

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Kilmer, Pickens, Simmons, Arza, Baxley, Meador, Mayfield, Stansel, Sansom, Attkisson, and Harrell offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

Section 1. This act shall be known by the popular name the "Quality Education Act," with emphasis on class size reduction and better educated students and teachers (BEST) Florida teaching.

Section 2. Subsections (14) and (15) are added to section 1003.01, Florida Statutes, to read:

1003.01 Definitions.--As used in this chapter, the term:

(14) "Core-curricula courses" means courses defined by the State Board of Education as mathematics, language arts/reading, science, social studies, foreign language, English for Speakers of Other Languages, or exceptional student education and courses

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28 taught in traditional, self-contained elementary school
29 classrooms. The term is limited in meaning and used for the sole
30 purpose of designating classes that are subject to the maximum
31 class size requirements established in s. 1, Art. IX of the
32 State Constitution.

33 (15) "Extracurricular courses" means all courses that are
34 not defined as core-curricula courses. The term is limited in
35 meaning and used for the sole purpose of designating classes
36 that are not subject to the maximum class size requirements
37 established in s. 1, Art. IX of the State Constitution.

38 Section 3. Section 1003.03, Florida Statutes, is amended
39 to read:

40 (Substantial rewording of section. See

41 s. 1003.03, F.S., for present text.)

42 1003.03 Maximum class size.--

43 (1) LEGISLATIVE INTENT.--It is the intent of the
44 Legislature that s. 1, Art. IX of the State Constitution be
45 implemented in an efficient manner that preserves the choice
46 options available to parents and students. Accordingly, the
47 Legislature finds that lab schools, charter schools, the Florida
48 Virtual School, eligible K-8 virtual schools, and the Florida
49 School for the Deaf and the Blind, as well as other alternatives
50 to traditional delivery of instruction in the public schools,
51 including, but not limited to, Advanced Placement, International
52 Baccalaureate, Advanced International Certificate of Education,
53 and dual enrollment courses, are not encompassed in the
54 definition of core-curricula courses for purposes of
55 implementing s. 1, Art. IX of the State Constitution.

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56 (2) CONSTITUTIONAL CLASS SIZE MAXIMUMS.--Pursuant to s. 1,
57 Art. IX of the State Constitution, beginning in the 2010-2011
58 school year:

59 (a) The maximum number of students assigned to each
60 teacher who is teaching a core-curricula course in public school
61 classrooms for prekindergarten through grade 3 may not exceed 18
62 students.

63 (b) The maximum number of students assigned to each
64 teacher who is teaching a core-curricula course in public school
65 classrooms for grades 4 through 8 may not exceed 22 students.

66 (c) The maximum number of students assigned to each
67 teacher who is teaching a core-curricula course in public school
68 classrooms for grades 9 through 12 may not exceed 25 students.

69 (3) IMPLEMENTATION.--

70 (a) Beginning with the 2003-2004 fiscal year, each school
71 district that is not in compliance with the maximums described
72 in subsection (2) shall reduce the average number of students
73 per classroom in each of the following grade groupings:
74 prekindergarten through grade 3, grade 4 through grade 8, and
75 grade 9 through grade 12, by at least two students each year.

76 (b) Determination of the average number of students per
77 classroom as described in paragraph (a) shall be calculated as
78 follows:

79 1. For fiscal years 2003-2004 through 2005-2006, the
80 calculation for compliance for each of the three grade groupings
81 shall be the average at the school district level.

82 2. For fiscal years 2006-2007 and 2007-2008, the
83 calculation for compliance for each of the three grade groupings
84 shall be the average at the school level.

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85 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
86 the calculation for compliance for each of the three grade
87 groupings shall be at the individual classroom level.

88 (c) The Department of Education shall annually calculate
89 each of the three average class size measures described in
90 paragraphs (a) and (b) based upon the October student membership
91 survey. For purposes of determining the baseline from which each
92 school district's average class size must be reduced for the
93 2003-2004 school year, the department shall use data from the
94 March 2003 student membership survey updated to include
95 classroom identification numbers as required by the department.

96 (d) Prior to the adoption of the school district budget
97 for 2003-2004, each district school board shall hold public
98 hearings to review school attendance zones in order to ensure
99 maximum use of facilities while minimizing the additional use of
100 transportation in order to comply with the two-student-per-year
101 reduction required in paragraph (a). School districts that meet
102 the constitutional class size maximums described in subsection
103 (2) are exempt from this requirement.

104
105 As alternatives to instruction in traditional public schools,
106 courses provided by lab schools, charter schools, the Florida
107 Virtual School, eligible K-8 virtual schools, and the Florida
108 School for the Deaf and the Blind and Advanced Placement,
109 International Baccalaureate, Advanced International Certificate
110 of Education, and dual enrollment courses are not encompassed
111 within the definition of core-curricula courses in public school
112 classrooms. School districts shall make every effort to further
113 reduce exceptional student education and English for Speakers of

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114 Other Languages class sizes below the class size maximums as
115 necessary to provide high-quality instruction for these special
116 needs students.

117 (4) IMPLEMENTATION OPTIONS.--District school boards must
118 consider, but are not limited to, implementing the following
119 items in order to meet the constitutional class size maximums
120 described in subsection (2) and the two-student-per-year
121 reduction required in subsection (3):

122 (a) Adopt policies to encourage qualified students to take
123 dual enrollment courses through community colleges and state
124 universities.

125 (b) Adopt policies to encourage students to take courses
126 from the Florida Virtual School and eligible K-8 virtual
127 schools.

128 (c)1. Repeal district school board policies that require
129 students to have more than 24 credits to graduate from high
130 school.

131 2. Adopt policies to allow students to graduate from high
132 school as soon as they pass the grade 10 FCAT and complete the
133 courses required for high school graduation.

134 (d) Use methods to maximize use of instructional staff,
135 such as changing required teaching loads and scheduling of
136 planning periods, deploying school district employees who have
137 professional certification to the classroom, using adjunct
138 educators, or using any other method not prohibited by law.

139 (e) Use innovative methods to reduce the cost of school
140 construction by using prototype school designs, using SMART
141 Schools designs, participating in the School Infrastructure

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142 Thrift (SIT) Program, or using any other method not prohibited
143 by law.

144 (f) Use joint-use facilities through partnerships with
145 community colleges, state universities, and private colleges and
146 universities. Joint-use facilities available for use as K-12
147 classrooms that do not meet the K-12 State Regulations for
148 Educational Facilities in the Florida Building Code may be used
149 at the discretion of the district school board provided that
150 such facilities meet all other health, life, safety, and fire
151 codes.

152 (g) Adopt alternative methods of class scheduling, such as
153 block scheduling.

154 (h) Redraw school attendance zones to maximize use of
155 facilities while minimizing the additional use of
156 transportation.

157 (i) Operate schools beyond the normal operating hours to
158 provide classes in the evening or operate more than one session
159 of school during the day.

160 (j) Use year-round schools and other nontraditional
161 calendars that do not adversely impact annual assessment of
162 student achievement.

163 (k) Review and consider amending any collective bargaining
164 contracts that hinder the implementation of class size
165 reduction.

166 (l) Provide Florida Learning Access Grants in accordance
167 with s. 1002.395.

168 (m) Adopt policies to encourage the use of charter schools
169 that meet financial, management, accountability, and performance
170 standards as established by the State Board of Education.

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171 (n) Use any other approach not prohibited by law.

172 (5) ACCOUNTABILITY.--

173 (a) Beginning in the 2004-2005 fiscal year, if the
174 Commissioner of Education determines for any year that a school
175 district has not reduced average class size as required in
176 subsection (3) at the time of the third FEFP calculation, the
177 department shall calculate an amount from the class size
178 reduction operating categorical that is proportionate to the
179 amount of class size reduction not accomplished. Upon
180 verification of the department's calculation by the Florida
181 Education Finance Program Appropriation Allocation Conference,
182 the Executive Office of the Governor shall transfer
183 undistributed funds, except for funds that have been encumbered
184 for classroom teacher contracts, equivalent to the calculated
185 amount from the school district's class size reduction operating
186 categorical to an approved fixed capital outlay appropriation
187 for class size reduction in the affected school district
188 pursuant to s. 216.292(13). The amount of such funds transferred
189 shall be the lesser of the amount specified above or the
190 undistributed balance of the school district's class size
191 reduction operating categorical.

192 (b) Beginning in the 2006-2007 school year, the
193 Commissioner of Education shall determine by January 15 of each
194 year which school districts have not met the two-student-per-
195 year reduction required in subsection (3) based upon a
196 comparison of the school district's October student membership
197 survey for the current school year and the March 2003 baseline
198 student membership survey. The commissioner shall report such
199 school districts to the Legislature. Each school district that

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200 has not met the two-student-per-year reduction shall be required
201 to implement one of the following policies in the subsequent
202 school year unless the commissioner finds that the school
203 district comes into compliance based upon the February student
204 membership survey:

205 1. Year-round schools;

206 2. Double sessions;

207 3. Florida Learning Access Grants, pursuant to s.
208 1002.395;

209 4. Rezoning; or

210 5. Maximizing use of instructional staff by changing
211 required teacher loads and scheduling of planning periods,
212 deploying school district employees who have professional
213 certification to the classroom, using adjunct educators,
214 operating schools beyond the normal operating hours to provide
215 classes in the evening, or operating more than one session of
216 school during the day.

217 A school district that is required to implement one of the
218 policies outlined in subparagraphs 1.-5. shall correct in the
219 year of implementation any past deficiencies and bring the
220 school district into compliance with the two-student-per-year
221 reduction requirements pursuant to subsection (3). A school
222 district may choose to implement more than one of these
223 policies. The district school superintendent shall report to the
224 Commissioner of Education the extent to which the school
225 district implemented any of the policies outlined in
226 subparagraphs 1.-5. in a format to be specified by the
227 commissioner. The commissioner shall use the enforcement

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228 authority provided in s. 1008.32 to ensure that school districts
229 comply with the provisions of this paragraph.

230 (c) Beginning in the 2007-2008 school year, the
231 Commissioner of Education shall annually determine which school
232 districts do not meet the requirements described in subsection
233 (3). In addition to enforcement authority provided in s.
234 1008.32, the commissioner shall develop a constitutional
235 compliance plan for each such school district that includes, but
236 is not limited to, redrawing school attendance zones to maximize
237 use of facilities while minimizing the additional use of
238 transportation, unless the commissioner finds that the school
239 district comes into compliance based upon the February student
240 membership survey and the other accountability policies listed
241 in paragraph (b). Each district school board shall implement
242 its constitutional compliance plan developed by the commissioner
243 until the school district complies with the constitutional class
244 size maximums.

245 Section 4. Section 1011.685, Florida Statutes, is created
246 to read:

247 1011.685 Class size reduction; operating categorical
248 fund.--

249 (1) There is created an operating categorical fund for
250 implementing the class size reduction provisions of s. 1, Art.
251 IX of the State Constitution. These funds shall be allocated to
252 each school district based on the school district's
253 proportionate share of FEFP base funding. Funds shall be
254 released upon the State Board of Education's approval of the
255 school district's class size reduction plan.

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256 (2) Class size reduction operating categorical funds shall
257 be used by school districts for the following:

258 (a) To reduce class size in any lawful manner if the
259 school district has not met the constitutional class size
260 maximums identified in s. 1003.03(2) or the two-student-per-year
261 reduction required by s. 1003.03(3).

262 (b) Upon satisfying the requirements of paragraph (a), to
263 implement the requirements of ss. 1011.63 and 1012.231(2).

264 (c) Upon satisfying the requirements of paragraphs (a) and
265 (b), for any lawful operating expenditure; however, priority
266 should be given to increasing the salary of career teachers as
267 defined in s. 1012.231(2)(b).

268 (3) Notwithstanding the provisions of s. 1011.71(2), a
269 school district receiving funds under this section is authorized
270 until June 30, 2006, to use up to 2 mills of its nonvoted
271 capital improvement millage for any lawful operating expenditure
272 if the school district has met the constitutional class size
273 maximums identified in s. 1003.03(2); however, priority should
274 be given to increasing the salary of career teachers as defined
275 in s. 1012.231(2)(b). In order to exercise the authority of this
276 subsection, the school district must:

277 (a) Hold a public hearing that clearly communicates the
278 school district's purpose for the use of the funds and, during a
279 regularly scheduled meeting of the district school board, vote
280 to use such funds in the manner and for the purpose identified
281 in the public hearing.

282 (b) Annually report to the Department of Education the
283 amount of funds used and the operating expenditures for which
284 the funds were used.

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285 (4) The Department of Education shall collect all such
286 reports and shall report to the Governor, the President of the
287 Senate, and the Speaker of the House of Representatives by
288 December 31 of each year a summary of each school district's use
289 of nonvoted capital improvement millage for operating
290 expenditures, including a summary of the amount of funds used
291 and the operating expenditures for which the funds were used.

292 (5) No later than June 30, 2006, the Legislature shall
293 review such reports for purposes of determining whether any
294 school district expended nonvoted capital improvement millage
295 while failing to comply with subsection (3) or any other
296 provision of law. Upon such review, if the Legislature so
297 directs, the Department of Education shall withhold from the
298 school district's allocation from the Public Education Capital
299 Outlay and Debt Service Trust Fund no less than an amount of
300 funds equivalent to the amount determined by the Legislature to
301 have been so expended.

302 Section 5. Section 1013.735, Florida Statutes, is created
303 to read:

304 1013.735 Class Size Reduction Infrastructure Program.--

305 (1) ALLOCATION.--The Department of Education shall
306 allocate funds appropriated for the Class Size Reduction
307 Infrastructure Program, which is hereby established.

308 (2) DISTRICT PARTICIPATION.--In order to participate in
309 the Class Size Reduction Infrastructure Program, a district
310 school board shall:

311 (a) Enter into an interlocal agreement pursuant to s.
312 1013.33.

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313 (b) Certify that the school district's inventory of
314 facilities listed in the Florida Inventory of School Houses is
315 accurate and up to date pursuant to s. 1013.31.

316 (c) Receive approval from the State Board of Education for
317 a capital outlay expenditure plan that is based on documented
318 infrastructure need and is limited only to construction,
319 renovation, and remodeling expenditures and purchase or lease-
320 purchase of relocatables for class size reduction.

321 (3) USE OF FUNDS.--In order to increase capacity to reduce
322 class size, a district school board shall expend the funds
323 received pursuant to this section only to:

324 (a) Construct, renovate, remodel, or repair educational
325 facilities that reduce class size and are in excess of funded
326 projects identified in the school district's 5-year work program
327 adopted prior to March 15, 2003; or

328 (b) Purchase or lease-purchase relocatable facilities that
329 are in excess of relocatables identified in the school
330 district's 5-year work program adopted prior to March 15, 2003.

331 Section 6. Effective upon this act becoming a law, section
332 1013.736, Florida Statutes, is created to read:

333 1013.736 District Effort Recognition Program.--

334 (1) RECOGNITION FUNDS.--From funds appropriated by the
335 Legislature, district effort recognition capital outlay grants
336 shall be made to eligible school districts in accordance with
337 the provisions of this section and the General Appropriations
338 Act. The funds appropriated in this section are not subject to
339 the provisions of s. 216.301.

340 (2) ELIGIBILITY.--Annually, the Department of Education
341 shall determine each school district's compliance with the

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342 provisions of s. 1003.03 and determine the school district's
343 eligibility to receive a district effort recognition grant for
344 local school facilities projects pursuant to this section.
345 School districts shall be eligible for a district effort
346 recognition grant based upon participation in any of the
347 following:

348 (a) The school district levies a half-cent school capital
349 outlay sales surtax authorized in s. 212.055(6).

350 (b) The school district participates in the levy of the
351 local government infrastructure sales surtax authorized in s.
352 212.055(2).

353 (c) The school district levies voted millage for capital
354 outlay purposes as authorized in s. 9, Art. VII of the State
355 Constitution.

356 (d) The school district levies the full 2 mills of
357 nonvoted discretionary capital outlay millage authorized by s.
358 1011.71(2).

359 (e) The school district receives proceeds of school impact
360 fees greater than \$500 per dwelling unit.

361 (3) ALLOCATION AND DISTRIBUTION OF FUNDS.--The department
362 shall allocate the annual amount of funds provided among all
363 eligible school districts based upon the school district's plan
364 approved by the State Board of Education and documented
365 infrastructure need, which shall be limited solely to
366 construction, renovation, and remodeling expenditures and
367 purchase or lease-purchase of relocatables for class size
368 reduction.

369 Section 7. Section 1013.737, Florida Statutes, is created
370 to read:

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371 1013.737 Class Size Reduction Lottery Revenue Bond
372 Program.--There is established the Class Size Reduction Lottery
373 Revenue Bond Program.

374 (1) The issuance of revenue bonds is authorized to finance
375 or refinance the construction, acquisition, reconstruction, or
376 renovation of educational facilities. Such bonds shall be issued
377 pursuant to and in compliance with the provisions of s. 11(d),
378 Art. VII of the State Constitution, the provisions of the State
379 Bond Act, ss. 215.57-215.83, as amended, and the provisions of
380 this section.

381 (2) The bonds are payable from, and secured by a first
382 lien on, the first lottery revenues transferred to the
383 Educational Enhancement Trust Fund each fiscal year, as provided
384 by s. 24.121(2), and do not constitute a general obligation of,
385 or a pledge of the full faith and credit of, the state.

386 (3) The state hereby covenants with the holders of such
387 revenue bonds that it will not take any action that will
388 materially and adversely affect the rights of such holders so
389 long as bonds authorized by this section are outstanding. The
390 state does hereby additionally authorize the establishment of a
391 covenant in connection with the bonds which provides that any
392 additional funds received by the state from new or enhanced
393 lottery programs or other similar activities will first be
394 available for payments relating to bonds pledging revenues
395 available pursuant to s. 24.121(2) prior to use for any other
396 purpose.

397 (4) The bonds shall be issued by the Division of Bond
398 Finance of the State Board of Administration on behalf of the
399 Department of Education in such amount as shall be requested by

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400 resolution of the State Board of Education. However, the total
401 principal amount of bonds, excluding refunding bonds, issued
402 pursuant to this section shall not exceed \$600 million.

403 (5) Proceeds available from the sale of the bonds shall be
404 deposited in the Lottery Capital Outlay and Debt Service Trust
405 Fund within the Department of Education.

406 (6) The facilities to be financed with the proceeds of
407 such bonds are designated as state fixed capital outlay projects
408 for purposes of s. 11(d), Art. VII of the State Constitution,
409 and the specific facilities to be financed shall be determined
410 in accordance with state law and appropriations from the
411 Educational Enhancement Trust Fund. Prior to the release of
412 funds, the State Board of Education must approve each school
413 district's expenditure plan, which plan must be based on
414 documented infrastructure need and be limited solely to
415 construction, renovation, and remodeling expenditures and
416 purchase or lease-purchase of relocatables for class size
417 reduction. Projects shall be funded from the Lottery Capital
418 Outlay and Debt Service Trust Fund. Each educational facility to
419 be financed with the proceeds of the bonds issued pursuant to
420 this section is hereby approved as required by s. 11(f), Art.
421 VII of the State Constitution.

422 (7) Any complaint for validation of such bonds is required
423 to be filed only in the circuit court of the county where the
424 seat of state government is situated. The notice required to be
425 published by s. 75.06 is required to be published only in the
426 county where the complaint is filed, and the complaint and order
427 of the circuit court need be served only on the state attorney
428 of the circuit in which the action is pending.

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429 (8) The Commissioner of Education shall provide for timely
430 encumbrances of funds for duly authorized projects. Encumbrances
431 may include proceeds to be received under a resolution approved
432 by the State Board of Education authorizing issuance of class
433 size reduction lottery bonds pursuant to s. 11(d), Art. VII of
434 the State Constitution, this section, and other applicable law.

435 Section 8. Subsection (2) of section 24.121, Florida
436 Statutes, is amended to read:

437 24.121 Allocation of revenues and expenditure of funds for
438 public education.--

439 (2) Each fiscal year, at least 38 percent of the gross
440 revenue from the sale of on-line lottery tickets, variable
441 percentages of the gross revenue from the sale of instant
442 lottery tickets as determined by the department consistent with
443 subsection (1), and other earned revenue, excluding application
444 processing fees, shall be deposited in the Educational
445 Enhancement Trust Fund, which is hereby created in the State
446 Treasury to be administered by the Department of Education. The
447 Department of the Lottery shall transfer moneys to the
448 Educational Enhancement Trust Fund at least once each quarter.
449 Funds in the Educational Enhancement Trust Fund shall be used to
450 the benefit of public education in accordance with the
451 provisions of this act. Notwithstanding any other provision of
452 law, ~~a maximum of \$180 million of lottery revenues transferred~~
453 ~~to the Educational Enhancement Trust Fund in fiscal year 1997-~~
454 ~~1998 and for 30 years thereafter~~ shall be reserved as needed and
455 used to meet the requirements of the documents authorizing the
456 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,
457 or s. 1013.737 or distributed to school districts for the

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458 Classrooms First Program as provided in s. 1013.68. Such lottery
459 revenues are hereby pledged to the payment of debt service on
460 bonds issued by the state pursuant to s. 1013.68, ~~or s. 1013.70,~~
461 or s. 1013.737. Debt service payable on bonds issued by the
462 state pursuant to s. 1013.68, ~~or s. 1013.70,~~ or s. 1013.737
463 shall be payable from, and are secured by a first lien on, the
464 first lottery revenues transferred to the Educational
465 Enhancement Trust Fund in each fiscal year. Amounts
466 distributable to school districts that request the issuance of
467 bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds
468 pursuant to s. 11(d), Art. VII of the State Constitution. ~~The~~
469 ~~amounts distributed through the Classrooms First Program shall~~
470 ~~equal \$145 million in each fiscal year. These funds are intended~~
471 ~~to provide up to \$2.5 billion for public school facilities.~~

472 Section 9. Effective upon this act becoming a law,
473 subsection (13) of section 121.091, Florida Statutes, is amended
474 to read:

475 121.091 Benefits payable under the system.-- Benefits may
476 not be paid under this section unless the member has terminated
477 employment as provided in s. 121.021(39)(a) or begun
478 participation in the Deferred Retirement Option Program as
479 provided in subsection (13), and a proper application has been
480 filed in the manner prescribed by the department. The department
481 may cancel an application for retirement benefits when the
482 member or beneficiary fails to timely provide the information
483 and documents required by this chapter and the department's
484 rules. The department shall adopt rules establishing procedures
485 for application for retirement benefits and for the cancellation

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486 of such application when the required information or documents
487 are not received.

488 (13) DEFERRED RETIREMENT OPTION PROGRAM.—In general, and
489 subject to the provisions of this section, the Deferred
490 Retirement Option Program, hereinafter referred to as the DROP,
491 is a program under which an eligible member of the Florida
492 Retirement System may elect to participate, deferring receipt of
493 retirement benefits while continuing employment with his or her
494 Florida Retirement System employer. The deferred monthly
495 benefits shall accrue in the System Trust Fund on behalf of the
496 participant, plus interest compounded monthly, for the specified
497 period of the DROP participation, as provided in paragraph (c).
498 Upon termination of employment, the participant shall receive
499 the total DROP benefits and begin to receive the previously
500 determined normal retirement benefits. Participation in the DROP
501 does not guarantee employment for the specified period of DROP.
502 Participation in the DROP by an eligible member beyond the
503 initial 60-month period as authorized in this subsection shall
504 be on an annual contractual basis for all participants.

505 (a) Eligibility of member to participate in the DROP.--All
506 active Florida Retirement System members in a regularly
507 established position, and all active members of either the
508 Teachers' Retirement System established in chapter 238 or the
509 State and County Officers' and Employees' Retirement System
510 established in chapter 122 which systems are consolidated within
511 the Florida Retirement System under s. 121.011, are eligible to
512 elect participation in the DROP provided that:

513 1. The member is not a renewed member of the Florida
514 Retirement System under s. 121.122, or a member of the State

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515 Community College System Optional Retirement Program under s.
516 121.051, the Senior Management Service Optional Annuity Program
517 under s. 121.055, or the optional retirement program for the
518 State University System under s. 121.35.

519 2. Except as provided in subparagraph 6., election to
520 participate is made within 12 months immediately following the
521 date on which the member first reaches normal retirement date,
522 or, for a member who reaches normal retirement date based on
523 service before he or she reaches age 62, or age 55 for Special
524 Risk Class members, election to participate may be deferred to
525 the 12 months immediately following the date the member attains
526 57, or age 52 for Special Risk Class members. For a member who
527 first reached normal retirement date or the deferred eligibility
528 date described above prior to the effective date of this
529 section, election to participate shall be made within 12 months
530 after the effective date of this section. A member who fails to
531 make an election within such 12-month limitation period shall
532 forfeit all rights to participate in the DROP. The member shall
533 advise his or her employer and the division in writing of the
534 date on which the DROP shall begin. Such beginning date may be
535 subsequent to the 12-month election period, but must be within
536 the 60-month or, with respect to members who are instructional
537 or administrative personnel employed by a community college in
538 areas of critical need identified by the district board of
539 trustees and who have received authorization by the district
540 board of trustees to participate in the DROP beyond 60 months,
541 or who are instructional or administrative personnel employed by
542 the Florida School for the Deaf and the Blind and who have
543 received authorization by the Board of Trustees of the Florida

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544 School for the Deaf and the Blind to participate in the DROP
545 beyond 60 months, or who are instructional personnel as defined
546 in s. 1012.01(2)(a)-(d) in grades K-12 or administrative
547 personnel as defined in s. 1012.01(3) in grades K-12 and who
548 have received authorization by the district school
549 superintendent to participate in the DROP beyond 60 months, the
550 96-month limitation period as provided in subparagraph (b)1.
551 When establishing eligibility of the member to participate in
552 the DROP for the 60-month or, with respect to members who are
553 instructional or administrative personnel employed by a
554 community college in areas of critical need identified by the
555 district board of trustees and who have received authorization
556 by the district board of trustees to participate in the DROP
557 beyond 60 months, or who are instructional or administrative
558 personnel employed by the Florida School for the Deaf and the
559 Blind and who have received authorization by the Board of
560 Trustees of the Florida School for the Deaf and the Blind to
561 participate in the DROP beyond 60 months, or who are
562 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
563 grades K-12 or administrative personnel as defined in s.
564 1012.01(3) in grades K-12 and who have received authorization by
565 the district school superintendent to participate in the DROP
566 beyond 60 months, the 96-month maximum participation period, the
567 member may elect to include or exclude any optional service
568 credit purchased by the member from the total service used to
569 establish the normal retirement date. A member with dual normal
570 retirement dates shall be eligible to elect to participate in
571 DROP within 12 months after attaining normal retirement date in
572 either class.

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573 3. The employer of a member electing to participate in the
574 DROP, or employers if dually employed, shall acknowledge in
575 writing to the division the date the member's participation in
576 the DROP begins and the date the member's employment and DROP
577 participation will terminate.

578 4. Simultaneous employment of a participant by additional
579 Florida Retirement System employers subsequent to the
580 commencement of participation in the DROP shall be permissible
581 provided such employers acknowledge in writing a DROP
582 termination date no later than the participant's existing
583 termination date or the 60-month limitation period as provided
584 in subparagraph (b)1.

585 5. A DROP participant may change employers while
586 participating in the DROP, subject to the following:

587 a. A change of employment must take place without a break
588 in service so that the member receives salary for each month of
589 continuous DROP participation. If a member receives no salary
590 during a month, DROP participation shall cease unless the
591 employer verifies a continuation of the employment relationship
592 for such participant pursuant to s. 121.021(39)(b).

593 b. Such participant and new employer shall notify the
594 division on forms required by the division as to the identity of
595 the new employer.

596 c. The new employer shall acknowledge, in writing, the
597 participant's DROP termination date, which may be extended but
598 not beyond the original 60-month or, with respect to members who
599 are instructional or administrative personnel employed by a
600 community college in areas of critical need identified by the
601 district board of trustees and who have received authorization

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602 by the district board of trustees to participate in the DROP
603 beyond 60 months, or who are instructional or administrative
604 personnel employed by the Florida School for the Deaf and the
605 Blind and who have received authorization by the Board of
606 Trustees of the Florida School for the Deaf and the Blind to
607 participate in the DROP beyond 60 months, or who are
608 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
609 grades K-12 or administrative personnel as defined in s.
610 1012.01(3) in grades K-12 and who have received authorization by
611 the district school superintendent to participate in the DROP
612 beyond 60 months, the 96-month period provided in subparagraph
613 (b)1., shall acknowledge liability for any additional retirement
614 contributions and interest required if the participant fails to
615 timely terminate employment, and shall be subject to the
616 adjustment required in sub-subparagraph (c)5.d.

617 6. Effective July 1, 2001, for instructional personnel as
618 defined in s. 1012.01(2), election to participate in the DROP
619 shall be made at any time following the date on which the member
620 first reaches normal retirement date. The member shall advise
621 his or her employer and the division in writing of the date on
622 which the Deferred Retirement Option Program shall begin. When
623 establishing eligibility of the member to participate in the
624 DROP for the 60-month or, with respect to members who are
625 instructional or administrative personnel employed by a
626 community college in areas of critical need identified by the
627 district board of trustees and who have received authorization
628 by the district board of trustees to participate in the DROP
629 beyond 60 months, or who are instructional or administrative
630 personnel employed by the Florida School for the Deaf and the

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631 Blind and who have received authorization by the Board of
632 Trustees of the Florida School for the Deaf and the Blind to
633 participate in the DROP beyond 60 months, or who are
634 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
635 grades K-12 or administrative personnel as defined in s.
636 1012.01(3) in grades K-12 and who have received authorization by
637 the district school superintendent to participate in the DROP
638 beyond 60 months, the 96-month maximum participation period, as
639 provided in subparagraph (b)1., the member may elect to include
640 or exclude any optional service credit purchased by the member
641 from the total service used to establish the normal retirement
642 date. A member with dual normal retirement dates shall be
643 eligible to elect to participate in either class.

