in s. 216.023(1). Notwithstanding
20 the provisions of s. 216.043, the integrated, comprehensive
21 budget request shall include:

22 (a) Recommendations for the priority of expenditure of
23 funds in the state system of public education, with reasons
24 for the recommended priorities, and other recommendations
25 which relate to the effectiveness of the educational
26 facilities construction program.

27 (b) All items in s. 1013.64.

28 Section 860. Section 1013.61, Florida Statutes, is
29 created to read:

30 1013.61 Annual capital outlay budget.--Each board
31 shall, each year, adopt a capital outlay budget for the

1 ensuing year in order that the capital outlay needs of the
2 board for the entire year may be well understood by the
3 public. This capital outlay budget shall be a part of the
4 annual budget and shall be based upon and in harmony with the
5 board's capital outlay plan. This budget shall designate the
6 proposed capital outlay expenditures by project for the year
7 from all fund sources. The board may not expend any funds on
8 any project not included in the budget, as amended. Each
9 district school board must prepare its tentative district
10 facilities work program as required by s. 1013.35 before
11 adopting the capital outlay budget.

12 Section 861. Section 1013.62, Florida Statutes, is
13 created to read:

14 1013.62 Charter schools capital outlay funding.--
15 (1) In each year in which funds are appropriated for
16 charter school capital outlay purposes, the Commissioner of
17 Education shall allocate the funds among eligible charter
18 schools. To be eligible for a funding allocation, a charter
19 school must meet the provisions of subsection (6), must have
20 received final approval from its sponsor pursuant to s.
21 1002.33 for operation during that fiscal year, and must serve
22 students in facilities that are not provided by the charter
23 school's sponsor. Prior to the release of capital outlay funds
24 to a school district on behalf of the charter school, the
25 Department of Education shall ensure that the district school
26 board and the charter school governing board enter into a
27 written agreement that includes provisions for the reversion
28 of any unencumbered funds and all equipment and property
29 purchased with public education funds to the ownership of the
30 district school board, as provided for in subsection (3), in
31 the event that the school terminates operations. Any funds

1 recovered by the state shall be deposited in the General
2 Revenue Fund. A charter school is not eligible for a funding
3 allocation if it was created by the conversion of a public
4 school and operates in facilities provided by the charter
5 school's sponsor for a nominal fee or at no charge or if it is
6 directly or indirectly operated by the school district. Unless
7 otherwise provided in the General Appropriations Act, the
8 funding allocation for each eligible charter school shall be
9 determined by multiplying the school's projected student
10 enrollment by one-fifteenth of the cost-per-student station
11 specified in s. 1013.64(6)(b) for an elementary, middle, or
12 high school, as appropriate. If the funds appropriated are not
13 sufficient, the commissioner shall prorate the available funds
14 among eligible charter schools. Funds shall be distributed on
15 the basis of the capital outlay full-time equivalent
16 membership by grade level, which shall be calculated by
17 averaging the results of the second and third enrollment
18 surveys. The Department of Education shall distribute capital
19 outlay funds monthly, beginning in the first quarter of the
20 fiscal year, based on one-twelfth of the amount the department
21 reasonably expects the charter school to receive during that
22 fiscal year. The commissioner shall adjust subsequent
23 distributions as necessary to reflect each charter school's
24 actual student enrollment as reflected in the second and third
25 enrollment surveys. The commissioner shall establish the
26 intervals and procedures for determining the projected and
27 actual student enrollment of eligible charter schools.

28 (2) A charter school's governing body may use charter
29 school capital outlay funds for any capital outlay purpose
30 that is directly related to the functioning of the charter
31 school, including the:

- 1 (a) Purchase of real property.
- 2 (b) Construction, renovation, repair, and maintenance
3 of school facilities.
- 4 (c) Purchase, lease-purchase, or lease of permanent or
5 relocatable school facilities.
- 6 (d) Purchase of vehicles to transport students to and
7 from the charter school.
- 8 (3) When a charter school is nonrenewed or terminated,
9 any unencumbered funds and all equipment and property
10 purchased with district public funds shall revert to the
11 ownership of the district school board, as provided for in s.
12 1002.33(8)(e) and (f). In the case of a charter lab school,
13 any unencumbered funds and all equipment and property
14 purchased with university public funds shall revert to the
15 ownership of the state university that issued the charter. The
16 reversion of such equipment, property, and furnishings shall
17 focus on recoverable assets, but not on intangible or
18 irrecoverable costs such as rental or leasing fees, normal
19 maintenance, and limited renovations. The reversion of all
20 property secured with public funds is subject to the complete
21 satisfaction of all lawful liens or encumbrances. If there are
22 additional local issues such as the shared use of facilities
23 or partial ownership of facilities or property, these issues
24 shall be agreed to in the charter contract prior to the
25 expenditure of funds.
- 26 (4) The Commissioner of Education shall specify
27 procedures for submitting and approving requests for funding
28 under this section and procedures for documenting
29 expenditures.
- 30 (5) The annual legislative budget request of the
31 Department of Education shall include a request for capital

1 outlay funding for charter schools. The request shall be based
2 on the projected number of students to be served in charter
3 schools who meet the eligibility requirements of this section.

4 (6) Unless authorized otherwise by the Legislature,
5 allocation and proration of charter school capital outlay
6 funds shall be made to eligible charter schools by the
7 Commissioner of Education in an amount and in a manner
8 authorized by subsection (1).

9 Section 862. Section 1013.63, Florida Statutes, is
10 created to read:

11 1013.63 University Concurrency Trust
12 Fund.--Notwithstanding any other provision of law, the general
13 revenue service charge deducted pursuant to s. 215.20 on
14 revenues raised by any local option motor fuel tax levied
15 pursuant to s. 336.025(1)(b), as created by chapter 93-206,
16 Laws of Florida, shall be deposited in the University
17 Concurrency Trust Fund, which is administered by the State
18 Board of Education. Moneys in such trust fund shall be for the
19 purpose of funding university offsite improvements required to
20 meet concurrency standards adopted under part II of chapter
21 163. In addition, in any year in which campus master plans are
22 updated pursuant to s. 1013.30, but no more frequently than
23 once every 5 years, up to 25 percent of the balance in the
24 trust fund for that year may be used to defray the costs
25 incurred in updating those campus master plans.

26 Section 863. Section 1013.64, Florida Statutes, is
27 created to read:

28 1013.64 Funds for comprehensive educational plant
29 needs; construction cost maximums for school district capital
30 projects.--Allocations from the Public Education Capital

31

1 Outlay and Debt Service Trust Fund to the various boards for
2 capital outlay projects shall be determined as follows:
3 (1)(a) Funds for remodeling, renovation, maintenance,
4 repairs, and site improvement for existing satisfactory
5 facilities shall be given priority consideration by the
6 Legislature for appropriations allocated to the boards from
7 the total amount of the Public Education Capital Outlay and
8 Debt Service Trust Fund appropriated. These funds shall be
9 calculated pursuant to the following basic formula: the
10 building value times the building age over the sum of the
11 years' digits assuming a 50-year building life. For
12 relocatable facilities, a 20-year life shall be used.
13 "Building value" is calculated by multiplying each building's
14 total assignable square feet times the appropriate
15 net-to-gross conversion rate found in state board rules and
16 that product times the current average new construction cost.
17 "Building age" is calculated by multiplying the prior year's
18 building age times 1 minus the prior year's sum received from
19 this subsection divided by the prior year's building value. To
20 the net result shall be added the number 1. Each board shall
21 receive the percentage generated by the preceding formula of
22 the total amount appropriated for the purposes of this
23 section.
24 (b) Each board is prohibited from using the funds
25 received pursuant to this section to supplant funds in the
26 current fiscal year approved operating budget, and all
27 budgeted funds shall be expended at a rate not less than would
28 have been expended had the funds under this section not been
29 received.
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1 (c) Each remodeling, renovation, maintenance, repair,
2 or site improvement project will expand or upgrade current
3 educational plants to prolong the useful life of the plant.
4 (d) Each board shall maintain fund accounting in a
5 manner which will permit a detailed audit of the funds
6 expended in this program.
7 (e) Remodeling projects shall be based on the
8 recommendations of a survey pursuant to s. 1013.31.
9 (f) At least one-tenth of a board's annual allocation
10 provided under this section shall be spent to correct unsafe,
11 unhealthy, or unsanitary conditions in its educational
12 facilities, as required by s. 1013.12, or a lesser amount
13 sufficient to correct all deficiencies cited in its annual
14 comprehensive safety inspection reports. This paragraph shall
15 not be construed to limit the amount a board may expend to
16 correct such deficiencies.
17 (g) When an existing educational plant is determined
18 to be unsatisfactory pursuant to the survey conducted under s.
19 1013.31, the board may, by resolution, designate the plant as
20 a historic educational facility and may use funds generated
21 for renovation and remodeling pursuant to this section to
22 restore the facility for use by the board. The board shall
23 agree to pay renovation and remodeling costs in excess of
24 funds which such facility would have generated through the
25 depreciation formula in paragraph (a) had the facility been
26 determined to be satisfactory. The board shall further agree
27 that the plant shall continue to house students. The board may
28 designate a plant as a historic educational facility only if
29 the Division of Historical Resources of the Department of
30 State or the appropriate historic preservation board under
31 chapter 266 certifies that:

1 1. The plant is listed or determined eligible for
2 listing in the National Register of Historic Places pursuant
3 to the National Historic Preservation Act of 1966, as amended,
4 16 U.S.C. s. 470;

5 2. The plant is designated historic within a certified
6 local district pursuant to s. 48(g)(3)(B)(ii) of the Internal
7 Revenue Code; or

8 3. The division or historic preservation board
9 otherwise finds that the plant is historically significant.

10 (h) University boards of trustees may utilize funds
11 appropriated pursuant to this section for replacement of minor
12 facilities provided that such projects do not exceed \$1
13 million in cost or 10,000 gross square feet in size. Minor
14 facilities may not be replaced from funds provided pursuant to
15 this section unless the board determines that the cost of
16 repair or renovation is greater than or equal to the cost of
17 replacement.

18 (2)(a) The department shall establish, as a part of
19 the Public Education Capital Outlay and Debt Service Trust
20 Fund, a separate account, in an amount determined by the
21 Legislature, to be known as the "Special Facility Construction
22 Account." The Special Facility Construction Account shall be
23 used to provide necessary construction funds to school
24 districts which have urgent construction needs but which lack
25 sufficient resources at present, and cannot reasonably
26 anticipate sufficient resources within the period of the next
27 3 years, for these purposes from currently authorized sources
28 of capital outlay revenue. A school district requesting
29 funding from the Special Facility Construction Account shall
30 submit one specific construction project, not to exceed one
31 complete educational plant, to the Special Facility

1 Construction Committee. No district shall receive funding for
2 more than one approved project in any 3-year period. The first
3 year of the 3-year period shall be the first year a district
4 receives an appropriation. The department shall encourage a
5 construction program that reduces the average size of schools
6 in the district. The request must meet the following criteria
7 to be considered by the committee:

8 1. The project must be deemed a critical need and must
9 be recommended for funding by the Special Facility
10 Construction Committee. Prior to developing plans for the
11 proposed facility, the district school board must request a
12 preapplication review by the Special Facility Construction
13 Committee or a project review subcommittee convened by the
14 committee to include two representatives of the department and
15 two staff from school districts not eligible to participate in
16 the program. Within 60 days after receiving the preapplication
17 review request, the committee or subcommittee must meet in the
18 school district to review the project proposal and existing
19 facilities. To determine whether the proposed project is a
20 critical need, the committee or subcommittee shall consider,
21 at a minimum, the capacity of all existing facilities within
22 the district as determined by the Florida Inventory of School
23 Houses; the district's pattern of student growth; the
24 district's existing and projected capital outlay full-time
25 equivalent student enrollment as determined by the department;
26 the district's existing satisfactory student stations; the use
27 of all existing district property and facilities; grade level
28 configurations; and any other information that may affect the
29 need for the proposed project.

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1 2. The construction project must be recommended in the
2 most recent survey or surveys by the district under the rules
3 of the State Board of Education.

4 3. The construction project must appear on the
5 district's approved project priority list under the rules of
6 the State Board of Education.

7 4. The district must have selected and had approved a
8 site for the construction project in compliance with s.
9 1013.36 and the rules of the State Board of Education.

10 5. The district shall have developed a district school
11 board adopted list of facilities that do not exceed the norm
12 for net square feet occupancy requirements under the State
13 Requirements for Educational Facilities, using all possible
14 programmatic combinations for multiple use of space to obtain
15 maximum daily use of all spaces within the facility under
16 consideration.

17 6. Upon construction, the total cost per student
18 station, including change orders, must not exceed the cost per
19 student station as provided in subsection (6).

20 7. There shall be an agreement signed by the district
21 school board stating that it will advertise for bids within 30
22 days of receipt of its encumbrance authorization from the
23 department.

24 8. The district shall, at the time of the request and
25 for a continuing period of 3 years, levy the maximum millage
26 against their nonexempt assessed property value as allowed in
27 s. 1011.71(2) or shall raise an equivalent amount of revenue
28 from the school capital outlay surtax authorized under s.
29 212.055(6). Any district with a new or active project, funded
30 under the provisions of this subsection, shall be required to
31 budget no more than the value of 1.5 mills per year to the

1 project to satisfy the annual participation requirement in the
2 Special Facility Construction Account.

3 9. If a contract has not been signed 90 days after the
4 advertising of bids, the funding for the specific project
5 shall revert to the Special Facility New Construction Account
6 to be reallocated to other projects on the list. However, an
7 additional 90 days may be granted by the commissioner.

8 10. The department shall certify the inability of the
9 district to fund the survey-recommended project over a
10 continuous 3-year period using projected capital outlay
11 revenue derived from s. 9(d), Art. XII of the State
12 Constitution, as amended, paragraph (3)(a) of this section,
13 and s. 1011.71(2).

14 11. The district shall have on file with the
15 department an adopted resolution acknowledging its 3-year
16 commitment of all unencumbered and future revenue acquired
17 from s. 9(d), Art. XII of the State Constitution, as amended,
18 paragraph (3)(a) of this section, and s. 1011.71(2).

19 12. Final phase III plans must be certified by the
20 board as complete and in compliance with the building and life
21 safety codes prior to August 1.

22 (b) The Special Facility Construction Committee shall
23 be composed of the following: two representatives of the
24 Department of Education, a representative from the Governor's
25 office, a representative selected annually by the district
26 school boards, and a representative selected annually by the
27 superintendents.

28 (c) The committee shall review the requests submitted
29 from the districts, evaluate the ability of the project to
30 relieve critical needs, and rank the requests in priority
31 order. This statewide priority list for special facilities

1 construction shall be submitted to the Legislature in the
2 commissioner's annual capital outlay legislative budget
3 request at least 45 days prior to the legislative session.

