

Bill No. CS for CS for SB 1436 & CS for SB 1646

Amendment No. ____ Barcode 653694

CHAMBER ACTION

Senate

House

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Senators Constantine and Carlton moved the following **amendment**
to House amendment (483919):

Senate Amendment (with title amendment)

On page 1, line 16 through page 178, line 509 delete
those lines

and insert:

Section 1. 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" mean courses defined by
the Department of Education as mathematics, language
arts/reading, science, social studies, foreign language,
English for Speakers of Other Languages, exceptional student
education, and courses taught in traditional self-contained
elementary school classrooms. The term is limited in meaning
and used for the sole purpose of designating classes that are
subject to the maximum class size requirements established in
s. 1, art. IX of the State Constitution.

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1 (15) "Extracurricular courses" means all courses that
2 are not defined as "core-curricula courses," which may
3 include, but are not limited to, physical education, fine
4 arts, performing fine arts, vocational education, and career
5 and technical education. The term is limited in meaning and
6 used for the sole purpose of designating classes that are not
7 subject to the maximum class size requirements established in
8 s. 1, Art. IX of the State Constitution.

9 Section 2. Section 1003.03, Florida Statutes, is
10 amended to read:

11 (Substantial rewording of section. See
12 s. 1003.03, F.S., for present text.)
13 1003.03 Maximum class size.--

14 (1) CONSTITUTIONAL CLASS SIZE MAXIMUM.--Pursuant to s.
15 1, Art. IX of the State Constitution, beginning in the
16 2010-2011 school year:

17 (a) The maximum number of students assigned to each
18 teacher who is teaching core-curricula courses in public
19 school classrooms for prekindergarten through grade 3 may not
20 exceed 18 students.

21 (b) The maximum number of students assigned to each
22 teacher who is teaching core-curricula courses in public
23 school classrooms for grades 4 through 8 may not exceed 22
24 students.

25 (c) The maximum number of students assigned to each
26 teacher who is teaching core-curricula courses in public
27 school classrooms for grades 9 through 12 may not exceed 25
28 students.

29 (2) IMPLEMENTATION.--

30 (a) Beginning with the 2003-2004 fiscal year, each
31 school district that is not in compliance with the maximums in

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1 subsection (1) shall reduce the average number of students per
2 classroom in each of the following grade groupings:
3 prekindergarten through grade 3, grade 4 through grade 8, and
4 grade 9 through grade 12, by at least two students each year.

5 (b) Determination of the number of students per
6 classroom in paragraph (a) shall be calculated as follows:

7 1. For fiscal years 2003-2004 through 2005-2006, the
8 calculation for compliance for each of the 3 grade groupings
9 shall be the average at the district level.

10 2. For fiscal years 2006-2007 through 2007-2008, the
11 calculation for compliance for each of the 3 grade groupings
12 shall be the average at the school level.

13 3. For fiscal years 2008-2009, 2009-2010, and
14 thereafter, the calculation for compliance shall be at the
15 individual classroom level.

16 (c) The Department of Education shall annually
17 calculate each of the three average class size measures
18 defined in paragraphs (a) and (b) based upon the October
19 student membership survey. For purposes of determining the
20 baseline from which each district's average class size must be
21 reduced for the 2003-2004 school year, the department shall
22 use data from the February 2003 student membership survey
23 updated to include classroom identification numbers as
24 required by the department.

25 (d) Prior to the adoption of the district school
26 budget for 2004-2005, each district school board shall hold
27 public hearings to review school attendance zones in order to
28 ensure maximum use of facilities while minimizing the
29 additional use of transportation in order to comply with the
30 two-student-per-year reduction required in paragraph (a).

31 School districts that meet the constitutional class size

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1 maximum described in subsection (1) are exempt from this
2 requirement.

3 (3) IMPLEMENTATION OPTIONS.--District school boards
4 must consider, but are not limited to, implementing the
5 following items in order to meet the constitutional class size
6 maximum described in subsection (1) and the
7 two-student-per-year reduction required in subsection (2):

8 (a) Adopt policies to encourage qualified students to
9 take dual enrollment courses.

10 (b) Adopt policies to encourage students to take
11 courses from the Florida Virtual School.

12 (c)1. Repeal district school board policies that
13 require students to have more than 24 credits to graduate from
14 high school.