644 (b) Participation in the DROP.—

645 1. An eligible member may elect to participate in the DROP
646 for a period not to exceed a maximum of 60 calendar months or,
647 with respect to members who are instructional or administrative
648 personnel employed by a community college in areas of critical
649 need identified by the district board of trustees and who have
650 received authorization by the district board of trustees to
651 participate in the DROP beyond the initial 60 calendar months on
652 an annual contractual basis, or who are instructional or
653 administrative personnel employed by the Florida School for the
654 Deaf and the Blind and who have received authorization by the
655 Board of Trustees of the Florida School for the Deaf and the
656 Blind to participate in the DROP beyond the initial 60 calendar
657 months on an annual contractual basis, or who are instructional
658 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12 or
659 administrative personnel as defined in s. 1012.01(3) in grades

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660 K-12 and who have received authorization by the district school
661 superintendent to participate in the DROP beyond the initial 60
662 calendar months on an annual contractual basis, a maximum of 96
663 calendar months immediately following the date on which the
664 member first reaches his or her normal retirement date or the
665 date to which he or she is eligible to defer his or her election
666 to participate as provided in subparagraph (a)2. However, a
667 member who has reached normal retirement date prior to the
668 effective date of the DROP shall be eligible to participate in
669 the DROP for a period of time not to exceed 60 calendar months
670 or, with respect to members who are instructional or
671 administrative personnel employed by a community college in
672 areas of critical need identified by the district board of
673 trustees and who have received authorization by the district
674 board of trustees to participate in the DROP beyond the initial
675 60 calendar months on an annual contractual basis, or who are
676 instructional or administrative personnel employed by the
677 Florida School for the Deaf and the Blind and who have received
678 authorization by the Board of Trustees of the Florida School for
679 the Deaf and the Blind to participate in the DROP beyond the
680 initial 60 calendar months on an annual contractual basis, or
681 who are instructional personnel as defined in s. 1012.01(2)(a)-
682 (d) in grades K-12 or administrative personnel as defined in s.
683 1012.01(3) in grades K-12 and who have received authorization by
684 the district school superintendent to participate in the DROP
685 beyond the initial 60 calendar months on an annual contractual
686 basis, a maximum of 96 calendar months immediately following the
687 effective date of the DROP, except a member of the Special Risk
688 Class who has reached normal retirement date prior to the

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689 effective date of the DROP and whose total accrued value exceeds
690 75 percent of average final compensation as of his or her
691 effective date of retirement shall be eligible to participate in
692 the DROP for no more than 36 calendar months immediately
693 following the effective date of the DROP.

694 2. Upon deciding to participate in the DROP, the member
695 shall submit, on forms required by the division:

696 a. A written election to participate in the DROP;

697 b. Selection of the DROP participation and termination
698 dates, which satisfy the limitations stated in paragraph (a) and
699 subparagraph 1. Such termination date shall be in a binding
700 letter of resignation with the employer, establishing a deferred
701 termination date. The member may change the termination date
702 within the limitations of subparagraph 1., but only with the
703 written approval of his or her employer;

704 c. A properly completed DROP application for service
705 retirement as provided in this section; and

706 d. Any other information required by the division.

707 3. The DROP participant shall be a retiree under the
708 Florida Retirement System for all purposes, except for paragraph
709 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,
710 and 121.122. However, participation in the DROP does not alter
711 the participant's employment status and such employee shall not
712 be deemed retired from employment until his or her deferred
713 resignation is effective and termination occurs as provided in
714 s. 121.021(39).

715 4. Elected officers shall be eligible to participate in
716 the DROP subject to the following:

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717 a. An elected officer who reaches normal retirement date
718 during a term of office may defer the election to participate in
719 the DROP until the next succeeding term in that office. Such
720 elected officer who exercises this option may participate in the
721 DROP for up to 60 calendar months or a period of no longer than
722 such succeeding term of office, whichever is less.

723 b. An elected or a nonelected participant may run for a
724 term of office while participating in DROP and, if elected,
725 extend the DROP termination date accordingly, except, however,
726 if such additional term of office exceeds the 60-month
727 limitation established in subparagraph 1., and the officer does
728 not resign from office within such 60-month limitation, the
729 retirement and the participant's DROP shall be null and void as
730 provided in sub-subparagraph (c)5.d.

731 c. An elected officer who is dually employed and elects to
732 participate in DROP shall be required to satisfy the definition
733 of termination within the 60-month or, with respect to members
734 who are instructional or administrative personnel employed by a
735 community college in areas of critical need identified by the
736 district board of trustees and who have received authorization
737 by the district board of trustees to participate in the DROP
738 beyond 60 months, or who are instructional or administrative
739 personnel employed by the Florida School for the Deaf and the
740 Blind and who have received authorization by the Board of
741 Trustees of the Florida School for the Deaf and the Blind to
742 participate in the DROP beyond 60 months, or who are
743 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
744 grades K-12 or administrative personnel as defined in s.
745 1012.01(3) in grades K-12 and who have received authorization by

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746 the district school superintendent to participate in the DROP
747 beyond 60 months, the 96-month limitation period as provided in
748 subparagraph 1. for the nonelected position and may continue
749 employment as an elected officer as provided in s. 121.053. The
750 elected officer will be enrolled as a renewed member in the
751 Elected Officers' Class or the Regular Class, as provided in ss.
752 121.053 and 121.22, on the first day of the month after
753 termination of employment in the nonelected position and
754 termination of DROP. Distribution of the DROP benefits shall be
755 made as provided in paragraph (c).

756 (c) *Benefits payable under the DROP.--*

757 1. Effective with the date of DROP participation, the
758 member's initial normal monthly benefit, including creditable
759 service, optional form of payment, and average final
760 compensation, and the effective date of retirement shall be
761 fixed. The beneficiary established under the Florida Retirement
762 System shall be the beneficiary eligible to receive any DROP
763 benefits payable if the DROP participant dies prior to the
764 completion of the period of DROP participation. In the event a
765 joint annuitant predeceases the member, the member may name a
766 beneficiary to receive accumulated DROP benefits payable. Such
767 retirement benefit, the annual cost of living adjustments
768 provided in s. 121.101, and interest shall accrue monthly in the
769 System Trust Fund. Such interest shall accrue at an effective
770 annual rate of 6.5 percent compounded monthly, on the prior
771 month's accumulated ending balance, up to the month of
772 termination or death.

773 2. Each employee who elects to participate in the DROP
774 shall be allowed to elect to receive a lump-sum payment for

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775 accrued annual leave earned in accordance with agency policy
776 upon beginning participation in the DROP. Such accumulated leave
777 payment certified to the division upon commencement of DROP
778 shall be included in the calculation of the member's average
779 final compensation. The employee electing such lump-sum payment
780 upon beginning participation in DROP will not be eligible to
781 receive a second lump-sum payment upon termination, except to
782 the extent the employee has earned additional annual leave which
783 combined with the original payment does not exceed the maximum
784 lump-sum payment allowed by the employing agency's policy or
785 rules. Such early lump-sum payment shall be based on the hourly
786 wage of the employee at the time he or she begins participation
787 in the DROP. If the member elects to wait and receive such lump-
788 sum payment upon termination of DROP and termination of
789 employment with the employer, any accumulated leave payment made
790 at that time cannot be included in the member's retirement
791 benefit, which was determined and fixed by law when the employee
792 elected to participate in the DROP.

793 3. The effective date of DROP participation and the
794 effective date of retirement of a DROP participant shall be the
795 first day of the month selected by the member to begin
796 participation in the DROP, provided such date is properly
797 established, with the written confirmation of the employer, and
798 the approval of the division, on forms required by the division.

799 4. Normal retirement benefits and interest thereon shall
800 continue to accrue in the DROP until the established termination
801 date of the DROP, or until the participant terminates employment
802 or dies prior to such date. Although individual DROP accounts
803 shall not be established, a separate accounting of each

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804 participant's accrued benefits under the DROP shall be
805 calculated and provided to participants.

806 5. At the conclusion of the participant's DROP, the
807 division shall distribute the participant's total accumulated
808 DROP benefits, subject to the following provisions:

809 a. The division shall receive verification by the
810 participant's employer or employers that such participant has
811 terminated employment as provided in s. 121.021(39)(b).

812 b. The terminated DROP participant or, if deceased, such
813 participant's named beneficiary, shall elect on forms provided
814 by the division to receive payment of the DROP benefits in
815 accordance with one of the options listed below. For a
816 participant or beneficiary who fails to elect a method of
817 payment within 60 days of termination of the DROP, the division
818 will pay a lump sum as provided in sub-sub-subparagraph (I).

819 (I) Lump sum.--All accrued DROP benefits, plus interest,
820 less withholding taxes remitted to the Internal Revenue Service,
821 shall be paid to the DROP participant or surviving beneficiary.

822 (II) Direct rollover.--All accrued DROP benefits, plus
823 interest, shall be paid from the DROP directly to the custodian
824 of an eligible retirement plan as defined in s. 402(c)(8)(B) of
825 the Internal Revenue Code. However, in the case of an eligible
826 rollover distribution to the surviving spouse of a deceased
827 participant, an eligible retirement plan is an individual
828 retirement account or an individual retirement annuity as
829 described in s. 402(c)(9) of the Internal Revenue Code.

830 (III) Partial lump sum.--A portion of the accrued DROP
831 benefits shall be paid to the DROP participant or surviving
832 spouse, less withholding taxes remitted to the Internal Revenue

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833 Service, and the remaining DROP benefits shall be transferred
834 directly to the custodian of an eligible retirement plan as
835 defined in s. 402(c)(8)(B) of the Internal Revenue Code.
836 However, in the case of an eligible rollover distribution to the
837 surviving spouse of a deceased participant, an eligible
838 retirement plan is an individual retirement account or an
839 individual retirement annuity as described in s. 402(c)(9) of
840 the Internal Revenue Code. The proportions shall be specified by
841 the DROP participant or surviving beneficiary.

842 c. The form of payment selected by the DROP participant or
843 surviving beneficiary complies with the minimum distribution
844 requirements of the Internal Revenue Code.

845 d. A DROP participant who fails to terminate employment as
846 defined in s. 121.021(39)(b) shall be deemed not to be retired,
847 and the DROP election shall be null and void. Florida Retirement
848 System membership shall be reestablished retroactively to the
849 date of the commencement of the DROP, and each employer with
850 whom the participant continues employment shall be required to
851 pay to the System Trust Fund the difference between the DROP
852 contributions paid in paragraph (i) and the contributions
853 required for the applicable Florida Retirement System class of
854 membership during the period the member participated in the
855 DROP, plus 6.5 percent interest compounded annually.

856 6. The accrued benefits of any DROP participant, and any
857 contributions accumulated under such program, shall not be
858 subject to assignment, execution, attachment, or to any legal
859 process whatsoever, except for qualified domestic relations
860 orders by a court of competent jurisdiction, income deduction
861 orders as provided in s. 61.1301, and federal income tax levies.

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862 7. DROP participants shall not be eligible for disability
863 retirement benefits as provided in subsection (4).

864 (d) *Death benefits under the DROP.*--

865 1. Upon the death of a DROP participant, the named
866 beneficiary shall be entitled to apply for and receive the
867 accrued benefits in the DROP as provided in sub-subparagraph
868 (c)5.b.

869 2. The normal retirement benefit accrued to the DROP
870 during the month of a participant's death shall be the final
871 monthly benefit credited for such DROP participant.

872 3. Eligibility to participate in the DROP terminates upon
873 death of the participant. If the participant dies on or after
874 the effective date of enrollment in the DROP, but prior to the
875 first monthly benefit being credited to the DROP, Florida
876 Retirement System benefits shall be paid in accordance with
877 subparagraph (7)(c)1. or subparagraph 2.

878 4. A DROP participants' survivors shall not be eligible to
879 receive Florida Retirement System death benefits as provided in
880 paragraph (7)(d).

881 (e) *Cost-of-living adjustment.*--On each July 1, the
882 participants' normal retirement benefit shall be increased as
883 provided in s. 121.101.

884 (f) *Retiree health insurance subsidy.*--DROP participants
885 are not eligible to apply for the retiree health insurance
886 subsidy payments as provided in s. 112.363 until such
887 participants have terminated employment and participation in the
888 DROP.

889 (g) *Renewed membership.*--DROP participants shall not be
890 eligible for renewed membership in the Florida Retirement System

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891 under ss. 121.053 and 121.122 until termination of employment is
892 effectuated as provided in s. 121.021(39)(b).

893 (h) *Employment limitation after DROP participation.*--Upon
894 satisfying the definition of termination of employment as
895 provided in s. 121.021(39)(b), DROP participants shall be
896 subject to such reemployment limitations as other retirees.
897 Reemployment restrictions applicable to retirees as provided in
898 subsection (9) shall not apply to DROP participants until their
899 employment and participation in the DROP are terminated.

900 (i) *Contributions.*--

901 1. All employers paying the salary of a DROP participant
902 filling a regularly established position shall contribute 8.0
903 percent of such participant's gross compensation for the period
904 of July 1, 2002, through June 30, 2003, and 11.56 percent of
905 such compensation thereafter, which shall constitute the entire
906 employer DROP contribution with respect to such participant.
907 Such contributions, payable to the System Trust Fund in the same
908 manner as required in s. 121.071, shall be made as appropriate
909 for each pay period and are in addition to contributions
910 required for social security and the Retiree Health Insurance
911 Subsidy Trust Fund. Such employer, social security, and health
912 insurance subsidy contributions are not included in the DROP.

913 2. The employer shall, in addition to subparagraph 1.,
914 also withhold one-half of the entire social security
915 contribution required for the participant. Contributions for
916 social security by each participant and each employer, in the
917 amount required for social security coverage as now or hereafter
918 provided by the federal Social Security Act, shall be in
919 addition to contributions specified in subparagraph 1.

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920 3. All employers paying the salary of a DROP participant
921 filling a regularly established position shall contribute the
922 percent of such participant's gross compensation required in s.
923 121.071(4), which shall constitute the employer's health
924 insurance subsidy contribution with respect to such participant.
925 Such contributions shall be deposited by the administrator in
926 the Retiree Health Insurance Subsidy Trust Fund.

927 (j) *Forfeiture of retirement benefits.*--Nothing in this
928 section shall be construed to remove DROP participants from the
929 scope of s. 8(d), Art. II of the State Constitution, s.
930 112.3173, and paragraph (5)(f). DROP participants who commit a
931 specified felony offense while employed will be subject to
932 forfeiture of all retirement benefits, including DROP benefits,
933 pursuant to those provisions of law.

934 (k) *Administration of program.*--The division shall make
935 such rules as are necessary for the effective and efficient
936 administration of this subsection. The division shall not be
937 required to advise members of the federal tax consequences of an
938 election related to the DROP but may advise members to seek
939 independent advice.

940 Section 10. Subsection (20) of section 1001.42, Florida
941 Statutes, is amended to read:

942 1001.42 Powers and duties of district school board.--The
943 district school board, acting as a board, shall exercise all
944 powers and perform all duties listed below:

945 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
946 anonymity of students in large schools, adopt policies to
947 encourage any large school ~~that does not meet the definition of~~
948 ~~a small school, as established by s. 1013.43(2),~~ to subdivide

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949 into schools-within-a-school that shall operate within existing
950 resources in accordance with the provisions of chapter 1003.

951 Section 11. Section 1002.395, Florida Statutes, is created
952 to read:

953 1002.395 Florida Learning Access Grants.--

954 (1) POPULAR NAME.--This section shall be known by the
955 popular name the "Florida Learning Access Grants Program."

956 (2) DISTRICT PARTICIPATION.--District school boards may
957 choose to implement the Florida Learning Access Grants program
958 as a strategy to reduce class size in their local school
959 districts pursuant to s. 1003.03(4). District school boards may
960 be required to participate in this program to reduce class size
961 if the Commissioner of Education so determines pursuant to s.
962 1003.03(5)(b).

963 (3) PARENTAL CHOICE.--The parent of any K-12 student in a
964 school district participating in the program pursuant to
965 subsection (2) who is enrolled and in attendance during the
966 October and February FTE enrollment counts in a Florida public
967 school may, for the following school year:

968 (a) Opt to have the student remain in the school in which
969 the student is enrolled; or

970 (b) Opt to request, on an annual basis, a Florida Learning
971 Access Grant to assist the parent in paying for the student's
972 attendance at an eligible private school of the parent's choice.
973 The grant shall be in the amount of \$3,500 in 2003 dollars,
974 adjusted annually thereafter to reflect increases or decreases
975 in the Consumer Price Index, or the tuition charged by the
976 private school, whichever is less. The parent choosing a Florida

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977 Learning Access Grant shall be responsible for the child's
978 transportation.

979 (4) PARTICIPATING SCHOOL DISTRICT OBLIGATIONS.--Each
980 school district participating in this program shall annually by
981 February 22, for each K-12 student eligible under subsection
982 (3), notify the parent that the school district has chosen to
983 offer Florida Learning Access Grants and provide the parent with
984 the parental choice options for the following school year as
985 provided in subsection (3).

986 (5) PARENT OBLIGATIONS.--

987 (a) The parent shall notify the school district as to
988 which of the options provided in subsection (3) the parent
989 wishes to choose.

990 1. Failure of the parent to provide notification shall
991 constitute the choice of the option provided by paragraph
992 (3)(a).

993 2. If the parent chooses the option provided by paragraph
994 (3)(b), the parent must:

995 a. Obtain acceptance for admission of the student to a
996 private school eligible under subsection (6) as soon as possible
997 and inform the private school that the student will be using a
998 Florida Learning Access Grant.

999 b. Notify the Department of Education of the parent's
1000 request for a Florida Learning Access Grant and the name and
1001 address of the selected private school.

1002 c. Agree to provide transportation for the student to the
1003 private school if necessary.

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1004 d. Agree to pay any costs associated with the student's
1005 attendance at the private school that exceed the annual amount
1006 of the Florida Learning Access Grant.

1007 e. Agree that the education provided by the private school
1008 selected shall satisfy the student's full need for educational
1009 services from the student's school.

1010 f. Ensure that the student takes a nationally normed
1011 examination as determined by the private school for each grade 3
1012 through 10. The results of the examination shall be provided to
1013 the parent.

1014 (b) After the first year of the student's attendance at a
1015 private school under the Florida Learning Access Grants program,
1016 the parent must annually notify the Department of Education if
1017 the parent intends to renew the grant according to the
1018 provisions of subsection (8) in order for the student to
1019 continue in the program, together with the name and address of
1020 the private school selected for the student for the following
1021 year.

1022 (6) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a private
1023 school shall be determined by the parental oversight and
1024 accountability requirements that, coupled with the exercise of
1025 parental choice, are reasonably necessary to secure the
1026 educational public purpose. To be eligible to participate in the
1027 Florida Learning Access Grants program, a private school must be
1028 a Florida private school, may be sectarian or nonsectarian, and
1029 must:

1030 (a) Demonstrate fiscal soundness by being in operation for
1031 1 school year or provide the Department of Education with a
1032 statement by a certified public accountant confirming that the

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1033 private school desiring to participate is insured and the owner
1034 or owners have sufficient capital or credit to operate the
1035 school for the upcoming year serving the number of students
1036 anticipated with expected revenues from tuition and other
1037 sources that may be reasonably expected. In lieu of such a
1038 statement, a surety bond or letter of credit for the amount
1039 equal to the Florida Learning Access Grant funds for any school
1040 year may be filed with the department.

1041 (b) Notify the Department of Education and the school
1042 district in the service areas in which the school is located of
1043 its intent to participate in the program under this section as
1044 early as possible, but no later than July 1 preceding the school
1045 year in which it intends to participate. The notice shall
1046 specify the grade levels and services that the private school
1047 has available for the Florida Learning Access Grants program.

1048 (c) Comply with the antidiscrimination provisions of 42
1049 U.S.C. s. 2002d.

1050 (d) Meet state and local health and safety laws and codes.

1051 (e) Comply with all state statutes applicable to the
1052 general regulation of private schools.

1053 (f) If a Florida Learning Access Grant student's parent so
1054 requests, coordinate with the school district the locations and
1055 times for the student to take all statewide assessments pursuant
1056 to s. 1008.22.

1057 (7) INITIAL FLORIDA LEARNING ACCESS GRANTS.--

1058 (a) Initial Florida Learning Access Grants shall be
1059 offered on a first-come, first-served basis.

1060 (b) The number of initial Florida Learning Access Grants
1061 to be awarded shall be determined annually by the Department of

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1062 Education based upon the department's determination of the
1063 number that would be necessary to reduce class size to meet the
1064 school district's two-student-per-year reduction requirements
1065 pursuant to s. 1003.03(3) or to meet the constitutional class
1066 size maximums described in s. 1003.03(2). However, district
1067 school boards may authorize more Florida Learning Access Grants
1068 than the number established by the department.

1069 (8) FLORIDA LEARNING ACCESS GRANT RENEWAL.--For purposes
1070 of educational continuity and parental choice, a Florida
1071 Learning Access Grant, once awarded, shall be renewable for as
1072 long as the parent is a Florida resident who opts for
1073 continuation of the grant for the student and the student
1074 lawfully attends an eligible private school through grade 12 or
1075 until the student graduates from high school. The Florida
1076 Learning Access Grant may be transferred from one eligible
1077 private school to another upon the school's acceptance of the
1078 student and the parent's provision of adequate notice to the
1079 Department of Education. A parent may, however, at any time opt
1080 to return the student to the public school.

1081 (9) FLORIDA LEARNING ACCESS GRANT DISBURSEMENT.--Upon
1082 proper documentation reviewed and approved by the Department of
1083 Education, the Chief Financial Officer shall make Florida
1084 Learning Access Grant payments in four equal amounts no later
1085 than September 1, November 1, February 1, and April 1 of each
1086 academic year. The initial payment shall be made after
1087 Department of Education verification of admission acceptance,
1088 and subsequent payments shall be made upon verification of the
1089 student's continued enrollment and attendance at the private
1090 school. Payment must be by individual warrant made payable to

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1091 the student's parent and mailed by the Department of Education
1092 to the private school of the parent's choice, and the parent
1093 shall restrictively endorse the warrant to the private school.

1094 (10) LIABILITY.--No liability shall arise on the part of
1095 the state based on the award or use of any Florida Learning
1096 Access Grant.

1097 (11) DEPARTMENT OF EDUCATION OBLIGATIONS.--

1098 (a)1. Upon notification of the number of students whose
1099 parents have opted to request initial Florida Learning Access
1100 Grants, the Department of Education shall transfer from general
1101 revenue funds appropriated to the school district the total
1102 amount of annual \$3,500 grants for the school district's
1103 students from the Florida Education Finance Program to a
1104 separate account for the disbursement of the initial Florida
1105 Learning Access Grants.

1106 2. The Department of Education shall, in its annual
1107 budget, provide for Florida Learning Access Grants for parents
1108 who wish their children to continue participation in the Florida
1109 Learning Access Grants program beyond the initial year of
1110 participation.

1111 (b) The Department of Education shall administer the
1112 Florida Learning Access Grants program, and the State Board of
1113 Education may adopt rules pursuant ss. 120.536(1) and 120.54 to
1114 implement the provisions of this section. However, the inclusion
1115 of eligible private schools within options available to Florida
1116 public school students does not expand the regulatory authority
1117 of the state, its officers, or any school district to impose any
1118 additional regulations on private schools beyond those

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1119 reasonably necessary to enforce requirements expressly set forth
1120 in this section.

1121 Section 12. Section 1002.396, Florida Statutes, is created
1122 to read:

1123 1002.396 Kindergarten grants program.--

1124 (1) LEGISLATIVE INTENT; KINDERGARTEN GRANTS

1125 PROGRAM.--Recognizing the importance of each child having the
1126 best possible foundation for his or her success in school, it is
1127 the intent of the Legislature that the parents of a child who
1128 will have attained the age of 5 years on or before September 1
1129 of the school year or who is otherwise eligible to attend
1130 kindergarten in a Florida public school be given the option:

1131 (a) To enroll the child in and transport the child to
1132 kindergarten in any public school within the school district
1133 other than the school to which the child is assigned; or

1134 (b) To receive a kindergarten grant to enroll the child in
1135 an eligible private kindergarten of the parent's choice. The
1136 grant shall be in the amount of \$3,500 in 2003 dollars, adjusted
1137 annually thereafter to reflect increases or decreases in the
1138 Consumer Price Index, or the tuition charged by the private
1139 kindergarten, whichever is less. The parent choosing a
1140 kindergarten grant shall be responsible for the child's
1141 transportation.

1142 (2) PARENT OBLIGATIONS.--

1143 (a) The parent choosing to participate in the kindergarten
1144 grants program shall notify the school district as to which of
1145 the options provided in subsection (1) the parent wishes to
1146 choose.

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1147 (b) If the parent chooses the option provided in paragraph
1148 (1)(a), the parent shall inform the school district by May 1
1149 which public school the parent has selected, and the parent
1150 shall agree to provide any necessary transportation to the
1151 selected public school.

1152 (c) If the parent chooses the option provided in paragraph
1153 (1)(b), the parent shall:

1154 1. Obtain acceptance for admission of the child to a
1155 private kindergarten eligible under subsection (3) as soon as
1156 possible and inform the private kindergarten that the child will
1157 be using a kindergarten grant.

1158 2. Notify the Department of Education by July 1 of the
1159 parent's request for a kindergarten grant and the name and
1160 address of the selected private kindergarten.

1161 3. Agree to provide any necessary transportation for the
1162 child to the selected private kindergarten.

1163 4. Agree to pay any costs associated with the child's
1164 attendance at the private kindergarten that exceed the amount of
1165 the kindergarten grant.

1166 (3) PRIVATE KINDERGARTEN ELIGIBILITY.--Eligibility of a
1167 private kindergarten shall be determined by the parental
1168 oversight and accountability requirements that, coupled with the
1169 exercise of parental choice, are reasonably necessary to secure
1170 the educational public purpose. To be eligible to participate in
1171 the kindergarten grants program, a kindergarten must be a
1172 Florida private kindergarten, may be sectarian or nonsectarian,
1173 and must:

1174 (a) Demonstrate fiscal soundness by being in operation for
1175 1 school year or provide the Department of Education with a

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1176 statement by a certified public accountant confirming that the
1177 private kindergarten desiring to participate is insured and the
1178 owner or owners have sufficient capital or credit to operate the
1179 kindergarten for the upcoming year serving the number of
1180 students anticipated with expected revenues from tuition and
1181 other sources that may be reasonably expected. In lieu of such a
1182 statement, a surety bond or letter of credit for the amount
1183 equal to the kindergarten grants funds for any school year may
1184 be filed with the department.

1185 (b) Notify the Department of Education and the school
1186 district in the service area in which the kindergarten is
1187 located of its intent to participate in the program under this
1188 section as early as possible, but no later than July 1 preceding
1189 the school year in which it intends to participate.

1190 (c) Comply with the antidiscrimination provisions of 42
1191 U.S.C. s. 2000d.

1192 (d) Meet state and local health and safety laws and codes.

1193 (e) Comply with all state statutes applicable to the
1194 general regulation of private schools.

1195 (4) KINDERGARTEN GRANT DISBURSEMENT.--Upon proper
1196 documentation reviewed and approved by the Department of
1197 Education, the Chief Financial Officer shall make kindergarten
1198 grant payments in four equal amounts no later than September 1,
1199 November 1, February 1, and April 1 of each academic year. The
1200 initial payment shall be made after Department of Education
1201 verification of admission acceptance, and subsequent payments
1202 shall be made upon verification of the student's continued
1203 enrollment and attendance at the private kindergarten. Payment
1204 must be by individual warrant made payable to the student's

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1205 parent and mailed by the Department of Education to the private
1206 kindergarten of the parent's choice, and the parent shall
1207 restrictively endorse the warrant to the private kindergarten.

1208 (5) LIABILITY.--No liability shall arise on the part of
1209 the state based on the award or use of any kindergarten grant.

1210 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--

1211 (a) The Department of Education shall transfer from
1212 general revenue funds appropriated to the school district the
1213 total amount of annual \$3,500 grants for the school district's
1214 students from the Florida Education Finance Program to a
1215 separate account for the disbursement of the kindergarten
1216 grants.

1217 (b) The Department of Education shall administer the
1218 kindergarten grants program and may adopt rules pursuant to ss.
1219 120.536(1) and 120.54 to implement the provisions of this
1220 section. However, the inclusion of eligible private schools
1221 within options available to Florida public school students does
1222 not expand the regulatory authority of the state, its officers,
1223 or any school district to impose any additional regulations on
1224 private schools beyond those reasonably necessary to enforce
1225 requirements expressly set forth in this section.

1226 Section 13. Section 1002.397, Florida Statutes, is created
1227 to read:

1228 1002.397 K-8 Virtual School Grants Program.--

1229 (1) K-8 VIRTUAL SCHOOL GRANTS PROGRAM.--Parents of a
1230 student who is eligible to attend kindergarten or grade 1, 2, 3,
1231 4, 5, 6, 7, or 8 and was enrolled and in attendance at a Florida
1232 public school during the October and February FTE enrollment
1233 counts or is entering kindergarten or first grade and has been

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1234 assigned to a specific Florida public school shall be given the
1235 option to enroll the student in an eligible K-8 virtual school
1236 of the parent's choice. The student shall be enrolled as a full-
1237 time student. The student shall be eligible for a virtual school
1238 grant in the amount of \$4,800 in 2003 dollars, adjusted annually
1239 thereafter to reflect increases or decreases in the Consumer
1240 Price Index, or the tuition charged by the eligible K-8 virtual
1241 school, whichever is less. Students who are enrolled in
1242 traditional public school classes that are not in compliance
1243 with the maximum class sizes provided in s. 1003.03 or who have
1244 scored Level 1 on the Florida Comprehensive Assessment Test or
1245 have been retained shall be given priority.

1246 (2) STUDENT AND PARENT OBLIGATIONS.--

1247 (a) The parent of an eligible student choosing to
1248 participate in the K-8 Virtual School Grants Program shall
1249 notify the school district of the parent's desire for the
1250 student to participate in the grants program.

1251 (b) The parent shall:

1252 1. Obtain acceptance for admission of the student to an
1253 eligible K-8 virtual school and inform the virtual school that
1254 the child will be using a virtual school grant.

1255 2. Notify the Department of Education by July 1 of the
1256 parent's request for a K-8 virtual school grant and the name and
1257 address of the selected virtual school.

1258 3. Agree to pay any costs, including any transportation,
1259 associated with the child's attendance at the K-8 virtual school
1260 that exceed the amount of the K-8 virtual school grant.

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1261 (c) Each parent shall serve as, or provide, an onsite
1262 mentor or facilitator at the site where the student is
1263 physically located.

1264 (d) Each student shall have access to a singular,
1265 consistent curriculum that meets or exceeds the Sunshine State
1266 Standards and that has an interactive program with significant
1267 on-line components. Nothing in this section, however, shall
1268 prohibit a student from working at a different grade level in a
1269 subject within the singular curriculum.

1270 (e) Each student enrolled in an approved K-8 virtual
1271 school shall be a full-time student. Enrolled students must take
1272 all language arts, mathematics, science, history, and required
1273 courses for the grade level in which the student is enrolled.

1274 (f) Each student enrolled in an approved K-8 virtual
1275 school in grades 3, 4, 5, 6, 7, and 8 shall participate in the
1276 Florida Comprehensive Assessment Test (FCAT) in accordance with
1277 the requirement of s. 1008.22. Students in grades that are not
1278 required to take the FCAT shall participate in local assessments
1279 and in the K-3 state-approved assessment for reading adopted by
1280 Just Read Florida.

1281 (3) K-8 VIRTUAL SCHOOL ELIGIBILITY.--As used in this
1282 section, a "K-8 virtual school" means an independent public
1283 school that uses on-line and distance learning technology in
1284 order to deliver instruction to students in kindergarten and
1285 grades 1 through 8. Eligibility of a K-8 virtual school to
1286 participate in the K-8 Virtual School Grants Program shall be
1287 determined by the State Board of Education. To be eligible to
1288 participate in the program, a K-8 virtual school must:

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1289 (a) Demonstrate fiscal soundness by being in operation for
1290 at least 1 school year or provide the Department of Education
1291 with a statement by a certified public accountant confirming
1292 that the K-8 virtual school desiring to participate is insured
1293 and the owner or owners have sufficient capital or credit to
1294 operate the school for the upcoming year serving the number of
1295 students anticipated with expected revenues from tuition and
1296 other sources that may be reasonably expected. In lieu of such a
1297 statement, a surety bond or letter of credit for the amount
1298 equal to the K-8 virtual school grants funds for any school year
1299 may be filed with the department.