4 (3)(a) Each district school board shall receive an
5 amount from the Public Education Capital Outlay and Debt
6 Service Trust Fund to be calculated by computing the capital
7 outlay full-time equivalent membership as determined by the
8 department. Such membership must include, but is not limited
9 to:

10 1. K-12 students, except hospital and homebound
11 part-time students; and

12 2. Students who are career and technical education
13 students, and adult disabled students and who are enrolled in
14 school district technical centers. The capital outlay
15 full-time equivalent membership shall be determined for
16 kindergarten through the 12th grade and for technical centers
17 by averaging the unweighted full-time equivalent student
18 membership for the second and third surveys and comparing the
19 results on a school-by-school basis with the Florida Inventory
20 for School Houses. The capital outlay full-time equivalent
21 membership by grade level organization shall be used in making
22 the following calculations: The capital outlay full-time
23 equivalent membership by grade level organization for the 4th
24 prior year must be used to compute the base-year allocation.
25 The capital outlay full-time equivalent membership by
26 grade-level organization for the prior year must be used to
27 compute the growth over the highest of the 3 years preceding
28 the prior year. From the total amount appropriated by the
29 Legislature pursuant to this subsection, 40 percent shall be
30 allocated among the base capital outlay full-time equivalent
31 membership and 60 percent among the growth capital outlay

1 full-time equivalent membership. The allocation within each of
2 these groups shall be prorated to the districts based upon
3 each district's percentage of base and growth capital outlay
4 full-time membership. The most recent 4-year capital outlay
5 full-time equivalent membership data shall be used in each
6 subsequent year's calculation for the allocation of funds
7 pursuant to this subsection. If a change, correction, or
8 recomputation of data during any year results in a reduction
9 or increase of the calculated amount previously allocated to a
10 district, the allocation to that district shall be adjusted
11 correspondingly. If such recomputation results in an increase
12 or decrease of the calculated amount, such additional or
13 reduced amounts shall be added to or reduced from the
14 district's future appropriations. However, no change,
15 correction, or recomputation of data shall be made subsequent
16 to 2 years following the initial annual allocation.

17 (b) Funds accruing to a district school board from the
18 provisions of this section shall be expended on needed
19 projects as shown by survey or surveys under the rules of the
20 State Board of Education.

21 (c) A district school board may lease relocatable
22 educational facilities for up to 3 years using nonbonded PECO
23 funds and for any time period using local capital outlay
24 millage.

25 (d) Funds distributed to the district school boards
26 shall be allocated solely based on the provisions of
27 paragraphs (1)(a) and (2)(a) and paragraph (a) of this
28 subsection. No individual school district projects shall be
29 funded off the top of funds allocated to district school
30 boards.

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1 (4)(a) Community college boards of trustees and
2 university boards of trustees shall receive funds for projects
3 based on a 3-year priority list, to be updated annually, which
4 is submitted to the Legislature in the legislative budget
5 request at least 90 days prior to the legislative session. The
6 State Board of Education shall submit a 3-year priority list
7 for community colleges and a 3-year priority list for
8 universities. The lists shall reflect decisions by the State
9 Board of Education concerning program priorities that
10 implement the statewide plan for program growth and quality
11 improvement in education. No remodeling or renovation project
12 shall be included on the 3-year priority list unless the
13 project has been recommended pursuant to s. 1013.31 or is for
14 the purpose of correcting health and safety deficiencies. No
15 new construction project shall be included on the first year
16 of the 3-year priority list unless the educational
17 specifications have been approved by the commissioner for a
18 community college or university project, as applicable. The
19 funds requested for a new construction project in the first
20 year of the 3-year priority list shall be in conformance with
21 the scope of the project as defined in the educational
22 specifications. Any new construction project requested in the
23 first year of the 3-year priority list which is not funded by
24 the Legislature shall be carried forward to be listed first in
25 developing the updated 3-year priority list for the subsequent
26 year's capital outlay budget. Should the order of the priority
27 of the projects change from year to year, a justification for
28 such change shall be included with the updated priority list.

29 (b) Community college boards of trustees and
30 university boards of trustees may lease relocatable
31

1 educational facilities for up to 3 years using nonbonded PECO
2 funds.

3 (c) Community college boards of trustees and
4 university boards of trustees shall receive funds for
5 remodeling, renovation, maintenance and repairs, and site
6 improvement for existing satisfactory facilities pursuant to
7 subsection (1).

8 (5) District school boards shall identify each fund
9 source and the use of each proportionate to the project cost,
10 as identified in the bid document, to assure compliance with
11 this section. The data shall be submitted to the department,
12 which shall track this information as submitted by the boards.
13 PECO funds shall not be expended as indicated in the
14 following:

15 (a) District school boards shall provide landscaping
16 by local funding sources or initiatives. District school
17 boards are exempt from local landscape ordinances but may
18 comply with the local requirements if such compliance is less
19 costly than compliance with the landscape requirements of the
20 Florida Building Code for public educational facilities.

21 (b) PECO funds shall not be used for the construction
22 of football fields, bleachers, site lighting for athletic
23 facilities, tennis courts, stadiums, racquetball courts, or
24 any other competition-type facilities not required for
25 physical education curriculum. Regional or intradistrict
26 football stadiums may be constructed with these funds provided
27 a minimum of two high schools and two middle schools are
28 assigned to the facility and the stadiums are survey
29 recommended. Sophisticated auditoria shall be limited to
30 magnet performing arts schools, with all other schools using
31 basic lighting and sound systems as determined by rule. Local

1 funds shall be used for enhancement of athletic and performing
2 arts facilities.

3 (6)(a) Each district school board must meet all
4 educational plant space needs of its elementary, middle, and
5 high schools before spending funds from the Public Education
6 Capital Outlay and Debt Service Trust Fund or the School
7 District and Community College District Capital Outlay and
8 Debt Service Trust Fund for any ancillary plant or any other
9 new construction, renovation, or remodeling of ancillary
10 space. Expenditures to meet such space needs may include
11 expenditures for site acquisition; new construction of
12 educational plants; renovation, remodeling, and maintenance
13 and repair of existing educational plants, including auxiliary
14 facilities; and the directly related costs of such services of
15 school district personnel. It is not the intent of the
16 Legislature to preclude the use of capital outlay funding for
17 the labor costs necessary to accomplish the authorized uses
18 for the capital outlay funding. Day-labor contracts or any
19 other educational facilities contracting and construction
20 techniques pursuant to s. 1013.45 are authorized.

21 Additionally, if a school district has salaried maintenance
22 staff whose duties consist solely of performing the labor
23 necessary to accomplish the authorized uses for the capital
24 outlay funding, such funding may be used for those salaries;
25 however, if a school district has salaried staff whose duties
26 consist partially of performing the labor necessary to
27 accomplish the authorized uses for the capital outlay funding,
28 the district shall prorate the portion of salary of each such
29 employee that is based on labor for authorized capital outlay
30 funding, and such funding may be used to pay that portion.

31

1 (b)1. A district school board must not use funds from
2 the Public Education Capital Outlay and Debt Service Trust
3 Fund or the School District and Community College District
4 Capital Outlay and Debt Service Trust Fund for any new
5 construction of educational plant space with a total cost per
6 student station, including change orders, that equals more
7 than:
8 a. \$11,600 for an elementary school,
9 b. \$13,300 for a middle school, or
10 c. \$17,600 for a high school,
11
12 (1997) as adjusted annually by the Consumer Price Index.
13 2. A district school board must not use funds from the
14 Public Education Capital Outlay and Debt Service Trust Fund or
15 the School District and Community College District Capital
16 Outlay and Debt Service Trust Fund for any new construction of
17 an ancillary plant that exceeds 70 percent of the average cost
18 per square foot of new construction for all schools.
19 (c) Except as otherwise provided, new construction
20 initiated by a district school board after June 30, 1997, must
21 not exceed the cost per student station as provided in
22 paragraph (b).
23 (d) The department shall compute for each calendar
24 year the statewide average construction costs for facilities
25 servicing each instructional level, for relocatable educational
26 facilities, for administrative facilities, and for other
27 ancillary and auxiliary facilities. The department shall
28 compute the statewide average costs per student station for
29 each instructional level. Cost per student station includes
30 contract costs, legal and administrative costs, fees of
31 architects and engineers, furniture and equipment, and site

1 improvement costs. Cost per student station does not include
2 the cost of purchasing or leasing the site for the
3 construction or the cost of related offsite improvements.

4 (e) The restrictions of this subsection on the cost
5 per student station of new construction do not apply to a
6 project funded entirely from proceeds received by districts
7 through provisions of ss. 212.055 and 1011.73 and s. 9, Art.
8 VII of the State Constitution, if the school board approves
9 the project by majority vote.

10 Section 864. Section 1013.65, Florida Statutes, is
11 created to read:

12 1013.65 Educational and ancillary plant construction
13 funds; Public Education Capital Outlay and Debt Service Trust
14 Fund; allocation of funds.--

15 (1) The commissioner, through the department, shall
16 administer the Public Education Capital Outlay and Debt
17 Service Trust Fund. The commissioner shall allocate or
18 reallocate funds as authorized by the Legislature. Copies of
19 each allocation or reallocation shall be provided to members
20 of the State Board of Education and to the chairs of the House
21 of Representatives and Senate appropriations committees. The
22 commissioner shall provide for timely encumbrances of funds
23 for duly authorized projects. Encumbrances may include
24 proceeds to be received under a resolution approved by the
25 State Board of Education authorizing the issuance of public
26 education capital outlay bonds pursuant to s. 9(a)(2), Art.
27 XII of the State Constitution, s. 215.61, and other applicable
28 law. The commissioner shall provide for the timely
29 disbursement of moneys necessary to meet the encumbrance
30 authorizations of the boards. Records shall be maintained by
31 the department to identify legislative appropriations,

1 allocations, encumbrance authorizations, disbursements,
2 transfers, investments, sinking funds, and revenue receipts by
3 source. The Department of Education shall pay the
4 administrative costs of the Public Education Capital Outlay
5 and Debt Service Trust Fund from the funds which comprise the
6 trust fund.

7 (2)(a) The Public Education Capital Outlay and Debt
8 Service Trust Fund shall be comprised of the following
9 sources, which are hereby appropriated to the trust fund:

10 1. Proceeds, premiums, and accrued interest from the
11 sale of public education bonds and that portion of the
12 revenues accruing from the gross receipts tax as provided by
13 s. 9(a)(2), Art. XII of the State Constitution, as amended,
14 interest on investments, and federal interest subsidies.

15 2. General revenue funds appropriated to the fund for
16 educational capital outlay purposes.

17 3. All capital outlay funds previously appropriated
18 and certified forward pursuant to s. 216.301.

19 (b) Any funds required by law to be segregated or
20 maintained in separate accounts shall be segregated or
21 maintained in such manner that the relationship between
22 program and revenue source is retained. Nothing in this
23 subsection shall be construed so as to limit the use by the
24 Public Education Capital Outlay and Debt Service Trust Fund of
25 the resources of funds so segregated or maintained.

26 (3) Upon the request of each board, the department
27 shall distribute to the board an amount sufficient to cover
28 capital outlay disbursements anticipated from encumbrance
29 authorizations for the following month. For projects costing
30 in excess of \$50,000, contracts shall be approved and signed
31 before any disbursements are authorized.

1 (4) The department may authorize each board to enter
2 into contracts for a period exceeding 1 year, within amounts
3 appropriated and budgeted for fixed capital outlay needs; but
4 any contract so made shall be executory only for the value of
5 the services to be rendered, or agreed to be paid for, in
6 succeeding fiscal years. This subsection shall be incorporated
7 verbatim in all executory contracts of a board.

8 (5) No board shall, during any fiscal year, expend any
9 money, incur any liability, or enter into any contract which,
10 by its terms, involves expenditure of money in excess of the
11 amounts appropriated and budgeted or in excess of the cash
12 that will be available to meet the disbursement requirements.
13 Prior to entering into an executory, or any other, contract, a
14 board shall obtain certification from the department that
15 moneys will be available to meet the disbursement
16 requirements. Any contract, verbal or written, made in
17 violation of this subsection shall be null and void, and no
18 payment shall be made thereon.

19 (6) The State Board of Administration is authorized to
20 invest the trust funds of any state-supported retirement
21 system, and any other state funds available for loans, to the
22 trust fund at a rate of interest that is no less favorable
23 than would have been received had such moneys been invested in
24 accordance with authorized practices.

25 (7) Boards and entities authorized to participate in
26 the trust fund are district school boards, the community
27 college boards of trustees, the Trustees of the Florida School
28 for the Deaf and the Blind, and university boards of trustees
29 and other units of the state system of public education, and
30 other educational entities for which funds are authorized by
31 the Legislature.

1 (8) The department shall make a monthly report, by
2 project, of requests for encumbrance authorization from each
3 agency. Each project shall be tracked in the following manner:

4 (a) The date the request is received;

5 (b) The anticipated encumbrance date requested by the
6 agency;

7 (c) The date the project is eligible for encumbrance
8 authorization; and

9 (d) The date the encumbrance authorization is issued.

10 (9) The department shall make a monthly report:

11 (a) Showing the amount of cash disbursed to the agency
12 from each appropriated allocation and the amount of cash
13 disbursed by the agency to vendors or contractors from each
14 appropriated allocation, by month.

15 (b) Showing updated adjustments to the budget fiscal
16 year forecast for appropriations, encumbrances, disbursements,
17 and cash available for encumbrance status.

18 Section 865. Section 1013.66, Florida Statutes, is
19 created to read:

20 1013.66 Financing of approved capital projects.--

21 (1) Capital projects are to be financed in accordance
22 with s. 9(a)(2), Art. XII of the State Constitution, as
23 amended, or from other legally available state funds or
24 grants, donations, or matching funds, or by a combination of
25 such funds.

26 (2) The sum designated annually by the Legislature is
27 the maximum sum to be expended from funds accruing under s.
28 9(a)(2), Art. XII of the State Constitution, as amended, and
29 from funds accruing under s. 1013.65(2). However, funds
30 appropriated from this source and remaining unexpended from
31 previously authorized capital projects, along with grants,

1 donations, and matching funds from other sources, may be added
2 to such maximum sums for any item or category.

3 (3) No transfers between appropriations shall be made
4 without prior approval under the provisions of chapter 216.

5 (4) To the extent that appropriations authority for
6 entitlements from previous years was used for advanced
7 funding, that authority is hereby restored to the projects for
8 which appropriations were made by the Legislature in those
9 previous years.

10 Section 866. Section 1013.67, Florida Statutes, is
11 created to read:

12 1013.67 Commissioner to provide for encumbrances of
13 funds.--The Commissioner of Education shall provide for timely
14 encumbrances of funds for duly authorized projects.
15 Encumbrances may include proceeds to be received under a
16 resolution approved by the State Board of Education
17 authorizing the issuance of 1997 school capital outlay bonds
18 pursuant to s. 11(d), Art. VII of the State Constitution, s.
19 1013.70, and other applicable law.