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

18 (d) Use methods to maximize use of instructional
19 staff, such as changing required teaching loads and scheduling
20 of planning periods, deploying district employees that have
21 professional certification to the classroom, using adjunct
22 educators, or any other method not prohibited by law.

23 (e) Use innovative methods to reduce the cost of
24 school construction by using prototype school designs, using
25 SMART Schools designs, participating in the School
26 Infrastructure Thrift Program, or any other method not
27 prohibited by law.

28 (f) Use joint-use facilities through partnerships with
29 community colleges, state universities, and private colleges
30 and universities. Joint-use facilities available for use as
31 K-12 classrooms that do not meet the K-12 State Regulations

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1 for Educational Facilities in the Florida Building Code may be
2 used at the discretion of the district school board provided
3 that such facilities meet all other health, life, safety, and
4 fire codes.

5 (g) Adopt alternative methods of class scheduling,
6 such as block scheduling.

7 (h) Redraw school attendance zones to maximize use of
8 facilities while minimizing the additional use of
9 transportation.

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

13 (j) Use year-round schools and other nontraditional
14 calendars that do not adversely impact annual assessment of
15 student achievement.

16 (k) Review and consider amending any collective
17 bargaining contracts that hinder the implementation of class
18 size reduction.

19 (l) Use any other approach not prohibited by law.

20 (4) ACCOUNTABILITY.--

21 (a) Beginning in the 2003-2004 fiscal year, if the
22 department determines for any year that a school district has
23 not reduced average class size as required in subsection (2)
24 at the time of the third FEFP calculation, the department
25 shall calculate an amount from the class size reduction
26 operating categorical which is proportionate to the amount of
27 class size reduction not accomplished. Upon verification of
28 the department's calculation by the Florida Education Finance
29 Program Appropriation Allocation Conference, the Executive
30 Office of the Governor shall transfer undistributed funds
31 equivalent to the calculated amount from the district's class

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1 size reduction operating categorical to an approved fixed
2 capital outlay appropriation for class size reduction in the
3 affected district pursuant to s. 216.292(13). The amount of
4 funds transferred shall be the lesser of the amount verified
5 by the Florida Education Finance Program Appropriation
6 Allocation Conference or the undistributed balance of the
7 district's class size reduction operating categorical.
8 However, based upon a recommendation by the Commissioner of
9 Education that the State Board of Education has reviewed
10 evidence indicating that a district has been unable to meet
11 class size reduction requirements despite appropriate effort
12 to do so, the Legislative Budget Commission may approve an
13 alternative amount of funds to be transferred from the
14 district's class size reduction operating categorical to its
15 approved fixed capital outlay account for class size
16 reduction.

17 (b) Beginning in the 2005-2006 school year, the
18 department shall determine by January 15 of each year which
19 districts have not met the two-student-per-year reduction
20 required in subsection (2) based upon a comparison of the
21 district's October student membership survey for the current
22 school year and the February 2003 baseline student membership
23 survey. The department shall report such districts to the
24 Legislature. Each district that has not met the
25 two-student-per-year reduction shall be required to implement
26 one of the following policies in the subsequent school year
27 unless the department finds that the district comes into
28 compliance based upon the February student membership survey:

- 29 1. Year-round schools;
30 2. Double sessions;
31 3. Rezoning; or

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1 4. Maximizing use of instructional staff by changing
2 required teacher loads and scheduling of planning periods,
3 deploying school district employees who have professional
4 certification to the classroom, using adjunct educators,
5 operating schools beyond the normal operating hours to provide
6 classes in the evening, or operating more than one session
7 during the day.

8
9 A school district that is required to implement the policies
10 outlined in subparagraphs 1. through 4. shall correct in the
11 year of implementation any past deficiencies and bring the
12 district into compliance with the two-student-per-year
13 reduction goals established for the district by the department
14 pursuant to subsection (2). A school district may choose to
15 implement more than one of these policies. The district school
16 superintendent shall report to the Commissioner of Education
17 the extent to which the district implemented any of the
18 policies outlined in subparagraphs 1. through 4. in a format
19 to be specified by the Commissioner of Education. The
20 Department of Education shall use the enforcement authority
21 provided in s. 1008.32, to ensure that districts comply with
22 the provisions of this paragraph.