1300 (b) Notify the Department of Education of its intent to
1301 participate in the program under this section as early as
1302 possible, but no later than July 1 preceding the school year in
1303 which it intends to participate, except that such notification
1304 deadline shall not apply in the first year of implementation.

1305 (c) Comply with the antidiscrimination provisions of 42
1306 U.S.C. s. 2000d.

1307 (d) Submit to the State Board of Education forecasted
1308 enrollment, actual enrollments, and grade completions for the K-
1309 8 virtual school according to procedures established by the
1310 State Board of Education. At a minimum, such procedures must
1311 include the number of students served by grade and by county of
1312 residence.

1313 (e) Provide, free of charge, all instructional materials
1314 for each student enrolled in the K-8 virtual school for as long
1315 as the student is enrolled. In addition, for each household with
1316 a student or students enrolled in a K-8 virtual school, the
1317 virtual school must make available, free of charge, a computer

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1318 and a printer, in addition to a subsidized Internet connection,
1319 for as long as the student is enrolled. Nothing in this
1320 paragraph prevents students from using their own computers,
1321 printers, or Internet connections.

1322 (f) Conform all curriculum and course content to the
1323 Sunshine State Standards. All reading and other content area
1324 strategies shall be based on scientific research.

1325 (g) Administer the Florida Comprehensive Assessment Test
1326 (FCAT) in accordance with ss. 1008.22, 1008.23, and 1008.24 or,
1327 for those students in grades that are not required to take the
1328 FCAT, local assessments and the K-3 state-approved assessment
1329 for reading adopted by Just Read Florida.

1330 (h) Employ on-line teachers who are certified in Florida.
1331 All on-line teachers shall meet with each student at least once
1332 per month during each school semester, either face-to-face at
1333 the school facility or another mutually agreed upon location or
1334 via telephone. On-line teachers shall be available to students,
1335 parents, and onsite mentors and facilitators on a schedule
1336 equivalent to that of a normal public school day and normal
1337 public school calendar for each K-8 virtual school student's
1338 public school district in a variety of ways, including, but not
1339 limited to, telephone and electronic mail.

1340 (i) Maintain an administrative office, which shall be
1341 considered its principal place of business within the state.

1342 (4) K-8 VIRTUAL SCHOOL GRANT DISBURSEMENT.--Upon proper
1343 documentation reviewed and approved by the Department of
1344 Education, the Chief Financial Officer shall make K-8 virtual
1345 school grant payments in four equal amounts no later than
1346 September 1, November 1, February 1, and April 1 of each

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1347 academic year. The initial payment shall be made after
1348 Department of Education verification of admission acceptance,
1349 and subsequent payments shall be made upon verification of the
1350 student's continued enrollment. Payment must be by individual
1351 warrant made payable to the student's parent and mailed by the
1352 Department of Education to the K-8 virtual school of the
1353 parent's choice, and the parent shall restrictively endorse the
1354 warrant to the virtual school.

1355 (5) LIABILITY.--No liability shall arise on the part of
1356 the state based on the award or use of any K-8 virtual school
1357 grant.

1358 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department
1359 of Education shall administer the K-8 Virtual School Grants
1360 Program.

1361 (a) The department may approve one or more K-8 virtual
1362 schools for the purpose of delivering K-8 on-line and distance
1363 learning education.

1364 (b) The department shall monitor each K-8 virtual school's
1365 performance and annually evaluate each K-8 virtual school based
1366 on the following criteria:

1367 1. The extent to which the school demonstrates increases
1368 in student achievement according to the goals of the Sunshine
1369 State Standards.

1370 2. Student achievement data from the Florida Comprehensive
1371 Assessment Test (FCAT) for grades 3 through 8. The school shall
1372 be assigned a school performance grade under the school grading
1373 system. For those students in kindergarten and grades 1 and 2
1374 who are not required to take the FCAT, student achievement data

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1375 shall be from local assessments and the K-3 state-approved
1376 assessment for reading adopted by Just Read Florida.

1377 3. Grade completion rate, based upon the goals of a
1378 70-percent completion rate, with 80 percent of those completing
1379 grades scoring at Level 3 or higher on the FCAT or at least
1380 satisfactory on the K-3 assessment.

1381 4. Parent satisfaction rate, based upon the goal of 80
1382 percent of parents of participating students indicating
1383 satisfaction with the school.

1384 5. The accountability and viability of the K-8 virtual
1385 school as demonstrated by its academic, fiscal, and operational
1386 performance.

1387

1388 The Department of Education shall report each K-8 virtual
1389 school's performance to the State Board of Education, the
1390 President of the Senate, and the Speaker of the House of
1391 Representatives.

1392 (7) RULEMAKING.--The State Board of Education may adopt
1393 rules in accordance with ss. 120.536(1) and 120.54 as necessary
1394 to implement this section, including reporting requirements for
1395 K-8 virtual schools operating pursuant to this section.

1396 Section 14. Paragraph (b) of subsection (3), paragraph (e)
1397 of subsection (4), and paragraph (a) of subsection (6) of
1398 section 220.187, Florida Statutes, are amended to read:

1399 220.187 Credits for contributions to nonprofit
1400 scholarship-funding organizations.--

1401 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
1402 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

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1403 (b) Notwithstanding any other provision of law, the total
1404 amount of tax credit which may be granted each state fiscal year
1405 under both this section and s. 220.1875 is \$100 ~~\$50~~ million.

1406 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1407 ORGANIZATIONS.--

1408 (e) An eligible nonprofit scholarship-funding
1409 organization that receives an eligible contribution must spend
1410 100 percent of the eligible contribution to provide scholarships
1411 within 6 months after the date the contribution was received or
1412 in the same state fiscal year in which the contribution was
1413 received, whichever is later. No portion of eligible
1414 contributions may be used for administrative expenses. All
1415 interest accrued from contributions must be used for
1416 scholarships.

1417 (6) ADMINISTRATION; RULES.--

1418 (a) If the credit granted pursuant to this section is not
1419 fully used in any one year because of insufficient tax liability
1420 on the part of the corporation, the unused amount may ~~not~~ be
1421 carried forward for a period not to exceed 3 years. A taxpayer
1422 may not convey, assign, or transfer the credit authorized by
1423 this section to another entity unless all of the assets of the
1424 taxpayer are conveyed, assigned, or transferred in the same
1425 transaction. This carryforward applies to all approved
1426 contributions made after January 1, 2002.

1427 Section 15. Paragraph (b) of subsection (2) and paragraph
1428 (a) of subsection (6) of section 1002.20, Florida Statutes, are
1429 amended to read:

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1430 1002.20 K-12 student and parent rights.--K-12 students and
1431 their parents are afforded numerous statutory rights including,
1432 but not limited to, the following:

1433 (2) ATTENDANCE.--

1434 (b) Regular school attendance.--Parents of students who
1435 have attained the age of 6 years by February 1 of any school
1436 year but who have not attained the age of 16 years must comply
1437 with the compulsory school attendance laws. Parents have the
1438 option to comply with the school attendance laws by attendance
1439 of the student in a public school, including the Florida Virtual
1440 School operating pursuant to s. 1002.37; a parochial, religious,
1441 or denominational school; a private school; a home education
1442 program; a K-8 virtual school operating pursuant to s. 1002.397;
1443 or a private tutoring program, in accordance with the provisions
1444 of s. 1003.01(13)~~(14)~~.

1445 (6) EDUCATIONAL CHOICE.--

1446 (a) Public school choices.--Parents of public school
1447 students may seek whatever public school choice options that are
1448 applicable to their students ~~and are available to students in~~
1449 ~~their school districts~~. These options may include controlled
1450 open enrollment, lab schools, charter schools, charter technical
1451 career centers, magnet schools, alternative schools, special
1452 programs, advanced placement, dual enrollment, International
1453 Baccalaureate, early admissions, credit by examination or
1454 demonstration of competency, the New World School of the Arts,
1455 the Florida School for the Deaf and the Blind, ~~and~~ the Florida
1456 Virtual School, and K-8 virtual schools operating pursuant to s.
1457 1002.397. These options may also include the public school

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1458 choice options of the Opportunity Scholarship Program and the
1459 McKay Scholarships for Students with Disabilities Program.

1460 Section 16. Subsection (13) of section 1002.33, Florida
1461 Statutes, is repealed, subsections (14) through (26) are
1462 renumbered as subsections (13) through (25), respectively, and
1463 paragraph (e) of subsection (10) and paragraph (a) of present
1464 subsection (21) of said section are amended to read:

1465 1002.33 Charter schools.--

1466 (10) ELIGIBLE STUDENTS.--

1467 (e) A charter school may limit the enrollment process only
1468 to target the following student populations:

1469 1. Students within specific age groups or grade levels.

1470 2. Students considered at risk of dropping out of school
1471 or academic failure. Such students shall include exceptional
1472 education students.

1473 3. Students enrolling in a charter school-in-the-workplace
1474 or charter school-in-a-municipality established pursuant to
1475 subsection (15) ~~(16)~~.

1476 4. Students residing within a reasonable distance of the
1477 charter school, as described in paragraph (20)~~(21)~~(c). Such
1478 students shall be subject to a random lottery and to the
1479 racial/ethnic balance provisions described in subparagraph
1480 (7)(a)8. or any federal provisions that require a school to
1481 achieve a racial/ethnic balance reflective of the community it
1482 serves or within the racial/ethnic range of other public schools
1483 in the same school district.

1484 5. Students who meet reasonable academic, artistic, or
1485 other eligibility standards established by the charter school
1486 and included in the charter school application and charter or,

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1487 in the case of existing charter schools, standards that are
1488 consistent with the school's mission and purpose. Such standards
1489 shall be in accordance with current state law and practice in
1490 public schools and may not discriminate against otherwise
1491 qualified individuals.

1492 6. Students articulating from one charter school to
1493 another pursuant to an articulation agreement between the
1494 charter schools that has been approved by the sponsor.

1495 ~~(13) NUMBER OF SCHOOLS.--~~

1496 ~~(a) The number of newly created charter schools is limited~~
1497 ~~to no more than 28 in each school district that has 100,000 or~~
1498 ~~more students, no more than 20 in each school district that has~~
1499 ~~50,000 to 99,999 students, and no more than 12 in each school~~
1500 ~~district with fewer than 50,000 students.~~

1501 ~~(b) An existing public school which converts to a charter~~
1502 ~~school shall not be counted toward the limit established by~~
1503 ~~paragraph (a).~~

1504 ~~(c) Notwithstanding any limit established by this~~
1505 ~~subsection, a district school board or a charter school~~
1506 ~~applicant shall have the right to request an increase of the~~
1507 ~~limit on the number of charter schools authorized to be~~
1508 ~~established within the district from the State Board of~~
1509 ~~Education.~~

1510 ~~(d) Whenever a municipality has submitted charter~~
1511 ~~applications for the establishment of a charter school feeder~~
1512 ~~pattern (elementary, middle, and senior high schools), and upon~~
1513 ~~approval of each individual charter application by the district~~
1514 ~~school board, such applications shall then be designated as one~~
1515 ~~charter school for all purposes listed pursuant to this section.~~

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1516 ~~(20)~~~~(21)~~ SERVICES.--

1517 (a) A sponsor shall provide certain administrative and
1518 educational services to charter schools. These services shall
1519 include contract management services, full-time equivalent and
1520 data reporting services, exceptional student education
1521 administration services, test administration services,
1522 processing of teacher certificate data services, and information
1523 services. Any administrative fee charged by the sponsor for the
1524 provision of services shall be limited to 5 percent of the
1525 available funds defined in paragraph ~~(17)~~~~(18)~~(b).

1526 Section 17. Subsection (6) of section 1002.41, Florida
1527 Statutes, is amended to read:

1528 1002.41 Home education programs.--

1529 (6) Home education students may participate in dual
1530 enrollment programs in accordance with the provisions of ss.
1531 1007.27~~(5)~~~~(4)~~ and 1007.271(10).

1532 Section 18. Paragraph (i) is added to subsection (1) of
1533 section 1003.02, Florida Statutes, and subsection (4) of said
1534 section is amended, to read:

1535 1003.02 District school board operation and control of
1536 public K-12 education within the school district.--As provided
1537 in part II of chapter 1001, district school boards are
1538 constitutionally and statutorily charged with the operation and
1539 control of public K-12 education within their school district.
1540 The district school boards must establish, organize, and operate
1541 their public K-12 schools and educational programs, employees,
1542 and facilities. Their responsibilities include staff
1543 development, public K-12 school student education including
1544 education for exceptional students and students in juvenile

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1545 justice programs, special programs, adult education programs,
1546 and career and technical education programs. Additionally,
1547 district school boards must:

1548 (1) Provide for the proper accounting for all students of
1549 school age, for the attendance and control of students at
1550 school, and for proper attention to health, safety, and other
1551 matters relating to the welfare of students in the following
1552 fields:

1553 (i) Parental notification of acceleration mechanisms.--At
1554 the beginning of each school year, notify parents of students in
1555 or entering high school of the opportunity and benefits of
1556 Advanced Placement, International Baccalaureate, Advanced
1557 International Certificate of Education, dual enrollment, and
1558 Florida Virtual School courses.

1559 ~~(4) For any school within the district that is not in~~
1560 ~~compliance with the small school size requirements of chapter~~
1561 ~~1013,~~ In order to reduce the anonymity of students in large
1562 schools, adopt policies that encourage subdivision of the school
1563 into schools-within-a-school, which shall operate within
1564 existing resources. A "school-within-a-school" means an
1565 operational program that uses flexible scheduling, team
1566 planning, and curricular and instructional innovation to
1567 organize groups of students with groups of teachers as smaller
1568 units, so as to functionally operate as a smaller school.
1569 Examples of this include, but are not limited to:

1570 (a) An organizational arrangement assigning both students
1571 and teachers to smaller units in which the students take some or
1572 all of their coursework with their fellow grouped students and

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1573 from the teachers assigned to the smaller unit. A unit may be
1574 grouped together for 1 year or on a vertical, multiyear basis.

1575 (b) An organizational arrangement similar to that
1576 described in paragraph (a) with additional variations in
1577 instruction and curriculum. The smaller unit usually seeks to
1578 maintain a program different from that of the larger school, or
1579 of other smaller units. It may be vertically organized, but is
1580 dependent upon the school principal for its existence, budget,
1581 and staff.

1582 (c) A separate and autonomous smaller unit formally
1583 authorized by the district school board or district school
1584 superintendent. The smaller unit plans and runs its own program,
1585 has its own staff and students, and receives its own separate
1586 budget. The smaller unit must negotiate the use of common space
1587 with the larger school and defer to the building principal on
1588 matters of safety and building operation.

1589 Section 19. Section 1003.429, Florida Statutes, is created
1590 to read:

1591 1003.429 Accelerated high school graduation options.--

1592 (1) Beginning with the 2003-2004 school year, all students
1593 scheduled to graduate in 2004 and thereafter shall select one of
1594 the following three high school graduation options:

1595 (a) Completion of the general requirements for high school
1596 graduation pursuant to s. 1003.43;

1597 (b) Completion of a 3-year standard college preparatory
1598 program requiring successful completion of a minimum of 18
1599 academic credits in grades 9 through 12. The 18 credits shall
1600 be primary requirements and shall be distributed as follows:

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- 1601 1. Four credits in English, with major concentration in
1602 composition and literature;
- 1603 2. Three credits in mathematics at the Algebra I level or
1604 higher from the list of courses that qualify for state
1605 university admission;
- 1606 3. Three credits in natural science, two of which must
1607 have a laboratory component;
- 1608 4. Three credits in social sciences;
- 1609 5. Two credits in the same second language unless the
1610 student is a native speaker of or can otherwise demonstrate
1611 competency in a language other than English. If the student
1612 demonstrates competency in another language, the student may
1613 replace the language requirement with two credits in other
1614 academic courses; and
- 1615 6. Three credits in electives; or
1616 (c) Completion of a 3-year career preparatory program
1617 requiring successful completion of a minimum of 18 academic
1618 credits in grades 9 through 12. The 18 credits shall be primary
1619 requirements and shall be distributed as follows:
- 1620 1. Four credits in English, with major concentration in
1621 composition and literature;
- 1622 2. Three credits in mathematics, one of which must be
1623 Algebra I;
- 1624 3. Three credits in natural science, two of which must
1625 have a laboratory component;
- 1626 4. Three credits in social sciences;
- 1627 5. Two credits in the same second language unless the
1628 student is a native speaker of or can otherwise demonstrate
1629 competency in a language other than English. If the student

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1630 demonstrates competency in another language, the student may
1631 replace the language requirement with two credits in other
1632 academic courses; and

1633 6. Three credits in electives.

1634 (2) Beginning with the 2003-2004 school year, each
1635 district school board shall provide each student in grades 6
1636 through 12 and their parents with the 3-year and 4-year high
1637 school graduation options listed in subsection (1) with
1638 curriculum for the students and parents to select the
1639 postsecondary education or career plan that best fits their
1640 needs. The options shall include a timeframe for achieving each
1641 graduation option.

1642 (3) Selection of one of the graduation options listed in
1643 subsection (1) is exclusively up to the student and parent. If
1644 the student and parent fail to select a graduation option, the
1645 student shall be considered to have selected the general
1646 requirements for high school graduation pursuant to paragraph
1647 (1)(a).

1648 (4) District school boards shall not establish
1649 requirements for accelerated 3-year high school graduation
1650 options in excess of the requirements in paragraphs (1)(b) and
1651 (1)(c).

1652 (5) Students pursuing accelerated 3-year high school
1653 graduation options pursuant to paragraph (1)(b) or paragraph
1654 (1)(c) are required to:

1655 (a) Earn passing scores on the FCAT as defined in s.
1656 1008.22(3)(c).

1657 (b) Achieve a cumulative grade point average of 2.0 on a
1658 4.0 scale, or its equivalent, in the courses required by the

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1659 chosen accelerated 3-year high school graduation option pursuant
1660 to paragraph (1)(b) or paragraph (1)(c).

1661 (6) A student who meets all requirements prescribed in
1662 subsections (1) and (5) shall be awarded a standard diploma in a
1663 form prescribed by the State Board of Education.

1664 Section 20. Paragraph (i) of subsection (1) of section
1665 1003.43, Florida Statutes, is amended to read:

1666 1003.43 General requirements for high school graduation.--

1667 (1) Graduation requires successful completion of either a
1668 minimum of 24 academic credits in grades 9 through 12 or an
1669 International Baccalaureate curriculum. The 24 credits shall be
1670 distributed as follows:

1671 (i) One-half credit in life management skills to include
1672 consumer education, positive emotional development, marriage and
1673 relationship skill-based education, nutrition, parenting skills,
1674 prevention of human immunodeficiency virus infection and
1675 acquired immune deficiency syndrome and other sexually
1676 transmissible diseases, benefits of sexual abstinence and
1677 consequences of teenage pregnancy, information and instruction
1678 on breast cancer detection and breast self-examination,
1679 cardiopulmonary resuscitation, drug education, and the hazards
1680 of smoking. ~~Such credit shall be given for a course to be taken~~
1681 ~~by all students in either the 9th or 10th grade.~~

1682 District school boards may award a maximum of one-half credit in
1683 social studies and one-half elective credit for student
1684 completion of nonpaid voluntary community or school service
1685 work. Students choosing this option must complete a minimum of
1686 75 hours of service in order to earn the one-half credit in

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1687 either category of instruction. Credit may not be earned for
1688 service provided as a result of court action. District school
1689 boards that approve the award of credit for student volunteer
1690 service shall develop guidelines regarding the award of the
1691 credit, and school principals are responsible for approving
1692 specific volunteer activities. A course designated in the Course
1693 Code Directory as grade 9 through grade 12 that is taken below
1694 the 9th grade may be used to satisfy high school graduation
1695 requirements or Florida Academic Scholars award requirements as
1696 specified in a district school board's student progression plan.
1697 A student shall be granted credit toward meeting the
1698 requirements of this subsection for equivalent courses, as
1699 identified pursuant to s. 1007.271(6), taken through dual
1700 enrollment.

1701 Section 21. Paragraph (a) of subsection (1) of section
1702 1003.436, Florida Statutes, is amended to read:

1703 1003.436 Definition of "credit".--

1704 (1)(a) For the purposes of requirements for high school
1705 graduation, one full credit means a minimum of 120 ~~135~~ hours of
1706 bona fide instruction in a designated course of study that
1707 contains student performance standards. A student may be awarded
1708 a credit for less than 120 hours of classroom instruction based
1709 on documented mastery of course requirements and Sunshine State
1710 Standards with approval by the district school board. The State
1711 Board of Education shall determine the number of postsecondary
1712 credit hours earned through dual enrollment pursuant to s.
1713 1007.271 that satisfy the requirements of a district's
1714 interinstitutional articulation agreement according to s.

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1715 1007.235 and that equal one full credit of the equivalent high
1716 school course identified pursuant to s. 1007.271(6).

1717 Section 22. Paragraphs (a) and (b) of subsection (1) of
1718 section 1007.261, Florida Statutes, are amended to read:

1719 1007.261 State universities; admissions of students.--Each
1720 university board of trustees is authorized to adopt rules
1721 governing the admission of students, subject to this section and
1722 rules of the State Board of Education.

1723 (1) Minimum academic standards for undergraduate admission
1724 to a university include:

1725 (a) Each student must have received a high school diploma
1726 pursuant to s. 1003.429 or s. 1003.43, or its equivalent, except
1727 as provided in s. 1007.271(2)-(5) or completed a home education
1728 program according to s. 1002.41.

1729 (b) Each student must have successfully completed a
1730 college-preparatory curriculum of 18 19 credits, which shall
1731 include, but not be limited to, four credits in English, with
1732 major concentration in composition and literature; three credits
1733 in mathematics; three credits in natural science, two of which
1734 must have a laboratory component; three credits in social
1735 sciences; and two credits in the same second language as defined
1736 in rules of the State Board of Education, including at least 2
1737 credits of sequential foreign language at the secondary level or
1738 the equivalent of such instruction at the postsecondary level. A
1739 student who completes a home education program according to s.
1740 1002.41 is not required to document completion of the 18 19
1741 credits required by this paragraph. A student whose native
1742 language is not English is exempt from the foreign language
1743 requirement, provided that the student demonstrates proficiency

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1744 in the native language. If a standardized test is not available
1745 in the student's native language for the demonstration of
1746 proficiency, the university may provide an alternative method of
1747 assessment. The State Board of Education shall adopt rules for
1748 the articulation of foreign language competency and equivalency
1749 between secondary and postsecondary institutions. A student who
1750 received an associate in arts degree prior to September 1, 1989,
1751 or who enrolled in a program of studies leading to an associate
1752 degree from a community college prior to August 1, 1989, and
1753 maintains continuous enrollment shall be exempt from this
1754 admissions requirement.

1755 Section 23. Section 1007.27, Florida Statutes, is amended
1756 to read:

1757 1007.27 Articulated acceleration mechanisms.--

1758 (1) It is the intent of the Legislature that a variety of
1759 articulated acceleration mechanisms be available for secondary
1760 and postsecondary students attending public educational
1761 institutions. It is intended that articulated acceleration serve
1762 to shorten the time necessary for a student to complete the
1763 requirements associated with the conference of a high school
1764 diploma and a postsecondary degree, broaden the scope of
1765 curricular options available to students, or increase the depth
1766 of study available for a particular subject. It is the intent of
1767 the Legislature that school districts and public postsecondary
1768 educational institutions maximize the opportunities for students
1769 to utilize the acceleration mechanisms identified in this
1770 section. Articulated acceleration mechanisms shall include, but
1771 are not be limited to, dual enrollment as provided for in s.
1772 1007.271, early admission, advanced placement, credit by

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1773 examination, the International Baccalaureate Program, and the
1774 Advanced International Certificate of Education Program. Credit
1775 earned through the Florida Virtual School shall provide
1776 additional opportunities for early graduation and acceleration.

1777 (2) School districts and public postsecondary educational
1778 institutions shall annually advise students and their parents of
1779 the opportunities available to students to participate in the
1780 acceleration mechanisms identified in this section.

1781 (3)~~(2)~~ The State Board ~~Department~~ of Education shall
1782 identify the minimum scores, maximum credit, and course or
1783 courses for which credit is to be awarded for each College Level
1784 Examination Program (CLEP) general examination, CLEP subject
1785 examination, College Board Advanced Placement Program
1786 examination, ~~and~~ International Baccalaureate examination, and
1787 Advanced International Certificate of Education examination. In
1788 addition, the State Board of Education ~~department~~ shall identify
1789 such courses in the general education core curriculum of each
1790 state university and community college.

1791 (4)~~(3)~~ Each community college and state university must
1792 award credit for specific courses for which competency has been
1793 demonstrated by successful passage of one of the examinations in
1794 subsection (3) ~~(2)~~ unless the award of credit duplicates credit
1795 already awarded. Community colleges and state universities may
1796 not exempt students from courses without the award of credit if
1797 competencies have been so demonstrated.

1798 (5)~~(4)~~ It is the intent of the Legislature to provide
1799 articulated acceleration mechanisms for students who are in home
1800 education programs, as defined in s. 1003.01(11), consistent
1801 with the educational opportunities available to public and

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1802 private secondary school students. Home education students may
1803 participate in dual enrollment, career and technical dual
1804 enrollment, early admission, and credit by examination. Credit
1805 earned by home education students through dual enrollment shall
1806 apply toward the completion of a home education program that
1807 meets the requirements of s. 1002.41.

1808 ~~(6)(5)~~ Early admission is ~~shall be~~ a form of dual
1809 enrollment through which eligible secondary students enroll in a
1810 postsecondary institution on a full-time basis in courses that
1811 are creditable toward the high school diploma and the associate
1812 or baccalaureate degree. Students enrolled pursuant to this
1813 subsection shall be exempt from the payment of registration,
1814 tuition, and laboratory fees.

1815 ~~(7)(6)~~ Advanced placement is ~~shall be~~ the enrollment of an
1816 eligible secondary student in a course offered through the
1817 Advanced Placement Program administered by the College Board.
1818 Postsecondary credit for an advanced placement course shall be
1819 limited to students who score a minimum of 3, on a 5-point
1820 scale, on the corresponding Advanced Placement Examination. The
1821 specific courses for which students receive such credit shall be
1822 determined by the State Board of Education ~~department~~. Students
1823 of Florida public secondary schools enrolled pursuant to this
1824 subsection shall be exempt from the payment of any fees for
1825 administration of the examination regardless of whether or not
1826 the student achieves a passing score on the examination.

1827 ~~(8)(7)~~ Credit by examination is ~~shall be~~ the program
1828 through which secondary and postsecondary students generate
1829 postsecondary credit based on the receipt of a specified minimum
1830 score on nationally standardized general or subject-area

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1831 examinations. For the purpose of statewide application, such
1832 examinations and the corresponding minimum scores required for
1833 an award of credit shall be delineated by the State Board of
1834 Education in the statewide articulation agreement. The maximum
1835 credit generated by a student pursuant to this subsection shall
1836 be mitigated by any related postsecondary credit earned by the
1837 student prior to the administration of the examination. This
1838 subsection shall not preclude community colleges and
1839 universities from awarding credit by examination based on
1840 student performance on examinations developed within and
1841 recognized by the individual postsecondary institutions.

1842 (9)~~(8)~~ The International Baccalaureate Program is ~~shall be~~
1843 the curriculum in which eligible secondary students are enrolled
1844 in a program of studies offered through the International
1845 Baccalaureate Program administered by the International
1846 Baccalaureate Office. The State Board of Education shall
1847 establish rules which specify the cutoff scores and
1848 International Baccalaureate Examinations which will be used to
1849 grant postsecondary credit at community colleges and
1850 universities. Any such rules that, ~~which~~ have the effect of
1851 raising the required cutoff score or of changing the
1852 International Baccalaureate Examinations which will be used to
1853 grant postsecondary credit, shall only apply to students taking
1854 International Baccalaureate Examinations after such rules are
1855 adopted by the State Board of Education. Students shall be
1856 awarded a maximum of 30 semester credit hours pursuant to this
1857 subsection. The specific course for which a student receives
1858 such credit shall be determined by the State Board of Education
1859 ~~department~~. Students enrolled pursuant to this subsection shall

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1860 be exempt from the payment of any fees for administration of the
1861 examinations regardless of whether or not the student achieves a
1862 passing score on the examination.

1863 ~~(10)~~(9) The Advanced International Certificate of
1864 Education Program is ~~shall be~~ the curriculum in which eligible
1865 secondary students are enrolled in a program of studies offered
1866 through the ~~Advanced International Certificate of Education~~
1867 program administered by the University of Cambridge Local
1868 Examinations Syndicate. The State Board of Education shall
1869 establish rules which specify the cutoff scores and Advanced
1870 International Certificate of Education examinations which will
1871 be used to grant postsecondary credit at community colleges and
1872 universities. Any such rules that, ~~which~~ have the effect of
1873 raising the required cutoff score or of changing the Advanced
1874 International Certification of Education examinations which will
1875 be used to grant postsecondary credit, shall apply to students
1876 taking Advanced International Certificate of Education
1877 Examinations after such rules are adopted by the State Board of
1878 Education. Students shall be awarded a maximum of 30 semester
1879 credit hours pursuant to this subsection. The specific course
1880 for which a student receives such credit shall be determined by
1881 the State Board of Education ~~community college or university~~
1882 ~~that accepts the student for admission~~. Students enrolled
1883 pursuant to this subsection shall be exempt from the payment of
1884 any fees for administration of the examinations regardless of
1885 whether or not the student achieves a passing score on the
1886 examination.

1887 ~~(11)~~(10) Any student who earns 9 or more credits from one
1888 or more of the acceleration mechanisms provided for in this

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1889 section is exempt from any requirement of a public postsecondary
1890 educational institution mandating enrollment during a summer
1891 term.

1892 (12) The State Board of Education may adopt rules pursuant
1893 to ss. 120.536(1) and 120.54 to implement the provisions of this
1894 section.

1895 Section 24. Acceleration mechanisms study.--

1896 (1) The State Board of Education shall conduct a review of
1897 the extent to which the acceleration mechanisms authorized by s.
1898 1007.27, Florida Statutes, are currently utilized by school
1899 districts, community colleges, and state universities and shall
1900 submit a report to the Governor, the President of the Senate,
1901 and the Speaker of the House of Representatives by December 31,
1902 2003.

1903 (2) The report must include a summary of ongoing
1904 activities and a plan to increase and enhance the use of
1905 acceleration mechanisms as a way to shorten the length of time
1906 as well as the funding required for a student to obtain a
1907 postsecondary degree.

1908 (3) The review and plan shall address at least the
1909 following issues:

1910 (a) The manner in which students are advised regarding the
1911 availability of acceleration mechanism options.

1912 (b) The availability of acceleration mechanism options to
1913 eligible students who wish to participate.

1914 (c) The grading practices, including weighting of courses,
1915 of school districts, community colleges, and state universities
1916 with regard to credit earned through acceleration mechanisms.