20 Section 867. Section 1013.68, Florida Statutes, is
21 created to read:

22 1013.68 Classrooms First Program; uses.--

23 (1) The Commissioner of Education shall allocate funds
24 appropriated for the Classrooms First Program among the
25 district school boards. It is the intent of the Legislature
26 that this program be administered as nearly as practicable in
27 the same manner as the capital outlay program authorized under
28 s. 9(d), Art. XII of the State Constitution. Each district
29 school board's share of the annual appropriation for the
30 Classrooms First Program must be calculated according to the
31 following formula, but the share of each district shall, at a

1 minimum, be at least equal to the amount required for all
2 payments of the district relating to bonds issued by the state
3 on its behalf:

4 (a) Twenty-five percent of the appropriation shall be
5 prorated to the districts based on each district's percentage
6 of base capital outlay full-time equivalent membership; and 65
7 percent shall be based on each district's percentage of growth
8 capital outlay full-time equivalent membership as specified
9 for the allocation of funds from the Public Education Capital
10 Outlay and Debt Service Trust Fund by s. 1013.64(3).

11 (b) Ten percent of the appropriation must be allocated
12 among district school boards according to the allocation
13 formula in s. 1013.64(1)(a).

14 (2) A district school board shall expend the funds
15 received pursuant to this section only to:

16 (a) Construct, renovate, remodel, repair, or maintain
17 educational facilities; or

18 (b) Pay debt service on bonds issued pursuant to this
19 section, the proceeds of which must be expended for new
20 construction, remodeling, renovation, and major repairs. Bond
21 proceeds shall be expended first for providing permanent
22 classroom facilities. Bond proceeds shall not be expended for
23 any other facilities until all unmet needs for permanent
24 classrooms and auxiliary facilities as defined in s. 1013.01
25 have been satisfied.

26
27 However, if more than 9 percent of a district's total square
28 feet is more than 50 years old, the district must spend at
29 least 25 percent of its allocation on the renovation, major
30 repair, or remodeling of existing schools, except that

31

1 districts with fewer than 10,000 full-time equivalent students
2 are exempt from this requirement.

3 (3) Each district school board that pledges moneys
4 under paragraph (2)(b) shall notify the Department of
5 Education of its election at a time set by the department. The
6 Department of Education shall review the proposal of each
7 district school board for compliance with this section and
8 shall forward all approved proposals to the Division of Bond
9 Finance with a request to issue bonds on behalf of the
10 approved school districts. The Division of Bond Finance shall
11 pool the pledges from all school districts making the election
12 in that year and shall issue the bonds on behalf of the
13 districts for a period not to exceed the distributions to be
14 received under s. 24.121(2). The bonds must be issued in
15 accordance with s. 11(d), Art. VII of the State Constitution,
16 and each project to be constructed with the proceeds of bonds
17 is hereby approved as provided in s. 11(f), Art. VII of the
18 State Constitution. The bonds shall be issued pursuant to the
19 State Bond Act to the extent not inconsistent with this
20 section.

21 (4) Bonds issued under this section must be validated
22 as prescribed by chapter 75. The complaint for the validation
23 must be filed in the circuit court of the county where the
24 seat of state government is situated; the notice required to
25 be published by s. 75.06 must be published only in the county
26 where the complaint is filed; and the complaint and order of
27 the circuit court must be served only on the state attorney of
28 the circuit in which the action is pending. The state
29 covenants with holders of bonds issued under this section that
30 it will not take any action that will materially and adversely
31 affect the rights of such holders so long as such bonds are

1 outstanding. The state does hereby additionally authorize the
2 establishment of a covenant in connection with the bonds which
3 provides that any additional funds received by the state from
4 new or enhanced lottery programs, video gaming, or other
5 similar activities will first be available for payments
6 relating to bonds pledging revenues available pursuant to s.
7 24.121(2), prior to use for any other purpose.

8 (5) A school district may only receive a distribution
9 for use pursuant to paragraph (2)(a) if the district school
10 board certifies to the Commissioner of Education that the
11 district has no unmet need for permanent classroom facilities
12 in its 5-year capital outlay work plan. If the work plan
13 contains such unmet needs, the district must use its
14 distribution for the payment of bonds pursuant to paragraph
15 (2)(b). If the district does not require its full bonded
16 distribution to eliminate such unmet need, it may bond only
17 that portion of its allocation necessary to meet the needs.

18 Section 868. Section 1013.69, Florida Statutes, is
19 created to read:

20 1013.69 Full bonding required to participate in
21 programs.--Any district with unused bonding capacity in its
22 Capital Outlay and Debt Service Trust Fund allocation that
23 certifies in its district facilities work program that it will
24 not be able to meet all of its need for new student stations
25 within existing revenues must fully bond its Capital Outlay
26 and Debt Service Trust Fund allocation before it may
27 participate in Classrooms First, the School Infrastructure
28 Thrift (SIT) Program, or the Effort Index Grants Program.

29 Section 869. Section 1013.70, Florida Statutes, is
30 created to read:

31

1 1013.70 The 1997 School Capital Outlay Bond
2 Program.--There is hereby established the 1997 School Capital
3 Outlay Bond Program.
4 (1) The issuance of revenue bonds payable from the
5 first lottery revenues transferred to the Educational
6 Enhancement Trust Fund each fiscal year, as provided by s.
7 24.121(2), is authorized to finance or refinance the
8 construction, acquisition, reconstruction, or renovation of
9 educational facilities. Such bonds shall be issued pursuant to
10 and in compliance with the provisions of s. 11(d), Art. VII of
11 the State Constitution, the provisions of the State Bond Act,
12 ss. 215.57-215.83, as amended, and the provisions of this
13 section. The state does hereby covenant with the holders of
14 such revenue bonds that it will not take any action which will
15 materially and adversely affect the rights of such holders so
16 long as bonds authorized by this section are outstanding. The
17 state does hereby additionally authorize the establishment of
18 a covenant in connection with the bonds which provides that
19 any additional funds received by the state from new or
20 enhanced lottery programs, video gaming, or other similar
21 activities will first be available for payments relating to
22 bonds pledging revenues available pursuant to s. 24.121(2),
23 prior to use for any other purpose.
24 (2) The bonds shall be issued by the Division of Bond
25 Finance of the State Board of Administration on behalf of the
26 Department of Education in such amount as shall be requested
27 by resolution of the State Board of Education. However, debt
28 service and other amounts payable with respect to the bonds
29 issued pursuant to this section shall not exceed \$35 million
30 in any state fiscal year.
31

1 (3) Proceeds available from bond sales shall be
2 deposited in the Educational Enhancement Trust Fund within the
3 Department of Education.

4 (4) The facilities to be financed with the proceeds of
5 such bonds are designated as state fixed capital outlay
6 projects for purposes of s. 11(d), Art. VII of the State
7 Constitution and the specific facilities to be financed shall
8 be determined by the Department of Education in accordance
9 with state law and appropriations from the Educational
10 Enhancement Trust Fund. Each educational facility to be
11 financed with the proceeds of the bonds issued pursuant to
12 this section is hereby approved as required by s. 11(f), Art.
13 VII of the State Constitution.

14 (5) Bonds issued pursuant to this section shall be
15 validated in the manner provided by chapter 75. The complaint
16 for such validation shall be filed in the circuit court of the
17 county where the seat of state government is situated, the
18 notice required to be published by s. 75.06 shall be published
19 only in the county where the complaint is filed, and the
20 complaint and order of the circuit court shall be served only
21 on the state attorney of the circuit in which the action is
22 pending.

23 Section 870. Section 1013.71, Florida Statutes, is
24 created to read:

25 1013.71 Lottery Capital Outlay and Debt Service Trust
26 Fund.--

27 (1)(a) The Lottery Capital Outlay and Debt Service
28 Trust Fund is hereby created, to be administered by the
29 Department of Education. Funds shall be credited to the trust
30 fund from legislative appropriations and interest earnings.
31 The purpose of the trust fund is to maintain and account for

1 lottery funds appropriated for fixed capital outlay and debt
2 service separately from lottery funds appropriated for current
3 operations.

4 (b) Notwithstanding the provisions of s. 216.301 and
5 pursuant to s. 216.351, any balance in the trust fund at the
6 end of any fiscal year shall remain in the trust fund and
7 shall be available for carrying out the purposes of the trust
8 fund.

9 (2) Lottery funds appropriated for fixed capital
10 outlay and debt service, along with any interest earned
11 thereon, shall be transferred from the Educational Enhancement
12 Trust Fund to the Lottery Capital Outlay and Debt Service
13 Trust Fund.

14 (3) Pursuant to the provisions of s. 19(f)(3), Art.
15 III of the State Constitution, the trust fund is not subject
16 to termination under s. 19(f)(2), Art. III of the State
17 Constitution.

18 Section 871. Section 1013.72, Florida Statutes, is
19 created to read:

20 1013.72 SIT Program award eligibility; maximum cost
21 per student station of educational facilities; frugality
22 incentives; recognition awards.--

23 (1) It is the intent of the Legislature that district
24 school boards that seek awards of SIT Program funds use due
25 diligence and sound business practices in the design,
26 construction, and use of educational facilities.

27 (2) A school district may seek an award from the SIT
28 Program, pursuant to this section and s. 1013.42, based on the
29 district's new construction of educational facilities if the
30 cost per student station is less than:

31 (a) \$11,600 for an elementary school,

1 **(b) \$13,300 for a middle school, or**
2 **(c) \$17,600 for a high school,**
3
4 **(1997) as adjusted annually by the Consumer Price Index. The**
5 **award shall be up to 50 percent of such savings, as**
6 **recommended by the Office of Educational Facilities and SMART**
7 **Schools Clearinghouse.**

8 **(3) A school district may seek a SMART school of the**
9 **year recognition award for building the highest quality**
10 **functional, frugal school. The commissioner may present a**
11 **trophy or plaque and a cash award to the school recommended by**
12 **the Office of Educational Facilities and SMART Schools**
13 **Clearinghouse for a SMART school of the year recognition**
14 **award.**

15 Section 872. Section 1013.73, Florida Statutes, is
16 created to read:

17 **1013.73 Effort index grants for school district**
18 **facilities.--**

19 **(1) The Legislature hereby allocates for effort index**
20 **grants the sum of \$300 million from the funds appropriated**
21 **from the Educational Enhancement Trust Fund by s. 46, chapter**
22 **97-384, Laws of Florida, contingent upon the sale of school**
23 **capital outlay bonds. From these funds, the Commissioner of**
24 **Education shall allocate to the four school districts deemed**
25 **eligible for an effort index grant by the SMART Schools**
26 **Clearinghouse the sums of \$7,442,890 to the Clay County School**
27 **District, \$62,755,920 to the Dade County School District,**
28 **\$1,628,590 to the Hendry County School District, and \$414,950**
29 **to the Madison County School District. The remaining funds**
30 **shall be allocated among the remaining district school boards**
31 **that qualify for an effort index grant by meeting the local**

1 capital outlay effort criteria in paragraph (a) or paragraph
2 (b).

3 (a) Between July 1, 1995, and June 30, 1999, the
4 school district received direct proceeds from the
5 one-half-cent sales surtax for public school capital outlay
6 authorized by s. 212.055(6) or from the local government
7 infrastructure sales surtax authorized by s. 212.055(2).

8 (b) The school district met two of the following
9 criteria:

10 1. Levied the full 2 mills of nonvoted discretionary
11 capital outlay authorized by s. 1011.71(2) during 1995-1996,
12 1996-1997, 1997-1998, and 1998-1999.

13 2. Levied a cumulative voted millage for capital
14 outlay and debt service equal to 2.5 mills for fiscal years
15 1995 through 1999.

16 3. Received proceeds of school impact fees greater
17 than \$500 per dwelling unit which were in effect on July 1,
18 1998.

19 4. Received direct proceeds from either the
20 one-half-cent sales surtax for public school capital outlay
21 authorized by s. 212.055(6) or from the local government
22 infrastructure sales surtax authorized by s. 212.055(2).

23 (2) It is the intent of the Legislature that this
24 program be administered as nearly as is practicable in the
25 same manner as the capital outlay program authorized under s.
26 9(d), Art. XII of the State Constitution. Each district school
27 board's share of the appropriation for the effort index grants
28 must be calculated according to the following formula using
29 the same basis as the Classrooms First allocation formula, but
30 the share of each district shall, at a minimum, be at least

31

1 equal to the amount required for all payments of the district
2 relating to bonds issued by the state 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 (3) A district school board shall expend the funds
14 received under this section only to:
15 (a) Construct, renovate, remodel, repair, or maintain
16 educational facilities; or
17 (b) Pay debt service on bonds issued under 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 and related auxiliary facilities. Bond
22 proceeds may not be expended for any other facilities until
23 all unmet needs for permanent classrooms and auxiliary
24 facilities as defined in s. 1013.01 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 having fewer than 10,000 full-time equivalent
31 students are exempt from this requirement.

1 (4) Each district school board that pledges moneys
2 under paragraph (3)(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.

9 (5) A district school board that chooses to pledge
10 allocations from the Classrooms First Program for the issuance
11 of bonds must encumber those bond proceeds before pledging
12 funds for the payment of debt service on bonds issued pursuant
13 to this section.

14 (6) A school district may receive a distribution for
15 use pursuant to paragraph (3)(a) only if the district school
16 board certifies to the Commissioner of Education that the
17 district has no unmet need for permanent classroom facilities
18 in its 5-year capital outlay work plan. If the work plan
19 contains such unmet needs, the district must use its
20 distribution for the payment of bonds under paragraph (2)(b).
21 If the district does not require its full bonded distribution
22 to eliminate such unmet needs, it may bond only that portion
23 of its allocation necessary to meet the needs.