23 (c) Beginning in the 2006-2007 school year, the
24 department shall annually determine which districts do not
25 meet the requirements described in subsection (2). In addition
26 to enforcement authority provided in s. 1008.32, the
27 Department of Education shall develop a constitutional
28 compliance plan for each such district which includes, but is
29 not limited to, redrawing school attendance zones to maximize
30 use of facilities while minimizing the additional use of
31 transportation unless the department finds that the district

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1 comes into compliance based upon the February student
2 membership survey and the other accountability policies listed
3 in paragraph (b). Each district school board shall implement
4 the constitutional compliance plan developed by the state
5 board until the district complies with the constitutional
6 class size maximum.

7 Section 3. Section 1011.685, Florida Statutes, is
8 created to read:

9 1011.685 Class size reduction; operating categorical
10 fund.--

11 (1) There is created an operating categorical fund for
12 implementing the class size reduction provisions of s. 1, Art.
13 IX of the State Constitution. These funds shall be allocated
14 to each school district in the amount prescribed by the
15 Legislature in the General Appropriations Act.

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

18 (a) To reduce class size in any lawful manner, if the
19 district has not met the constitutional maximum identified in
20 s. 1003.03(1) or the reduction of two students per year
21 required by s. 1003.03(2).

22 (b) For any lawful operating expenditure, if the
23 district has met the constitutional maximum identified in s.
24 1003.03(1) or the reduction of two students per year required
25 by s. 1003.03(2); however, priority should be given to
26 increase salaries of classroom teachers as defined in s.
27 1012.01(2)(a) or to implement the salary career ladder defined
28 in s. 1012.231.

29 Section 4. Section 1013.735, Florida Statutes, is
30 created to read:

31 1013.735 Classrooms for Kids Program.--

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1 (1) ALLOCATION.--The department shall allocate funds
2 appropriated for the Classrooms for Kids Program. It is the
3 intent of the Legislature that this program be administered as
4 nearly as practicable in the same manner as the capital outlay
5 program authorized under s. 9(a), Art. XII of the State
6 Constitution. Each district school board's share of the annual
7 appropriation for the Classrooms for Kids Program must be
8 calculated according to the following formula:

9 (a) Twenty-five percent of the appropriation shall be
10 prorated to the districts based on each district's percentage
11 of base capital outlay full-time equivalent membership, and 65
12 percent shall be based on each district's percentage of growth
13 capital outlay full-time equivalent membership as specified
14 for the allocation of funds from the Public Education Capital
15 Outlay and Debt Service Trust Fund by s. 1013.64(3).

16 (b) Ten percent of the appropriation must be allocated
17 among district school boards according to the allocation
18 formula in s. 1013.64(1)(a).

19 (2) DISTRICT PARTICIPATION.--In order to participate
20 in the Classrooms for Kids Program, a district school board
21 shall:

22 (a) Enter into an interlocal agreement pursuant to s.
23 1013.33.

24 (b) Certify that the district's inventory of
25 facilities listed in the Florida Inventory of School Houses is
26 accurate and up-to-date pursuant to s. 1013.31.

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

30 (a) Construct, renovate, remodel, or repair
31 educational facilities that are in excess of projects

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1 identified in the district's 5-year work program adopted prior
2 to March 15, 2003; or

3 (b) Purchase or lease-purchase relocatable facilities
4 that are in excess of relocatables identified in the
5 district's 5-year work program adopted prior to March 15,
6 2003.

7 Section 5. Effective upon this act becoming a law,
8 section 1013.736, Florida Statutes, is created to read:

9 1013.736 District Effort Recognition Program.--

10 (1) RECOGNITION FUNDS.--From funds appropriated by the
11 Legislature, district effort recognition capital outlay grants
12 shall be made to eligible school districts in accordance with
13 the provisions of this section and the General Appropriations
14 Act. The funds appropriated in this section are not subject to
15 the provisions of s. 216.301.

16 (2) ELIGIBILITY.--Annually, the Department of
17 Education shall determine each district's compliance with the
18 provisions of s. 1003.03 and determine the district's
19 eligibility to receive a district effort recognition grant for
20 local school facilities projects pursuant to this section.
21 Districts shall be eligible for a district effort recognition
22 grant based upon participation in any of the following:

23 (a) The district levies a half-cent school capital
24 outlay surtax authorized in s. 212.055(6).