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1917 (d) The extent to which credit earned through an
1918 acceleration mechanism is used to meet the general education
1919 requirements of a public postsecondary educational institution.

1920 (e) The extent to which the secondary instruction
1921 associated with acceleration mechanism options could be offered
1922 at sites other than public K-12 school sites to assist in
1923 meeting class size reduction needs.

1924 (f) The manner in which funding for instruction associated
1925 with acceleration mechanism options is provided.

1926 (g) The feasibility of providing students the option of
1927 choosing Advanced Placement credit or College Level Examination
1928 Program (CLEP) credit as an alternative to dual enrollment
1929 credit upon completion of a dual enrollment course.

1930 Section 25. Section 1003.62, Florida Statutes, is amended
1931 to read:

1932 1003.62 Academic performance-based charter school
1933 districts ~~pilot program.~~--The State Board of Education may ~~is~~
1934 ~~authorized to~~ enter into a performance contract with ~~up to six~~
1935 district school boards as authorized in this section for the
1936 purpose of establishing them as academic performance-based
1937 charter school districts. ~~The State Board of Education shall~~
1938 ~~give priority to Hillsborough and Volusia Counties upon the~~
1939 ~~submission of a completed precharter agreement or charter~~
1940 ~~proposal for a charter school district.~~ The purpose of this
1941 section ~~pilot program~~ is to examine a new relationship between
1942 the State Board of Education and district school boards that
1943 will ~~may~~ produce significant improvements in student achievement
1944 ~~and school management~~, while complying with constitutional and
1945 statutory requirements assigned to each entity.

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1946 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1947 (a) A school district shall be eligible for designation as
1948 an academic performance-based charter school district if it is a
1949 high-performing school district in which a minimum of 50 percent
1950 of the schools earn a performance grade category "A" or "B" and
1951 in which no school earns a performance grade category "D" or "F"
1952 for 2 consecutive years pursuant to s. 1008.34. Schools that
1953 receive a performance grade category "I" or "N" shall not be
1954 included in this calculation. The performance contract for a
1955 school district that earns a charter based on school performance
1956 grades shall be predicated on maintenance of at least 50 percent
1957 of the schools in the school district earning a performance
1958 grade category "A" or "B" with no school in the school district
1959 earning a performance grade category "D" or "F" for 2
1960 consecutive years. A school district in which the number of
1961 schools that earn a performance grade of "A" or "B" is less than
1962 50 percent may have its charter renewed for 1 year; however, if
1963 the percentage of "A" or "B" schools is less than 50 percent for
1964 2 consecutive years, the charter shall not be renewed.

1965 (b) A school district that satisfies the eligibility
1966 criteria for designation as an academic performance-based
1967 charter school district may be so designated upon a
1968 supermajority vote by ~~in Florida in which~~ the district school
1969 board after having ~~has~~ submitted and the State Board of
1970 Education having ~~has~~ approved a charter proposal that exchanges
1971 statutory and rule exemption, as authorized by this section, for
1972 agreement to meet performance goals in the proposal. The
1973 academic performance-based charter school district shall be
1974 chartered for 1 year ~~3 years~~, at the end of which the

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1975 performance shall be evaluated. If maintenance of high-
1976 performing school district status pursuant to paragraph (a) is
1977 not documented in accordance with State Board of Education
1978 rule, the charter shall not be renewed.

1979 (2) EXEMPTION FROM STATUTES AND RULES.--

1980 (a) An academic performance-based charter school district
1981 shall operate in accordance with its charter and shall be exempt
1982 from certain State Board of Education rules and statutes if the
1983 State Board of Education determines such an exemption will
1984 assist the district in maintaining or improving its
1985 high-performing status pursuant to paragraph (1)(a). However,
1986 the State Board of Education may not exempt an academic
1987 performance-based charter school district from any of the
1988 following statutes:

1989 1. Those statutes pertaining to the provision of services
1990 to students with disabilities.

1991 2. Those statutes pertaining to civil rights, including s.
1992 1000.05, relating to discrimination.

1993 3. Those statutes pertaining to student health, safety,
1994 and welfare.

1995 4. Those statutes governing the election or compensation
1996 of district school board members.

1997 5. Those statutes pertaining to the student assessment
1998 program and the school grading system, including chapter 1008.

1999 6. Those statutes pertaining to financial matters,
2000 including chapter 1010.

2001 7. Those statutes pertaining to planning and budgeting,
2002 including chapter 1011, except that ss. 1011.64 and 1011.69
2003 shall be eligible for exemption.

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2004 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
2005 performance-pay policies for school administrators and
2006 instructional personnel. Professional service contracts shall be
2007 subject to the provisions of ss. 1012.33 and 1012.34.

2008 9. Those statutes pertaining to educational facilities,
2009 including chapter 1013, except as specified under contract with
2010 the State Board of Education. However, no contractual provision
2011 that could have the effect of requiring the appropriation of
2012 additional capital outlay funds to the academic performance-
2013 based charter school district shall be valid.

2014 (b) Additionally, an academic performance-based charter
2015 school district shall be in compliance with the following
2016 statutes:

2017 1. Section 286.011, relating to public meetings and
2018 records, public inspection, and criminal and civil penalties.

2019 2. Those statutes pertaining to public records, including
2020 chapter 119.

2021 3. Those statutes pertaining to financial disclosure by
2022 elected officials.

2023 4. Those statutes pertaining to conflicts of interest by
2024 elected officials. Charter school districts shall be exempt from
2025 state statutes and specified State Board of Education rules. The
2026 district school board of a charter school district shall not be
2027 exempt from any statute governing election of district school
2028 board members, public meetings and public records requirements,
2029 financial disclosure, conflicts of interest, operation in the
2030 sunshine, or any provisions outside the Florida K-20 Education
2031 Code.

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2032 (3) GOVERNING BOARD.--The governing board of the academic
2033 performance-based charter school district shall be the duly
2034 elected district school board. The district school board shall
2035 be responsible for supervising the schools in the academic
2036 performance-based charter school district and may convert is
2037 ~~authorized to charter~~ each of its existing public schools to
2038 charter schools pursuant to s. 1002.33, ~~apply for deregulation~~
2039 ~~of its public schools pursuant to s. 1003.63,~~ or otherwise
2040 establish performance-based contractual relationships with its
2041 public schools for the purpose of giving them greater autonomy
2042 with accountability for performance.

2043 (4) PRECHARTER AGREEMENT.--The State Board of Education
2044 ~~may is authorized to~~ approve a precharter agreement that grants
2045 ~~with a potential charter district. The agreement may grant~~
2046 limited flexibility and direction for developing the full
2047 academic performance-based charter proposal.

2048 (5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.--Each school
2049 district chartered pursuant to this section shall transmit an
2050 annual report to the State Board of Education that delineates
2051 the performance of the school district relative to the
2052 performance goals contained in the charter agreement. The annual
2053 report shall be transmitted to the Commissioner of Education and
2054 shall be due each year on the anniversary date of the charter
2055 agreement.

2056 ~~(5) TIME PERIOD FOR PILOT.--The pilot program shall be~~
2057 ~~authorized for a period of 3 full school years commencing with~~
2058 ~~award of a charter. The charter may be renewed upon action of~~
2059 ~~the State Board of Education.~~

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2060 (6) REPORTS.--The State Board of Education shall annually
2061 report on the performance of each academic performance-based
2062 ~~implementation of the charter school district pilot program.~~
2063 Biennially ~~Upon the completion of the first 3-year term,~~ the
2064 State Board of Education, through the Commissioner of Education,
2065 shall submit to the Legislature a full evaluation of the
2066 effectiveness of granting academic performance-based charter
2067 school district status ~~the program.~~

2068 (7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS; GRANDFATHER
2069 PROVISION.--The State Board of Education shall use the criteria
2070 approved in the initial charter applications issued to the
2071 school districts of Volusia, Hillsborough, Orange, and Palm
2072 Beach Counties to renew those pilot program charter school
2073 districts in accordance with this subsection. No additional
2074 pilot program charter school districts shall be approved, and
2075 the pilot program consists solely of school districts in
2076 Volusia, Hillsborough, Orange, and Palm Beach Counties. The
2077 termination of the charter school districts pilot program is
2078 effective July 1, 2007, or upon the end of a 5-year renewal
2079 contract issued by the State Board of Education to the Volusia
2080 County, Hillsborough County, Orange County, or Palm Beach County
2081 school district prior to July 1, 2003, whichever is later.

2082 (8)~~(7)~~ RULEMAKING.--The State Board of Education may adopt
2083 ~~shall have the authority to enact~~ rules to implement this
2084 section in accordance with ss. 120.536 and 120.54.

2085 Section 26. Paragraph (b) of subsection (5) of section
2086 1011.62, Florida Statutes, is amended to read:

2087 1011.62 Funds for operation of schools.--If the annual
2088 allocation from the Florida Education Finance Program to each

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2089 district for operation of schools is not determined in the
2090 annual appropriations act or the substantive bill implementing
2091 the annual appropriations act, it shall be determined as
2092 follows:

2093 (5) CATEGORICAL FUNDS.--

2094 (b) ~~For fiscal year 2002-2003,~~ If a district school board
2095 finds and declares in a resolution adopted at a regular meeting
2096 of the school board that the funds received for any of the
2097 following categorical appropriations are urgently needed to
2098 maintain school board specified academic classroom instruction,
2099 the school board may consider and approve an amendment to the
2100 school district operating budget transferring the identified
2101 amount of the categorical funds to the appropriate account for
2102 expenditure:

- 2103 1. Funds for student transportation.
- 2104 2. Funds for in-service educational personnel training.
- 2105 3. Funds for safe schools.
- 2106 4. Funds for public school technology.
- 2107 ~~5. Funds for teacher recruitment and retention.~~
- 2108 5.6. Funds for supplemental academic instruction.

2109
2110 Prior to adopting the resolution required by this paragraph, the
2111 district school board must advertise in a newspaper of general
2112 circulation in the school district its intent to pass such
2113 resolution and must provide in such advertisement the purpose
2114 for which the funds were appropriated, the alternative purpose
2115 for which the funds will be used, and the basis for finding a
2116 necessity for the reallocation of such funds. In reporting its
2117 expenditures under s. 1010.20, with respect to a school

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2118 district's discretionary spending authority exercised under this
2119 subsection, the district school board shall report on a school-
2120 by-school basis and a district-aggregated basis how all funds,
2121 including federal funds, allocated to the school district for
2122 formula-funded categorical programs were expended.

2123 Section 27. Section 1011.68, Florida Statutes, is amended
2124 to read:

2125 1011.68 Funds for student transportation.--The annual
2126 allocation to each district for transportation to public school
2127 programs, including charter schools as provided in s.
2128 1002.33 ~~(17)~~(18)(b), of students in membership in kindergarten
2129 through grade 12 and in migrant and exceptional student programs
2130 below kindergarten shall be determined as follows:

2131 (1) Subject to the rules of the State Board of Education,
2132 each district shall determine the membership of students who are
2133 transported:

2134 (a) By reason of living 2 miles or more from school.

2135 (b) By reason of being students with disabilities or
2136 enrolled in a teenage parent program, regardless of distance to
2137 school.

2138 (c) By reason of being in a state prekindergarten program,
2139 regardless of distance from school.

2140 (d) By reason of being career and technical, dual
2141 enrollment, or students with disabilities transported from one
2142 school center to another to participate in an instructional
2143 program or service; or students with disabilities, transported
2144 from one designation to another in the state, provided one
2145 designation is a school center and provided the student's
2146 individual educational plan (IEP) identifies the need for the

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2147 instructional program or service and transportation to be
2148 provided by the school district. A "school center" is defined as
2149 a public school center, community college, state university, or
2150 other facility rented, leased, or owned and operated by the
2151 school district or another public agency. A "dual enrollment
2152 student" is defined as a public school student in membership in
2153 both a public secondary school program and a community college
2154 or a state university program under a written agreement to
2155 partially fulfill ss. 1003.435 and 1007.23 and earning full-time
2156 equivalent membership under s. 1011.62(1)(i).

2157 (e) With respect to elementary school students whose grade
2158 level does not exceed grade 6, by reason of being subjected to
2159 hazardous walking conditions en route to or from school as
2160 provided in s. 1006.23. Such rules shall, when appropriate,
2161 provide for the determination of membership under this paragraph
2162 for less than 1 year to accommodate the needs of students who
2163 require transportation only until such hazardous conditions are
2164 corrected.

2165 (f) By reason of being a pregnant student or student
2166 parent, and the child of a student parent as provided in s.
2167 1003.54, regardless of distance from school.

2168 (2) The allocation for each district shall be calculated
2169 annually in accordance with the following formula:

2170

2171 $T = B + EX$. The elements of this formula are defined as follows:
2172 T is the total dollar allocation for transportation. B is the
2173 base transportation dollar allocation prorated by an adjusted
2174 student membership count. The adjusted membership count shall be
2175 derived from a multiplicative index function in which the base

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2176 student membership is adjusted by multiplying it by index
2177 numbers that individually account for the impact of the price
2178 level index, average bus occupancy, and the extent of rural
2179 population in the district. EX is the base transportation dollar
2180 allocation for disabled students prorated by an adjusted
2181 disabled student membership count. The base transportation
2182 dollar allocation for disabled students is the total state base
2183 disabled student membership count weighted for increased costs
2184 associated with transporting disabled students and multiplying
2185 it by the prior year's average per student cost for
2186 transportation. The adjusted disabled student membership count
2187 shall be derived from a multiplicative index function in which
2188 the weighted base disabled student membership is adjusted by
2189 multiplying it by index numbers that individually account for
2190 the impact of the price level index, average bus occupancy, and
2191 the extent of rural population in the district. Each adjustment
2192 factor shall be designed to affect the base allocation by no
2193 more or less than 10 percent.

2194 (3) The total allocation to each district for
2195 transportation of students shall be the sum of the amounts
2196 determined in subsection (2). If the funds appropriated for the
2197 purpose of implementing this section are not sufficient to pay
2198 the base transportation allocation and the base transportation
2199 allocation for disabled students, the Department of Education
2200 shall prorate the available funds on a percentage basis. If the
2201 funds appropriated for the purpose of implementing this section
2202 exceed the sum of the base transportation allocation and the
2203 base transportation allocation for disabled students, the base
2204 transportation allocation for disabled students shall be limited

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2205 to the amount calculated in subsection (2), and the remaining
2206 balance shall be added to the base transportation allocation.

2207 (4) No district shall use funds to purchase transportation
2208 equipment and supplies at prices which exceed those determined
2209 by the department to be the lowest which can be obtained, as
2210 prescribed in s. 1006.27(1).

2211 (5) Funds allocated or apportioned for the payment of
2212 student transportation services may be used to pay for
2213 transportation of students to and from school on local general
2214 purpose transportation systems. Student transportation funds may
2215 also be used to pay for transportation of students to and from
2216 school in private passenger cars and boats when the
2217 transportation is for isolated students, or students with
2218 disabilities as defined by rule. Subject to the rules of the
2219 State Board of Education, each school district shall determine
2220 and report the number of assigned students using general purpose
2221 transportation private passenger cars and boats. The allocation
2222 per student must be equal to the allocation per student riding a
2223 school bus.

2224 (6) Notwithstanding other provisions of this section, in
2225 no case shall any student or students be counted for
2226 transportation funding more than once per day. This provision
2227 includes counting students for funding pursuant to trips in
2228 school buses, passenger cars, or boats or general purpose
2229 transportation.

2230 (7) Any funds received by a school district under this
2231 section that are not required to transport students may, at the
2232 discretion of the district school board, be transferred to the
2233 district's Florida Education Finance Program.

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2234 Section 28. Subsections (2), (4), and (5) of section
2235 1011.69, Florida Statutes, are amended to read:

2236 1011.69 Equity in School-Level Funding Act.--

2237 ~~(2)(a) Beginning in the 2000-2001 fiscal year, district~~
2238 ~~school boards shall allocate to each school within the district~~
2239 ~~at least 50 percent of the funds generated by that school based~~
2240 ~~upon the Florida Education Finance Program as provided in s.~~
2241 ~~1011.62 and the General Appropriations Act, including gross~~
2242 ~~state and local funds, discretionary lottery funds, and funds~~
2243 ~~from the school district's current operating discretionary~~
2244 ~~millage levy.~~

2245 ~~(b) Beginning in the 2001-2002 fiscal year, district~~
2246 ~~school boards shall allocate to each school within the district~~
2247 ~~at least 65 percent of the funds generated by that school based~~
2248 ~~upon the Florida Education Finance Program as provided in s.~~
2249 ~~1011.62 and the General Appropriations Act, including gross~~
2250 ~~state and local funds, discretionary lottery funds, and funds~~
2251 ~~from the school district's current operating discretionary~~
2252 ~~millage levy.~~

2253 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
2254 ~~school boards shall allocate to each school within the district~~
2255 ~~at least 80 percent of the funds generated by that school based~~
2256 ~~upon the Florida Education Finance Program as provided in s.~~
2257 ~~1011.62 and the General Appropriations Act, including gross~~
2258 ~~state and local funds, discretionary lottery funds, and funds~~
2259 ~~from the school district's current operating discretionary~~
2260 ~~millage levy.~~

2261 ~~(d)~~ Beginning in the 2003-2004 fiscal year, district
2262 school boards shall allocate to schools ~~each school~~ within the

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2263 district an average of at least 90 percent of the funds
2264 generated by all schools and guarantee that each school receives
2265 at least 80 percent of the funds generated by that school based
2266 upon the Florida Education Finance Program as provided in s.
2267 1011.62 and the General Appropriations Act, including gross
2268 state and local funds, discretionary lottery funds, and funds
2269 from the school district's current operating discretionary
2270 millage levy. Total funding for each school shall be
2271 recalculated during the year to reflect the revised calculations
2272 under the Florida Education Finance Program by the state and the
2273 actual weighted full-time equivalent students reported by the
2274 school during the full-time equivalent student survey periods
2275 designated by the Commissioner of Education. If the district
2276 school board is providing programs or services to students
2277 funded by federal funds, any eligible students enrolled in the
2278 schools in the district shall be provided federal funds. Only
2279 academic performance-based charter school ~~those districts that~~
2280 ~~initially applied for charter school district status, pursuant~~
2281 ~~to s. 1003.62, and have been approved by the State Board of~~
2282 ~~Education~~ are exempt from the provisions of this section.

2283 (4) The following funds are excluded from the school-level
2284 allocation under this section: ~~Recommendations made by the~~
2285 ~~Governor's Equity in Educational Opportunity Task Force shall be~~
2286 ~~reviewed to identify potential categorical funds to be included~~
2287 ~~in the district allocation methodology required in subsection~~
2288 ~~(2).~~

2289 (a)(5) Funds appropriated in the General Appropriations
2290 Act for supplemental academic instruction to be used for the

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2291 purposes described in s. 1011.62(1)(f) ~~are excluded from the~~
2292 ~~school-level allocation under this section.~~

2293 (b) Funds appropriated in the General Appropriations Act
2294 for the class size reduction operating categorical fund
2295 established in s. 1011.685.

2296 Section 29. Subsections (1) through (6) of section
2297 1012.56, Florida Statutes, are amended to read:

2298 1012.56 Educator certification requirements.--

2299 (1) APPLICATION.--Each person seeking certification
2300 pursuant to this chapter shall submit a completed application
2301 containing the applicant's social security number to the
2302 Department of Education and remit the fee required pursuant to
2303 s. 1012.59 and rules of the State Board of Education. Pursuant
2304 to the federal Personal Responsibility and Work Opportunity
2305 Reconciliation Act of 1996, each party is required to provide
2306 his or her social security number in accordance with this
2307 section. Disclosure of social security numbers obtained through
2308 this requirement ~~is shall be~~ limited to the purpose of
2309 administration of the Title IV-D program of the Social Security
2310 Act for child support enforcement. Pursuant to s. 120.60, the
2311 department shall issue within 90 calendar days after the stamped
2312 receipted date of the completed application:

2313 (a) A certificate covering the classification, level, and
2314 area for which the applicant is deemed qualified; or

2315 (b) An official statement of status of eligibility. The
2316 statement of status of eligibility must advise the applicant of
2317 any qualifications that must be completed to qualify for
2318 certification. Each statement of status of eligibility is valid
2319 for 3 ~~2~~ years after its date of issuance, except as provided in

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2320 paragraph (2)(d). ~~A statement of status of eligibility may be~~
2321 ~~reissued for one additional 2-year period if application is made~~
2322 ~~while the initial statement of status of eligibility is valid or~~
2323 ~~within 1 year after the initial statement expires, and if the~~
2324 ~~certification subject area is authorized to be issued by the~~
2325 ~~state board at the time the application requesting a reissued~~
2326 ~~statement of status of eligibility is received.~~

2327 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
2328 certification ~~pursuant to this chapter~~, a person must:

2329 (a) Be at least 18 years of age.

2330 (b) File a written statement, under oath, that the
2331 applicant subscribes to and will uphold the principles
2332 incorporated in the Constitution of the United States and the
2333 Constitution of the State of Florida.

2334 (c) Document receipt of a bachelor's or higher degree from
2335 an accredited institution of higher learning, or any a
2336 ~~nonaccredited~~ institution of higher learning otherwise approved
2337 pursuant to State Board of Education rule ~~that the Department of~~
2338 ~~Education has identified as having a quality program resulting~~
2339 ~~in a bachelor's degree, or higher~~. Each applicant seeking
2340 initial certification must have attained at least a 2.5 overall
2341 grade point average on a 4.0 scale in the applicant's major
2342 field of study. The applicant may document the required
2343 education by submitting official transcripts from institutions
2344 of higher education or by authorizing the direct submission of
2345 such official transcripts through established electronic network
2346 systems. The bachelor's or higher degree may not be required in
2347 areas approved in rule by the State Board of Education as
2348 nondegreed areas.

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2349 (d) Submit to a fingerprint check from the Department of
2350 Law Enforcement and the Federal Bureau of Investigation pursuant
2351 to s. 1012.32. If the fingerprint reports indicate a criminal
2352 history or if the applicant acknowledges a criminal history, the
2353 applicant's records shall be referred to the Bureau of Educator
2354 Standards for review and determination of eligibility for
2355 certification. If the applicant fails to provide the necessary
2356 documentation requested by the Bureau of Educator Standards
2357 within 90 days after the date of the receipt of the certified
2358 mail request, the statement of eligibility and pending
2359 application shall become invalid.

2360 (e) Be of good moral character.

2361 (f) Be competent and capable of performing the duties,
2362 functions, and responsibilities of an educator.

2363 (g) Demonstrate mastery of general knowledge, pursuant to
2364 subsection (3).

2365 (h) Demonstrate mastery of subject area knowledge,
2366 pursuant to subsection (4).

2367 (i) Demonstrate mastery of professional preparation and
2368 education competence, pursuant to subsection (5).

2369 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
2370 demonstrating mastery of general knowledge are:

2371 (a) Achievement of passing scores on basic skills
2372 examination required by state board rule;

2373 (b) Achievement of passing scores on the College Level
2374 Academic Skills Test earned prior to July 1, 2002;

2375 (c) A valid professional standard teaching certificate
2376 issued by another state ~~that requires an examination of mastery~~
2377 ~~of general knowledge;~~

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2378 (d) A ~~valid standard teaching certificate issued by~~
2379 ~~another state and~~ valid certificate issued by the National Board
2380 for Professional Teaching Standards or other such nationally
2381 recognized organization as determined by the State Board of
2382 Education; or

2383 (e) Documentation of two semesters of successful teaching
2384 in a community college, state university, or private college or
2385 university that awards an associate or higher degree and is an
2386 accredited institution or an institution of higher education
2387 otherwise approved pursuant to State Board of Education rule; or

2388 (f)~~(e)~~ A valid ~~standard~~ teaching certificate issued by
2389 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~
2390 successful ~~full-time~~ teaching ~~or administrative~~ experience
2391 during the ~~5-year period immediately preceding the date of~~
2392 ~~application for certification.~~

2393 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means
2394 of demonstrating mastery of subject area knowledge are:

2395 (a) Achievement of passing scores on subject area
2396 examinations required by state board rule;

2397 (b) Completion of the subject area specialization
2398 requirements specified in state board rule and verification of
2399 the attainment of the essential subject matter competencies by
2400 the district school superintendent of the employing school
2401 district or chief administrative officer of the employing state-
2402 supported or private school for a subject area for which a
2403 subject area examination has not been developed and required by
2404 state board rule;

2405 (c) Completion of the ~~graduate level~~ subject area
2406 specialization requirements specified in state board rule for a

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2407 subject coverage requiring a master's or higher degree and
2408 achievement of a passing score on the subject area examination
2409 specified in state board rule;

2410 (d) A valid professional standard teaching certificate
2411 issued by another state ~~that requires an examination of mastery~~
2412 ~~of subject area knowledge;~~

2413 (e) A ~~valid standard teaching certificate issued by~~
2414 ~~another state and~~ valid certificate issued by the National Board
2415 for Professional Teaching Standards or other such nationally
2416 recognized organization as determined by the State Board of
2417 Education; or

2418 (f) A valid ~~standard~~ teaching certificate issued by
2419 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~
2420 successful ~~full-time~~ teaching ~~or administrative~~ experience
2421 during the ~~5-year period immediately preceding the date of~~
2422 ~~application for certification.~~

2423 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
2424 COMPETENCE.--Acceptable means of demonstrating mastery of
2425 professional preparation and education competence are:

2426 (a) Completion of an approved teacher preparation program
2427 at a postsecondary educational institution within this state and
2428 achievement of a passing score on the professional education
2429 competency examination required by state board rule;

2430 (b) Completion of a teacher preparation program offered by
2431 ~~at~~ a postsecondary educational institution outside Florida and
2432 achievement of a passing score on the professional education
2433 competency examination required by state board rule;

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2434 (c) A valid professional standard teaching certificate
2435 issued by another state ~~that requires an examination of mastery~~
2436 ~~of professional education competence;~~

2437 (d) A ~~valid standard teaching certificate issued by~~
2438 ~~another state and~~ valid certificate issued by the National Board
2439 for Professional Teaching Standards or other such nationally
2440 recognized organization as determined by the State Board of
2441 Education;

2442 (e) A valid ~~standard~~ teaching certificate issued by
2443 another state and documentation of 1 year ~~2 years~~ of ~~continuous~~
2444 successful ~~full-time~~ teaching ~~or administrative~~ experience
2445 during the ~~5-year period immediately preceding the date of~~
2446 ~~application for certification;~~

2447 (f) Completion of professional preparation courses as
2448 specified in state board rule, successful completion of a
2449 professional education competence demonstration program pursuant
2450 to paragraph (7)(b), and achievement of a passing score on the
2451 professional education competency examination required by state
2452 board rule; or

2453 (g) Successful completion of a professional preparation
2454 alternative certification and education competency program,
2455 outlined in paragraph (7)(a).

2456
2457 State Board of Education rule governing mastery of professional
2458 preparation and education competence shall be revised as
2459 necessary in accordance with s. 1004.04(2).

2460 (6) TYPES AND TERMS OF CERTIFICATION.--

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2461 (a) The Department of Education shall issue a professional
2462 certificate for a period not to exceed 5 years to any applicant
2463 who meets all the requirements outlined in subsection (2).

2464 (b) The department shall issue a temporary certificate to
2465 any applicant who completes the requirements outlined in
2466 paragraphs (2)(a)-(f) and completes the subject area content
2467 requirements specified in state board rule or demonstrates
2468 mastery of subject area knowledge pursuant to subsection (4) and
2469 holds an accredited degree or a degree approved by the
2470 Department of Education at the level required for the subject
2471 area specialization in state board rule.

2472 (c) The department shall issue one nonrenewable 2-year
2473 temporary certificate and one nonrenewable 5-year professional
2474 certificate to a qualified applicant who holds a bachelor's
2475 degree in the area of speech-language impairment to allow for
2476 completion of a master's degree program in speech-language
2477 impairment.

2478
2479 Each temporary certificate is valid for 3 school fiscal years
2480 and is nonrenewable. ~~However, the requirement in paragraph~~
2481 ~~(2)(g) must be met within 1 calendar year of the date of~~
2482 ~~employment under the temporary certificate. Individuals who are~~
2483 ~~employed under contract at the end of the 1 calendar year time~~
2484 ~~period may continue to be employed through the end of the school~~
2485 ~~year in which they have been contracted. A school district shall~~
2486 ~~not employ, or continue the employment of, an individual in a~~
2487 ~~position for which a temporary certificate is required beyond~~
2488 ~~this time period if the individual has not met the requirement~~
2489 ~~of paragraph (2)(g).~~ However, the State Board of Education shall

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2490 adopt rules to allow the department to extend the validity
2491 period of a temporary certificate for 2 years when the
2492 requirements for the professional certificate, ~~not including the~~
2493 ~~requirement in paragraph (2)(g)~~, were not completed due to the
2494 serious illness or injury of the applicant or other
2495 extraordinary extenuating circumstances. Based on emergency
2496 need, the department shall reissue the temporary certificate for
2497 2 additional years upon approval by the Commissioner of
2498 Education. A written request for such reissuance must first of
2499 ~~the certificate shall be submitted~~, stating the basis for the
2500 emergency need, by the district school superintendent, the
2501 governing authority of a university lab school, the governing
2502 authority of a state-supported school, or the governing
2503 authority of a private school. However, the Commissioner of
2504 Education may provide to any applicant who, by June 30, 2003,
2505 has demonstrated mastery of general knowledge, subject area
2506 knowledge, and professional preparation and education
2507 competence, pursuant to subsections (3), (4), and (5), except
2508 for achievement of a passing score on one subtest area of the
2509 general knowledge examination, a one-time only extension of his
2510 or her temporary certificate until June 30, 2004.

2511 Section 30. Subsection (1) of section 1012.57, Florida
2512 Statutes, is amended to read:

2513 1012.57 Certification of adjunct educators.--

2514 (1) Notwithstanding the provisions of ss. 1012.32,
2515 1012.55, and 1012.56, or any other provision of law or rule to
2516 the contrary, district school boards shall adopt rules to allow
2517 for the issuance of ~~may issue~~ an adjunct teaching certificate to
2518 any applicant who fulfills the requirements of s. 1012.56(2)(a)-

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2519 (f) and who has expertise in the subject area to be taught. An
2520 applicant shall be considered to have expertise in the subject
2521 area to be taught if the applicant ~~has at least a minor in the~~
2522 ~~subject area or~~ demonstrates sufficient subject area mastery
2523 through passage of a subject area test as determined by district
2524 ~~school board policy~~. The adjunct teaching certificate shall be
2525 used for part-time teaching positions. The intent of this
2526 provision is to allow school districts to tap the wealth of
2527 talent and expertise represented in Florida's citizens who may
2528 wish to teach part-time in a Florida public school by permitting
2529 school districts to issue adjunct certificates to qualified
2530 applicants. Adjunct certificateholders should be used as a
2531 strategy to reduce the teacher shortage; thus, adjunct
2532 certificateholders should supplement a school's instructional
2533 staff, not supplant it. Each school principal shall assign an
2534 experienced peer mentor to assist the adjunct teaching
2535 certificateholder during the certificateholder's first year of
2536 teaching, and an adjunct certificateholder may participate in a
2537 district's new teacher training program. District school boards
2538 shall provide the adjunct teaching certificateholder an
2539 orientation in classroom management prior to assigning the
2540 certificateholder to a school. Each adjunct teaching certificate
2541 is valid for 5 school years and is renewable if:

2542 ~~(a) The applicant completes a minimum of 60 inservice~~
2543 ~~points or 3 semester hours of college credit. The earned credits~~
2544 ~~must include instruction in classroom management, district~~
2545 ~~school board procedures, school culture, and other activities~~
2546 ~~that enhance the professional teaching skills of the~~
2547 ~~certificateholder.~~

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2548 ~~(b)~~ the applicant has received satisfactory performance
2549 evaluations during each year of teaching under adjunct teaching
2550 certification.