24 Section 873. Section 1013.74, Florida Statutes, is
25 created to read:

26 1013.74 University authorization for fixed capital
27 outlay projects.--

28 (1) Notwithstanding the provisions of chapter 216,
29 including s. 216.351, a university may accomplish fixed
30 capital outlay projects consistent with the provisions of this
31 section. Projects authorized by this section shall not require

1 educational plant survey approval as prescribed in chapter
2 235.
3 (2) The following types of projects may be
4 accomplished pursuant to this section:
5 (a) Construction of any new buildings, or remodeling
6 of existing buildings, when funded from nonstate sources such
7 as federal grant funds, private gifts, grants, or lease
8 arrangements if such grants or gifts are given for the
9 specific purpose of construction;
10 (b) The replacement of any buildings destroyed by fire
11 or other calamity;
12 (c) Construction of projects financed as provided in
13 ss. 1010.60-1010.619 or 1013.71;
14 (d) Construction of new facilities or remodeling of
15 existing facilities to meet needs for research, provided that
16 such projects are financed pursuant to s. 1004.22; or
17 (e) Construction of facilities or remodeling of
18 existing facilities to meet needs as determined by the
19 university, provided that the amount of funds for any such
20 project does not exceed \$1 million, and the trust funds, other
21 than the funds used to accomplish projects contemplated in
22 this subsection, are authorized and available for such
23 purposes.
24 (3) Other than those projects currently authorized, no
25 project proposed by a university which is to be funded from
26 Capital Improvement Trust Fund fees or building fees shall be
27 submitted to the State Board of Education for approval without
28 prior consultation with the student government association of
29 that university. The State Board of Education shall promulgate
30 rules which are consistent with this requirement.
31

1 (4) The university board of trustees shall, in
2 consultation with local and state emergency management
3 agencies, assess existing facilities to identify the extent to
4 which each campus has public hurricane evacuation shelter
5 space. The board shall submit to the Governor and the
6 Legislature by August 1 of each year a 5-year capital
7 improvements program that identifies new or retrofitted
8 facilities that will incorporate enhanced hurricane resistance
9 standards and that can be used as public hurricane evacuation
10 shelters. Enhanced hurricane resistance standards include
11 fixed passive protection for window and door applications to
12 provide mitigation protection, security protection with
13 egress, and energy efficiencies that meet standards required
14 in the 130-mile-per-hour wind zone areas. The board must also
15 submit proposed facility retrofit projects to the Department
16 of Community Affairs for assessment and inclusion in the
17 annual report prepared in accordance with s. 252.385(3). Until
18 a regional planning council region in which a campus is
19 located has sufficient public hurricane evacuation shelter
20 space, any campus building for which a design contract is
21 entered into subsequent to July 1, 2001, and which has been
22 identified by the board, with the concurrence of the local
23 emergency management agency or the Department of Community
24 Affairs, to be appropriate for use as a public hurricane
25 evacuation shelter, must be constructed in accordance with
26 public shelter standards.

27 Section 874. Section 1013.75, Florida Statutes, is
28 created to read:

29 1013.75 Cooperative funding of career and technical
30 educational facilities.--

31

1 (1) Each district school board operating a designated
2 technical center may submit, prior to August 1 of each year, a
3 request to the commissioner for funds from the Public
4 Education Capital Outlay and Debt Service Trust Fund to plan,
5 construct, and equip a career and technical educational
6 facility identified as being critical to the economic
7 development and the workforce needs of the school district.
8 Prior to submitting a request, each school district shall:
9 (a) Adopt and submit to the commissioner a resolution
10 indicating its commitment to fund the planning, construction,
11 and equipping of the proposed facility at 40 percent of the
12 requested project amount. The resolution shall also designate
13 the locale of the proposed facility. If funds from a private
14 or noneducational public entity are to be committed to the
15 project, then a joint resolution shall be required.
16 (b) Except as provided in paragraph (5)(b), levy the
17 maximum millage against the nonexempt assessed property value
18 as provided in s. 1011.71(2).
19 (c) Certify to the Office of Workforce and Economic
20 Development that the project has been survey recommended.
21 (d) Certify to the Office of Workforce and Economic
22 Development that final phase III construction documents comply
23 with applicable building codes and life safety codes.
24 (e) Sign an agreement that the district school board
25 shall advertise for bids within 90 days of receiving an
26 encumbrance authorization from the department.
27 (f) If a construction contract has not been signed 90
28 days after the advertising of bids, certify to the Office of
29 Workforce and Economic Development and the department the
30 cause for delay. Upon request, an additional 90 days may be
31 granted by the commissioner.

1 (2) The Office of Workforce and Economic Development
2 shall establish the need for additional career and technical
3 education programs and the continuation of existing programs
4 before facility construction or renovation related to career
5 and technical education can be included in the educational
6 plant survey. Information used by the Office of Workforce and
7 Economic Development to establish facility needs shall
8 include, but not be limited to, labor market needs analysis
9 and information submitted by the school districts.

10 (3) The total cost of the proposed facility shall be
11 determined by the district school board using established
12 state board averages for determining new construction cost.

13 (4)(a) A career and technical education construction
14 committee shall be composed of the following: three
15 representatives from the Department of Education and one
16 representative from the Executive Office of the Governor.

17 (b) The committee shall review and evaluate the
18 requests submitted from the school districts and rank the
19 requests in priority order in accordance with statewide
20 critical needs. This statewide priority list shall be
21 submitted to the commissioner.

22 (c) The commissioner's legislative capital outlay
23 budget request may include up to 2 percent of the new
24 construction allocation to public schools for career and
25 technical capital outlay projects recommended by the career
26 and technical education construction committee.

27 (5)(a) Upon approval of a project, the commissioner
28 shall include up to 60 percent of the total cost of the
29 project in the legislative capital outlay budget request as
30 provided in s. 1013.60 for educational plants. The
31 participating district school board shall provide 40 percent

1 of the total cost of the project. When practical, the district
2 school board shall solicit and encourage a private or
3 noneducational public entity to commit to finance a portion of
4 the funds to complete the planning, construction, and
5 equipping of the facility. If a site does not exist, the
6 purchase price or, if donated, the assessed value of a site
7 may be included in meeting the funding requirements of the
8 district school board, a private or noneducational public
9 entity, or the educational agency. The value of existing
10 sites, intended to satisfy any portion of the funding
11 requirement of a private or noneducational public entity,
12 shall be determined by an independent appraiser under contract
13 with the board. The size of the site to adequately provide for
14 the implementation of the proposed educational programs shall
15 be determined by the board. Funds from the Public Education
16 Capital Outlay and Debt Service Trust Fund may not be expended
17 on any project unless specifically authorized by the
18 Legislature.

19 (b) In the event that a school district is not levying
20 the maximum millage against the nonexempt assessed property
21 value pursuant to paragraph (1)(b), state and school district
22 funding pursuant to paragraph (a) shall be reduced by the same
23 proportion as the millage actually being levied bears to the
24 maximum allowable millage.

25 Section 875. Section 1013.76, Florida Statutes, is
26 created to read:

27 1013.76 Multiyear capital improvement contracts.--Any
28 provision of chapters 1010 and 1011 to the contrary
29 notwithstanding, school districts are authorized to award
30 capital improvement contracts involving expenditures to be
31 incurred for a period of more than 1 year on the basis of

1 voter-authorized and unissued general obligation bonding
2 authority, provided that sufficient funds are available to,
3 and budgeted by, the school district to pay actual
4 disbursements during any fiscal year.

5 Section 876. Section 1013.78, Florida Statutes, is
6 created to read:

7 1013.78 Approval required for certain
8 university-related facility acquisitions.--

9 (1) No university or university direct-support
10 organization shall construct, accept, or purchase facilities
11 for which the state will be asked for operating funds unless
12 there has been prior approval for construction or acquisition
13 granted by the Legislature.

14 (2) Legislative approval shall not be required for
15 renovations, remodeling, replacement of existing facilities or
16 construction of minor projects as defined in s. 1013.64.

17 Section 877. Section 1013.79, Florida Statutes, is
18 created to read:

19 1013.79 University Facility Enhancement Challenge
20 Grant Program.--

21 (1) The Legislature recognizes that the universities
22 do not have sufficient physical facilities to meet the current
23 demands of their instructional and research programs. It
24 further recognizes that, to strengthen and enhance
25 universities, it is necessary to provide facilities in
26 addition to those currently available from existing revenue
27 sources. It further recognizes that there are sources of
28 private support that, if matched with state support, can
29 assist in constructing much-needed facilities and strengthen
30 the commitment of citizens and organizations in promoting
31 excellence throughout the state universities. Therefore, it is

1 the intent of the Legislature to establish a trust fund to
2 provide the opportunity for each university to receive and
3 match challenge grants for instructional and research-related
4 capital facilities within the university.

5 (2) There is hereby established the Alec P. Courtelis
6 University Facility Enhancement Challenge Grant Program for
7 the purpose of assisting universities build high priority
8 instructional and research-related capital facilities,
9 including common areas connecting such facilities. The
10 associated foundations that serve the universities shall
11 solicit gifts from private sources to provide matching funds
12 for capital facilities. For the purposes of this act, private
13 sources of funds shall not include any federal, state, or
14 local government funds that a university may receive.

15 (3) There is established the Alec P. Courtelis Capital
16 Facilities Matching Trust Fund for the purpose of providing
17 matching funds from private contributions for the development
18 of high priority instructional and research-related capital
19 facilities, including common areas connecting such facilities,
20 within a university. The Legislature shall appropriate funds
21 to be transferred to the trust fund. The Public Education
22 Capital Outlay and Debt Service Trust Fund, Capital
23 Improvement Trust Fund, Division of Sponsored Research Trust
24 Fund, and Contracts and Grants Trust Fund shall not be used as
25 the source of the state match for private contributions. All
26 appropriated funds deposited into the trust fund shall be
27 invested pursuant to the provisions of s. 18.125. Interest
28 income accruing to that portion of the trust fund shall
29 increase the total funds available for the challenge grant
30 program. Interest income accruing from the private donations
31 shall be returned to the participating foundation upon

1 completion of the project. The State Board of Education shall
2 administer the trust fund and all related construction
3 activities.

4 (4) No project shall be initiated unless all private
5 funds for planning, construction, and equipping the facility
6 have been received and deposited in the trust fund and the
7 state's share for the minimum amount of funds needed to begin
8 the project has been appropriated by the Legislature. The
9 Legislature may appropriate the state's matching funds in one
10 or more fiscal years for the planning, construction, and
11 equipping of an eligible facility. However, these requirements
12 shall not preclude the university from expending available
13 funds from private sources to develop a prospectus, including
14 preliminary architectural schematics and/or models, for use in
15 its efforts to raise private funds for a facility.
16 Additionally, any private sources of funds expended for this
17 purpose are eligible for state matching funds should the
18 project materialize as provided for in this section.

19 (5) To be eligible to participate in the Alec P.
20 Courtelis Capital Facilities Matching Trust Fund, a university
21 shall raise a contribution equal to one-half of the total cost
22 of a facilities construction project from private
23 nongovernmental sources which shall be matched by a state
24 appropriation equal to the amount raised for a facilities
25 construction project subject to the General Appropriations
26 Act.

27 (6) If the state's share of the required match is
28 insufficient to meet the requirements of subsection (5), the
29 university shall renegotiate the terms of the contribution
30 with the donors. If the project is terminated, each private
31

1 donation, plus accrued interest, reverts to the foundation for
2 remittance to the donor.

3 (7) By September 1 of each year, the State Board of
4 Education shall transmit to the Legislature a list of projects
5 which meet all eligibility requirements to participate in the
6 Alec P. Courtelis Capital Facilities Matching Trust Fund and a
7 budget request which includes the recommended schedule
8 necessary to complete each project.

9 (8) In order for a project to be eligible under this
10 program, it must be included in the university 5-year Capital
11 Improvement Plan and must receive prior approval from the
12 State Board of Education and the Legislature.

13 (9) No university's project shall be removed from the
14 approved 3-year PECO priority list because of its successful
15 participation in this program until approved by the
16 Legislature and provided for in the General Appropriations
17 Act. When such a project is completed and removed from the
18 list, all other projects shall move up on the 3-year PECO
19 priority list. A university shall not use PECO funds,
20 including the Capital Improvement Trust Fund fee and the
21 building fee, to complete a project under this section.

22 (10) Any project funds that are unexpended after a
23 project is completed shall revert to the Capital Facilities
24 Matching Trust Fund. Fifty percent of such unexpended funds
25 shall be reserved for the university which originally received
26 the private contribution for the purpose of providing private
27 matching funds for future facility construction projects as
28 provided in this section. The balance of such unexpended funds
29 shall be available to any state university for future facility
30 construction projects conducted pursuant to this section.

31

1 (11) The surveys, architectural plans, facility, and
2 equipment shall be the property of the State of Florida. A
3 facility constructed pursuant to this section may be named in
4 honor of a donor at the option of the university and the State
5 Board of Education. No facility shall be named after a living
6 person without prior approval by the Legislature.

7 Section 878. Section 1013.81, Florida Statutes, is
8 created to read:

9 1013.81 Community college indebtedness; bonds and tax
10 anticipation certificates; payment.--

11 (1) The indebtedness incurred for the benefit of
12 community colleges and represented by bonds or motor vehicle
13 tax anticipation certificates issued from time to time by the
14 State Board of Education, hereinafter called "state board,"
15 pursuant to s. 18, Art. XII of the State Constitution of 1885
16 on behalf of the several former county boards of public
17 instruction shall not be considered by the state board in
18 determining the amount of bonds or motor vehicle tax
19 anticipation certificates which the state board may issue from
20 time to time on behalf of the several school districts under
21 the provisions of s. 9(d), Art. XII of the State Constitution,
22 as amended at the general election held on November 7, 1972,
23 hereinafter called "school capital outlay amendment." Such
24 indebtedness incurred on behalf of community colleges, as
25 described above, shall be considered by the state board in
26 determining the amount of bonds or motor vehicle tax
27 anticipation certificates which the state board may issue from
28 time to time on behalf of the several community college
29 districts under the provisions of the school capital outlay
30 amendment.

1 (2) The debt service requirements on the indebtedness
2 incurred for the benefit of community colleges and represented
3 by bonds or motor vehicle tax anticipation certificates issued
4 from time to time by the state board on behalf of the several
5 former county boards of public instruction, as described in
6 subsection (1), shall be paid from funds distributable
7 pursuant to the school capital outlay amendment to the credit
8 of the several community college districts, and not from funds
9 distributable pursuant to the school capital outlay amendment
10 to the credit of the several school districts.

11 (3) Nothing herein shall be construed to authorize the
12 state board to affect adversely or impair the contractual
13 rights created and vested by reason of the prior issuance of
14 bonds or motor vehicle tax anticipation certificates by the
15 state board.

16 Section 879. Section 1013.82, Florida Statutes, is
17 created to read:

18 1013.82 Contracts of institutions for supplies,
19 utility services, and building construction exempt from
20 operation of county or municipal ordinance or charter.--

21 (1) University boards of trustees are authorized to
22 contract for supplies, utility services, and building
23 construction without regulation or restriction by municipal or
24 county charter or ordinance. Contractual arrangements shall be
25 in the best interests of the state and shall give
26 consideration to rates, adequacy of service, and the
27 dependability of the contractor.

28 (2) Any municipal or county charter, ordinance, or
29 regulation that serves to restrict or prohibit the intent of
30 subsection (1) shall be inoperative.