25 (b) The district participates in the levy of the local
26 government infrastructure sales surtax authorized in s.
27 212.055(2).

28 (c) The district levies voted millage for capital
29 outlay purposes as authorized in s. 9, Art. VII of the State
30 Constitution.

31 (3) DISTRICT EFFORT RECOGNITION PROGRAM.--The

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1 department shall annually calculate a district effort amount
2 for each district by September 1 after each fiscal year. The
3 total amount of revenue for the prior year from each revenue
4 levied as described in subsection (2) shall be divided by the
5 number of months for which revenue was received and multiplied
6 by the number of authorized months remaining in each voter
7 referendum. The amount so determined for each revenue levied
8 shall be totaled. The Department of Revenue shall report the
9 amount of voter-approved revenue described in paragraphs
10 (2)(a) and (b). The district shall report the amount of
11 revenue described in paragraph (2)(b) identified for district
12 fixed capital outlay in the prior fiscal year. To determine
13 the amount of revenue levied pursuant to paragraph (2)(c), the
14 district shall annually report to the department the
15 outstanding debt service by bond series and date of maturity.
16 The total of annual debt service to maturity remaining as of
17 July 1 of each year shall be added to the other revenues
18 levied pursuant to paragraphs (2)(a) and (b) in determining
19 the total district effort amount. Only the amount of
20 voter-approved revenue described in paragraph (2)(b) which has
21 been identified for district fixed capital outlay from the
22 prior fiscal year shall be used in the calculation.

23 (4) ALLOCATION AND DISTRIBUTION OF FUNDS.--The
24 department shall allocate the annual amount of funds provided
25 among all eligible districts based upon the district's
26 proportion of the funds as determined in subsection (3). Funds
27 shall be distributed once a district has encumbered the funds.

28 (5) USE OF FUNDS.--School districts that do not meet
29 the constitutional class size maximum described in s.
30 1003.03(1) must use the funds for capital outlay to reduce
31 class size. School districts that meet the constitutional

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1 class size maximum may use the funds for any lawful capital
2 outlay purpose.

3 Section 6. Section 1013.737, Florida Statutes, is
4 created to read:

5 1013.737 The Class Size Reduction Lottery Revenue Bond
6 Program.--There is established the Class Size Reduction
7 Lottery Revenue Bond Program.

8 (1) The issuance of revenue bonds is authorized to
9 finance or refinance the construction, acquisition,
10 reconstruction, or renovation of educational facilities. Such
11 bonds shall be issued pursuant to and in compliance with the
12 provisions of s. 11(d), Art. VII of the State Constitution,
13 the provisions of the State Bond Act, ss. 215.57-215.83, as
14 amended, and the provisions of this section.

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

21 (3) The state hereby covenants with the holders of
22 such revenue bonds that it will not take any action that will
23 materially and adversely affect the rights of such holders so
24 long as bonds authorized by this section are outstanding. The
25 state does hereby additionally authorize the establishment of
26 a covenant in connection with the bonds which provides that
27 any additional funds received by the state from new or
28 enhanced lottery programs, video gaming, or other similar
29 activities will first be available for payments relating to
30 bonds pledging revenues available pursuant to s. 24.121(2),
31 prior to use for any other purpose.

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1 (4) The bonds shall be issued by the Division of Bond
2 Finance of the State Board of Administration on behalf of the
3 Department of Education in such amount as shall be requested
4 by resolution of the State Board of Education. However, the
5 total principal amount of bonds, excluding refunding bonds,
6 issued pursuant to this section shall not exceed \$1.4 billion.

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

10 (6) The facilities to be financed with the proceeds of
11 such bonds are designated as state fixed capital outlay
12 projects for purposes of s. 11(d), Art. VII of the State
13 Constitution, and the specific facilities to be financed shall
14 be determined in accordance with state law and appropriations
15 from the Educational Enhancement Trust Fund. Projects shall be
16 funded from the Lottery Capital Outlay and Debt Service Trust
17 Fund. Each educational facility to be financed with the
18 proceeds of the bonds issued pursuant to this section is
19 hereby approved as required by s. 11(f), Art. VII of the State
20 Constitution.