2551 Section 31. Subsection (13) is added to section 1013.03,
2552 Florida Statutes, to read:

2553 1013.03 Functions of the department.--The functions of the
2554 Department of Education as it pertains to educational facilities
2555 shall include, but not be limited to, the following:

2556 (13) By October 1, 2003, review all rules related to
2557 school construction to identify requirements that are outdated,
2558 obsolete, unnecessary, or otherwise could be amended in order to
2559 provide additional flexibility to school districts to comply
2560 with the constitutional class size maximums described in s.
2561 1003.03(2) and make recommendations concerning such rules to the
2562 State Board of Education. The State Board of Education shall act
2563 on such recommendations by December 31, 2003.

2564 Section 32. Paragraph (d) is added to subsection (1) of
2565 section 1013.31, Florida Statutes, to read:

2566 1013.31 Educational plant survey; localized need
2567 assessment; PECO project funding.--

2568 (1) At least every 5 years, each board shall arrange for
2569 an educational plant survey, to aid in formulating plans for
2570 housing the educational program and student population, faculty,
2571 administrators, staff, and auxiliary and ancillary services of
2572 the district or campus, including consideration of the local
2573 comprehensive plan. The Office of Workforce and Economic
2574 Development shall document the need for additional career and
2575 adult education programs and the continuation of existing
2576 programs before facility construction or renovation related to

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2577 career or adult education may be included in the educational
2578 plant survey of a school district or community college that
2579 delivers career or adult education programs. Information used by
2580 the Office of Workforce and Economic Development to establish
2581 facility needs must include, but need not be limited to, labor
2582 market data, needs analysis, and information submitted by the
2583 school district or community college.

2584 (d) Periodic update of Florida Inventory of School
2585 Houses.--School districts shall periodically update their
2586 inventory of educational facilities as new capacity becomes
2587 available and as unsatisfactory space is eliminated. The State
2588 Board of Education shall adopt rules to determine the timeframe
2589 in which school districts must provide a periodic update.

2590 Section 33. Paragraph (b) of subsection (1) and
2591 subsections (2) and (3) of section 1002.37, Florida Statutes,
2592 are amended, subsections (4), (5), and (6) are renumbered as
2593 subsections (5), (6), and (7), respectively, and a new
2594 subsection (4) is added to said section, to read:

2595 1002.37 The Florida Virtual School.--

2596 (1)

2597 (b) The mission of the Florida Virtual School is to
2598 provide students with technology-based educational opportunities
2599 to gain the knowledge and skills necessary to succeed and to
2600 award high school diplomas pursuant to s. 1003.43(9). The school
2601 shall serve any student in the state who meets the profile for
2602 success in this educational delivery context and shall give
2603 priority to:

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2604 1. Students enrolled in traditional public school classes
2605 that are not in compliance with the maximum class sizes provided
2606 in s. 1000.03.

2607 2. Students enrolled as full-time students in the Florida
2608 Virtual School and seeking a high school diploma awarded by the
2609 Florida Virtual School.

2610 ~~3.1.~~ Students who need expanded access to courses in order
2611 to meet their educational goals, such as home education students
2612 and students in ~~inner-city and~~ rural and other public high
2613 schools who do not have access to higher-level courses.

2614 ~~4.2.~~ Students seeking accelerated access in order to
2615 obtain a high school diploma at least one semester early.

2616

2617 The board of trustees of the Florida Virtual School shall
2618 identify appropriate performance measures and standards based on
2619 student achievement that reflect the school's statutory mission
2620 and priorities, and shall implement an accountability system for
2621 the school that includes assessment of its effectiveness and
2622 efficiency in providing quality services that encourage high
2623 student achievement, seamless articulation, and maximum access.

2624 (2) The Florida Virtual School shall be governed by a
2625 board of trustees comprised of seven members appointed by the
2626 Governor to 4-year staggered terms. The board of trustees shall
2627 be a public agency entitled to sovereign immunity pursuant to s.
2628 768.28, and board members shall be public officers who shall
2629 bear fiduciary responsibility for the Florida Virtual School.
2630 The board of trustees shall have the following powers and
2631 duties:

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2632 (a)1. The board of trustees shall meet at least 4 times
2633 each year, upon the call of the chair, or at the request of a
2634 majority of the membership.

2635 2. The fiscal year for the Florida Virtual School shall be
2636 the state fiscal year as provided in s. 216.011(1)(o).

2637 (b) The board of trustees shall be responsible for the
2638 Florida Virtual School's development of a state-of-the-art
2639 technology-based education delivery system that is cost-
2640 effective, educationally sound, marketable, and capable of
2641 sustaining a self-sufficient delivery system through the Florida
2642 Education Finance Program, ~~by fiscal year 2003-2004. The school~~
2643 ~~shall collect and report data for all students served and credit~~
2644 ~~awarded. This data shall be segregated by private, public, and~~
2645 ~~home education students by program. Information shall also be~~
2646 ~~collected that reflects any other school in which a virtual~~
2647 ~~school student is enrolled.~~

2648 (c) The board of trustees shall aggressively seek avenues
2649 to generate revenue to support its future endeavors, and shall
2650 enter into agreements with distance learning providers. The
2651 board of trustees may acquire, enjoy, use, and dispose of
2652 patents, copyrights, and trademarks and any licenses and other
2653 rights or interests thereunder or therein. Ownership of all such
2654 patents, copyrights, trademarks, licenses, and rights or
2655 interests thereunder or therein shall vest in the state, with
2656 the board of trustees having full right of use and full right to
2657 retain the revenues derived therefrom. Any funds realized from
2658 patents, copyrights, trademarks, or licenses shall be considered
2659 internal funds as provided in s. 1011.07. Such funds shall be
2660 used to support the school's marketing and research and

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2661 development activities in order to improve courseware and
2662 services to its students.

2663 (d) The board of trustees shall be responsible for the
2664 administration and control of all local school funds derived
2665 from all activities or sources and shall prescribe the
2666 principles and procedures to be followed in administering these
2667 funds annually prepare and submit to the State Board of
2668 Education a legislative budget request, including funding
2669 requests for computers for public school students who do not
2670 have access to public school computers, in accordance with
2671 chapter 216 and s. 1013.60. The legislative budget request of
2672 the Florida Virtual School shall be prepared using the same
2673 format, procedures, and timelines required for the submission of
2674 the legislative budget of the Department of Education. Nothing
2675 in this section shall be construed to guarantee a computer to
2676 any individual student.

2677 (e) The Florida Virtual School may accrue supplemental
2678 revenue from supplemental support organizations, which include,
2679 but are not limited to, alumni associations, foundations,
2680 parent-teacher associations, and booster associations. The
2681 governing body of each supplemental support organization shall
2682 recommend the expenditure of moneys collected by the
2683 organization for the benefit of the school. Such expenditures
2684 shall be contingent upon the review of the executive director.
2685 The executive director may override any proposed expenditure of
2686 the organization that would violate Florida law or breach sound
2687 educational management.

2688 (f)~~(e)~~ In accordance with law and rules of the State Board
2689 of Education, the board of trustees shall administer and

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2690 maintain personnel programs for all employees of the board of
2691 trustees and the Florida Virtual School. The board of trustees
2692 may adopt rules, policies, and procedures related to the
2693 appointment, employment, and removal of personnel.

2694 1. The board of trustees shall determine the compensation,
2695 including salaries and fringe benefits, and other conditions of
2696 employment for such personnel.

2697 2. The board of trustees may establish and maintain a
2698 personnel loan or exchange program by which persons employed by
2699 the board of trustees for the Florida Virtual School as academic
2700 administrative and instructional staff may be loaned to, or
2701 exchanged with persons employed in like capacities by, public
2702 agencies either within or without this state, or by private
2703 industry. With respect to public agency employees, the program
2704 authorized by this subparagraph shall be consistent with the
2705 requirements of part II of chapter 112. The salary and benefits
2706 of board of trustees personnel participating in the loan or
2707 exchange program shall be continued during the period of time
2708 they participate in a loan or exchange program, and such
2709 personnel shall be deemed to have no break in creditable or
2710 continuous service or employment during such time. The salary
2711 and benefits of persons participating in the personnel loan or
2712 exchange program who are employed by public agencies or private
2713 industry shall be paid by the originating employers of those
2714 participants, and such personnel shall be deemed to have no
2715 break in creditable or continuous service or employment during
2716 such time.

2717 3. The employment of all Florida Virtual School academic
2718 administrative and instructional personnel shall be subject to

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2719 rejection for cause by the board of trustees, and shall be
2720 subject to policies of the board of trustees relative to
2721 certification, tenure, leaves of absence, sabbaticals,
2722 remuneration, and such other conditions of employment as the
2723 board of trustees deems necessary and proper, not inconsistent
2724 with law.

2725 4. Each person employed by the board of trustees in an
2726 academic administrative or instructional capacity with the
2727 Florida Virtual School shall be entitled to a contract as
2728 provided by rules of the board of trustees.

2729 5. All employees except temporary, seasonal, and student
2730 employees may be state employees for the purpose of being
2731 eligible to participate in the Florida Retirement System and
2732 receive benefits. The classification and pay plan, including
2733 terminal leave and other benefits, and any amendments thereto,
2734 shall be subject to review and approval by the Department of
2735 Management Services and the Executive Office of the Governor
2736 prior to adoption. ~~In the event that the board of trustees~~
2737 ~~assumes responsibility for governance pursuant to this section~~
2738 ~~before approval is obtained, employees shall be compensated~~
2739 ~~pursuant to the system in effect for the employees of the fiscal~~
2740 ~~agent.~~

2741 ~~(g)(f)~~ The board of trustees shall establish priorities
2742 for admission of students in accordance with paragraph (1)(b).

2743 ~~(h)(g)~~ The board of trustees shall establish and
2744 distribute to all school districts and high schools in the state
2745 procedures for enrollment of students in courses offered by the
2746 Florida Virtual School. ~~Such procedures shall be designed to~~

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2747 ~~minimize paperwork and fairly resolve the issue of double~~
2748 ~~funding students taking courses on-line.~~

2749 (i) The board of trustees shall establish criteria
2750 defining the elements of an approved franchise. The board of
2751 trustees may enter into franchise agreements with Florida
2752 district school boards and may establish the terms and
2753 conditions governing such agreements. The board of trustees
2754 shall establish the performance and accountability measures and
2755 report the performance of each school district franchise to the
2756 Commissioner of Education.

2757 (j)(h) The board of trustees shall ~~annually~~ submit to the
2758 State Board of Education both forecasted and actual enrollments
2759 and credit completions for the Florida Virtual School, according
2760 to procedures established by the State Board of Education. At a
2761 minimum, such procedures must include the number of public,
2762 private, and home education students served by program and by
2763 county of residence district.

2764 (k)(i) The board of trustees shall provide for the content
2765 and custody of student and employee personnel records. Student
2766 records shall be subject to the provisions of s. 1002.22.
2767 Employee records shall be subject to the provisions of s.
2768 1012.31.

2769 (l)(j) The financial records and accounts of the Florida
2770 Virtual School shall be maintained under the direction of the
2771 board of trustees and under rules adopted by the State Board of
2772 Education for the uniform system of financial records and
2773 accounts for the schools of the state.

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2775 The Governor shall designate the initial chair of the board of
2776 trustees to serve a term of 4 years. Members of the board of
2777 trustees shall serve without compensation, but may be reimbursed
2778 for per diem and travel expenses pursuant to s. 112.061. The
2779 board of trustees shall be a body corporate with all the powers
2780 of a body corporate and such authority as is needed for the
2781 proper operation and improvement of the Florida Virtual School.
2782 The board of trustees is specifically authorized to adopt rules,
2783 policies, and procedures, consistent with law and rules of the
2784 State Board of Education related to governance, personnel,
2785 budget and finance, administration, programs, curriculum and
2786 instruction, travel and purchasing, technology, students,
2787 contracts and grants, and property as necessary for optimal,
2788 efficient operation of the Florida Virtual School. Tangible
2789 personal property owned by the board of trustees shall be
2790 subject to the provisions of chapter 273.

2791 (3) Funding for the Florida Virtual School shall be
2792 provided as follows:

2793 (a) A "full-time equivalent student" for the Florida
2794 Virtual School is one student who has successfully completed six
2795 credits that shall count toward the minimum number of credits
2796 required for high school graduation. A student who completes
2797 less than six credits shall be a fraction of a full-time
2798 equivalent student. Half-credit completions shall be included in
2799 determining a full-time equivalent student. Credit completed by
2800 a student in excess of the minimum required for that student for
2801 high school graduation is not eligible for funding.

2802 (b) Full-time equivalent student credits completed through
2803 the Florida Virtual School, including credits completed during

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2804 the summer, shall be reported to the Department of Education in
2805 the manner prescribed by the department and shall be funded
2806 through the Florida Education Finance Program.

2807 (c) School districts may not limit student access to
2808 courses offered through the Florida Virtual School.

2809 (d) Full-time equivalent student credit completion for
2810 courses offered through the Florida Virtual School shall be
2811 reported only by the Florida Virtual School. School districts
2812 shall report full-time equivalent student membership only for
2813 courses for which the school district provides the instruction.

2814 (e) The district cost differential as provided in s.
2815 1011.62(2) shall be established as 1.000.

2816 (f) The Florida Virtual School shall receive funds for
2817 operating purposes in an amount determined as follows: multiply
2818 the maximum allowable nonvoted discretionary millage for
2819 operations pursuant to s. 1011.71(1) by the value of 95 percent
2820 of the current year's taxable value for school purposes for the
2821 state; divide the result by the total full-time equivalent
2822 membership of the state; and multiply the result by the full-
2823 time equivalent membership of the school. The amount thus
2824 obtained shall be discretionary operating funds and shall be
2825 appropriated from state funds in the General Appropriations Act.

2826 (g) The Florida Virtual School shall receive additional
2827 state funds as may be provided in the General Appropriations
2828 Act.

2829 (h) In addition to the funds provided in the General
2830 Appropriations Act, the Florida Virtual School may receive other
2831 funds from grants and donations.

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2832 ~~(a) Until fiscal year 2003-2004, the Commissioner of~~
2833 ~~Education shall include the Florida Virtual School as a grant-~~
2834 ~~in-aid appropriation in the department's legislative budget~~
2835 ~~request to the State Board of Education, the Governor, and the~~
2836 ~~Legislature, subject to any guidelines imposed in the General~~
2837 ~~Appropriations Act.~~

2838 ~~(b) The Orange County District School Board shall be the~~
2839 ~~temporary fiscal agent of the Florida Virtual School.~~

2840 (4) School districts operating a virtual school that is an
2841 approved franchise of the Florida Virtual School may count full-
2842 time equivalent students, as provided in paragraph (3)(a), if
2843 such school has been certified as an approved franchise by the
2844 Commissioner of Education based on criteria established by the
2845 board of trustees pursuant to paragraph (2)(i).

2846 Section 34. Paragraph (c) of subsection (1) of section
2847 1011.61, Florida Statutes, is amended to read:

2848 1011.61 Definitions.--Notwithstanding the provisions of s.
2849 1000.21, the following terms are defined as follows for the
2850 purposes of the Florida Education Finance Program:

2851 (1) A "full-time equivalent student" in each program of
2852 the district is defined in terms of full-time students and part-
2853 time students as follows:

2854 (c)1. A "full-time equivalent student" is:

2855 a. A full-time student in any one of the programs listed
2856 in s. 1011.62(1)(c); or

2857 b. A combination of full-time or part-time students in any
2858 one of the programs listed in s. 1011.62(1)(c) which is the
2859 equivalent of one full-time student based on the following
2860 calculations:

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2861 (I) A full-time student, except a postsecondary or adult
2862 student or a senior high school student enrolled in adult
2863 education when such courses are required for high school
2864 graduation, in a combination of programs listed in s.
2865 1011.62(1)(c) shall be a fraction of a full-time equivalent
2866 membership in each special program equal to the number of net
2867 hours per school year for which he or she is a member, divided
2868 by the appropriate number of hours set forth in subparagraph
2869 (a)1. or subparagraph (a)2. The difference between that fraction
2870 or sum of fractions and the maximum value as set forth in
2871 subsection (4) for each full-time student is presumed to be the
2872 balance of the student's time not spent in such special
2873 education programs and shall be recorded as time in the
2874 appropriate basic program.

2875 (II) A prekindergarten handicapped student shall meet the
2876 requirements specified for kindergarten students.

2877 (III) A Florida Virtual School full-time equivalent
2878 student shall consist of six full credit completions in the
2879 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
2880 can be a combination of either full credits or half credits.

2881 2. A student in membership in a program scheduled for more
2882 or less than 180 school days is a fraction of a full-time
2883 equivalent membership equal to the number of instructional hours
2884 in membership divided by the appropriate number of hours set
2885 forth in subparagraph (a)1.; however, for the purposes of this
2886 subparagraph, membership in programs scheduled for more than 180
2887 days is limited to students enrolled in juvenile justice
2888 education programs and the Florida Virtual School.

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2889 The department shall determine and implement an equitable method
2890 of equivalent funding for experimental schools and for schools
2891 operating under emergency conditions, which schools have been
2892 approved by the department to operate for less than the minimum
2893 school day.

2894 Section 35. Paragraphs (b), (c), (d), and (e) of
2895 subsection (6) of section 1013.64, Florida Statutes, are amended
2896 to read:

2897 1013.64 Funds for comprehensive educational plant needs;
2898 construction cost maximums for school district capital
2899 projects.--Allocations from the Public Education Capital Outlay
2900 and Debt Service Trust Fund to the various boards for capital
2901 outlay projects shall be determined as follows:

2902 (6)

2903 (b)1. A district school board, including a district school
2904 board of an academic performance-based charter school district,
2905 must not use funds from the following sources: Public Education
2906 Capital Outlay and Debt Service Trust Fund; ~~or the~~ School
2907 District and Community College District Capital Outlay and Debt
2908 Service Trust Fund; Classrooms First Program funds provided in
2909 s. 1013.68; effort index grant funds provided in s. 1013.73;
2910 nonvoted 2-mill levy of ad valorem property taxes provided in s.
2911 1011.71(2); Class Size Reduction Infrastructure Program funds
2912 provided in s. 1013.735; District Effort Recognition Program
2913 funds provided in s. 1013.736; school capital outlay sales
2914 surtax provided in s. 212.055(6); local government
2915 infrastructure sales surtax provided in s. 212.055(2); or voted
2916 millage provided in s. 1011.73, for any new construction of

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2917 educational plant space with a total cost per student station,
2918 including change orders, that equals more than:

- 2919 a. \$12,755 ~~\$11,600~~ for an elementary school,
2920 b. \$14,624 ~~\$13,300~~ for a middle school, or
2921 c. \$19,352 ~~\$17,600~~ for a high school,

2922

2923 (January 2002 ~~1997~~) as adjusted annually to reflect increases or
2924 decreases in ~~by~~ the Consumer Price Index.

2925 2. A district school board must not use funds from the
2926 Public Education Capital Outlay and Debt Service Trust Fund or
2927 the School District and Community College District Capital
2928 Outlay and Debt Service Trust Fund for any new construction of
2929 an ancillary plant that exceeds 70 percent of the average cost
2930 per square foot of new construction for all schools.

2931 (c) Except as otherwise provided, new construction
2932 initiated after July 1, 2004, by a district school board funded
2933 solely from proceeds received by school districts through
2934 provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the
2935 State Constitution ~~after June 30, 1997~~, must not exceed the cost
2936 per student station as provided in paragraph (b). However, a
2937 school district may exceed the cost per student station provided
2938 in paragraph (b) if the school district:

2939 1. Utilizes funds provided through voted millage options
2940 or, for those school districts with unincarcerated populations
2941 of less than 100,000, funds generated through discretionary
2942 2-mill authority.

2943 2. Holds a public hearing that clearly communicates the
2944 school district's purpose for the use of the funds and, during a
2945 regularly scheduled meeting of the district school board, votes

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2946 to use such funds in the manner and for the purpose identified
2947 in the public hearing.

2948 3. Annually reports to the department the amount of funds
2949 used, the capital outlay for which the funds were used, and the
2950 source of the funds.

2951 (d) The department shall:

2952 1. Compute for each calendar year the statewide average
2953 construction costs for facilities serving each instructional
2954 level, for relocatable educational facilities, for
2955 administrative facilities, and for other ancillary and auxiliary
2956 facilities. The department shall compute the statewide average
2957 costs per student station for each instructional level.

2958 2. Annually review the actual completed construction costs
2959 of educational facilities in each school district. For any
2960 school district in which the total actual cost per student
2961 station, including change orders, exceeds the statewide limits
2962 established in paragraph (b), the school district shall report
2963 to the department the actual cost per student station and the
2964 reason for the school district's inability to adhere to the
2965 limits established in paragraph (b). The department shall
2966 collect all such reports and shall report to the Governor, the
2967 President of the Senate, and the Speaker of the House of
2968 Representatives by December 31 of each year a summary of each
2969 school district's spending in excess of the cost per student
2970 station provided in paragraph (b) as reported by the school
2971 districts.

2972
2973 Cost per student station includes contract costs, legal and
2974 administrative costs, fees of architects and engineers,

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2975 furniture and equipment, and site improvement costs. Cost per
2976 student station does not include the cost of purchasing or
2977 leasing the site for the construction or the cost of related
2978 offsite improvements.

2979 ~~(e) The restrictions of this subsection on the cost per~~
2980 ~~student station of new construction do not apply to a project~~
2981 ~~funded entirely from proceeds received by districts through~~
2982 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
2983 ~~State Constitution, if the school board approves the project by~~
2984 ~~majority vote.~~

2985 Section 36. Subsection (2) of section 1007.261 and
2986 sections 1012.41, 1013.21, and 1013.43, Florida Statutes, are
2987 repealed.

2988 Section 37. Subsection (13) is added to section 216.292,
2989 Florida Statutes, to read:

2990 216.292 Appropriations nontransferable; exceptions.--

2991 (13) The Executive Office of the Governor shall transfer
2992 funds from appropriations for public school operations to a
2993 fixed capital outlay appropriation for class size reduction
2994 based on recommendations of the Florida Education Finance
2995 Program Appropriation Allocation Conference pursuant to s.
2996 1003.03(5)(a). This subsection is subject to the notice and
2997 review provisions of s. 216.177.

2998 Section 38. Section 1000.041, Florida Statutes, is created
2999 to read:

3000 1000.041 Better educated students and teachers (BEST)
3001 Florida teaching; legislative purposes; guiding principles.--The
3002 legislative purposes and guiding principles of BEST Florida
3003 teaching are:

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- 3004 (1) Teachers teach, students learn.
- 3005 (2) Teachers maintain orderly, disciplined classrooms
- 3006 conducive to student learning.
- 3007 (3) Teachers are trained, recruited, well compensated, and
- 3008 retained for quality.
- 3009 (4) Teachers are well rewarded for their students' high
- 3010 performance.
- 3011 (5) Teachers are most effective when served by exemplary
- 3012 school administrators.

3013

3014 Each teacher preparation program, each postsecondary educational

3015 institution providing dual enrollment or other acceleration

3016 programs, each district school board, and each district and

3017 school-based administrator fully supports and cooperates in the

3018 accomplishment of these purposes and guiding principles.

3019 Section 39. Section 1001.33, Florida Statutes, is amended

3020 to read:

3021 1001.33 Schools under control of district school board and

3022 district school superintendent.--

3023 (1) Except as otherwise provided by law, all public

3024 schools conducted within the district shall be under the

3025 direction and control of the district school board with the

3026 district school superintendent as executive officer.

3027 (2) Each district school board, each district school

3028 superintendent, and each district and school-based administrator

3029 shall cooperate to apply the following guiding principles for

3030 better educated students and teachers (BEST) Florida teaching:

3031 (a) Teachers teach, students learn.

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3032 (b) Teachers maintain orderly, disciplined classrooms
3033 conducive to student learning.

3034 (c) Teachers are trained, recruited, well compensated, and
3035 retained for quality.

3036 (d) Teachers are well rewarded for their students' high
3037 performance.

3038 (e) Teachers are most effective when served by exemplary
3039 school administrators.

3040 Section 40. Subsections (5) and (6) of section 1001.42,
3041 Florida Statutes, are amended to read:

3042 1001.42 Powers and duties of district school board.--The
3043 district school board, acting as a board, shall exercise all
3044 powers and perform all duties listed below:

3045 (5) PERSONNEL.--

3046 (a) Designate positions to be filled, prescribe
3047 qualifications for those positions, and provide for the
3048 appointment, compensation, promotion, suspension, and dismissal
3049 of employees, subject to the requirements of chapter 1012. Each
3050 district school board shall provide clerical personnel or
3051 volunteers who are not classroom teachers to assist teachers in
3052 noninstructional activities, including performing paperwork and
3053 recordkeeping duties. However, a teacher shall remain
3054 responsible for all instructional activities and for classroom
3055 management and grading student performance.

3056 (b) Notwithstanding s. 1012.55 or any other provision of
3057 law or rule to the contrary and, ~~the district school board may,~~
3058 consistent with adopted district school board policy relating to
3059 alternative certification for school principals, have the

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3060 authority to appoint persons to the position of school principal
3061 who do not hold educator certification.

3062 (c) Fully support and cooperate in the application of the
3063 guiding principles for better educated students and teachers
3064 (BEST) Florida teaching, pursuant to s. 1000.041.

3065 (6) STUDENT ~~CHILD~~ WELFARE.--

3066 (a) In accordance with the provisions of chapters 1003 and
3067 1006, provide for the proper accounting for all students
3068 ~~children~~ of school age, for the attendance and control of
3069 students at school, and for proper attention to health, safety,
3070 and other matters relating to the welfare of students ~~children~~.

3071 (b) In accordance with the provisions of ss. 1003.31 and
3072 1003.32, fully support the authority of each teacher and school
3073 bus driver to remove disobedient, disrespectful, violent,
3074 abusive, uncontrollable, or disruptive students from the
3075 classroom and the school bus and the authority of the school
3076 principal to place such students in an alternative educational
3077 setting, when appropriate and available.

3078 Section 41. Subsection (23) of section 1001.51, Florida
3079 Statutes, is renumbered as subsection (25), and new subsections
3080 (23) and (24) are added to said section to read:

3081 1001.51 Duties and responsibilities of district school
3082 superintendent.--The district school superintendent shall
3083 exercise all powers and perform all duties listed below and
3084 elsewhere in the law, provided that, in so doing, he or she
3085 shall advise and counsel with the district school board. The
3086 district school superintendent shall perform all tasks necessary
3087 to make sound recommendations, nominations, proposals, and
3088 reports required by law to be acted upon by the district school

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3089 board. All such recommendations, nominations, proposals, and
3090 reports by the district school superintendent shall be either
3091 recorded in the minutes or shall be made in writing, noted in
3092 the minutes, and filed in the public records of the district
3093 school board. It shall be presumed that, in the absence of the
3094 record required in this section, the recommendations,
3095 nominations, and proposals required of the district school
3096 superintendent were not contrary to the action taken by the
3097 district school board in such matters.

3098 (23) QUALITY TEACHERS.--Fully support and cooperate in the
3099 application of the guiding principles for better educated
3100 students and teachers (BEST) Florida teaching, pursuant to s.
3101 1000.041.

3102 (24) ORDERLY CLASSROOMS AND SCHOOL BUSES.--Fully support
3103 the authority of each teacher, according to s. 1003.32, and
3104 school bus driver to remove disobedient, disrespectful, violent,
3105 abusive, uncontrollable, or disruptive students from the
3106 classroom and the school bus and the authority of the school
3107 principal to place such students in an alternative educational
3108 setting, when appropriate and available.

3109 Section 42. Subsection (1) of section 1001.54, Florida
3110 Statutes, is amended to read:

3111 1001.54 Duties of school principals.--

3112 (1)(a) A district school board shall employ, through
3113 written contract, public school principals.

3114 (b) The school principal has authority over school
3115 district personnel in accordance with s. 1012.28.

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3116 (c) The school principal shall encourage school personnel
3117 to implement the guiding principles for better educated students
3118 and teachers (BEST) Florida teaching, pursuant to s. 1000.041.

3119 (d) The school principal should fully support the
3120 authority of each teacher, according to s. 1003.32, and school
3121 bus driver to remove disobedient, disrespectful, violent,
3122 abusive, uncontrollable, or disruptive students from the
3123 classroom and the school bus and, when appropriate and
3124 available, place such students in an alternative educational
3125 setting.

3126 Section 43. Subsection (22) is added to said section
3127 1002.20, Florida Statutes, to read:

3128 1002.20 K-12 student and parent rights.--K-12 students and
3129 their parents are afforded numerous statutory rights including,
3130 but not limited to, the following:

3131 (22) ORDERLY, DISCIPLINED CLASSROOMS.--Public school
3132 students shall be in orderly, disciplined classrooms conducive
3133 to learning without the distraction caused by disobedient,
3134 disrespectful, violent, abusive, uncontrollable, or disruptive
3135 students, in accordance with s. 1003.32.

3136 Section 44. Subsection (13) of section 1002.42, Florida
3137 Statutes, is amended to read:

3138 1002.42 Private schools.--

3139 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization of
3140 private schools that has no fewer than 10 member schools in this
3141 state may develop a professional development system to be filed
3142 with the Department of Education in accordance with the
3143 provisions of s. 1012.98~~(6)(7)~~.

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3144 Section 45. Section 1003.04, Florida Statutes, is amended
3145 to read:

3146 1003.04 Student conduct and parental involvement ~~goals~~--

3147 ~~(1) It is the goal of the Legislature and each district~~
3148 ~~school board that~~ Each public K-12 student must comply with
3149 school attendance laws ~~remain in attendance~~ throughout the
3150 school year, unless excused by the school for illness or other
3151 good cause, and must comply fully with the school's code of
3152 conduct.

3153 (2) The parent of each public K-12 student must cooperate
3154 with the authority of the student's district school board,
3155 superintendent, principal, teachers, and school bus drivers,
3156 according to ss. 1003.31 and 1003.32, to remove the student from
3157 the classroom and the school bus and, when appropriate and
3158 available, to place the student in an alternative educational
3159 setting, if the student is disobedient, disrespectful, violent,
3160 abusive, uncontrollable, or disruptive.

3161 ~~(3)(2)~~ It is the goal of the Legislature and each district
3162 school board that the parent of each public K-12 student comply
3163 with the school's reasonable and time-acceptable parental
3164 involvement requests.