31

1 Section 880. Section 11.061, Florida Statutes, is
2 amended to read:

3 11.061 State, state university, and community college
4 employee lobbyists; registration; recording attendance;
5 penalty; exemptions.--

6 (1) Any person employed by any executive, judicial, or
7 quasi-judicial department of the state or community college or
8 state university ~~of the state~~ who seeks to encourage the
9 passage, defeat, or modification of any legislation by
10 personal appearance or attendance before the House of
11 Representatives or the Senate, or any committee thereof,
12 shall, prior thereto, register as a lobbyist with the joint
13 legislative office on a form to be provided by the joint
14 legislative office in the same manner as any other lobbyist is
15 required to register, whether by rule of either house or
16 otherwise. This shall not preclude any person from contacting
17 her or his legislator regarding any matter during hours other
18 than the established business hours of the person's respective
19 agency, state university, or community college.

20 (2)(a) Each state, state university, or community
21 college employee ~~or employee of a community college~~ registered
22 pursuant to the provisions of this section shall:

23 1. Record with the chair of the committee any
24 attendance before any committee during established business
25 hours of the agency, state university, or community college
26 employing the person.

27 2. Record with the joint legislative office any
28 attendance in the legislative chambers, committee rooms,
29 legislative offices, legislative hallways, and other areas in
30 the immediate vicinity during the established business hours
31

1 of the agency, state university, or community college
2 employing the person.

3 (b) Any person who appears before a committee or
4 subcommittee of the House of Representatives or the Senate at
5 the request of the committee or subcommittee chair as a
6 witness or for informational purposes shall be exempt from the
7 provisions of this subsection.

8 (3) Any state, state university, or community college
9 ~~employee or employee of a community college~~ who violates any
10 provision of this section by not registering with the joint
11 legislative office as a lobbyist or by failing to record hours
12 spent as a lobbyist in areas and activities as set forth in
13 this section during the established business hours of the
14 agency, state university, or community college employing the
15 person shall have deducted from her or his salary an amount
16 equivalent to her or his hourly wage times the number of hours
17 that she or he was in violation of this section.

18 (4) Any person employed by any executive, judicial, or
19 quasi-judicial department of the state or by any community
20 college or state university ~~of the state~~ whose position is
21 designated in that department's budget as being used during
22 all, or a portion of, the fiscal year for lobbying shall
23 comply with the provisions of subsection (1), but shall be
24 exempt from the provisions of subsections (2) and (3).

25 Section 881. Paragraph (c) of subsection (5) of
26 section 11.40, Florida Statutes, is amended to read:

27 11.40 Legislative Auditing Committee.--

28 (5) Following notification by the Auditor General, the
29 Department of Banking and Finance, or the Division of Bond
30 Finance of the State Board of Administration of the failure of
31 a local governmental entity, district school board, charter

1 school, or charter technical career center to comply with the
2 applicable provisions within s. 11.45(5)-(7), s. 218.32(1), or
3 s. 218.38, the Legislative Auditing Committee may schedule a
4 hearing. If a hearing is scheduled, the committee shall
5 determine if the entity should be subject to further state
6 action. If the committee determines that the entity should be
7 subject to further state action, the committee shall:

8 (c) In the case of a charter school or charter
9 technical career center, notify the appropriate sponsoring
10 entity, which may terminate the charter pursuant to ss.
11 1002.33 ~~228.056~~ and 1002.34 ~~228.505~~.

12 Section 882. Paragraph (a) of subsection (3) and
13 subsection (8) of section 11.45, Florida Statutes, are amended
14 to read:

15 11.45 Definitions; duties; authorities; reports;
16 rules.--

17 (3) AUTHORITY FOR AUDITS AND OTHER ENGAGEMENTS.--

18 (a) The Auditor General may, pursuant to his or her
19 own authority, or at the direction of the Legislative Auditing
20 Committee, conduct audits or other engagements as determined
21 appropriate by the Auditor General of:

22 1. The accounts and records of any governmental entity
23 created or established by law.

24 2. The information technology programs, activities,
25 functions, or systems of any governmental entity created or
26 established by law.

27 3. The accounts and records of any charter school
28 created or established by law.

29 4. The accounts and records of any direct-support
30 organization or citizen support organization created or
31 established by law. The Auditor General is authorized to

1 require and receive any records from the direct-support
2 organization or citizen support organization, or from its
3 independent auditor.

4 5. The public records associated with any
5 appropriation made by the General Appropriations Act to a
6 nongovernmental agency, corporation, or person. All records of
7 a nongovernmental agency, corporation, or person with respect
8 to the receipt and expenditure of such an appropriation shall
9 be public records and shall be treated in the same manner as
10 other public records are under general law.

11 6. State financial assistance provided to any nonstate
12 entity.

13 7. The Tobacco Settlement Financing Corporation
14 created pursuant to s. 215.56005.

15 8. The Florida On-Line High School created pursuant to
16 s. 1002.37 ~~228.082~~.

17 9. Any purchases of federal surplus lands for use as
18 sites for correctional facilities as described in s. 253.037.

19 10. Enterprise Florida, Inc., including any of its
20 boards, advisory committees, or similar groups created by
21 Enterprise Florida, Inc., and programs. The audit report may
22 not reveal the identity of any person who has anonymously made
23 a donation to Enterprise Florida, Inc., pursuant to this
24 subparagraph. The identity of a donor or prospective donor to
25 Enterprise Florida, Inc., who desires to remain anonymous and
26 all information identifying such donor or prospective donor
27 are confidential and exempt from the provisions of s.
28 119.07(1) and s. 24(a), Art. I of the State Constitution. Such
29 anonymity shall be maintained in the auditor's report.

30 11. The Florida Development Finance Corporation or the
31 capital development board or the programs or entities created

1 by the board. The audit or report may not reveal the identity
2 of any person who has anonymously made a donation to the board
3 pursuant to this subparagraph. The identity of a donor or
4 prospective donor to the board 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 12. The records pertaining to the use of funds from
10 voluntary contributions on a motor vehicle registration
11 application or on a driver's license application authorized
12 pursuant to ss. 320.023 and 322.081.

13 13. The records pertaining to the use of funds from
14 the sale of specialty license plates described in chapter 320.

15 14. The transportation corporations under contract
16 with the Department of Transportation that are acting on
17 behalf of the state to secure and obtain rights-of-way for
18 urgently needed transportation systems and to assist in the
19 planning and design of such systems pursuant to ss.
20 339.401-339.421.

21 15. The acquisitions and divestitures related to the
22 Florida Communities Trust Program created pursuant to chapter
23 380.

24 16. The Florida Water Pollution Control Financing
25 Corporation created pursuant to s. 403.1837.

26 17. The Florida Partnership for School Readiness
27 created pursuant to s. 411.01.

28 18. The Occupational Access and Opportunity Commission
29 created pursuant to s. 413.83.

30 19. The Florida Special Disability Trust Fund
31 Financing Corporation created pursuant to s. 440.49.

1 20. Workforce Florida, Inc., or the programs or
2 entities created by Workforce Florida, Inc., created pursuant
3 to s. 445.004.

4 21. The corporation defined in s. 455.32 that is under
5 contract with the Department of Business and Professional
6 Regulation to provide administrative, investigative,
7 examination, licensing, and prosecutorial support services in
8 accordance with the provisions of s. 455.32 and the practice
9 act of the relevant profession.

10 22. The Florida Engineers Management Corporation
11 created pursuant to chapter 471.

12 23. The Investment Fraud Restoration Financing
13 Corporation created pursuant to chapter 517.

14 24. The books and records of any permitholder that
15 conducts race meetings or jai alai exhibitions under chapter
16 550.

17 25. The corporation defined in part II of chapter 946,
18 known as the Prison Rehabilitative Industries and Diversified
19 Enterprises, Inc., or PRIDE Enterprises.

20 (8) RULES OF THE AUDITOR GENERAL.--The Auditor
21 General, in consultation with the Board of Accountancy, shall
22 adopt rules for the form and conduct of all financial audits
23 performed by independent certified public accountants pursuant
24 to ss. 215.981, 218.39, 1004.28, 1004.70, and 1013.77~~237.40,~~
25 ~~240.299, and 240.331~~. The rules for audits of local
26 governmental entities and district school boards must include,
27 but are not limited to, requirements for the reporting of
28 information necessary to carry out the purposes of the Local
29 Government Financial Emergencies Act as stated in s. 218.501.

30 Section 883. Notwithstanding subsection (7) of section
31 3 of chapter 2000-321, Laws of Florida, section 20.15, Florida

1 Statutes, shall not stand repealed on January 7, 2003, as
2 scheduled by that act, but is reenacted and amended to read:

3 20.15 Department of Education.--There is created a
4 Department of Education.

5 (1) STATE BOARD OF EDUCATION.--In accordance with s.
6 2, Art. IX of the State Constitution, the State Board of
7 Education is a body corporate and must supervise the system of
8 free public education as is provided by law. The State Board
9 of Education is the head of the Department of Education the
10 chief policymaking body of public education in the state as
11 specified in chapter 229. The Governor is chair of the board,
12 and the Commissioner of Education is the secretary and
13 executive officer and in the absence of the Governor shall
14 serve as chair.

15 (2) COMMISSIONER OF EDUCATION.--The Commissioner of
16 Education is appointed by the State Board of Education and
17 serves as the Executive Director of the Department of
18 Education head of the Department of Education is the
19 Commissioner of Education who shall be elected by vote of the
20 qualified electors of the state pursuant to s. 5, Art. IV of
21 the State Constitution.

22 (a) ~~The Commissioner of Education shall appoint a~~
23 ~~Deputy Commissioner for Educational Programs who has such~~
24 ~~powers, duties, responsibilities, and functions as are~~
25 ~~necessary to ensure the greatest possible coordination,~~
26 ~~efficiency, and effectiveness of kindergarten through~~
27 ~~12th grade education and vocational and continuing education~~
28 ~~programs, including workforce development.~~

29 (b) ~~The Commissioner of Education shall appoint a~~
30 ~~Deputy Commissioner for Planning, Budgeting, and Management~~
31 ~~who has such powers, duties, responsibilities, and functions~~

1 ~~as are necessary to ensure the greatest possible coordination~~
2 ~~of policies, programs, and procedures for the statewide system~~
3 ~~of education and the department.~~

4 ~~(c) The Commissioner of Education shall appoint a~~
5 ~~Deputy Commissioner for Technology and Administration who has~~
6 ~~such powers, duties, responsibilities, and functions as are~~
7 ~~necessary to ensure the greatest possible coordination and~~
8 ~~development of technological supports for the education system~~
9 ~~and efficient administration of the department.~~

10 (3) DIVISIONS.--The following divisions of the
11 Department of Education are established:

12 (a) Division of Community Colleges.

13 (b) Division of Public Schools ~~and Community~~
14 ~~Education.~~

15 (c) Division of Colleges and Universities.

16 (d) Division of Vocational Rehabilitation Workforce
17 ~~Development.~~

18 ~~(e) Division of Professional Educators.~~

19 ~~(f) Division of Administration.~~

20 ~~(g) Division of Financial Services.~~

21 ~~(h) Division of Support Services.~~

22 ~~(i) Division of Technology.~~

23 ~~(e)(j)~~ (e) Division of Blind Services.

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

30 (5) POWERS AND DUTIES.--The State Board of Education
31 and the Commissioner of Education+

1 (a) shall assign to the divisions ~~Division of Public~~
2 ~~Schools and Community Education~~ such powers, duties,
3 responsibilities, and functions as are necessary to ensure the
4 greatest possible coordination, efficiency, and effectiveness
5 of education for students in K-20 education ~~prekindergarten~~
6 ~~through 12th grade, for secondary school vocational education,~~
7 ~~and for community education.~~

8 (b) ~~Shall assign to the Division of Workforce~~
9 ~~Development such powers, duties, responsibilities, and~~
10 ~~functions as are necessary to ensure the greatest possible~~
11 ~~coordination, efficiency, and effectiveness of workforce~~
12 ~~development education.~~

13 (c) ~~Shall assign to the State Board of Community~~
14 ~~Colleges such powers, duties, responsibilities, and functions~~
15 ~~as are necessary to ensure the coordination, efficiency, and~~
16 ~~effectiveness of community colleges, except those duties~~
17 ~~specifically assigned to the Commissioner of Education in ss.~~
18 ~~229.512 and 229.551, the duties concerning physical facilities~~
19 ~~in chapter 235, and the duties assigned to the Division of~~
20 ~~Workforce Development in chapter 239.~~

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

1 (7) BOARDS.--Notwithstanding anything contained in law
2 to the contrary, all members of the university ~~Board of~~
3 ~~Regents, the State Board of Community Colleges, and the~~
4 community college ~~district~~ boards of trustees must be
5 appointed according to chapter 1001 ~~240~~.

6 Section 884. Paragraphs (a) and (b) of subsection (1),
7 paragraph (d) of subsection (3), and paragraph (a) of
8 subsection (5) of section 23.1225, Florida Statutes, are
9 amended to read:

10 23.1225 Mutual aid agreements.--

11 (1) The term "mutual aid agreement," as used in this
12 part, refers to one of the following types of agreement:

13 (a) A voluntary cooperation written agreement between
14 two or more law enforcement agencies, or between one or more
15 law enforcement agencies and either a school board that
16 employs school safety officers or a state university that
17 employs or appoints university police officers in accordance
18 with s. 1012.97 ~~240-268~~, which agreement permits voluntary
19 cooperation and assistance of a routine law enforcement nature
20 across jurisdictional lines. The agreement must specify the
21 nature of the law enforcement assistance to be rendered, the
22 agency or entity that shall bear any liability arising from
23 acts undertaken under the agreement, the procedures for
24 requesting and for authorizing assistance, the agency or
25 entity that has command and supervisory responsibility, a time
26 limit for the agreement, the amount of any compensation or
27 reimbursement to the assisting agency or entity, and any other
28 terms and conditions necessary to give it effect. Examples of
29 law enforcement activities that may be addressed in a
30 voluntary cooperation written agreement include, but are not
31 limited to, establishing a joint city-county task force on

1630

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 narcotics smuggling, authorizing school safety officers to
2 enforce laws in an area within 1,000 feet of a school or
3 school board property, or establishing a joint city-county
4 traffic enforcement task force.

5 (b) A requested operational assistance written
6 agreement between two or more law enforcement agencies, or
7 between one or more law enforcement agencies and either a
8 school board that employs school safety officers or a state
9 university that employs or appoints university police officers
10 in accordance with s. 1012.97 ~~240.268~~, which agreement is for
11 the rendering of assistance in a law enforcement emergency.
12 The agreement must specify the nature of the law enforcement
13 assistance to be rendered, the agency or entity that shall
14 bear any liability arising from acts undertaken under the
15 agreement, the procedures for requesting and for authorizing
16 assistance, the agency or entity that has command and
17 supervisory responsibility, a time limit for the agreement,
18 the amount of any compensation or reimbursement to the
19 assisting agency or entity, and any other terms and conditions
20 necessary to give it effect. An example of the use of a
21 requested operational assistance written agreement is to meet
22 a request for assistance due to a civil disturbance or other
23 emergency as defined in s. 252.34.