21 (7) Any complaint for validation of such bonds is
22 required to be filed only in the circuit court of the county
23 where the seat of state government is situated. The notice
24 required to be published by s. 75.06 is required to be
25 published only in the county where the complaint is filed, and
26 the complaint and order of the circuit court need be served
27 only on the state attorney of the circuit in which the action
28 is pending.

29 (8) The Commissioner of Education shall provide for
30 timely encumbrances of funds for duly authorized projects.
31 Encumbrances may include proceeds to be received under a

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1 resolution approved by the State Board of Education
2 authorizing issuance of class size reduction lottery bonds
3 pursuant to s. 11(d), Art. VII of the State Constitution, s.
4 1013.737, and other applicable law.

5 Section 7. Subsection (2) of section 24.121, Florida
6 Statutes, is amended to read:

7 24.121 Allocation of revenues and expenditure of funds
8 for public education.--

9 (2) Each fiscal year, at least 38 percent of the gross
10 revenue from the sale of on-line lottery tickets, variable
11 percentages of the gross revenue from the sale of instant
12 lottery tickets as determined by the department consistent
13 with subsection (1), and other earned revenue, excluding
14 application processing fees, shall be deposited in the
15 Educational Enhancement Trust Fund, which is hereby created in
16 the State Treasury to be administered by the Department of
17 Education. The Department of the Lottery shall transfer moneys
18 to the Educational Enhancement Trust Fund at least once each
19 quarter. Funds in the Educational Enhancement Trust Fund shall
20 be used to the benefit of public education in accordance with
21 the provisions of this act. Notwithstanding any other
22 provision of law, ~~a maximum of \$180 million of lottery~~
23 ~~revenues transferred to the Educational Enhancement Trust Fund~~
24 ~~in fiscal year 1997-1998 and for 30 years thereafter~~ shall be
25 reserved as needed and used to meet the requirements of the
26 documents authorizing the bonds issued by the state pursuant
27 to s. 1013.68, ~~or~~ s. 1013.70, or s. 1013.737 or distributed to
28 school districts for the Classrooms First Program as provided
29 in s. 1013.68. Such lottery revenues are hereby pledged to the
30 payment of debt service on bonds issued by the state pursuant
31 to s. 1013.68, ~~or~~ s. 1013.70, or s. 1013.737. Debt service

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1 payable on bonds issued by the state pursuant to s. 1013.68,
2 ~~or s. 1013.70, or s. 1013.737~~ shall be payable from, and are
3 secured by a first lien on, the first lottery revenues
4 transferred to the Educational Enhancement Trust Fund in each
5 fiscal year. Amounts distributable to school districts that
6 request the issuance of bonds pursuant to s. 1013.68(3) are
7 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
8 the State Constitution. ~~The amounts distributed through the~~
9 ~~Classrooms First Program shall equal \$145 million in each~~
10 ~~fiscal year. These funds are intended to provide up to \$2.5~~
11 ~~billion for public school facilities.~~

12 Section 8. Paragraphs (a) and (b) of subsection (13)
13 of section 121.091, Florida Statutes, are amended to read:

14 121.091 Benefits payable under the system.--Benefits
15 may not be paid under this section unless the member has
16 terminated employment as provided in s. 121.021(39)(a) or
17 begun participation in the Deferred Retirement Option Program
18 as provided in subsection (13), and a proper application has
19 been filed in the manner prescribed by the department. The
20 department may cancel an application for retirement benefits
21 when the member or beneficiary fails to timely provide the
22 information and documents required by this chapter and the
23 department's rules. The department shall adopt rules
24 establishing procedures for application for retirement
25 benefits and for the cancellation of such application when the
26 required information or documents are not received.

27 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
28 and subject to the provisions of this section, the Deferred
29 Retirement Option Program, hereinafter referred to as the
30 DROP, is a program under which an eligible member of the
31 Florida Retirement System may elect to participate, deferring

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1 receipt of retirement benefits while continuing employment
2 with his or her Florida Retirement System employer. The
3 deferred monthly benefits shall accrue in the System Trust
4 Fund on behalf of the participant, plus interest compounded
5 monthly, for the specified period of the DROP participation,
6 as provided in paragraph (c). Upon termination of employment,
7 the participant shall receive the total DROP benefits and
8 begin to receive the previously determined normal retirement
9 benefits. Participation in the DROP does not guarantee
10 employment for the specified period of DROP. Participation in
11 the DROP by an eligible member beyond the initial 60-month
12 period as authorized in this subsection shall be on an annual
13 contractual basis for all participants.