3165 Section 46. Subsection (1) of section 1003.31, Florida
3166 Statutes, is amended to read:

3167 1003.31 Students subject to control of school.--

3168 (1) Subject to law and rules of the State Board of
3169 Education and of the district school board, each student
3170 enrolled in a school shall:

3171 (a) During the time she or he is being transported to or
3172 from school at public expense;

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3173 (b) During the time she or he is attending school;
3174 (c) During the time she or he is on the school premises
3175 participating with authorization in a school-sponsored activity;
3176 and
3177 (d) During a reasonable time before and after the student
3178 is on the premises for attendance at school or for authorized
3179 participation in a school-sponsored activity, and only when on
3180 the premises,
3181
3182 be under the control and direction of the principal or teacher
3183 in charge of the school, and under the immediate control and
3184 direction of the teacher or other member of the instructional
3185 staff or of the bus driver to whom such responsibility may be
3186 assigned by the principal. However, the State Board of Education
3187 or the district school board may, by rules, subject each student
3188 to the control and direction of the principal or teacher in
3189 charge of the school during the time she or he is otherwise en
3190 route to or from school or is presumed by law to be attending
3191 school. Each district school board, each district school
3192 superintendent, and each school principal should fully support
3193 the authority of teachers, according to s. 1003.32, and school
3194 bus drivers to remove disobedient, disrespectful, violent,
3195 abusive, uncontrollable, or disruptive students from the
3196 classroom and the school bus and, when appropriate and
3197 available, place such students in an alternative educational
3198 setting.

3199 Section 47. Section 1003.32, Florida Statutes, is amended
3200 to read:

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3201 1003.32 Authority of teacher; responsibility for control
3202 of students; district school board and principal
3203 duties.--Subject to law and to the rules of the district school
3204 board, each teacher or other member of the staff of any school
3205 shall have such authority for the control and discipline of
3206 students as may be assigned to him or her by the principal or
3207 the principal's designated representative and shall keep good
3208 order in the classroom and in other places in which he or she is
3209 assigned to be in charge of students.

3210 (1) In accordance with this section and within the
3211 framework of the district school board's code of student
3212 conduct, teachers and other instructional personnel shall have
3213 the authority to undertake any of the following actions in
3214 managing student behavior and ensuring the safety of all
3215 students in their classes and school and their opportunity to
3216 learn in an orderly and disciplined classroom:

3217 (a) Establish classroom rules of conduct.

3218 (b) Establish and implement consequences, designed to
3219 change behavior, for infractions of classroom rules.

3220 (c) Have disobedient, disrespectful, violent, abusive,
3221 uncontrollable, or disruptive students ~~temporarily~~ removed from
3222 the classroom for behavior management intervention.

3223 (d) Have violent, abusive, uncontrollable, or disruptive
3224 students directed for information or assistance from appropriate
3225 school or district school board personnel.

3226 (e) Assist in enforcing school rules on school property,
3227 during school-sponsored transportation, and during school-
3228 sponsored activities.

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3229 (f) Request and receive information as to the disposition
3230 of any referrals to the administration for violation of
3231 classroom or school rules.

3232 (g) Request and receive immediate assistance in classroom
3233 management if a student becomes uncontrollable or in case of
3234 emergency.

3235 (h) Request and receive training and other assistance to
3236 improve skills in classroom management, violence prevention,
3237 conflict resolution, and related areas.

3238 (i) Press charges if there is reason to believe that a
3239 crime has been committed ~~against the teacher or other~~
3240 ~~instructional personnel~~ on school property, during school-
3241 sponsored transportation, or during school-sponsored activities.

3242 (j) Use reasonable force, according to standards adopted
3243 by the State Board of Education, to protect himself or herself
3244 or others from injury.

3245 (k) Use corporal punishment according to school board
3246 policy and at least the following procedures, if a teacher feels
3247 that corporal punishment is necessary:

3248 1. The use of corporal punishment shall be approved in
3249 principle by the principal before it is used, but approval is
3250 not necessary for each specific instance in which it is used.
3251 The principal shall prepare guidelines for administering such
3252 punishment which identify the types of punishable offenses, the
3253 conditions under which the punishment shall be administered, and
3254 the specific personnel on the school staff authorized to
3255 administer the punishment.

3256 2. A teacher or principal may administer corporal
3257 punishment only in the presence of another adult who is informed

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3258 beforehand, and in the student's presence, of the reason for the
3259 punishment.

3260 3. A teacher or principal who has administered punishment
3261 shall, upon request, provide the student's parent with a written
3262 explanation of the reason for the punishment and the name of the
3263 other adult who was present.

3264 (2) Teachers and other instructional personnel shall:

3265 (a) Set and enforce reasonable classroom rules that treat
3266 all students equitably.

3267 (b) Seek professional development to improve classroom
3268 management skills when data show that they are not effective in
3269 handling minor classroom disruptions.

3270 (c) Maintain an orderly and disciplined classroom with a
3271 positive and effective learning environment that maximizes
3272 learning and minimizes disruption.

3273 (d) Work with parents and other school personnel to solve
3274 discipline problems in their classrooms.

3275 (3) A teacher may send a student to the principal's office
3276 to maintain effective discipline in the classroom and may
3277 recommend an appropriate consequence consistent with the student
3278 code of conduct under s. 1006.07. The principal shall respond by
3279 employing the teacher's recommended consequence or a more
3280 serious disciplinary action if the student's history of
3281 disruptive behavior warrants it. If the principal determines
3282 that a different disciplinary action is appropriate, the
3283 principal should consult with the teacher prior to taking such
3284 different disciplinary action ~~appropriate discipline management~~
3285 ~~techniques consistent with the student code of conduct under s.~~
3286 ~~1006.07.~~

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3287 (4) A teacher may remove a student from class ~~a student~~
3288 whose behavior the teacher determines interferes with the
3289 teacher's ability to communicate effectively with the students
3290 in the class or with the ability of the student's classmates to
3291 learn. Each district school board, each district school
3292 superintendent, and each school principal should support the
3293 authority of teachers to remove disobedient, violent, abusive,
3294 uncontrollable, or disruptive students from the classroom.

3295 (5) If a teacher removes a student from class under
3296 subsection (4), the principal may place the student in another
3297 appropriate classroom, in in-school suspension, or in a dropout
3298 prevention and academic intervention program as provided by s.
3299 1003.53; or the principal may recommend the student for out-of-
3300 school suspension or expulsion, as appropriate. The student may
3301 be prohibited from attending or participating in school-
3302 sponsored or school-related activities. The principal may not
3303 return the student to that teacher's class without the teacher's
3304 consent unless the committee established under subsection (6)
3305 determines that such placement is the best or only available
3306 alternative. The teacher and the placement review committee must
3307 render decisions within 5 days of the removal of the student
3308 from the classroom.

3309 (6)(a) Each school shall establish a placement review
3310 committee to determine placement of a student when a teacher
3311 withholds consent to the return of a student to the teacher's
3312 class. A school principal must notify each teacher in that
3313 school about the availability, the procedures, and the criteria
3314 for the placement review committee as outlined in this section.

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3315 (b) The principal must report on a quarterly basis to the
3316 district school superintendent and district school board each
3317 incidence of a teacher's withholding consent for a removed
3318 student to return to the teacher's class and the disposition of
3319 the incident, and the superintendent must annually report these
3320 data to the department.

3321 (c) The Commissioner of Education shall annually review
3322 each school district's compliance with this section, and success
3323 in achieving orderly classrooms, and shall use all appropriate
3324 enforcement actions up to and including the withholding of
3325 disbursements from the Educational Enhancement Trust Fund until
3326 full compliance is verified.

3327 (d) Placement review committee membership must include at
3328 least the following:

3329 1.(a) Two teachers, one selected by the school's faculty
3330 and one selected by the teacher who has removed the student.

3331 2.(b) One member from the school's staff who is selected
3332 by the principal.

3333

3334 The teacher who withheld consent to readmitting the student may
3335 not serve on the committee. The teacher and the placement review
3336 committee must render decisions within 5 days after the removal
3337 of the student from the classroom. If the placement review
3338 committee's decision is contrary to the decision of the teacher
3339 to withhold consent to the return of the removed student to the
3340 teacher's class, the teacher may appeal the committee's decision
3341 to the district school superintendent.

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3342 (7) Any teacher who removes 25 percent of his or her total
3343 class enrollment shall be required to complete professional
3344 development to improve classroom management skills.

3345 (8) Each teacher or other member of the staff of any
3346 school who knows or has reason to believe that any person has
3347 committed, or has made a credible threat to commit, a crime of
3348 violence on school property shall report such knowledge or
3349 belief in accordance with the provisions of s. 1006.13. Each
3350 district school superintendent and each school principal shall
3351 fully support good faith reporting in accordance with the
3352 provisions of this subsection and s. 1006.13. Any person who
3353 makes a report required by this subsection in good faith shall
3354 be immune from civil or criminal liability for making the
3355 report.

3356 (9)~~(8)~~ When knowledgeable of the likely risk of physical
3357 violence in the schools, the district school board shall take
3358 reasonable steps to ensure that teachers, other school staff,
3359 and students are not at undue risk of violence or harm.

3360 Section 48. Section 1004.04, Florida Statutes, is amended
3361 to read:

3362 1004.04 Public accountability and state approval for
3363 teacher preparation programs.--

3364 (1) INTENT.--

3365 (a) The Legislature recognizes that skilled teachers make
3366 an important contribution to a system that allows students to
3367 obtain a high-quality education.

3368 (b) The intent of the Legislature is to require the State
3369 Board of Education to attain ~~establish~~ a system for development
3370 and approval of teacher preparation programs that allows will

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3371 ~~free~~ postsecondary teacher preparation institutions to employ
3372 varied and innovative teacher preparation techniques while being
3373 held accountable for producing graduates with the competencies
3374 and skills necessary to achieve the state education goals; help
3375 the state's diverse student population, including students who
3376 have substandard reading and computational skills and students
3377 with limited English proficiency, meet high standards for
3378 academic achievement; maintain safe, secure classroom learning
3379 environments; and sustain the state system of school improvement
3380 and education accountability established pursuant to ss.
3381 1000.03(5) and 1008.345.

3382 (2) UNIFORM CORE CURRICULA.--

3383 (a) The State Board of Education shall adopt rules
3384 pursuant to ss. 120.536(1) and 120.54 that establish uniform
3385 core curricula for each state-approved teacher preparation
3386 program.

3387 (b) The rules to establish uniform core curricula for each
3388 state-approved teacher preparation program must include, but are
3389 not limited to, a State Board of Education identified foundation
3390 in scientifically researched, knowledge-based reading literacy
3391 and computational skills acquisition; classroom management;
3392 school safety; professional ethics; educational law; human
3393 development and learning; and understanding of the Sunshine
3394 State Standards content measured by state achievement tests,
3395 reading and interpretation of data, and use of data to improve
3396 student achievement.

3397 (c) These rules shall not require an additional period of
3398 time-to-degree but may be phased in to enable teacher
3399 preparation programs to supplant courses, including pedagogy

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3400 courses, not required by law or State Board of Education rule
3401 with the courses identified pursuant to paragraph (b).

3402 (3)-(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
3403 system developed by the Department of Education in collaboration
3404 with postsecondary educational institutions shall assist
3405 departments and colleges of education in the restructuring of
3406 their programs in accordance with this section to meet the need
3407 for producing quality teachers now and in the future.

3408 (a) The system must be designed to assist teacher
3409 educators in conceptualizing, developing, implementing, and
3410 evaluating programs that meet state-adopted standards. These
3411 standards shall emphasize quality indicators drawn from
3412 research, professional literature, recognized guidelines,
3413 Florida essential teaching competencies and educator-
3414 accomplished practices, effective classroom practices, and the
3415 outcomes of the state system of school improvement and education
3416 accountability, as well as performance measures.

3417 (b) Departments and colleges of education shall emphasize
3418 the state system of school improvement and education
3419 accountability concepts and standards, including Sunshine State
3420 Standards.

3421 (c) State-approved teacher preparation programs must
3422 incorporate:

3423 1. Appropriate English for Speakers of Other Languages
3424 instruction so that program graduates will have completed the
3425 requirements for teaching limited English proficient students in
3426 Florida public schools.

3427 2. Scientifically researched, knowledge-based reading
3428 literacy and computational skills instruction so that program

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3429 graduates will be able to provide the necessary academic
3430 foundations for their students at whatever grade levels they
3431 choose to teach.

3432 ~~(4)~~(3) INITIAL STATE PROGRAM APPROVAL.--

3433 (a) A program approval process based on standards adopted
3434 pursuant to subsections ~~subsection~~ (2) and (3) must be
3435 established for postsecondary teacher preparation programs,
3436 phased in according to timelines determined by the Department of
3437 Education, and fully implemented for all teacher preparation
3438 programs in the state. Each program shall be approved by the
3439 department, consistent with the intent set forth in subsection
3440 (1) and based primarily upon significant, objective, and
3441 quantifiable graduate performance measures.

3442 (b) Each teacher preparation program approved by the
3443 Department of Education, as provided for by this section, shall
3444 require students to meet the following as prerequisites for
3445 admission into the program:

3446 1. Have a grade point average of at least 2.5 on a 4.0
3447 scale for the general education component of undergraduate
3448 studies or have completed the requirements for a baccalaureate
3449 degree with a minimum grade point average of 2.5 on a 4.0 scale
3450 from any college or university accredited by a regional
3451 accrediting association as defined by State Board of Education
3452 rule or any college or university otherwise approved pursuant to
3453 State Board of Education rule.

3454 2. Demonstrate mastery of general knowledge, including the
3455 ability to read, write, and compute, by passing the College
3456 Level Academic Skills Test, a corresponding component of the

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3457 National Teachers Examination series, or a similar test pursuant
3458 to rules of the State Board of Education.

3459
3460 Each teacher preparation program may waive these admissions
3461 requirements for up to 10 percent of the students admitted.
3462 Programs shall implement strategies to ensure that students
3463 admitted under a waiver receive assistance to demonstrate
3464 competencies to successfully meet requirements for
3465 certification.

3466 (5)~~(4)~~ CONTINUED PROGRAM APPROVAL.--Notwithstanding
3467 subsection (4) ~~(3)~~, failure by a public or nonpublic teacher
3468 preparation program to meet the criteria for continued program
3469 approval shall result in loss of program approval. The
3470 Department of Education, in collaboration with the departments
3471 and colleges of education, shall develop procedures for
3472 continued program approval that document the continuous
3473 improvement of program processes and graduates' performance.

3474 (a) Continued approval of specific teacher preparation
3475 programs at each public and nonpublic postsecondary educational
3476 institution within the state is contingent upon the passing of
3477 the written examination required by s. 1012.56 by at least 90
3478 percent of the graduates of the program who take the
3479 examination. ~~On request of an institution,~~ The Department of
3480 Education shall annually provide an analysis of the performance
3481 of the graduates of such institution with respect to the
3482 competencies assessed by the examination required by s. 1012.56.

3483 (b) Additional criteria for continued program approval for
3484 public institutions may be approved by the State Board of
3485 Education. Such criteria must emphasize instruction in classroom

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3486 management and must provide for the evaluation of the teacher
3487 candidates' performance in this area. The criteria shall also
3488 require instruction in working with underachieving students.
3489 Program evaluation procedures must include, but are not limited
3490 to, program graduates' satisfaction with instruction and the
3491 program's responsiveness to local school districts. Additional
3492 criteria for continued program approval for nonpublic
3493 institutions shall be developed in the same manner as for public
3494 institutions; however, such criteria must be based upon
3495 significant, objective, and quantifiable graduate performance
3496 measures. Responsibility for collecting data on outcome measures
3497 through survey instruments and other appropriate means shall be
3498 shared by the postsecondary educational institutions and the
3499 Department of Education. By January 1 of each year, the
3500 Department of Education shall report this information for each
3501 postsecondary educational institution that has state-approved
3502 programs of teacher education to the Governor, the State Board
3503 of Education, the Commissioner of Education, the President of
3504 the Senate, the Speaker of the House of Representatives, all
3505 Florida postsecondary teacher preparation programs, and
3506 interested members of the public. This report must analyze the
3507 data and make recommendations for improving teacher preparation
3508 programs in the state.

3509 (c) Continued approval for a teacher preparation program
3510 is contingent upon the results of periodic annual reviews, on a
3511 schedule established by the State Board of Education, of the
3512 program conducted by the postsecondary educational institution,
3513 using procedures and criteria outlined in an institutional
3514 program evaluation plan approved by the Department of Education.

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3515 This plan must incorporate the criteria established in
3516 paragraphs (a) and (b) and include provisions for involving
3517 primary stakeholders, such as program graduates, district school
3518 personnel, classroom teachers, principals, community agencies,
3519 and business representatives in the evaluation process. Upon
3520 request by an institution, the department shall provide
3521 assistance in developing, enhancing, or reviewing the
3522 institutional program evaluation plan and training evaluation
3523 team members.

3524 (d) Continued approval for a teacher preparation program
3525 is contingent upon standards being in place that are designed to
3526 adequately prepare elementary, middle, and high school teachers
3527 to instruct their students in reading and higher-level
3528 mathematics concepts and in the use of technology at the
3529 appropriate grade level.

3530 (e) Continued approval of teacher preparation programs is
3531 contingent upon compliance with the student admission
3532 requirements of subsection (4) ~~(3)~~ and upon the receipt of at
3533 least a satisfactory rating from public schools and private
3534 schools that employ graduates of the program. Each teacher
3535 preparation program at a state university or community college
3536 shall guarantee that its graduates will demonstrate the skills
3537 specified in subparagraphs 1.-5. during the first 2 years
3538 immediately following graduation from the program or following
3539 initial certification, whichever occurs first. Any teacher in a
3540 Florida public school who fails to demonstrate the essential
3541 skills specified in subparagraphs 1.-5. shall be provided
3542 additional training by the state university or community college
3543 from which he or she received the education degree at no expense

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3544 to the teacher or the employer. Such training must consist of an
3545 individualized plan agreed upon by the school district and the
3546 public postsecondary educational institution that includes
3547 specific learning outcomes. The public postsecondary educational
3548 institution assumes no responsibility for the teacher's
3549 employment contract with the employer. Employer satisfaction
3550 shall be determined by a ~~an annually administered~~ survey
3551 instrument approved by the Department of Education and annually
3552 administered by the postsecondary educational institution that,
3553 at a minimum, must include employer satisfaction of the
3554 graduates' ability to do the following:

3555 1. Write and speak in a logical and understandable style
3556 with appropriate grammar.

3557 2. Recognize signs of students' difficulty with the
3558 reading and computational process and apply appropriate measures
3559 to improve students' reading and computational performance.

3560 3. Use and integrate appropriate technology in teaching
3561 and learning processes.

3562 4. Demonstrate knowledge and understanding of Sunshine
3563 State Standards.

3564 5. Maintain an orderly and disciplined classroom conducive
3565 to student learning.

3566 (f)1. Each Florida public and private institution that
3567 offers a state-approved teacher preparation program must
3568 annually report information regarding these programs to the
3569 state and the general public. This information shall be reported
3570 in a uniform and comprehensible manner that is consistent with
3571 definitions and methods approved by the Commissioner of the
3572 National Center for Educational Statistics and that is approved

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3573 by the State Board of Education. This information must include,
3574 at a minimum:

3575 a. The percent of graduates obtaining full-time teaching
3576 employment within the first year of graduation.

3577 b. The average length of stay of graduates in their full-
3578 time teaching positions.

3579 c. Satisfaction ratings required in paragraph (e).

3580 2. Each public and private institution offering training
3581 for school readiness related professions, including training in
3582 the fields of child care and early childhood education, whether
3583 offering technical credit, associate in applied science degree
3584 programs, associate in science degree programs, or associate in
3585 arts degree programs, shall annually report information
3586 regarding these programs to the state and the general public in
3587 a uniform and comprehensible manner that conforms with
3588 definitions and methods approved by the State Board of
3589 Education. This information must include, at a minimum:

3590 a. Average length of stay of graduates in their positions.

3591 b. Satisfaction ratings of graduates' employers.

3592

3593 This information shall be reported through publications,
3594 including college and university catalogs and promotional
3595 materials sent to potential applicants, secondary school
3596 guidance counselors, and prospective employers of the
3597 institution's program graduates.

3598 ~~(6)~~(5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
3599 instructors, school district personnel and instructional
3600 personnel, and school sites preparing instructional personnel
3601 through preservice field experience courses and internships

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3602 shall meet special requirements. District school boards are
3603 authorized to pay student teachers during their internships.

3604 (a) All instructors in postsecondary teacher preparation
3605 programs who instruct or supervise preservice field experience
3606 courses or internships shall have at least one of the following:
3607 specialized training in clinical supervision; a valid
3608 professional teaching certificate pursuant to ss. 1012.56 and
3609 1012.585; or at least 3 years of successful teaching experience
3610 in prekindergarten through grade 12.

3611 (b) All school district personnel and instructional
3612 personnel who supervise or direct teacher preparation students
3613 during field experience courses or internships must have
3614 evidence of "clinical educator" training and must successfully
3615 demonstrate effective classroom management strategies that
3616 consistently result in improved student performance. The State
3617 Board of Education shall approve the training requirements.

3618 (c) Preservice field experience programs must provide
3619 specific guidance and demonstration of effective classroom
3620 management strategies, strategies for incorporating technology
3621 into classroom instruction, strategies for incorporating
3622 scientifically researched, knowledge-based reading literacy and
3623 computational skills acquisition into classroom instruction, and
3624 ways to link instructional plans to the Sunshine State
3625 Standards, as appropriate. The length of structured field
3626 experiences may be extended to ensure that candidates achieve
3627 the competencies needed to meet certification requirements.

3628 (d) Postsecondary teacher preparation programs in
3629 cooperation with district school boards and approved private
3630 school associations shall select the school sites for preservice

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3631 field experience activities. These sites must represent the full
3632 spectrum of school communities, including, but not limited to,
3633 schools located in urban settings. In order to be selected,
3634 school sites must demonstrate commitment to the education of
3635 public school students and to the preparation of future
3636 teachers.

3637 (7)~~(6)~~ STANDARDS OF EXCELLENCE.--The State Board of
3638 Education shall approve standards of excellence for teacher
3639 preparation. These standards must exceed the requirements for
3640 program approval pursuant to subsection (4) ~~(3)~~ and must
3641 incorporate state and national recommendations for exemplary
3642 teacher preparation programs.

3643 (8)~~(7)~~ NATIONAL BOARD STANDARDS.--The State Board of
3644 Education shall review standards and recommendations developed
3645 by the National Board for Professional Teaching Standards and
3646 may incorporate those parts deemed appropriate into criteria for
3647 continued state program approval, standards of excellence, and
3648 requirements for inservice education.

3649 (9)~~(8)~~ COMMUNITY COLLEGES.--To the extent practical,
3650 postsecondary educational institutions offering teacher
3651 preparation programs shall establish articulation agreements on
3652 a core of liberal arts courses and introductory professional
3653 courses with field experience components which shall be offered
3654 at community colleges.

3655 (10)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT
3656 PROGRAMS.--State universities and community colleges may
3657 establish preteacher education and teacher education pilot
3658 programs to encourage promising minority students to prepare for
3659 a career in education. These pilot programs shall be designed to

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3660 recruit and provide additional academic, clinical, and
3661 counseling support for students whom the institution judges to
3662 be potentially successful teacher education candidates, but who
3663 may not meet teacher education program admission standards.
3664 Priority consideration shall be given to those pilot programs
3665 that are jointly submitted by community colleges and state
3666 universities.

3667 (a) These pilot programs shall be approved by the State
3668 Board of Education and shall be designed to provide help and
3669 support for program participants during the preteacher education
3670 period of general academic preparation at a community college or
3671 state university and during professional preparation in a state-
3672 approved teacher education program. Emphasis shall be placed on
3673 development of the basic skills needed by successful teachers.

3674 (b) State universities and community colleges may admit
3675 into the pilot program those incoming students who demonstrate
3676 an interest in teaching as a career, but who may not meet the
3677 requirements for entrance into an approved teacher education
3678 program.

3679 1. Flexibility may be given to colleges of education to
3680 develop and market innovative teacher training programs directed
3681 at specific target groups such as graduates from the colleges of
3682 arts and sciences, employed education paraprofessionals,
3683 substitute teachers, early federal retirees, and nontraditional
3684 college students. Programs must be submitted to the State Board
3685 of Education for approval.

3686 2. Academically successful graduates in the fields of
3687 liberal arts and science may be encouraged to embark upon a
3688 career in education.

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3689 3. Models may be developed to provide a positive initial
3690 experience in teaching in order to encourage retention. Priority
3691 should be given to models that encourage minority graduates.

3692 (c) In order to be certified, a graduate from a pilot
3693 program shall meet all requirements for teacher certification
3694 specified by s. 1012.56. Should a graduate of a pilot program
3695 not meet the requirements of s. 1012.56, that person shall not
3696 be included in the calculations required by paragraph ~~(5)(4)~~(a)
3697 and State Board of Education rules for continued program
3698 approval, or in the statutes used by the State Board of
3699 Education in deciding which teacher education programs to
3700 approve.

3701 (d) Institutions participating in the pilot program shall
3702 submit an annual report evaluating the success of the program to
3703 the Commissioner of Education by March 1 of each year. The
3704 report shall include, at a minimum, ~~contain, but shall not be~~
3705 ~~limited to:~~ the number of pilot program participants, including
3706 the number participating in general education and the number
3707 admitted to approved teacher education programs, the number of
3708 pilot program graduates, and the number of pilot program
3709 graduates who met the requirements of s. 1012.56. The
3710 commissioner shall consider the number of participants
3711 recruited, the number of graduates, and the number of graduates
3712 successfully meeting the requirements of s. 1012.56 reported by
3713 each institution, and shall make an annual recommendation to the
3714 State Board of Education regarding the institution's continued
3715 participation in the pilot program.

3716 ~~(11)(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-
3717 ACHIEVING STUDENTS.--Pilot teacher preparation programs may

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3718 shall be established at any college or university that has a
3719 state board approved teacher preparation program ~~the University~~
3720 ~~of Central Florida, the University of North Florida, and the~~
3721 ~~University of South Florida~~. These programs shall include a
3722 year-long paid teaching assignment and competency-based learning
3723 experiences and shall be designed to encourage high-achieving
3724 students, as identified by the institution, to pursue a career
3725 in education. Priority consideration shall be given to students
3726 obtaining academic degrees in mathematics, science, engineering,
3727 reading, or identified critical shortage areas. Students chosen
3728 to participate in the pilot programs shall agree to teach for at
3729 least 3 years ~~1 year~~ after they receive their degrees. Criteria
3730 for identifying high-achieving students shall be developed by
3731 the institution and shall include, at a minimum, requirements
3732 that the student have a 3.3 grade point average or above and
3733 that the student has demonstrated mastery of general knowledge
3734 pursuant to s. 1012.56. The year-long paid teaching assignment
3735 shall begin after completion of the equivalent of 3 years of the
3736 state university teacher preparation program.

3737 (a) Each pilot program shall be designed to include:

3738 1. A year-long paid teaching assignment at a low-
3739 performing ~~specified~~ school site during the fourth year of the
3740 state university teacher preparation program, which includes
3741 intense supervision by a support team trained in clinical
3742 education. The support team shall include a state university
3743 supervisor and experienced school-based mentors. A mentor
3744 teacher shall be assigned to each fourth year employed teacher
3745 to implement an individualized learning plan. This mentor
3746 teacher will be considered an adjunct professor for purposes of

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3747 this program and may receive credit for time spent as a mentor
3748 teacher in the program. The mentor teacher must have a master's
3749 degree or above, a minimum of 3 years of teaching experience,
3750 and clinical education training or certification by the National
3751 Board ~~for~~ of Professional Teaching Standards. Experiences and
3752 instruction may be delivered by other mentors, assigned
3753 teachers, professors, individualized learning, and
3754 demonstrations. Students in this paid teaching assignment shall
3755 assume full responsibility of all teaching duties.

3756 2. Professional education curriculum requirements that
3757 address the educator-accomplished practices and other
3758 competencies specified in state board rule.

3759 3. A modified instructional delivery system that provides
3760 onsite training during the paid teaching assignment in the
3761 professional education areas and competencies specified in this
3762 subsection. The institutions participating in this pilot program
3763 shall be given a waiver to provide a modified instructional
3764 delivery system meeting criteria that allows earned credit
3765 through nontraditional approaches. The modified system may
3766 provide for an initial evaluation of the candidate's
3767 competencies to determine an appropriate individualized
3768 professional development plan and may provide for earned credit
3769 by:

3770 a. Internet learning and competency acquisition.

3771 b. Learning acquired by observing demonstrations and being
3772 observed in application.

3773 c. Independent study or instruction by mentor teachers or
3774 adjunct teachers.

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3775 4. Satisfactory demonstration of the educator-accomplished
3776 practices and content area competencies for program completion.

3777 5. For program completion, required achievement of passing
3778 scores on all tests required for certification by State Board of
3779 Education rules.

3780 (b) Beginning in July 2003, each institution participating
3781 in the pilot program shall submit to the Commissioner of
3782 Education an annual report evaluating the effectiveness of the
3783 program. The report shall include, but shall not be limited to,
3784 the number of students selected for the pilot program, the
3785 number of students successfully completing the pilot program,
3786 the number of program participants who passed all required
3787 examinations, the number of program participants who
3788 successfully demonstrated all required competencies, and a
3789 follow-up study to determine the number of pilot program
3790 completers who were employed in a teaching position and
3791 employers' satisfaction with the performance of pilot program
3792 completers based on student performance.

3793 (c) This subsection shall be implemented to the extent
3794 specifically funded in the General Appropriations Act.

3795 ~~(12)~~ ~~(11)~~ RULES.--The State Board of Education shall adopt
3796 necessary rules pursuant to ss. 120.536(1) and 120.54 to
3797 implement this section.

3798 Section 49. Subsection (1) of section 1006.08, Florida
3799 Statutes, is amended to read:

3800 1006.08 District school superintendent duties relating to
3801 student discipline and school safety.--

3802 (1) The district school superintendent shall recommend
3803 plans to the district school board for the proper accounting for

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3804 all students of school age, for the attendance and control of
3805 students at school, and for the proper attention to health,
3806 safety, and other matters which will best promote the welfare of
3807 students. Each district school superintendent should fully
3808 support the authority of principals, teachers, according to s.
3809 1003.32, and school bus drivers to remove disobedient,
3810 disrespectful, violent, abusive, uncontrollable, or disruptive
3811 students from the classroom and the school bus and, when
3812 appropriate and available, to place such students in an
3813 alternative educational setting. When the district school
3814 superintendent makes a recommendation for expulsion to the
3815 district school board, he or she shall give written notice to
3816 the student and the student's parent of the recommendation,
3817 setting forth the charges against the student and advising the
3818 student and his or her parent of the student's right to due
3819 process as prescribed by ss. 120.569 and 120.57(2). When
3820 district school board action on a recommendation for the
3821 expulsion of a student is pending, the district school
3822 superintendent may extend the suspension assigned by the
3823 principal beyond 10 school days if such suspension period
3824 expires before the next regular or special meeting of the
3825 district school board.