24 (3) A mutual aid agreement may be entered into by:

25 (d) A state university that employs or appoints
26 university police officers in accordance with s. 1012.97
27 ~~240.268~~.

28 (5) In the event of a disaster or emergency such that
29 a state of emergency is declared by the Governor pursuant to
30 chapter 252, the requirement that a requested operational
31 assistance agreement be a written agreement for rendering of

1 assistance in a law enforcement emergency may be waived by the
2 participating agencies for a period of up to 90 days from the
3 declaration of the disaster.

4 (a) When a law enforcement agency, a school board
5 employing school safety officers, or a state university
6 employing or appointing university police officers in
7 accordance with s. 1012.97 ~~240.268~~ lends assistance pursuant
8 to this subsection, all powers, privileges, and immunities
9 listed in s. 23.127, except with regard to interstate mutual
10 aid agreements, apply to the agency or entity, provided that
11 the law enforcement, school board, or university employees
12 rendering services are being requested and coordinated by the
13 affected local law enforcement executive in charge of law
14 enforcement operations.

15 Section 885. Subsection (2) and paragraphs (c) and (d)
16 of subsection (5) of section 24.121, Florida Statutes, are
17 amended to read:

18 24.121 Allocation of revenues and expenditure of funds
19 for public education.--

20 (2) Each fiscal year, at least 38 percent of the gross
21 revenue from the sale of lottery tickets and other earned
22 revenue, excluding application processing fees, shall be
23 deposited in the Educational Enhancement Trust Fund, which is
24 hereby created in the State Treasury to be administered by the
25 Department of Education. The Department of the Lottery shall
26 transfer moneys to the Educational Enhancement Trust Fund at
27 least once each quarter. Funds in the Educational Enhancement
28 Trust Fund shall be used to the benefit of public education in
29 accordance with the provisions of this act. Notwithstanding
30 any other provision of law, a maximum of \$180 million of
31 lottery revenues transferred to the Educational Enhancement

1 Trust Fund in fiscal year 1997-1998 and for 30 years
2 thereafter shall be reserved as needed and used to meet the
3 requirements of the documents authorizing the bonds issued by
4 the state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70
5 ~~235.2195~~ or distributed to school districts for the Classrooms
6 First Program as provided in s. 1013.68 ~~235.187~~. Such lottery
7 revenues are hereby pledged to the payment of debt service on
8 bonds issued by the state pursuant to s. 1013.68 ~~235.187~~ or s.
9 1013.70 ~~235.2195~~. Debt service payable on bonds issued by the
10 state pursuant to s. 1013.68 ~~235.187~~ or s. 1013.70 ~~235.2195~~
11 shall be payable from the first lottery revenues transferred
12 to the Educational Enhancement Trust Fund in each fiscal year.
13 Amounts distributable to school districts that request the
14 issuance of bonds pursuant to s. 1013.68(3) ~~235.187(3)~~ are
15 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
16 the State Constitution. The amounts distributed through the
17 Classrooms First Program shall equal \$145 million in each
18 fiscal year. These funds are intended to provide up to \$2.5
19 billion for public school facilities.

20 (5)

21 (c) A portion of such net revenues, as determined
22 annually by the Legislature, shall be distributed to each
23 school district and shall be made available to each public
24 school in the district for enhancing school performance
25 through development and implementation of a school improvement
26 plan pursuant to s. 1001.42(16) ~~230.23(16)~~. A portion of these
27 moneys, as determined annually in the General Appropriations
28 Act, must be allocated to each school in an equal amount for
29 each student enrolled. These moneys may be expended only on
30 programs or projects selected by the school advisory council
31 or by a parent advisory committee created pursuant to this

1 paragraph. If a school does not have a school advisory
2 council, the district advisory council must appoint a parent
3 advisory committee composed of parents of students enrolled in
4 that school, which committee is representative of the ethnic,
5 racial, and economic community served by the school, to advise
6 the school's principal on the programs or projects to be
7 funded. A principal may not override the recommendations of
8 the school advisory council or the parent advisory committee.
9 These moneys may not be used for capital improvements, nor may
10 they be used for any project or program that has a duration of
11 more than 1 year; however, a school advisory council or parent
12 advisory committee may independently determine that a program
13 or project formerly funded under this paragraph should receive
14 funds in a subsequent year.

15 (d) No funds shall be released for any purpose from
16 the Educational Enhancement Trust Fund to any school district
17 in which one or more schools do not have an approved school
18 improvement plan pursuant to s. 1001.42(16) ~~230.23(16)~~ or do
19 not comply with school advisory council membership composition
20 requirements pursuant to s. 229.58(1). Effective July 1, 2002,
21 the Commissioner of Education shall withhold disbursements
22 from the trust fund to any school district that fails to adopt
23 the performance-based salary schedule required by s.
24 1012.22(1) ~~230.23(5)~~.

25 Section 886. Paragraph (a) of subsection (5) of
26 section 39.0015, Florida Statutes, is amended to read:

27 39.0015 Child abuse prevention training in the
28 district school system.--

29 (5) PREVENTION TRAINING CENTERS; FUNCTIONS; SELECTION
30 PROCESS; MONITORING AND EVALUATION.--

31

- 1 (a) Each training center shall perform the following
2 functions:
- 3 1. Act as a clearinghouse to provide information on
4 prevention curricula which meet the requirements of this
5 section and the requirements of s. ss. 39.001 ~~and 231.17~~.
- 6 2. Assist the local school district in selecting a
7 prevention program model which meets the needs of the local
8 community.
- 9 3. At the request of the local school district, design
10 and administer training sessions to develop or expand local
11 primary prevention and training programs.
- 12 4. Provide assistance to local school districts,
13 including, but not limited to, all of the following:
14 administration, management, program development, multicultural
15 staffing, and community education, in order to better meet the
16 requirements of this section and of s. ss. 39.001 ~~and 231.17~~.
- 17 5. At the request of the department or the local
18 school district, provide ongoing program development and
19 training to achieve all of the following:
- 20 a. Meet the special needs of children, including, but
21 not limited to, the needs of disabled and high-risk children.
- 22 b. Conduct an outreach program to inform the
23 surrounding communities of the existence of primary prevention
24 and training programs and of funds to conduct such programs.
- 25 6. Serve as a resource to the Department of Children
26 and Family Services and its districts.
- 27 Section 887. Paragraph (c) of subsection (3) of
28 section 39.407, Florida Statutes, is amended to read:
29 39.407 Medical, psychiatric, and psychological
30 examination and treatment of child; physical or mental
31 examination of parent or person requesting custody of child.--

1 (3)

2 (c) The judge may also order such child to be
3 evaluated by a district school board educational needs
4 assessment team. The educational needs assessment provided by
5 the district school board educational needs assessment team
6 shall include, but not be limited to, reports of intelligence
7 and achievement tests, screening for learning disabilities and
8 other handicaps, and screening for the need for alternative
9 education as defined in s. 1001.42 ~~230.23~~.

10 Section 888. Subsection (1) of section 61.13015,
11 Florida Statutes, is amended to read:

12 61.13015 Petition for suspension or denial of
13 professional licenses and certificates.--

14 (1) An obligee may petition the court which entered
15 the support order or the court which is enforcing the support
16 order for an order to suspend or deny the license or
17 certificate issued pursuant to chapters ~~231~~, 409, 455, 456,
18 ~~and~~ 559, and 1012 of any obligor with a delinquent support
19 obligation. However, no petition may be filed until the
20 obligee has exhausted all other available remedies. The
21 purpose of this section is to promote the public policy of s.
22 409.2551.

23 Section 889. Subsection (2) of section 105.061,
24 Florida Statutes, is amended to read:

25 105.061 Electors qualified to vote.--

26 (2) The election of members of a school board shall be
27 by vote of the qualified electors as prescribed in chapter
28 1001 ~~230~~.

29 Section 890. Paragraph (a) of subsection (1) of
30 section 110.1228, Florida Statutes, is amended to read:

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 891. 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

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 892. 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 893. 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 894. 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 895. 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 896. 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 897. 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 898. 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 899. 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 900. 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 901. 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 902. 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 903. 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 904. 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 905. 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

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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 906. 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 907. 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 908. 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 909. 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 910. 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 911. 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 912. 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 913. 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

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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.

1 Section 914. 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 915. 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 916. 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 917. 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 918. 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 919. 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 920. 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 921. 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 922. 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 923. 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 924. 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 925. 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 926. 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 927. 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 928. Subsection (1) of section 222.22, Florida
31 Statutes, is amended to read:

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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 929. 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 930. 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 931. 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 932. 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 933. 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 934. 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 935. 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 936. 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 937. 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 938. 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 939. 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 940. 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 941. 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 942. 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 943. 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~~.

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 944. 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 945. 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 946. 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 947. 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 948. 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 949. 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 950. 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 951. 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 952. 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 953. 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 954. 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 955. 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 956. 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 957. 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 958. 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 959. 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 960. 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 961. 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 962. 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 963. 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 964. 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 965. 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 966. 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 967. 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 968. 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 969. 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 970. 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 971. 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 972. 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 973. 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 974. 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 975. 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 976. 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.

1717

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 Section 977. 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 978. 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 979. 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 980. 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 981. 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 982. 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 983. 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 984. 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 985. 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 986. 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 987. 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 988. 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 989. 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 990. 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 991. 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

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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 992. 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 993. 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 994. 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 995. 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 996. 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 997. 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 998. 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 999. 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 1000. 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 1001. 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:

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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 1002. 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 1003. 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 1004. 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 1005. 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 1006. 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 1007. 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 1008. 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 1009. 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

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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 1010. 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 1011. 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 1012. 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 1013. 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 1014. 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 1015. 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:

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- 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 1016. 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 1017. 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

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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 1018. 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 1019. 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 1020. 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 1021. 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 1022. 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 1023. 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 1024. 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 1025. 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 1026. 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 1027. 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 1028. 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 1029. Section 488.01, Florida Statutes, is
10 amended to read:

11 488.01 License to engage in business of operating a
12 driver's school required.--The Department of Highway Safety
13 and Motor Vehicles shall oversee and license all commercial
14 driver's schools except truck driving schools. All commercial
15 truck driving schools shall be required to be licensed
16 pursuant to chapter 1005 ~~246~~, and additionally shall be
17 subject to the provisions of ss. 488.04 and 488.05. No
18 person, group, organization, institution, business entity, or
19 corporate entity may engage in the business of operating a
20 driver's school without first obtaining a license therefor
21 from the Department of Highway Safety and Motor Vehicles
22 pursuant to this chapter or from the State Board of Nonpublic
23 Career Education pursuant to chapter 1005 ~~246~~.

24 Section 1030. Subsections (12) and (13) of section
25 553.415, Florida Statutes, are amended to read:

26 553.415 Factory-built school buildings.--

27 (12) Such identification label shall be permanently
28 affixed by the manufacturer in the case of newly constructed
29 factory-built school buildings, or by the department or its
30 designee in the case of an existing factory-built building
31 altered to comply with provisions of s. 1013.20 ~~235.061~~.

1 (13) As of July 1, 2001, all newly constructed
2 factory-built school buildings shall bear a label pursuant to
3 subsection (12). As of July 1, 2002, existing factory-built
4 school buildings and manufactured buildings used as classrooms
5 and not bearing such label shall not be used as classrooms
6 pursuant to s. 1013.20 ~~235.061~~.

7 Section 1031. Subsection (5) of section 559.902,
8 Florida Statutes, is amended to read:

9 559.902 Scope and application.--This act shall apply
10 to all motor vehicle repair shops in Florida, except:

11 (5) Those located in public schools as defined in s.
12 1000.04 ~~228.041~~ or charter technical career centers as defined
13 in s. 1002.34 ~~228.505~~.

14
15 However, such person may voluntarily register under this act.

16 Section 1032. Section 589.09, Florida Statutes, is
17 amended to read:

18 589.09 Use of lands acquired.--All lands acquired by
19 the Division of Forestry on behalf of the state shall be in
20 the custody of and subject to the jurisdiction, management,
21 and control of the said division, and, for such purposes and
22 the utilization and development of such land, the said
23 division may use the proceeds of the sale of any products
24 therefrom, the proceeds of the sale of any such lands, save
25 the 25 percent of such proceeds which shall be paid into the
26 State School Fund as required by s. 1010.71(1) ~~228.151~~, and
27 such other funds as may be appropriated for use by the
28 division, and in the opinion of such division, available for
29 such uses and purposes.

30 Section 1033. Subsection (1) of section 627.733,
31 Florida Statutes, is amended to read:

1 627.733 Required security.--

2 (1) Every owner or registrant of a motor vehicle,
3 other than a motor vehicle used as a taxicab, school bus as
4 defined in s. 1006.25 ~~234.051~~, or limousine, required to be
5 registered and licensed in this state shall maintain security
6 as required by subsection (3) in effect continuously
7 throughout the registration or licensing period.

8 Section 1034. Subsection (2) of section 627.742,
9 Florida Statutes, is amended to read:

10 627.742 Nonpublic sector buses; additional liability
11 insurance coverage.--

12 (2) School buses subject to the provisions of chapter
13 1006 ~~234~~ or s. 316.615 are exempt from the provisions of this
14 section.

15 Section 1035. Subsection (5) of section 627.912,
16 Florida Statutes, is amended to read:

17 627.912 Professional liability claims and actions;
18 reports by insurers.--

19 (5) Any self-insurance program established under s.
20 1004.24 ~~240.213~~ shall report in duplicate to the Department of
21 Insurance any claim or action for damages for personal
22 injuries claimed to have been caused by error, omission, or
23 negligence in the performance of professional services
24 provided by the state university board of trustees ~~Board of~~
25 ~~Regents~~ through an employee or agent of the state university
26 board of trustees ~~Board of Regents~~, including practitioners of
27 medicine licensed under chapter 458, practitioners of
28 osteopathic medicine licensed under chapter 459, podiatric
29 physicians licensed under chapter 461, and dentists licensed
30 under chapter 466, or based on a claimed performance of
31 professional services without consent if the claim resulted in

1 a final judgment in any amount, or a settlement in any amount.
2 The reports required by this subsection shall contain the
3 information required by subsection (3) and the name, address,
4 and specialty of the employee or agent of the state university
5 board of trustees ~~Board of Regents~~ whose performance or
6 professional services is alleged in the claim or action to
7 have caused personal injury.