3826 Section 50. Paragraph (a) of subsection (1) of section
3827 1006.09, Florida Statutes, is amended to read:

3828 1006.09 Duties of school principal relating to student
3829 discipline and school safety.--

3830 (1)(a) Subject to law and to the rules of the State Board
3831 of Education and the district school board, the principal in
3832 charge of the school or the principal's designee shall develop

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3833 policies for delegating to any teacher or other member of the
3834 instructional staff or to any bus driver transporting students
3835 of the school responsibility for the control and direction of
3836 students. Each school principal should fully support the
3837 authority of teachers, according to s. 1003.32, and school bus
3838 drivers to remove disobedient, disrespectful, violent, abusive,
3839 uncontrollable, or disruptive students from the classroom and
3840 the school bus and, when appropriate and available, place such
3841 students in an alternative educational setting. The principal or
3842 the principal's designee must give full consideration to ~~shall~~
3843 ~~consider~~ the recommendation for discipline made by a teacher,
3844 other member of the instructional staff, or a bus driver when
3845 making a decision regarding student referral for discipline.

3846 Section 51. Section 1009.59, Florida Statutes, is amended
3847 to read:

3848 1009.59 ~~Critical Teacher Shortage~~ Student Loan
3849 Reimbursement Forgiveness Program.--

3850 (1) The ~~Critical Teacher Shortage~~ Student Loan
3851 Reimbursement Forgiveness Program is established to encourage
3852 qualified personnel with undergraduate or graduate degrees in
3853 mathematics, science, engineering, reading, or State Board of
3854 Education designated critical teacher shortage areas to seek
3855 employment as teachers in Florida's publicly funded schools in
3856 subject areas in which critical teacher shortages exist, as
3857 identified annually by the State Board of Education. The primary
3858 purpose function of the program is to enhance the quality of
3859 Florida's teacher workforce by making ~~make~~ repayments toward
3860 loans received by the selected students from federal programs or
3861 commercial lending institutions for the support of postsecondary

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3862 education study. Repayments are intended to be made to qualified
3863 applicants with undergraduate or graduate degrees in
3864 mathematics, science, engineering, reading, or State Board of
3865 Education designated critical teacher shortage areas ~~who begin~~
3866 ~~teaching for the first time in designated subject areas,~~ and who
3867 apply during their first full year of teaching in a publicly
3868 funded school in Florida as certified teachers in these subject
3869 areas. Repayment shall be prorated if a teacher teaches at least
3870 90 days during the first year of teaching.

3871 (2) From the funds available, the Department of Education
3872 may make loan principal repayments on behalf of persons with
3873 degrees in mathematics, science, engineering, reading, or state
3874 board designated critical teacher shortage areas who are
3875 certified to teach in Florida public schools. The repayments may
3876 be made as follows:

3877 (a) Up to \$1,500 the first year the person is employed as
3878 a teacher in a publicly funded school in Florida ~~\$2,500 a year~~
3879 ~~for up to 4 years on behalf of selected graduates of state-~~
3880 ~~approved undergraduate postsecondary teacher preparation~~
3881 ~~programs, persons certified to teach pursuant to any applicable~~
3882 ~~teacher certification requirements, or selected teacher~~
3883 ~~preparation graduates from any state participating in the~~
3884 ~~Interstate Agreement on the Qualification of Educational~~
3885 ~~Personnel.~~

3886 (b) Up to \$2,500 for the second year the person is
3887 employed as a teacher in a publicly funded school in Florida
3888 ~~\$5,000 a year for up to 2 years on behalf of selected graduates~~
3889 ~~of state-approved graduate postsecondary teacher preparation~~
3890 ~~programs, persons with graduate degrees certified to teach~~

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3891 ~~pursuant to any applicable teacher certification requirements,~~
3892 ~~or selected teacher preparation graduates from any state~~
3893 ~~participating in the Interstate Agreement on the Qualification~~
3894 ~~of Educational Personnel.~~

3895 (c) Up to \$3,500 for the third year the person is employed
3896 as a teacher in a publicly funded school in Florida.

3897 (d) Up to \$4,500 for the fourth year and each subsequent
3898 year, up to a maximum of 10 years, the person is employed as a
3899 teacher in a publicly funded school in Florida.

3900 (e)(e) All repayments shall be contingent on continued
3901 proof of satisfactory employment in a teacher position the
3902 designated subject areas in a publicly funded school in this
3903 state and shall be made directly to the holder of the loan or
3904 the applicant. The state shall not bear responsibility for the
3905 collection of any interest charges or other remaining balance.
3906 ~~In the event that designated critical teacher shortage subject~~
3907 ~~areas are changed by the State Board of Education, A teacher~~
3908 ~~shall continue to be eligible for loan reimbursement in~~
3909 ~~accordance with paragraphs (a)-(d) for up to the maximum of 10~~
3910 ~~years if forgiveness as long as he or she continues to teach in~~
3911 ~~a subject area or in a critical shortage area pursuant to this~~
3912 ~~section at a publicly funded school in Florida in the subject~~
3913 ~~area for which the original loan repayment was made and~~
3914 ~~otherwise meets all conditions of eligibility.~~

3915 (3) Students receiving a state scholarship loan or a
3916 fellowship loan are not eligible to participate in the ~~Critical~~
3917 ~~Teacher Shortage Student Loan Reimbursement Forgiveness~~ Program.

3918 (4) The Department of Education must advertise the
3919 availability of this program and must advise school districts,

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3920 postsecondary educational institutions, and the public of the
3921 criteria and application procedures.

3922 (5)(4) The State Board of Education may adopt rules
3923 pursuant to ss. 120.536(1) and 120.54 necessary for the
3924 administration of this program.

3925 (6)(5) This section shall be implemented only to the
3926 extent as specifically funded and authorized by law.

3927 Section 52. Section 1009.591, Florida Statutes, is created
3928 to read:

3929 1009.591 Teaching Fellows Program.--There is created the
3930 Teaching Fellows Program to encourage graduate students in
3931 mathematics, science, or engineering disciplines or state board
3932 designated critical teacher shortage areas to enter the teaching
3933 profession in public schools in Florida. The program shall be
3934 administered by the Department of Education.

3935 (1) The Teaching Fellows Program shall provide an annual
3936 stipend of \$5,000 for each approved teaching fellow who is
3937 enrolled full-time in one of Florida's public or private
3938 universities in a graduate program in a mathematics, science, or
3939 engineering discipline or a state board designated critical
3940 teacher shortage area and commits to teach in a publicly funded
3941 school in Florida for 5 consecutive years immediately following
3942 completion of the graduate program.

3943 (2) It is the intent of the Legislature that the total
3944 amount appropriated annually for the program be sufficient to
3945 provide 200 teaching fellows with stipends of \$5,000 per year
3946 and to provide a \$5,000 signing bonus to each fellow upon
3947 initial employment as a teacher in a Florida public school
3948 graded "A," "B," or "C," or a \$10,000 signing bonus upon

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3949 employment in a Florida public school graded "D" or "F" with
3950 \$5,000 at initial employment and \$5,000 upon completion of the
3951 first year of teaching.

3952 (3) A teaching fellow may receive a stipend from the
3953 program for up to 4 consecutive years if the teaching fellow
3954 remains enrolled full-time in an eligible program and makes
3955 satisfactory progress toward a graduate degree in a program in a
3956 mathematics, science, or engineering discipline or a state board
3957 designated critical teacher shortage area.

3958 (4) A teaching fellow who receives a stipend pursuant to
3959 this section and attends a state university shall also receive a
3960 waiver of tuition and out-of-state fees, if applicable, at that
3961 university.

3962 (5) If a teaching fellow graduates and is employed
3963 following graduation as a teacher in a publicly funded school in
3964 Florida for 5 consecutive years, the teaching fellow is not
3965 required to repay the amount received as stipends, bonus, or
3966 tuition and fee waivers pursuant to this program.

3967 (6) If a teaching fellow does not obtain a graduate degree
3968 within 4 years, or if the teaching fellow graduates but does not
3969 teach in a publicly funded school in Florida for 5 consecutive
3970 years following graduation, the teaching fellow must repay the
3971 Department of Education, on a schedule to be determined by the
3972 department, the total amount awarded for stipends, bonus, and
3973 tuition and fee waivers received pursuant to this program plus
3974 annual interest of 8 percent accruing from the date of the
3975 scholarship payment. Moneys repaid shall be deposited into the
3976 State Student Financial Assistance Trust Fund established in s.
3977 1010.73. However, the department may provide additional time for

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3978 repayment if the department finds that circumstances beyond the
3979 control of the recipient caused or contributed to default on the
3980 repayment.

3981 (7) Recipients under this program are not eligible to
3982 participate in the Teacher Student Loan Reimbursement Program.

3983 (8) The department must advertise the availability of this
3984 program and advise school districts, postsecondary educational
3985 institutions, and the public of the criteria and application
3986 procedures.

3987 (9) The State Board of Education may adopt rules pursuant
3988 to ss. 120.536(1) and 120.54 necessary for the administration of
3989 this program.

3990 (10) This section shall be implemented only to the extent
3991 as specifically funded and authorized by law.

3992 Section 53. Section 1011.63, Florida Statutes, is created
3993 to read:

3994 1011.63 Better educated students and teachers (BEST)
3995 Florida teaching categorical fund for salary career ladder;
3996 performance pay reserve fund bonuses.--

3997 (1) There is created a categorical fund to fund a salary
3998 career ladder for teacher salary levels pursuant to s.
3999 1012.231(2). To access this fund, school districts must first
4000 comply with the requirements of s. 1003.03(2) and (3) and also
4001 comply with the requirements of s. 1012.22(1)(c)4. by rewarding
4002 each of their classroom teachers in the "career teacher"
4003 category, pursuant to s. 1012.231(2)(b), whose students
4004 demonstrate more than a year's worth of learning in 1 year as
4005 measured by the FCAT or local assessment in accordance with s.

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4006 1008.22(3) or (7) with an annual performance bonus pursuant to
4007 paragraph (2)(b).

4008 (2)(a) Beginning with the 2003-2004 academic year,
4009 categorical funds for BEST Florida teaching shall be allocated
4010 annually to each school district based on each school district's
4011 proportionate share of full-time K-12 classroom teachers. These
4012 funds shall be in addition to the funds appropriated on the
4013 basis of full-time equivalent student membership in the Florida
4014 Education Finance Program and shall be included in the total
4015 potential funds of each school district. These funds shall be
4016 used only to fund a salary career ladder for teacher salary
4017 levels pursuant to s. 1012.231(2).

4018 (b) Each district school board shall also use a portion of
4019 its performance pay reserve funds required pursuant to s.
4020 1012.22(1)(c)4. to provide BEST Florida teaching bonuses of up
4021 to \$3,000 to each full-time K-12 classroom teacher in the
4022 "career teacher" category, pursuant to s. 1012.231(2)(b), whose
4023 students demonstrate more than a year's worth of learning in 1
4024 year as measured by the FCAT or local assessment in accordance
4025 with s. 1008.22(3) or (7).

4026 (3) A school district that has satisfied the requirements
4027 of subsections (1) and (2) and the requirements of s. 1003.03(2)
4028 and (3) may use the funds for any lawful operating expenditure;
4029 however, priority should be given to increasing the salary of
4030 career teachers as defined in s. 1012.231(2)(b).

4031 (4) To be eligible for categorical funds, each district
4032 school superintendent shall submit to the Commissioner of
4033 Education, and receive the commissioner's approval of:

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4034 (a) A plan detailing the school district's salary career
4035 ladder for teacher salary levels.

4036 (b) A plan detailing the school district's methodology for
4037 selecting the teachers in the "career teacher" category,
4038 pursuant to s. 1012.231(2)(b), who will receive the performance
4039 bonuses and how it will use a portion of its performance pay
4040 reserve funds required by s. 1012.22(1)(c)4. to fund the
4041 bonuses.

4042 (5) Any teacher in the "career teacher" category, pursuant
4043 to s. 1012.231(2)(b), who receives a performance bonus 2 years
4044 in a 4-year period shall be considered for promotion to "lead
4045 teacher" pursuant to s. 1012.231(2)(c).

4046 Section 54. Section 1012.05, Florida Statutes, is amended
4047 to read:

4048 1012.05 Teacher recruitment and retention.--

4049 (1) The Department of Education, in cooperation with
4050 teacher organizations, district personnel offices, and schools,
4051 colleges, and departments of all education~~in public and~~
4052 ~~nonpublic postsecondary educational institutions~~, shall
4053 concentrate on the recruitment of qualified teachers.

4054 (2) The Department of Education shall:

4055 (a) Develop and implement a system for posting teaching
4056 vacancies and establish a database of teacher applicants that is
4057 accessible within and outside the state.

4058 (b) Advertise in major newspapers, national professional
4059 publications, and other professional publications and in public
4060 and nonpublic postsecondary educational institutions ~~schools of~~
4061 ~~education.~~

4062 (c) Utilize state and nationwide toll-free numbers.

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- 4063 (d) Conduct periodic communications with district
4064 personnel directors regarding applicants.
- 4065 (e) Provide district access to the applicant database by
4066 computer or telephone.
- 4067 (f) Develop and distribute promotional materials related
4068 to teaching as a career.
- 4069 (g) Publish and distribute information pertaining to
4070 employment opportunities, application procedures, and all routes
4071 toward teacher certification in Florida, and teacher salaries.
- 4072 (h) Provide information related to certification
4073 procedures.
- 4074 (i) Develop and sponsor the Florida Future Educator of
4075 America Program throughout the state.
- 4076 (j) Develop, in consultation with school district staff
4077 including, but not limited to, district school superintendents,
4078 district school board members, and district human resources
4079 personnel, a long-range plan for educator recruitment and
4080 retention.
- 4081 (k) Identify best practices for retaining high-quality
4082 teachers.
- 4083 (l) Develop, in consultation with Workforce Florida, Inc.,
4084 and the Agency for Workforce Innovation, created pursuant to ss.
4085 445.004 and 20.50, respectively, a plan for accessing and
4086 identifying available resources in the state's workforce system
4087 for the purpose of enhancing teacher recruitment and retention.
- 4088 (m) Develop and implement a First Response Center to
4089 provide educator candidates one-stop shopping for information on
4090 teaching careers in Florida and establish the Teacher Lifeline

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4091 Network to provide on-line support to beginning teachers and
4092 those needing assistance.

4093 (3) The Department of Education, in cooperation with
4094 district personnel offices, shall sponsor a job fair in a
4095 central part of the state to match in-state educators and
4096 potential educators and out-of-state educators and potential
4097 educators with teaching opportunities in this state.

4098 (4) Subject to proviso in the General Appropriations Act,
4099 the Commissioner of Education may use funds appropriated by the
4100 Legislature and funds from federal grants and other sources to
4101 provide incentives for teacher recruitment and preparation
4102 programs. The purpose of the use of such funds is to recruit and
4103 prepare individuals who do not graduate from state-approved
4104 teacher preparation programs to teach in a Florida public
4105 school. The commissioner may contract with entities other than,
4106 and including, approved teacher preparation programs to provide
4107 intensive teacher training leading to passage of the required
4108 certification exams for the desired subject area or coverage.
4109 The commissioner shall survey school districts to evaluate the
4110 effectiveness of such programs.

4111 Section 55. Section 1012.231, Florida Statutes, is created
4112 to read:

4113 1012.231 Teacher compensation; assignment of teachers.--

4114 (1) MINIMUM SALARY.--Beginning with the 2003-2004 academic
4115 year, each district school board shall develop, and shall
4116 present to the State Board of Education by June 30, 2004, a
4117 plan, to be implemented beginning with the 2004-2005 academic
4118 year, for minimum compensation of full-time classroom teachers
4119 at no less than the amount of \$31,000, in 2003 dollars, indexed

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4120 to the Consumer Price Index thereafter, pursuant to legislative
4121 appropriations. The plan shall provide for phased-in incremental
4122 implementation that maintains separation between years of
4123 service for each differentiated classroom teacher category as
4124 required pursuant to subsection (2). Beginning with the 2004-
4125 2005 academic year, this minimum beginning salary shall be
4126 considered a statewide minimum standard similar to minimum
4127 number of school days, designation of duties of instructional
4128 personnel, and minimum certification standards and, as such,
4129 shall not be subject to collective bargaining under chapter 447.

4130 (2) SALARY CAREER LADDER FOR CLASSROOM

4131 TEACHERS.--Beginning with the 2003-2004 academic year, each
4132 district school board shall use its share of the BEST Florida
4133 teaching categorical to fund a salary career ladder for
4134 classroom teachers, with the highest salary level based on
4135 outstanding performance and assignment of additional duties.
4136 Performance shall be defined as designated in s.
4137 1012.34(3)(a)1.-7. and shall also include local assessments as
4138 required by s. 1008.22(7) to determine student learning gains in
4139 grades and classes not measured by the FCAT. District school
4140 boards shall designate categories of classroom teachers
4141 reflecting these salary career levels as follows:

4142 (a) Associate Teacher.--Classroom teachers who have not
4143 yet fully validated all essential teaching competencies,
4144 including the educator-accomplished practices as established in
4145 State Board of Education rule, who have not qualified through
4146 reciprocal certification options identified in s. 1012.56, or
4147 who are low-performing teachers. The district school board is

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4148 authorized to demote any chronically low-performing teacher to
4149 associate teacher.

4150 (b) Career Teacher.--Classroom teachers who have fully
4151 validated all essential teaching competencies, including the
4152 educator-accomplished practices as established in State Board of
4153 Education rule, or who have qualified through reciprocal
4154 certification options identified in s. 1012.56.

4155 (c) Lead Teacher.--The highest performing 5 percent of
4156 classroom teachers in the school district, after mentor
4157 teachers, who have demonstrated outstanding performance as
4158 evidenced by improved student achievement and who are
4159 responsible for leading others in the school as department
4160 chair, lead teacher, grade-level leader, intern coordinator, or
4161 professional development coordinator. Lead teachers must
4162 participate on a regular basis in the direct instruction of
4163 students and serve as faculty for professional development
4164 activities as determined by the State Board of Education. Lead
4165 teachers shall be paid an additional annual salary of \$5,000.

4166 (d) Mentor Teacher.--The highest performing 3 percent of
4167 classroom teachers in the school district who have demonstrated
4168 sustained outstanding performance as evidenced by improved
4169 student achievement and other factors as defined by the State
4170 Board of Education and who serve as regular mentors to other
4171 teachers who are either not performing satisfactorily or who
4172 strive to become more proficient. Mentor teachers must serve as
4173 faculty-based professional development coordinators and
4174 regularly demonstrate and share their expertise with other
4175 teachers in order to remain mentor teachers. Mentor teachers
4176 must also participate on a regular basis in the direct

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4177 instruction of low-performing students. Mentor teachers shall be
4178 paid an additional annual salary of \$10,000.

4179 (3) TEACHER ASSIGNMENT.--School districts may not assign a
4180 higher percentage than the school district average of first-time
4181 teachers, temporarily certified teachers, teachers in need of
4182 improvement, or out-of-field teachers to schools with above the
4183 school district average of minority and economically
4184 disadvantaged students or schools that are graded "D" or "F."
4185 District school boards are authorized to provide salary
4186 incentives to meet this requirement. No district school board
4187 shall sign a collective bargaining agreement that fails to
4188 provide sufficient incentives to meet this requirement.

4189 Section 56. Section 1012.27, Florida Statutes, is amended
4190 to read:

4191 1012.27 Public school personnel; powers and duties of
4192 district school superintendent.--The district school
4193 superintendent is ~~shall be~~ responsible, ~~as required herein,~~ for
4194 directing the work of the personnel, subject to the requirements
4195 of this chapter, and in addition the district school
4196 superintendent shall perform ~~have~~ the following ~~duties~~:

4197 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

4198 (a) Recommend to the district school board duties and
4199 responsibilities which need to be performed and positions which
4200 need to be filled to make possible the development of an
4201 adequate school program in the district. Beginning with the
4202 2003-2004 academic year, this recommendation shall provide for
4203 clerical personnel or volunteers who are not classroom teachers
4204 to assist teachers in noninstructional activities, including
4205 performing paperwork and recordkeeping duties. However, a

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4206 teacher shall remain responsible for all instructional
4207 activities and for classroom management and grading student
4208 performance.

4209 (b) Recommend minimum qualifications of personnel for
4210 these various positions, and nominate in writing persons to fill
4211 such positions.

4212
4213 The district school superintendent's recommendations for filling
4214 instructional positions at the school level must consider
4215 nominations received from school principals of the respective
4216 schools. Before transferring a teacher who holds a professional
4217 teaching certificate from one school to another, the district
4218 school superintendent shall consult with the principal of the
4219 receiving school and allow the principal to review the teacher's
4220 records and interview the teacher. If, in the judgment of the
4221 principal, students would not benefit from the placement, an
4222 alternative placement may be sought.

4223 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
4224 recommend to the district school board for adoption a salary
4225 schedule or salary schedules. The district school superintendent
4226 must recommend a salary schedule for instructional personnel
4227 which bases a portion of each employee's compensation on
4228 performance demonstrated under s. 1012.34. In developing the
4229 recommended salary schedule, the district school superintendent
4230 shall include input from parents, teachers, and representatives
4231 of the business community. Beginning with the 2003-2004 academic
4232 year, the recommended salary schedule for classroom teachers
4233 shall be consistent with the requirements of s. 1012.231.

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4234 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the
4235 district school board terms for contracting with employees and
4236 prepare such contracts as are approved.

4237 (4) TRANSFER.--Recommend employees for transfer and
4238 transfer any employee during any emergency and report the
4239 transfer to the district school board at its next regular
4240 meeting.

4241 (5) SUSPENSION AND DISMISSAL.--Suspend members of the
4242 instructional staff and other school employees during
4243 emergencies for a period extending to and including the day of
4244 the next regular or special meeting of the district school board
4245 and notify the district school board immediately of such
4246 suspension. When authorized to do so, serve notice on the
4247 suspended member of the instructional staff of charges made
4248 against him or her and of the date of hearing. Recommend
4249 employees for dismissal under the terms prescribed herein.

4250 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE
4251 INSTRUCTION.--Direct or arrange for the proper direction and
4252 improvement, under rules of the district school board, of the
4253 work of all members of the instructional staff and other
4254 employees of the district school system, supervise or arrange
4255 under rules of the district school board for the supervision of
4256 instruction in the district, and take such steps as are
4257 necessary to bring about continuous improvement.

4258 Section 57. Subsections (3) and (4) of section 1012.28,
4259 Florida Statutes, are amended to read:

4260 1012.28 Public school personnel; duties of school
4261 principals.--

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4262 (3) Each school principal is responsible for the
4263 performance of all personnel employed by the district school
4264 board and assigned to the school to which the principal is
4265 assigned. The school principal shall faithfully and effectively
4266 apply the personnel assessment system approved by the district
4267 school board pursuant to s. 1012.34 and, beginning with the
4268 2003-2004 academic year, s. 1012.231.

4269 (4) Each school principal shall assist the teachers within
4270 the school to use student assessment data, as measured by
4271 student learning gains pursuant to s. 1008.22, for self-
4272 evaluation. Each school principal shall also ensure that
4273 clerical personnel or volunteers who are not classroom teachers
4274 assist teachers in noninstructional activities, including
4275 performing paperwork and recordkeeping duties.

4276 Section 58. Paragraph (a) of subsection (1), subsection
4277 (2), and paragraph (a) of subsection (3) of section 1012.585,
4278 Florida Statutes, are amended to read:

4279 1012.585 Process for renewal of professional
4280 certificates.--

4281 (1)(a) District school boards ~~in this state~~ shall renew
4282 state-issued professional certificates as follows:

4283 1. Each district school board shall renew state-issued
4284 professional certificates for individuals who hold a state-
4285 issued professional certificate ~~by this state~~ and are employed
4286 by that district pursuant to criteria established in subsections
4287 (2), (3), and (4) and rules of the State Board of Education.

4288 2. The employing school district may charge the individual
4289 an application fee not to exceed the amount charged by the
4290 Department of Education for such services, including associated

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4291 late renewal fees. Each district school board shall transmit
4292 monthly to the department a fee in an amount established by the
4293 State Board of Education for each renewed certificate. The fee
4294 shall not exceed the actual cost for maintenance and operation
4295 of the statewide certification database and for the actual costs
4296 incurred in printing and mailing such renewed certificates. As
4297 defined in current rules of the state board, the department
4298 shall contribute a portion of such fee for purposes of funding
4299 the Educator Recovery Network established in s. 1012.798. The
4300 department shall deposit all funds into the Educational
4301 Certification Trust Fund for use as specified in s. 1012.59.

4302 (2)(a) All professional certificates, except a
4303 nonrenewable professional certificate, shall be renewable for
4304 successive periods not to exceed 5 years after the date of
4305 submission of documentation of completion of the requirements
4306 for renewal provided in subsection (3). Only one renewal may be
4307 granted during each 5-year validity period of a professional
4308 certificate.

4309 (b) A teacher with national certification from the
4310 National Board for Professional Teaching Standards is deemed to
4311 meet state renewal requirements for the life of the teacher's
4312 national certificate in the subject shown on the national
4313 certificate. A complete renewal application and fee shall be
4314 submitted. The Commissioner of Education shall notify teachers
4315 of the renewal application and fee requirements.

4316 (c) As authorized by State Board of Education rule, a
4317 teacher with a valid certificate issued by the American Board
4318 for Certification of Teacher Excellence is deemed to meet state
4319 renewal requirements for the life of the teacher's American

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4320 Board certificate in the subject shown on the American Board
4321 certificate. A complete renewal application and fee shall be
4322 submitted.

4323 (d)(e) If the renewal application form is not received by
4324 the department or by the employing school district before the
4325 expiration of the professional certificate, the application
4326 form, application fee, and a late fee must be submitted before
4327 July 1 of the year following expiration of the certificate in
4328 order to renew the professional certificate.

4329 (e)(d) The State Board of Education shall adopt rules to
4330 allow a 1-year extension of the validity period of a
4331 professional certificate in the event of serious illness,
4332 injury, or other extraordinary extenuating circumstances of the
4333 applicant. The department shall grant such 1-year extension upon
4334 written request by the applicant or by the district school
4335 superintendent or the governing authority of a university lab
4336 school, state-supported school, or private school that employs
4337 the applicant.

4338 (3) For the renewal of a professional certificate, the
4339 following requirements must be met:

4340 (a) The applicant must earn a minimum of 6 college credits
4341 or 120 inservice points or a combination thereof. For each area
4342 of specialization to be retained on a certificate, the applicant
4343 must earn at least 3 of the required credit hours or equivalent
4344 inservice points in the specialization area. Education in
4345 "clinical educator" training pursuant to s. 1004.04(6)(b)
4346 1004.04(5)(b) and credits or points that provide training in the
4347 area of scientifically researched, knowledge-based reading
4348 literacy and computational skills acquisition, exceptional

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4349 student education, normal child development, and the disorders
4350 of development may be applied toward any specialization area.
4351 Credits or points that provide training in the areas of drug
4352 abuse, child abuse and neglect, strategies in teaching students
4353 having limited proficiency in English, or dropout prevention, or
4354 training in areas identified in the educational goals and
4355 performance standards adopted pursuant to ss. 1000.03(5) and
4356 1001.23 may be applied toward any specialization area. Credits
4357 or points earned through approved summer institutes may be
4358 applied toward the fulfillment of these requirements. Inservice
4359 points may also be earned by participation in professional
4360 growth components approved by the State Board of Education and
4361 specified pursuant to s. 1012.98 in the district's approved
4362 master plan for inservice educational training, including, but
4363 not limited to, serving as a trainer in an approved teacher
4364 training activity, serving on an instructional materials
4365 committee or a state board or commission that deals with
4366 educational issues, or serving on an advisory council created
4367 pursuant to s. 1001.452.

4368 Section 59. Section 1012.586, Florida Statutes, is created
4369 to read:

4370 1012.586 Additions or changes to certificates; duplicate
4371 certificates.--A school district may process via a Department of
4372 Education website certificates for the following applications of
4373 public school employees:

4374 (1) Addition of a subject coverage or endorsement to a
4375 valid Florida certificate on the basis of the completion of the
4376 appropriate subject area testing requirements of s.
4377 1012.56(4)(a) or the completion of the requirements of an

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4378 approved school district program or the inservice components for
4379 an endorsement.

4380 (2) A reissued certificate to reflect a name change.

4381 (3) A duplicate certificate to replace a lost or damaged
4382 certificate.

4383

4384 The employing school district shall charge the employee a fee
4385 not to exceed the amount charged by the Department of Education
4386 for such services. Each district school board shall retain a
4387 portion of the fee as defined in the rules of the State Board of
4388 Education. The portion sent to the department shall be used for
4389 maintenance of the technology system, the web application, and
4390 posting and mailing of the certificate.

4391 Section 60. Subsections (1) and (2) and paragraph (a) of
4392 subsection (3) of section 1012.72, Florida Statutes, are amended
4393 to read:

4394 1012.72 Dale Hickam Excellent Teaching Program.--

4395 (1) The Legislature recognizes that teachers play a
4396 critical role in preparing students to achieve the high levels
4397 of academic performance expected by the Sunshine State Standards
4398 ~~and. The Legislature further recognizes the importance of~~
4399 ~~identifying and rewarding teaching excellence and of encouraging~~
4400 ~~good teachers to become excellent teachers. The Legislature~~
4401 ~~finds that the National Board of Professional Teaching Standards~~
4402 ~~(NBPTS) has established high and rigorous standards for~~
4403 ~~accomplished teaching and has developed a national voluntary~~
4404 ~~system for assessing and certifying teachers who demonstrate~~
4405 ~~teaching excellence by meeting those standards. It is therefore~~
4406 the Legislature's intent to provide incentives for teachers to

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4407 seek national NBPTS certification and to reward teachers who
4408 demonstrate teaching excellence by attaining national NBPTS
4409 certification and sharing their expertise with students and
4410 other teachers. Contingent upon approval by the State Board of
4411 Education, the incentives and privileges extended to the
4412 National Board for Professional Teaching Standards (NBPTS) and
4413 to a teacher who holds a valid certificate issued by the NBPTS
4414 shall be extended to the American Board for Certification of
4415 Teacher Excellence (ABCTE) and to a teacher who holds a valid
4416 Master Teacher Certificate issued by the ABCTE.

4417 (2) The Dale Hickam Excellent Teaching Program is created
4418 to provide categorical funding for monetary incentives and
4419 bonuses for teaching excellence. The Department of Education
4420 shall distribute to each school district or to the NBPTS, or to
4421 the ABCTE if approved by the State Board of Education, an amount
4422 as prescribed annually by the Legislature for the Dale Hickam
4423 Excellent Teaching Program. For purposes of this section, the
4424 Florida School for the Deaf and the Blind shall be considered a
4425 school district. Unless otherwise provided in the General
4426 Appropriations Act, each distribution shall be the sum of the
4427 amounts earned for the following incentives and bonuses:

4428 (a) A fee subsidy to be paid by the Department of
4429 Education to the NBPTS, or to the ABCTE if approved by the State
4430 Board of Education, on behalf of each individual who is an
4431 employee of a district school board or a public school within
4432 the school district, who is certified by the district to have
4433 demonstrated satisfactory teaching performance pursuant to s.
4434 1012.34 and who satisfies the prerequisites for participating in
4435 the NBPTS certification program, or the ABCTE master teacher

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4436 certification program if approved by the State Board of
4437 Education, and who agrees, in writing, to pay 10 percent of the
4438 NBPTS or ABCTE participation fee and to participate in the NBPTS
4439 certification program, or the ABCTE master teacher certification
4440 program if approved by the State Board of Education, during the
4441 school year for which the fee subsidy is provided. The fee
4442 subsidy for each eligible participant shall be an amount equal
4443 to 90 percent of the fee charged for participating in the ~~NBPTS~~
4444 certification program. The fee subsidy is a one-time award and
4445 may not be duplicated for any individual.

4446 (b) A portfolio-preparation incentive of \$150 paid by the
4447 Department of Education to each teacher employed by a district
4448 school board or a public school within a school district who is
4449 participating in the NBPTS certification program, or the ABCTE
4450 master teacher certification program if approved by the State
4451 Board of Education. The portfolio-preparation incentive is a
4452 one-time award paid during the school year for which the ~~NBPTS~~
4453 fee subsidy is provided.

4454 (c) An annual bonus equal to 10 percent of the prior
4455 fiscal year's statewide average salary for classroom teachers to
4456 be distributed to the school district to be paid to each
4457 individual who holds NBPTS certification, or ABCTE master
4458 teacher certification if approved by the State Board of
4459 Education, and is employed by the district school board or by a
4460 public school within the school district. The district school
4461 board shall distribute the annual bonus to each individual who
4462 meets the requirements of this paragraph and who is certified
4463 annually by the district to have demonstrated satisfactory
4464 teaching performance pursuant to s. 1012.34. The annual bonus

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4465 may be paid as a single payment or divided into not more than
4466 three payments.

4467 (d) An annual bonus equal to 10 percent of the prior
4468 fiscal year's statewide average salary for classroom teachers to
4469 be distributed to the school district to be paid to each
4470 individual who meets the requirements of paragraph (c) and
4471 agrees, in writing, to provide the equivalent of 12 workdays of
4472 mentoring and related services to beginning public school
4473 teachers or teachers in low-performing schools within the state
4474 who do not hold NBPTS certification or ABCTE certification if
4475 approved by the State Board of Education. The district school
4476 board shall distribute the annual bonus in a single payment
4477 following the completion of all required mentoring and related
4478 services for the year. It is not the intent of the Legislature
4479 to remove excellent teachers from their assigned classrooms;
4480 therefore, credit may not be granted by a school district or
4481 public school for mentoring or related services provided during
4482 student contact time during the 196 days of required service for
4483 the school year.

4484
4485 Beginning with the 2003-2004 academic year, annual bonuses
4486 pursuant to this section shall be limited to teachers who
4487 demonstrate outstanding student performance in accordance with
4488 s. 1012.34(3)(a)1.-7. and who also demonstrate significant
4489 successful efforts in mentoring other teachers, including
4490 beginning teachers or those in need of assistance. A teacher for
4491 whom the state pays the certification fee and who does not
4492 complete the certification program or does not teach in a public
4493 school of this state for at least 1 year after completing the

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4494 certification program must repay the amount of the certification
4495 fee to the state. However, a teacher who completes the
4496 certification program but fails to be awarded NBPTS
4497 certification, or ABCTE master teacher certification if approved
4498 by the State Board of Education, is not required to repay the
4499 amount of the certification fee if the teacher meets the 1-year
4500 teaching requirement. Repayment is not required of a teacher who
4501 does not complete the certification program or fails to fulfill
4502 the teaching requirement because of the teacher's death or
4503 disability or because of other extenuating circumstances as
4504 determined by the State Board of Education.

4505 (3)(a) In addition to any other remedy available under the
4506 law, any person who is a recipient of a certification fee
4507 subsidy paid to the NBPTS, or the ABCTE if approved by the State
4508 Board of Education, and who is an employee of the state or any
4509 of its political subdivisions is considered to have consented,
4510 as a condition of employment, to the voluntary or involuntary
4511 withholding of wages to repay to the state the amount of such a
4512 certification fee subsidy awarded under this section. Any such
4513 employee who defaults on the repayment of such a certification
4514 fee subsidy must, within 60 days after service of a notice of
4515 default by the Department of Education to the employee,
4516 establish a repayment schedule which must be agreed to by the
4517 department and the employee, for repaying the defaulted sum
4518 through payroll deductions. The department may not require the
4519 employee to pay more than 10 percent of the employee's pay per
4520 pay period under such a repayment schedule or plan. If the
4521 employee fails to establish a repayment schedule within the
4522 specified period of time or fails to meet the terms and

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4523 conditions of the agreed upon or approved repayment schedule as
4524 authorized by this subsection, the employee has breached an
4525 essential condition of employment and is considered to have
4526 consented to the involuntary withholding of wages or salary for
4527 the repayment of the certification fee subsidy.

4528 Section 61. Section 1012.73, Florida Statutes, is
4529 repealed.

4530 Section 62. Subsection (2), paragraph (b) of subsection
4531 (3), and subsections (5) through (11) of section 1012.98,
4532 Florida Statutes, are amended to read:

4533 1012.98 School Community Professional Development Act.--

4534 (2) The school community includes students and parents,
4535 administrative personnel, managers, instructional personnel,
4536 support personnel, members of district school boards, members of
4537 school advisory councils, ~~parents,~~ business partners, and
4538 personnel that provide health and social services to students
4539 ~~school children. School districts may identify and include~~
4540 ~~additional members of the school community in the professional~~
4541 ~~development activities required by this section.~~

4542 (3) The activities designed to implement this section
4543 must:

4544 (b) Assist the school community in providing stimulating,
4545 scientifically research-based educational activities that
4546 encourage and motivate students to achieve at the highest levels
4547 and to become active learners.

4548 ~~(5)(a) The Department of Education shall provide a system~~
4549 ~~for the recruitment, preparation, and professional development~~
4550 ~~of school administrative personnel. This system shall:~~

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4551 ~~1. Identify the knowledge, competencies, and skills~~
4552 ~~necessary for effective school management and instructional~~
4553 ~~leadership that align with student performance standards and~~
4554 ~~accountability measures.~~

4555 ~~2. Include performance evaluation methods.~~

4556 ~~3. Provide for alternate means for preparation of school~~
4557 ~~administrative personnel which may include programs designed by~~
4558 ~~school districts and postsecondary educational institutions~~
4559 ~~pursuant to guidelines developed by the commissioner. Such~~
4560 ~~preparation programs shall be approved by the Department of~~
4561 ~~Education.~~

4562 ~~4. Provide for the hiring of qualified out-of-state school~~
4563 ~~administrative personnel.~~

4564 ~~5. Provide advanced educational opportunities for school-~~
4565 ~~based instructional leaders.~~

4566 ~~(b) The Commissioner of Education shall appoint a task~~
4567 ~~force that includes a district school superintendent, a district~~
4568 ~~school board member, a principal, an assistant principal, a~~
4569 ~~teacher, a dean of a college of education, and parents. The task~~
4570 ~~force shall convene periodically to provide recommendations to~~
4571 ~~the department in the areas of recruitment, certification,~~
4572 ~~preparation, professional development, and evaluation of school~~
4573 ~~administrators.~~

4574 ~~(5)(6)~~ Each district school board shall provide funding
4575 for the professional development system as required by s.
4576 1011.62 and the General Appropriations Act, and shall direct
4577 expenditures from other funding sources to strengthen the system
4578 and make it uniform and coherent. A school district may
4579 coordinate its professional development program with that of

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4580 another district, with an educational consortium, or with a
4581 community college or university, especially in preparing and
4582 educating personnel. Each district school board shall make
4583 available inservice activities to instructional personnel of
4584 nonpublic schools in the district and the state certified
4585 teachers who are not employed by the district school board on a
4586 fee basis not to exceed the cost of the activity per all
4587 participants.

4588 ~~(6)~~(7) An organization of private schools which has no
4589 fewer than 10 member schools in this state, which publishes and
4590 files with the Department of Education copies of its standards,
4591 and the member schools of which comply with the provisions of
4592 part II of chapter 1003, relating to compulsory school
4593 attendance, may also develop a professional development system
4594 that includes a master plan for inservice activities. The system
4595 and inservice plan must be submitted to the commissioner for
4596 approval pursuant to rules of the State Board of Education.

4597 ~~(7)~~(8) The Department of Education shall design methods by
4598 which the state and district school boards may evaluate and
4599 improve the professional development system. The evaluation must
4600 include an annual assessment of data that indicate progress or
4601 lack of progress of all students. If the review of the data
4602 indicates progress, the department shall identify the best
4603 practices that contributed to the progress. If the review of the
4604 data indicates a lack of progress, the department shall
4605 investigate the causes of the lack of progress, provide
4606 technical assistance, and require the school district to employ
4607 a different approach to professional development. The department
4608 shall report annually to the State Board of Education and the

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4609 Legislature any school district that, in the determination of
4610 the department, has failed to provide an adequate professional
4611 development system. This report must include the results of the
4612 department's investigation and of any intervention provided.

4613 ~~(8)(9)~~ The State Board of Education may adopt rules
4614 pursuant to ss. 120.536(1) and 120.54 to administer this
4615 section.

4616 ~~(9)(10)~~ This section does not limit or discourage a
4617 district school board from contracting with independent entities
4618 for professional development services and inservice education if
4619 the district school board can demonstrate to the Commissioner of
4620 Education believes that, through such a contract, a better
4621 product can be acquired or its goals for education improvement
4622 can be better met.

4623 ~~(10)(11)~~ For teachers, managers, and administrative
4624 personnel who have been evaluated as less than satisfactory, a
4625 district school board shall require participation in specific
4626 professional development programs as part of the improvement
4627 prescription.

4628 Section 63. Section 1012.987, Florida Statutes, is created
4629 to read:

4630 1012.987 Education leadership development.--

4631 (1) The State Board of Education shall adopt rules through
4632 which school principals may earn a principal leadership
4633 designation based on teacher retention, overall student
4634 performance, and school grade. The State Board of Education must
4635 designate incentives available to personnel who earn a principal
4636 leadership designation, including, but not limited to, merit
4637 pay, expanded discretionary spending flexibility, relaxed

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4638 regulation or reporting requirements, additional professional
4639 development resources, and public recognition.

4640 (2)(a) The Department of Education shall provide a system
4641 for the recruitment, preparation, and education leadership
4642 development of school administrative personnel. This system
4643 shall be based on standards adopted by the State Board of
4644 Education that include, but are not limited to:

4645 1. Improved student achievement.

4646 2. Increased emphasis on reading using the latest
4647 scientific knowledge-based research in reading and the
4648 administrator's role as a successful school leader in reading
4649 reform efforts.

4650 3. Instructional leadership.

4651 4. Data analysis.

4652 5. School safety.

4653 6. Community and family involvement.

4654 7. Operational management.

4655 8. School finance.

4656 (b) Each education leadership development program must
4657 provide all program participants full information on not less
4658 than an annual basis to update the participants on the status
4659 of, and rationale for changes to, state and federal law and
4660 funding policies.

4661 (c) Education leadership development programs must be
4662 consistent with standards adopted by the State Board of
4663 Education and must be approved by the department.

4664 (d) Alternative education leadership development programs
4665 that meet the standards of, and are approved by, the Department

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4666 of Education may be offered by a school district or
4667 postsecondary educational institution.

4668 (e) The Commissioner of Education may conduct K-20
4669 education leadership institutes for the purpose of communicating
4670 the state's education priorities, best practices, and other
4671 related research and facilitating the formation of a K-20
4672 partnership.

4673 Section 64. Notwithstanding any provision of law to the
4674 contrary, when a school is graded "F" or receives a second
4675 consecutive grade of "D," the elected district school
4676 superintendent, or if the district school superintendent is
4677 appointed, the district school board, may request the
4678 resignation of the school principal and teachers.

4679 Section 65. Each district school board shall review and
4680 consider amending any collective bargaining contract that may
4681 hinder the implementation of any provision of this act.

4682 Section 66. The Commissioner of Education shall conduct en
4683 electronic mail or other survey of the classroom teachers in
4684 each school district at the end of the 2003-2004 academic year
4685 to determine whether the teachers received improved support from
4686 their district school board, superintendent, and principal for
4687 paperwork reduction and classroom discipline and shall use the
4688 enforcement authority of s. 1008.32, Florida Statutes, as
4689 appropriate, to ensure compliance with better educated students
4690 and teachers (BEST) Florida teaching.

4691 Section 67. Paragraph (a) of subsection (22) of section
4692 121.021, Florida Statutes, is amended to read:

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4693 121.021 Definitions.--The following words and phrases as
4694 used in this chapter have the respective meanings set forth
4695 unless a different meaning is plainly required by the context:

4696 (22) "Compensation" means the monthly salary paid a
4697 member by his or her employer for work performed arising from
4698 that employment.

4699 (a) Compensation shall include:

4700 1. Overtime payments paid from a salary fund.

4701 2. Accumulated annual leave payments.

4702 3. Payments in addition to the employee's base rate of
4703 pay if all the following apply:

4704 a. The payments are paid according to a formal written
4705 policy that applies to all eligible employees equally;

4706 b. The policy provides that payments shall commence no
4707 later than the 11th year of employment;

4708 c. The payments are paid for as long as the employee
4709 continues his or her employment; and

4710 d. The payments are paid at least annually.

4711 4. Amounts withheld for tax sheltered annuities or
4712 deferred compensation programs, or any other type of salary
4713 reduction plan authorized under the Internal Revenue Code.

4714 5. Payments made in lieu of a permanent increase in the
4715 base rate of pay, whether made annually or in 12 or 26 equal
4716 payments within a 12-month period, when the member's base pay
4717 is at the maximum of his or her pay range. When a portion of a
4718 member's annual increase raises his or her pay range and the
4719 excess is paid as a lump sum payment, such lump sum payment
4720 shall be compensation for retirement purposes.

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4721 6. Effective July 1, 2002, salary supplements made
4722 pursuant to s. ss. 1012.73 and 1012.72 requiring a valid
4723 ~~National Board for Professional Standards certificate or~~
4724 ~~equivalent status as provided in s. 1012.73(3)(e)5.~~,
4725 notwithstanding the provisions of subparagraph 3.

4726 Section 68. Paragraph (b) of subsection (1) of section
4727 1013.35, Florida Statutes, is amended to read:

4728 1013.35 School district educational facilities plan;
4729 definitions; preparation, adoption, and amendment; long-term
4730 work programs.--

4731 (1) DEFINITIONS.--As used in this section, the term:

4732 (b) "District facilities work program" means the 5-year
4733 listing of capital outlay projects adopted by the district
4734 school board as provided in subparagraph (2)(a)2. and paragraph
4735 (2)(b) as part of the district educational facilities plan,
4736 which is required in order to:

4737 1. Properly maintain the educational plant and ancillary
4738 facilities of the district.

4739 2. Provide an adequate number of satisfactory student
4740 stations for the projected student enrollment of the district in
4741 K-12 programs ~~in accordance with the goal in s. 1013.21.~~

4742 Section 69. Subsection (5) is added to section 1013.45,
4743 Florida Statutes, to read:

4744 1013.45 Educational facilities contracting and
4745 construction techniques.--

4746 (5) In order to ensure that the construction of new and
4747 expanded educational facilities provides public school students
4748 with the best long-term value for classrooms, a district school
4749 board must consider, as part of the selection criteria for

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4750 awarding facility contracts, a life cycle cost analysis of
4751 building materials when constructing or expanding school
4752 capacity. The analysis shall include the annualized anticipated
4753 energy consumption, the relative resistance of structural
4754 components to damage by wind loads and associated debris, the
4755 resistance of the structural components to wood-destroying
4756 organisms, a comparison of the perpetual maintenance costs, the
4757 resistance of the structural components to fire, and a
4758 comparison of the annual costs of providing insurance. District
4759 school boards may rely on the information provided by the
4760 contractor if the contractor's analysis is based upon the best
4761 currently available methods, including those of the National
4762 Institute of Standards and Technology, the United States
4763 Department of Housing and Urban Development, other federal or
4764 state agencies, or technical or professional societies.

4765 Section 70. Paragraph (b) of subsection (1) of section
4766 1009.531, Florida Statutes, is amended to read:

4767 1009.531 Florida Bright Futures Scholarship Program;
4768 student eligibility requirements for initial awards.--

4769 (1) To be eligible for an initial award from any of the
4770 three types of scholarships under the Florida Bright Futures
4771 Scholarship Program, a student must:

4772 (b) Earn a standard Florida high school diploma or its
4773 equivalent as described in s. 1003.429, s. 1003.43, or s.
4774 1003.435 ~~1003.45~~ unless:

4775 1. The student is enrolled full time in the early
4776 admission program of an eligible postsecondary education
4777 institution or completes a home education program according to
4778 s. 1002.41; or

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4779 2. The student earns a high school diploma from a non-
4780 Florida school while living with a parent or guardian who is on
4781 military or public service assignment away from Florida.

4782 Section 71. From the funds appropriated in Specific
4783 Appropriation 58D for BEST Florida teaching, \$1,076,500 is
4784 hereby authorized for fiscal year 2003-2004 for the Teaching
4785 Fellows Program established in s. 1009.591, Florida Statutes.

4786 Section 72. If any provision of this act or its
4787 application to any person or circumstance is held invalid, the
4788 invalidity does not affect other provisions or applications of
4789 the act which can be given effect without the invalid provision
4790 or application, and to this end the provisions of this act are
4791 severable.

4792 Section 73. Except as otherwise provided herein, this act
4793 shall take effect July 1, 2003.

4794
4795
4796 ===== T I T L E A M E N D M E N T =====

4797 Remove the entire title, and insert:
4798 A bill to be entitled
4799 An act relating to quality education; providing a popular
4800 name; amending s. 1003.01, F.S.; defining the terms "core-
4801 curricula courses" and "extracurricular courses"; amending
4802 s. 1003.03, F.S.; providing legislative intent;
4803 establishing the constitutional class size maximums;
4804 providing for the determination of averages; requiring the
4805 Department of Education to calculate averages based upon
4806 student membership surveys; providing implementation
4807 options for school districts; providing accountability for

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4808 the class size reduction measures; creating s. 1011.685,
4809 F.S.; establishing an operating categorical fund for
4810 implementing class size reduction; providing for use of
4811 the funds by school districts; authorizing use of capital
4812 outlay millage; requiring reports; creating s. 1013.735,
4813 F.S.; establishing the Class Size Reduction Infrastructure
4814 Program; providing for the allocation of funds; providing
4815 requirements for district participation; providing for the
4816 use of the funds; creating s. 1013.736, F.S.; establishing
4817 the District Effort Recognition Program; providing
4818 eligibility for school district participation; providing
4819 for allocation and distribution of funds; creating s.
4820 1013.737, F.S.; establishing the Class Size Reduction
4821 Lottery Revenue Bond Program; authorizing issuance of
4822 revenue bonds to finance or refinance the construction,
4823 acquisition, reconstruction, or renovation of educational
4824 facilities; amending s. 24.121, F.S.; removing limitations
4825 on lottery revenues that may be pledged to the payment of
4826 debt service; amending s. 121.091, F.S.; authorizing
4827 instructional and administrative personnel who receive
4828 authorization to extend participation in the Deferred
4829 Retirement Option Program on an annual contractual basis;
4830 amending s. 1001.42, F.S.; eliminating a cross reference
4831 to small schools; creating s. 1002.395, F.S.; providing
4832 for Florida Learning Access Grants; providing obligations
4833 of school districts, parents, and the Department of
4834 Education; providing private school eligibility
4835 requirements; creating s. 1002.396, F.S.; providing for
4836 kindergarten grants; providing obligations of parents and

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4837 the Department of Education; providing private
4838 kindergarten eligibility requirements; creating s.
4839 1002.397, F.S.; providing for K-8 virtual school grants;
4840 providing obligations of students, parents, and the
4841 Department of Education; providing K-8 virtual school
4842 eligibility requirements; amending s. 220.187, F.S.;
4843 expanding and revising the corporate income tax credit
4844 scholarship program; amending s. 1002.20, F.S., relating
4845 to parent and student rights, to conform to changes made
4846 by the act; amending s. 1002.33, F.S.; removing the cap on
4847 the number of charter schools authorized in school
4848 districts; correcting cross references; amending s.
4849 1002.41, F.S.; correcting a cross reference; amending s.
4850 1003.02, F.S.; requiring school districts to notify
4851 parents of acceleration mechanisms; eliminating a cross
4852 reference to conform to changes made by the act; creating
4853 s. 1003.429, F.S.; providing options for accelerated high
4854 school graduation; providing for a 3-year standard college
4855 preparatory program and a 3-year career preparatory
4856 program; amending s. 1003.43, F.S.; including parenting
4857 skills in the life management skills course; removing
4858 requirement that the life management skills course be
4859 taken in certain grades; amending s. 1003.436, F.S.;
4860 reducing the number of hours required for one full credit;
4861 amending s. 1007.261, F.S.; revising credit requirements
4862 for admission to state universities; amending s. 1007.27,
4863 F.S.; requiring notification to students and parents of
4864 acceleration opportunities; authorizing the State Board of
4865 Education to adopt rules concerning articulated

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4866 acceleration mechanisms; requiring the State Board of
4867 Education to review and report on the use of acceleration
4868 mechanisms and grading practices, including the weighting
4869 of courses, for credit and admission; amending s. 1003.62,
4870 F.S.; deleting provisions relating to the charter school
4871 district pilot program; providing for establishment of
4872 academic performance-based charter school districts;
4873 providing for eligibility and exemption from statutes and
4874 rules; requiring annual reports; including a grandfather
4875 provision for certain pilot program charter school
4876 districts; amending s. 1011.62, F.S.; removing a date
4877 limitation to provide for categorical flexibility;
4878 providing for advertisement and reporting; amending s.
4879 1011.68, F.S.; correcting a cross reference; amending s.
4880 1011.69, F.S.; deleting obsolete provisions; revising
4881 equity in school-level funding provisions; providing that
4882 class size reduction operating categorical funds are not
4883 subject to provisions requiring equity in school-level
4884 funding; amending s. 1012.56, F.S.; revising the time
4885 period for which an official statement of status of
4886 eligibility for certification is valid; revising
4887 requirements for mastery of general knowledge, mastery of
4888 subject area knowledge, and mastery of professional
4889 preparation and education competence; revising provisions
4890 relating to temporary certificates; amending s. 1012.57,
4891 F.S.; requiring district school boards to adopt rules to
4892 allow for the issuance of adjunct teaching certificates;
4893 revising provisions relating to determination of expertise
4894 in the subject area to be taught; amending s. 1013.03,

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4895 F.S.; requiring the Department of Education to review
4896 rules relating to school construction and make
4897 recommendations to the State Board of Education; amending
4898 s. 1013.31, F.S.; requiring school districts to
4899 periodically update the inventory of educational
4900 facilities; amending s. 1002.37, F.S.; revising priorities
4901 of the Florida Virtual School; providing that certain
4902 funds are internal funds; authorizing supplemental support
4903 organizations; revising administrative responsibilities
4904 regarding funding and reporting requirements for the board
4905 of trustees of the Florida Virtual School; authorizing
4906 franchise agreements; providing for funding the Florida
4907 Virtual School within the Florida Education Finance
4908 Program; providing for funding based on credit completion;
4909 providing a calculation; eliminating obsolete provisions;
4910 amending s. 1011.61, F.S.; revising definition of "full-
4911 time equivalent student" to include a Florida Virtual
4912 School student; providing for membership to exceed certain
4913 maximum days of instruction; amending s. 1013.64, F.S.;
4914 revising provisions relating to determination of
4915 allocations to school districts from the Public Education
4916 Capital Outlay and Debt Service Trust Fund; revising
4917 provisions relating to the costs per student station;
4918 authorizing a school district to exceed cost per student
4919 station requirements under certain circumstances;
4920 requiring reports; repealing ss. 1007.261(2), 1012.41,
4921 1013.21, and 1013.43, F.S., relating to credit
4922 requirements, employment of directors of career and
4923 technical education, reduction of relocatable facilities

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4924 in use, and the small school requirement; amending s.
4925 216.292, F.S.; requiring the Executive Office of the
4926 Governor to transfer funds for class size reduction based
4927 on recommendations of the Florida Education Finance
4928 Program Appropriation Allocation Conference; requiring
4929 notice and review; creating s. 1000.041, F.S.; providing
4930 legislative purposes and guiding principles for BEST
4931 Florida teaching; amending s. 1001.33, F.S.; requiring
4932 cooperation to apply such guiding principles; amending s.
4933 1001.42, F.S.; requiring district school boards to provide
4934 clerical personnel or volunteers to assist teachers in
4935 noninstructional activities; requiring school district
4936 support of authority; amending ss. 1001.51 and 1001.54,
4937 F.S.; providing for cooperation and support of district
4938 school superintendents and school principals; amending s.
4939 1002.20, F.S.; providing student rights with respect to
4940 classroom orderliness; amending s. 1002.42, F.S.;
4941 correcting a cross reference; amending s. 1003.04, F.S.;
4942 requiring specified student conduct; requiring parental
4943 cooperation with school authority; amending s. 1003.31,
4944 F.S.; providing for support of the authority of teachers
4945 and bus drivers; amending s. 1003.32, F.S.; revising
4946 provisions relating to teacher authority and
4947 responsibility for control of students; designating a
4948 school placement review committee to determine placement
4949 for disruptive students; requiring reports; requiring
4950 Commissioner of Education review of success in achieving
4951 orderly classrooms and use of enforcement actions;
4952 requiring reporting of knowledge or belief of crimes of

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4953 violence on school property; providing immunity; amending
4954 s. 1004.04, F.S.; revising provisions relating to state
4955 approval of teacher preparation programs; expanding State
4956 Board of Education rules establishing core curricula;
4957 requiring teacher preparation programs to incorporate
4958 certain instruction; providing for guarantee; providing
4959 for additional teacher training under certain
4960 circumstances; authorizing pay for student teacher
4961 internships; providing priority consideration for
4962 participation in teacher education pilot programs;
4963 amending ss. 1006.08 and 1006.09, F.S.; providing for
4964 district school superintendent and school principal
4965 support relating to student discipline; amending s.
4966 1009.59, F.S.; renaming and revising eligibility criteria
4967 and loan reimbursement of the Critical Teacher Shortage
4968 Student Loan Forgiveness Program; creating s. 1009.591,
4969 F.S.; creating the Teaching Fellows Program to encourage
4970 certain graduate students to enter the teaching
4971 profession; providing for stipends, signing bonuses upon
4972 employment, and waiver of tuition and fees under certain
4973 circumstances; providing repayment requirements; creating
4974 s. 1011.63, F.S.; creating a categorical fund for a salary
4975 career ladder; providing requirements to access funds;
4976 providing for allocation to school districts and use of
4977 funds; amending s. 1012.05, F.S.; requiring the Department
4978 of Education to provide for one-stop shopping for teacher
4979 career information and on-line support; authorizing use of
4980 funds to recruit and prepare teachers; creating s.
4981 1012.231, F.S.; requiring district school board plans for

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4982 compensation of classroom teachers; providing for funding
4983 teacher salary career ladders based on performance;
4984 providing requirements and incentives relating to teacher
4985 assignments; amending ss. 1012.27 and 1012.28, F.S.;
4986 providing duties of district school superintendents and
4987 school principals; amending s. 1012.585, F.S.; revising
4988 certain requirements for renewal of professional
4989 certificates; correcting a cross reference; creating s.
4990 1012.586, F.S.; authorizing school districts to process
4991 certain applications via website; providing for a fee and
4992 the uses thereof; amending s. 1012.72, F.S.; expanding the
4993 Dale Hickam Excellent Teaching program to provide
4994 incentives for teachers who seek or are issued certain
4995 certification by the American Board for Certification of
4996 Teacher Excellence; restricting bonuses to certain
4997 teachers; repealing s. 1012.73, F.S., relating to the
4998 mentor teacher pilot program; amending s. 1012.98, F.S.;
4999 revising provisions relating to the School Community
5000 Professional Development Act; deleting provisions relating
5001 to recruitment, preparation, and professional development
5002 of school administrative personnel; creating s. 1012.987,
5003 F.S.; authorizing a principal leadership designation and
5004 incentives therefor; requiring a system for recruitment,
5005 preparation, and education leadership development of
5006 school administrative personnel; authorizing request of
5007 resignation of a school principal and teachers under
5008 certain circumstances; requiring district school boards to
5009 review and consider amending certain collective bargaining
5010 contracts; requiring the Commissioner of Education to

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5011 conduct a survey of classroom teachers; amending ss.
5012 121.021 and 1013.35, F.S.; correcting cross references;
5013 amending s. 1013.45, F.S.; requiring a life cycle analysis
5014 when constructing or expanding educational facilities;
5015 amending s. 1009.531, F.S.; conforming provisions to
5016 changes made by the act and correcting a cross reference;
5017 authorizing an appropriation for the Teaching Fellows
5018 Program; providing for severability; providing effective
5019 dates.

5020
5021 WHEREAS, in 1998, the voters approved an amendment to
5022 Section 1, Article IX of the State Constitution that required
5023 the Legislature to establish by law a uniform, efficient, safe,
5024 secure, and high-quality system of free public schools that
5025 allows students to obtain a high-quality education, and

5026 WHEREAS, in 2002, the voters of Florida approved a further
5027 amendment to Section 1, Article IX of the State Constitution to
5028 assure that students obtain a high-quality education, and

5029 WHEREAS, the voters defined a high-quality education as, by
5030 2010, a prekindergarten through grade 3 core-curricula class
5031 size of no more than 18 students assigned to a teacher, a grade
5032 4 through grade 8 core-curricula class size of no more than 22
5033 students assigned to a teacher, and a grade 9 through grade 12
5034 core-curricula class size of no more than 25 students assigned
5035 to a teacher, and

5036 WHEREAS, the Legislature finds that a high-quality
5037 education cannot be achieved solely by small class sizes but
5038 also requires well-educated, well-trained, well-compensated, and
5039 effective classroom teachers and school administrators who

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5040 maintain orderly, disciplined classrooms conducive to student
5041 learning, and

5042 WHEREAS, Section 1, Article IX of the State Constitution
5043 requires that reduced class sizes be accomplished through a
5044 system that is both efficient and uniform, and

5045 WHEREAS, the constitutional principle of efficiency
5046 includes the school districts' use of their facilities,
5047 teachers, and other resources in the most efficient manner, and

5048 WHEREAS, the Florida Supreme Court, in considering the
5049 provisions of Amendment 9 to Section 1, Article IX of the State
5050 Constitution, found that "rather than restricting the
5051 Legislature, the proposed amendment gives the Legislature
5052 latitude in designing ways to reach the class size goal
5053 articulated in the ballot initiative, and places the obligation
5054 to ensure compliance on the Legislature," and

5055 WHEREAS, the Legislature has chosen to focus on teacher
5056 quality and student achievement, provide clarity of goals,
5057 safeguard the efficient use of public funds, allow flexibility
5058 to reach those goals, recognize issues relating to both
5059 efficiency and equity of implementation, and require
5060 accountability to meet the standards set forth in the State
5061 Constitution, NOW, THEREFORE,

5062

5063