8 Section 1036. Paragraph (b) of subsection (7) of
9 section 633.445, Florida Statutes, is amended to read:

10 633.445 State Fire Marshal Scholarship Grant
11 Program.--

12 (7) The criteria and procedures for establishing
13 standards of eligibility shall be recommended by the council
14 to the Department of Insurance. The council shall recommend
15 to the Department of Insurance a rating system upon which to
16 base the approval of scholarship grants. However, to be
17 eligible to receive a scholarship pursuant to this section, an
18 applicant must:

19 (b) Have graduated from high school, have earned an
20 equivalency diploma issued by the Department of Education
21 pursuant to s. 1003.435 ~~229.814~~, or have earned an equivalency
22 diploma issued by the United States Armed Forces Institute;

23 Section 1037. Paragraph (e) of subsection (1) of
24 section 633.50, Florida Statutes, is amended to read:

25 633.50 Division powers and duties; Florida State Fire
26 College.--

27 (1) The Division of State Fire Marshal of the
28 Department of Insurance, in performing its duties related to
29 the Florida State Fire College, specified in ss.
30 633.43-633.49, shall:

31

1 (e) Develop a staffing and funding formula for the
2 Florida State Fire College. The formula shall include
3 differential funding levels for various types of programs,
4 shall be based on the number of full-time equivalent students
5 and information obtained from scheduled attendance counts
6 taken the first day of each program, and shall provide the
7 basis for the legislative budget request. As used in this
8 section, a full-time equivalent student is equal to a minimum
9 of 900 hours in a technical certificate ~~vocational~~ program and
10 400 hours in a degree-seeking program. The funding formula
11 shall be as prescribed pursuant to s. 1011.62 ~~236.081~~, shall
12 include procedures to document daily attendance, and shall
13 require that attendance records be retained for audit
14 purposes.

15 Section 1038. Paragraph (c) of subsection (2) of
16 section 732.402, Florida Statutes, is amended to read:

17 732.402 Exempt property.--

18 (2) Exempt property shall consist of:

19 (c) Florida Prepaid College Program contracts
20 purchased ~~under s. 240.551~~ and Florida College Savings
21 agreements established under part IV of chapter 1009 ~~s.~~
22 ~~240.553~~.

23 Section 1039. Section 784.081, Florida Statutes, is
24 amended to read:

25 784.081 Assault or battery on specified officials or
26 employees; reclassification of offenses.--Whenever a person is
27 charged with committing an assault or aggravated assault or a
28 battery or aggravated battery upon any elected official or
29 employee of: a school district; a private school; the Florida
30 School for the Deaf and the Blind; a university developmental
31 research school; a state university or any other entity of the

1 state system of public education, as defined in s. 1000.04
2 ~~228.041~~; an employee or protective investigator of the
3 Department of Children and Family Services; or an employee of
4 a lead community-based provider and its direct service
5 contract providers, when the person committing the offense
6 knows or has reason to know the identity or position or
7 employment of the victim, the offense for which the person is
8 charged shall be reclassified as follows:

9 (1) In the case of aggravated battery, from a felony
10 of the second degree to a felony of the first degree.

11 (2) In the case of aggravated assault, from a felony
12 of the third degree to a felony of the second degree.

13 (3) In the case of battery, from a misdemeanor of the
14 first degree to a felony of the third degree.

15 (4) In the case of assault, from a misdemeanor of the
16 second degree to a misdemeanor of the first degree.

17 Section 1040. Section 817.566, Florida Statutes, is
18 amended to read:

19 817.566 Misrepresentation of association with, or
20 academic standing at, postsecondary educational
21 institution.--Any person who, with intent to defraud,
22 misrepresents his or her association with, or academic
23 standing or other progress at, any postsecondary educational
24 institution by falsely making, altering, simulating, or
25 forging a document, degree, certificate, diploma, award,
26 record, letter, transcript, form, or other paper; or any
27 person who causes or procures such a misrepresentation; or any
28 person who utters and publishes or otherwise represents such a
29 document, degree, certificate, diploma, award, record, letter,
30 transcript, form, or other paper as true, knowing it to be
31 false, is guilty of a misdemeanor of the first degree,

1 punishable as provided in s. 775.082 or s. 775.083.
2 Individuals who present a religious academic degree from any
3 college, university, seminary, or institution which is not
4 licensed by the State Board of Independent Colleges and
5 Universities or which is not exempt pursuant to the provisions
6 of s. 246.085 shall disclose the religious nature of the
7 degree upon presentation.

8 Section 1041. Subsection (1) of section 817.567,
9 Florida Statutes, is amended to read:

10 817.567 Making false claims of academic degree or
11 title.--

12 (1) No person in the state may claim, either orally or
13 in writing, to possess an academic degree, as defined in s.
14 1005.02 ~~246.021~~, or the title associated with said degree,
15 unless the person has, in fact, been awarded said degree from
16 an institution that is:

17 (a) Accredited by a regional or professional
18 accrediting agency recognized by the United States Department
19 of Education or the Commission on Recognition of Postsecondary
20 Accreditation;

21 (b) Provided, operated, and supported by a state
22 government or any of its political subdivisions or by the
23 Federal Government;

24 (c) A school, institute, college, or university
25 chartered outside the United States, the academic degree from
26 which has been validated by an accrediting agency approved by
27 the United States Department of Education as equivalent to the
28 baccalaureate or postbaccalaureate degree conferred by a
29 regionally accredited college or university in the United
30 States;

31

1 (d) Licensed by the State Board of Independent
2 Colleges and Universities pursuant to ss. 1005.01-1005.38
3 ~~246.011-246.151~~ or exempt from licensure pursuant to s.
4 246.085; or

5 (e) A religious seminary, institute, college, or
6 university which offers only educational programs that prepare
7 students for a religious vocation, career, occupation,
8 profession, or lifework, and the nomenclature of whose
9 certificates, diplomas, or degrees clearly identifies the
10 religious character of the educational program.

11 Section 1042. Paragraph (a) of subsection (1) of
12 section 877.18, Florida Statutes, is amended to read:

13 877.18 Identification card or document purporting to
14 contain applicant's age or date of birth; penalties for
15 failure to comply with requirements for sale or issuance.--

16 (1) It is unlawful for any person, except a
17 governmental agency or instrumentality, to sell or issue, or
18 to offer to sell or issue, in this state any identification
19 card or document purporting to contain the age or date of
20 birth of the person in whose name it was issued, unless:

21 (a) Prior to selling or issuing such card or document,
22 the person has first obtained from the applicant and retains
23 for a period of 3 years from the date of sale:

24 1. An authenticated or certified copy of proof of age
25 as provided in s. 1003.21(4) ~~232.03~~; and

26 2. A notarized affidavit from the applicant attesting
27 to the applicant's age and that the proof-of-age document
28 required by subparagraph 1. is for such applicant.

29 Section 1043. Paragraph (a) of subsection (1) of
30 section 921.187, Florida Statutes, is amended to read:

31

1 921.187 Disposition and sentencing; alternatives;
2 restitution.--

3 (1) The alternatives provided in this section for the
4 disposition of criminal cases shall be used in a manner that
5 will best serve the needs of society, punish criminal
6 offenders, and provide the opportunity for rehabilitation.

7 (a) If the offender does not receive a state prison
8 sentence, the court may:

9 1. Impose a split sentence whereby the offender is to
10 be placed on probation upon completion of any specified period
11 of such sentence, which period may include a term of years or
12 less.

13 2. Make any other disposition that is authorized by
14 law.

15 3. Place the offender on probation with or without an
16 adjudication of guilt pursuant to s. 948.01.

17 4. Impose a fine and probation pursuant to s. 948.011
18 when the offense is punishable by both a fine and imprisonment
19 and probation is authorized.

20 5. Place the offender into community control requiring
21 intensive supervision and surveillance pursuant to chapter
22 948.

23 6. Impose, as a condition of probation or community
24 control, a period of treatment which shall be restricted to a
25 county facility, a Department of Corrections probation and
26 restitution center, a probation program drug punishment
27 treatment community, or a community residential or
28 nonresidential facility, excluding a community correctional
29 center as defined in s. 944.026, which is owned and operated
30 by any qualified public or private entity providing such
31 services. Before admission to such a facility, the court shall

1 obtain an individual assessment and recommendations on the
2 appropriate treatment needs, which shall be considered by the
3 court in ordering such placements. Placement in such a
4 facility, except for a county residential probation facility,
5 may not exceed 364 days. Placement in a county residential
6 probation facility may not exceed 3 years. Early termination
7 of placement may be recommended to the court, when
8 appropriate, by the center supervisor, the supervising
9 probation officer, or the probation program manager.

10 7. Sentence the offender pursuant to s. 922.051 to
11 imprisonment in a county jail when a statute directs
12 imprisonment in a state prison, if the offender's cumulative
13 sentence, whether from the same circuit or from separate
14 circuits, is not more than 364 days.

15 8. Sentence the offender who is to be punished by
16 imprisonment in a county jail to a jail in another county if
17 there is no jail within the county suitable for such prisoner
18 pursuant to s. 950.01.

19 9. Require the offender to participate in a
20 work-release or educational or technical ~~vocational~~ training
21 program pursuant to s. 951.24 while serving a sentence in a
22 county jail, if such a program is available.

23 10. Require the offender to perform a specified public
24 service pursuant to s. 775.091.

25 11. Require the offender who violates chapter 893 or
26 violates any law while under the influence of a controlled
27 substance or alcohol to participate in a substance abuse
28 program.

29 12.a. Require the offender who violates any criminal
30 provision of chapter 893 to pay an additional assessment in an
31

1 amount up to the amount of any fine imposed, pursuant to ss.
2 938.21 and 938.23.

3 b. Require the offender who violates any provision of
4 s. 893.13 to pay an additional assessment in an amount of
5 \$100, pursuant to ss. 938.25 and 943.361.

6 13. Impose a split sentence whereby the offender is to
7 be placed in a county jail or county work camp upon the
8 completion of any specified term of community supervision.

9 14. Impose split probation whereby upon satisfactory
10 completion of half the term of probation, the Department of
11 Corrections may place the offender on administrative probation
12 pursuant to s. 948.01 for the remainder of the term of
13 supervision.

14 15. Require residence in a state probation and
15 restitution center or private drug treatment program for
16 offenders on community control or offenders who have violated
17 conditions of probation.

18 16. Impose any other sanction which is provided within
19 the community and approved as an intermediate sanction by the
20 county public safety coordinating council as described in s.
21 951.26.

22 17. Impose, as a condition of community control,
23 probation, or probation following incarceration, a requirement
24 that an offender who has not obtained a high school diploma or
25 high school equivalency diploma or who lacks basic or
26 functional literacy skills, upon acceptance by an adult
27 education program, make a good faith effort toward completion
28 of such basic or functional literacy skills or high school
29 equivalency diploma, as defined in s. 1003.435 ~~229.814~~, in
30 accordance with the assessed adult general education needs of
31 the individual offender.

1 Section 1044. Subsection (15) of section 943.10,
2 Florida Statutes, is amended to read:
3 943.10 Definitions; ss. 943.085-943.255.--The
4 following words and phrases as used in ss. 943.085-943.255 are
5 defined as follows:

6 (15) "Public criminal justice training school" means
7 ~~any school defined in s. 228.041, or~~ any academy operated by
8 an employing agency, that is certified by the commission to
9 conduct criminal justice training courses.

10 Section 1045. Paragraph (c) of subsection (1) of
11 section 943.22, Florida Statutes, is amended to read:

12 943.22 Salary incentive program for full-time
13 officers.--

14 (1) For the purpose of this section, the term:

15 (c) "Community college degree or equivalent" means
16 graduation from an accredited community college or having been
17 granted a degree pursuant to s. 1007.25(10) ~~240.239~~ or
18 successful completion of 60 semester hours or 90 quarter hours
19 and eligibility to receive an associate degree from an
20 accredited college, university, or community college.

21 Section 1046. Paragraphs (b), (c), and (i) of
22 subsection (3) of section 944.801, Florida Statutes, are
23 amended to read:

24 944.801 Education for state prisoners.--

25 (3) The responsibilities of the Correctional Education
26 Program shall be to:

27 (b) ~~In cooperation with the Department of Education,~~
28 ~~pursuant to s. 229.565,~~ Monitor and assess all inmate
29 education program services and report the results of such
30 evaluation in the annual report of activities.

31

1 (c) ~~In cooperation with the Department of Education,~~
2 ~~pursuant to s. 229.8075,~~ Develop complete and reliable
3 statistics on the educational histories, the city/intracity
4 area and school district where the inmate was domiciled prior
5 to incarceration, the participation in state educational and
6 training programs, and the occupations of inmates confined to
7 state correctional facilities. The compiled statistics shall
8 be summarized and analyzed in the annual report of
9 correctional educational activities required by paragraph (f).

10 (i) Ensure that every inmate who has 2 years or more
11 remaining to serve on his or her sentence at the time that he
12 or she is received at an institution and who lacks basic and
13 functional literacy skills as defined in s. 1004.02 ~~239.105~~
14 attends not fewer than 150 hours of sequential instruction in
15 a correctional adult basic education program. The basic and
16 functional literacy level of an inmate shall be determined by
17 the average composite test score obtained on a test approved
18 for this purpose by the State Board of Education.

19 1. Upon completion of the 150 hours of instruction,
20 the inmate shall be retested and, if a composite test score of
21 functional literacy is not attained, the department is
22 authorized to require the inmate to remain in the
23 instructional program.

24 2. Highest priority of inmate participation shall be
25 focused on youthful offenders and those inmates nearing
26 release from the correctional system.

27 3. An inmate shall be required to attend the 150 hours
28 of adult basic education instruction unless such inmate:

29 a. Is serving a life sentence or is under sentence of
30 death.

31

1 b. Is specifically exempted for security or health
2 reasons.

3 c. Is housed at a community correctional center, road
4 prison, work camp, or vocational center.

5 d. Attains a functional literacy level after
6 attendance in fewer than 150 hours of adult basic education
7 instruction.

8 e. Is unable to enter such instruction because of
9 insufficient facilities, staff, or classroom capacity.

10 4. The Department of Corrections shall provide classes
11 to accommodate those inmates assigned to correctional or
12 public work programs after normal working hours. The
13 department shall develop a plan to provide academic and
14 vocational classes on a more frequent basis and at times that
15 accommodate the increasing number of inmates with work
16 assignments, to the extent that resources permit.

17 5. If an inmate attends and actively participates in
18 the 150 hours of instruction, the Department of Corrections
19 may grant a one-time award of up to 6 additional days of
20 incentive gain-time, which must be credited and applied as
21 provided by law. Active participation means, at a minimum,
22 that the inmate is attentive, responsive, cooperative, and
23 completes assigned work.

24 Section 1047. Paragraphs (a) and (b) of subsection (9)
25 of section 948.03, Florida Statutes, are amended to read:

26 948.03 Terms and conditions of probation or community
27 control.--

28 (9)(a) As a condition of community control, probation,
29 or probation following incarceration, require an offender who
30 has not obtained a high school diploma or high school
31 equivalency diploma or who lacks basic or functional literacy

1 skills, upon acceptance by an adult education program, to make
2 a good faith effort toward completion of such basic or
3 functional literacy skills or high school equivalency diploma,
4 as defined in s. 1003.435 ~~229.814~~, in accordance with the
5 assessed adult general education needs of the individual
6 offender. The court shall not revoke community control,
7 probation, or probation following incarceration because of the
8 offender's inability to achieve such skills or diploma but may
9 revoke community control, probation, or probation following
10 incarceration if the offender fails to make a good faith
11 effort to achieve such skills or diploma. The court may grant
12 early termination of community control, probation, or
13 probation following incarceration upon the offender's
14 successful completion of the approved program. As used in
15 this subsection, "good faith effort" means the offender is
16 enrolled in a program of instruction and is attending and
17 making satisfactory progress toward completion of the
18 requirements.

19 (b) A juvenile on community control who is a public
20 school student must attend a public adult education program or
21 a dropout prevention program, pursuant to s. 1003.53 ~~230.2316~~,
22 which includes a second chance school or an alternative to
23 expulsion, if the school district where the juvenile is
24 enrolled offers such programs, unless the principal of the
25 school determines that special circumstances warrant
26 continuation in the regular educational school program.

27 Section 1048. Paragraph (b) of subsection (9) and
28 subsection (27) of section 984.03, Florida Statutes, are
29 amended to read:

30 984.03 Definitions.--When used in this chapter, the
31 term:

1 (9) "Child in need of services" means a child for whom
2 there is no pending investigation into an allegation or
3 suspicion of abuse, neglect, or abandonment; no pending
4 referral alleging the child is delinquent; or no current
5 supervision by the Department of Juvenile Justice or the
6 Department of Children and Family Services for an adjudication
7 of dependency or delinquency. The child must also, pursuant to
8 this chapter, be found by the court:

9 (b) To be habitually truant from school, while subject
10 to compulsory school attendance, despite reasonable efforts to
11 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and
12 1003.27 ~~232.19~~ and through voluntary participation by the
13 child's parents or legal custodians and by the child in family
14 mediation, services, and treatment offered by the Department
15 of Juvenile Justice or the Department of Children and Family
16 Services; or

17 (27) "Habitually truant" means that:

18 (a) The child has 15 unexcused absences within 90
19 calendar days with or without the knowledge or justifiable
20 consent of the child's parent or legal guardian, is subject to
21 compulsory school attendance under s. 1003.21(1) and (2)(a)
22 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
23 1003.24 ~~232.09~~, or any other exemptions specified by law or
24 the rules of the State Board of Education.

25 (b) Activities to determine the cause, and to attempt
26 the remediation, of the child's truant behavior under ss.
27 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~, have been completed.

28
29 If a child who is subject to compulsory school attendance is
30 responsive to the interventions described in ss. 1003.26
31 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ and has completed the

1 necessary requirements to pass the current grade as indicated
2 in the district pupil progression plan, the child shall not be
3 determined to be habitually truant and shall be passed. If a
4 child within the compulsory school attendance age has 15
5 unexcused absences within 90 calendar days or fails to enroll
6 in school, the State Attorney may, or the appropriate
7 jurisdictional agency shall, file a child-in-need-of-services
8 petition if recommended by the case staffing committee, unless
9 it is determined that another alternative action is
10 preferable. The failure or refusal of the parent or legal
11 guardian or the child to participate, or make a good faith
12 effort to participate, in the activities prescribed to remedy
13 the truant behavior, or the failure or refusal of the child to
14 return to school after participation in activities required by
15 this subsection, or the failure of the child to stop the
16 truant behavior after the school administration and the
17 Department of Juvenile Justice have worked with the child as
18 described in ss. 1003.26 ~~232.17~~ and 1003.27(3) ~~232.19(3)~~ shall
19 be handled as prescribed in s. 1003.27 ~~232.19~~.

20 Section 1049. Section 984.05, Florida Statutes, is
21 amended to read:

22 984.05 Rules relating to habitual truants; adoption by
23 Department of Education and Department of Juvenile
24 Justice.--The Department of Juvenile Justice and the
25 Department of Education shall work together on the development
26 of, and shall adopt, rules as necessary for the implementation
27 of ss. ~~232.19~~, 984.03(27), ~~and~~ 985.03(25), and 1003.27.

28 Section 1050. Subsection (1) of section 984.151,
29 Florida Statutes, is amended to read:

30 984.151 Truancy petition; prosecution; disposition.--
31

1 (1) If the school determines that a student subject to
2 compulsory school attendance has had at least five unexcused
3 absences, or absences for which the reasons are unknown,
4 within a calendar month or 10 unexcused absences, or absences
5 for which the reasons are unknown, within a 90-calendar-day
6 period pursuant to s. 1003.26(1)(b) ~~232.17(1)(b)~~, or has had
7 more than 15 unexcused absences in a 90-calendar-day period,
8 the superintendent of schools may file a truancy petition.

9 Section 1051. Subsection (3) of section 984.19,
10 Florida Statutes, is amended to read:

11 984.19 Medical, psychiatric, and psychological
12 examination and treatment of child; physical or mental
13 examination of parent, guardian, or person requesting custody
14 of child.--

15 (3) A judge may order that a child alleged to be or
16 adjudicated a child in need of services be examined by a
17 licensed health care professional. The judge may also order
18 such child to be evaluated by a psychiatrist or a
19 psychologist, by a district school board educational needs
20 assessment team, or, if a developmental disability is
21 suspected or alleged, by the developmental disability
22 diagnostic and evaluation team of the Department of Children
23 and Family Services. The judge may order a family assessment
24 if that assessment was not completed at an earlier time. If
25 it is necessary to place a child in a residential facility for
26 such evaluation, then the criteria and procedure established
27 in s. 394.463(2) or chapter 393 shall be used, whichever is
28 applicable. The educational needs assessment provided by the
29 district school board educational needs assessment team shall
30 include, but not be limited to, reports of intelligence and
31 achievement tests, screening for learning disabilities and

1 other handicaps, and screening for the need for alternative
2 education pursuant to s. 1003.53 ~~230.2316~~.

3 Section 1052. Paragraph (b) of subsection (8) and
4 subsection (25) of section 985.03, Florida Statutes, are
5 amended to read:

6 985.03 Definitions.--When used in this chapter, the
7 term:

8 (8) "Child in need of services" means a child for whom
9 there is no pending investigation into an allegation or
10 suspicion of abuse, neglect, or abandonment; no pending
11 referral alleging the child is delinquent; or no current
12 supervision by the Department of Juvenile Justice or the
13 Department of Children and Family Services for an adjudication
14 of dependency or delinquency. The child must also, pursuant to
15 this chapter, be found by the court:

16 (b) To be habitually truant from school, while subject
17 to compulsory school attendance, despite reasonable efforts to
18 remedy the situation pursuant to ss. 1003.26 ~~232.17~~ and
19 1003.27 ~~232.19~~ and through voluntary participation by the
20 child's parents or legal custodians and by the child in family
21 mediation, services, and treatment offered by the Department
22 of Juvenile Justice or the Department of Children and Family
23 Services; or

24 (25) "Habitually truant" means that:

25 (a) The child has 15 unexcused absences within 90
26 calendar days with or without the knowledge or justifiable
27 consent of the child's parent or legal guardian, is subject to
28 compulsory school attendance under s. 1003.21(1) and (2)(a)
29 ~~232.01~~, and is not exempt under s. 1003.21(3) ~~232.06~~, s.
30 1003.24 ~~232.09~~, or any other exemptions specified by law or
31 the rules of the State Board of Education.

1 (b) Escalating activities to determine the cause, and
2 to attempt the remediation, of the child's truant behavior
3 under ss. 1003.26 ~~232.17~~ and 1003.27 ~~232.19~~ have been
4 completed.

5
6 If a child who is subject to compulsory school attendance is
7 responsive to the interventions described in ss. 1003.26
8 ~~232.17~~ and 1003.27 ~~232.19~~ and has completed the necessary
9 requirements to pass the current grade as indicated in the
10 district pupil progression plan, the child shall not be
11 determined to be habitually truant and shall be passed. If a
12 child within the compulsory school attendance age has 15
13 unexcused absences within 90 calendar days or fails to enroll
14 in school, the state attorney may file a
15 child-in-need-of-services petition. Prior to filing a
16 petition, the child must be referred to the appropriate agency
17 for evaluation. After consulting with the evaluating agency,
18 the state attorney may elect to file a
19 child-in-need-of-services petition.

20 (c) A school representative, designated according to
21 school board policy, and a juvenile probation officer of the
22 Department of Juvenile Justice have jointly investigated the
23 truancy problem or, if that was not feasible, have performed
24 separate investigations to identify conditions that could be
25 contributing to the truant behavior; and if, after a joint
26 staffing of the case to determine the necessity for services,
27 such services were determined to be needed, the persons who
28 performed the investigations met jointly with the family and
29 child to discuss any referral to appropriate community
30 agencies for economic services, family or individual

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1 counseling, or other services required to remedy the
2 conditions that are contributing to the truant behavior.

3 (d) The failure or refusal of the parent or legal
4 guardian or the child to participate, or make a good faith
5 effort to participate, in the activities prescribed to remedy
6 the truant behavior, or the failure or refusal of the child to
7 return to school after participation in activities required by
8 this subsection, or the failure of the child to stop the
9 truant behavior after the school administration and the
10 Department of Juvenile Justice have worked with the child as
11 described in s. 1003.27(3) ~~232.19(3)~~ shall be handled as
12 prescribed in s. 1003.27 ~~232.19~~.

13 Section 1053. Paragraph (b) of subsection (7) of
14 section 985.04, Florida Statutes, is amended to read:

15 985.04 Oaths; records; confidential information.--
16 (7)

17 (b) Notwithstanding paragraph (a) or any other
18 provision of this section, when a child of any age is formally
19 charged by a state attorney with a felony or a delinquent act
20 that would be a felony if committed by an adult, the state
21 attorney shall notify the superintendent of the child's school
22 that the child has been charged with such felony or delinquent
23 act. The information obtained by the superintendent of schools
24 pursuant to this section must be released within 48 hours
25 after receipt to appropriate school personnel, including the
26 principal of the school of the child. The principal must
27 immediately notify the child's immediate classroom teachers.
28 Upon notification, the principal is authorized to begin
29 disciplinary actions pursuant to s. 1006.09(1)-(4) ~~232.26~~.

30 Section 1054. Subsection (5) of section 985.316,
31 Florida Statutes, is amended to read:

1 985.316 Conditional release.--

2 (5) Participation in the educational program by
3 students of compulsory school attendance age pursuant to s.
4 1003.21(1) and (2)(a) ~~232.01~~ is mandatory for juvenile justice
5 youth on conditional release or postcommitment probation
6 status. A student of noncompulsory school-attendance age who
7 has not received a high school diploma or its equivalent must
8 participate in the educational program. A youth who has
9 received a high school diploma or its equivalent and is not
10 employed must participate in workforce development or other
11 career vocational or technical education or attend a community
12 college or a university while in the program, subject to
13 available funding.

14 Section 1055. Subsection (3) of section 985.412,
15 Florida Statutes, is amended to read:

16 985.412 Quality assurance and cost-effectiveness.--

17 (3) The department shall annually collect and report
18 cost data for every program operated or contracted by the
19 department. The cost data shall conform to a format approved
20 by the department and the Legislature. Uniform cost data shall
21 be reported and collected for state-operated and contracted
22 programs so that comparisons can be made among programs. The
23 department shall ensure that there is accurate cost accounting
24 for state-operated services including market-equivalent rent
25 and other shared cost. The cost of the educational program
26 provided to a residential facility shall be reported and
27 included in the cost of a program. The department shall submit
28 an annual cost report to the President of the Senate, the
29 Speaker of the House of Representatives, the Minority Leader
30 of each house of the Legislature, the appropriate substantive
31 and fiscal committees of each house of the Legislature, and

1 the Governor, no later than December 1 of each year.
2 Cost-benefit analysis for educational programs will be
3 developed and implemented in collaboration with and in
4 cooperation with the Department of Education, local providers,
5 and local school districts. Cost data for the report shall
6 include data collected by the Department of Education for the
7 purposes of preparing the annual report required by s.
8 1003.52(20) ~~230.23161(21)~~.

9 Section 1056. The purpose of the Legislature in
10 revising this education code is to rearrange, renumber,
11 reword, reorder, streamline, consolidate, and update the code
12 consistent with current law and the new K-20 education
13 governance structure. It is not the purpose of the Legislature
14 in revising the education code to affect existing judicial or
15 administrative law.

16 Section 1057. Effective upon this act becoming a law,
17 the Secretary of Education, in consultation with the
18 Commissioner of Education, may establish, abolish, or
19 consolidate bureaus, sections, and subsections and may
20 reallocate duties and functions within the Department of
21 Education in order to promote effective and efficient
22 operation of the department and to implement changes to the
23 state system of education initiated by the adoption of the
24 1998 amendment to Art. IX of the State Constitution as
25 implemented by the Legislature in chapter 2001-170, Laws of
26 Florida. Authorized positions and appropriations may be
27 transferred from one budget entity to another as required to
28 implement the reorganization. This section is repealed
29 December 31, 2002.

30 Section 1058. Subsection (1) of section 187.201,
31 Florida Statutes, is repealed.

1 Section 1059. Section 2 of chapter 2000-181, Laws of
2 Florida, is repealed.

3 Section 1060. Part I of chapter 243 and chapters 228,
4 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240, 241,
5 242, 244, and 246, Florida Statutes (2001), are repealed.

6 Section 1061. In editing the manuscript for the 2002
7 Florida Statutes, the Division of Statutory Revision is
8 directed to incorporate any amendments, by laws passed during
9 the 2002 Regular Session of the Legislature or any 2002
10 Special Sessions of the Legislature, to provisions repealed by
11 this act into the parallel successor provisions created by
12 this act. The division is further directed to transfer any
13 provisions enacted within part I of chapter 243 or chapters
14 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 239, 240,
15 241, 242, 244, and 246, Florida Statutes, by 2002 legislation
16 to parallel locations in accordance with this act.

17 Section 1062. (1) Chapters 1000, 1001, 1002, 1003,
18 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, and
19 1013, Florida Statutes, as created by this act, shall be
20 reviewed by the Legislature in the 2003 Regular Session of the
21 Legislature.

22 (2) This section is repealed July 1, 2003.

23 Section 1063. If any provision of this act or its
24 application to any person or circumstance is held invalid, the
25 invalidity shall not affect other provisions or applications
26 of the act which can be given effect without the invalid
27 provision or application, and to this end the provisions of
28 this act are declared severable.

29 Section 1064. Except as otherwise provided herein,
30 this act shall take effect January 7, 2003.
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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.