14 (a) Eligibility of member to participate in the
15 DROP.--All active Florida Retirement System members in a
16 regularly established position, and all active members of
17 either the Teachers' Retirement System established in chapter
18 238 or the State and County Officers' and Employees'
19 Retirement System established in chapter 122 which systems are
20 consolidated within the Florida Retirement System under s.
21 121.011, are eligible to elect participation in the DROP
22 provided that:

23 1. The member is not a renewed member of the Florida
24 Retirement System under s. 121.122, or a member of the State
25 Community College System Optional Retirement Program under s.
26 121.051, the Senior Management Service Optional Annuity
27 Program under s. 121.055, or the optional retirement program
28 for the State University System under s. 121.35.

29 2. Except as provided in subparagraph 6., election to
30 participate is made within 12 months immediately following the
31 date on which the member first reaches normal retirement date,

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1 or, for a member who reaches normal retirement date based on
2 service before he or she reaches age 62, or age 55 for Special
3 Risk Class members, election to participate may be deferred to
4 the 12 months immediately following the date the member
5 attains 57, or age 52 for Special Risk Class members. For a
6 member who first reached normal retirement date or the
7 deferred eligibility date described above prior to the
8 effective date of this section, election to participate shall
9 be made within 12 months after the effective date of this
10 section. A member who fails to make an election within such
11 12-month limitation period shall forfeit all rights to
12 participate in the DROP. The member shall advise his or her
13 employer and the division in writing of the date on which the
14 DROP shall begin. Such beginning date may be subsequent to the
15 12-month election period, but must be within the 60-month or,
16 with respect to members who are instructional personnel as
17 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
18 received authorization by the district school superintendent
19 to participate in DROP for more than 60 months, the 96-month
20 limitation period as provided in subparagraph (b)1. When
21 establishing eligibility of the member to participate in the
22 DROP for the 60-month or, with respect to members who are
23 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
24 grades K-12 and who have received authorization by the
25 district school superintendent to participate in DROP for more
26 than 60 months, the 96-month maximum participation period, the
27 member may elect to include or exclude any optional service
28 credit purchased by the member from the total service used to
29 establish the normal retirement date. A member with dual
30 normal retirement dates shall be eligible to elect to
31 participate in DROP within 12 months after attaining normal

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1 retirement date in either class.

2 3. The employer of a member electing to participate in
3 the DROP, or employers if dually employed, shall acknowledge
4 in writing to the division the date the member's participation
5 in the DROP begins and the date the member's employment and
6 DROP participation will terminate.

7 4. Simultaneous employment of a participant by
8 additional Florida Retirement System employers subsequent to
9 the commencement of participation in the DROP shall be
10 permissible provided such employers acknowledge in writing a
11 DROP termination date no later than the participant's existing
12 termination date or the 60-month limitation period as provided
13 in subparagraph (b)1.

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

16 a. A change of employment must take place without a
17 break in service so that the member receives salary for each
18 month of continuous DROP participation. If a member receives
19 no salary during a month, DROP participation shall cease
20 unless the employer verifies a continuation of the employment
21 relationship for such participant pursuant to s.
22 121.021(39)(b).

23 b. Such participant and new employer shall notify the
24 division on forms required by the division as to the identity
25 of the new employer.

26 c. The new employer shall acknowledge, in writing, the
27 participant's DROP termination date, which may be extended but
28 not beyond the original 60-month or, with respect to members
29 who are instructional personnel as defined in s.
30 1012.01(2)(a)-(d) in grades K-12 and who have received
31 authorization by the district school superintendent to

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1 participate in DROP for more than 60 months, the 96-month
2 period provided in subparagraph (b)1., shall acknowledge
3 liability for any additional retirement contributions and
4 interest required if the participant fails to timely terminate
5 employment, and shall be subject to the adjustment required in
6 sub-subparagraph (c)5.d.

7 6. Effective July 1, 2001, for instructional personnel
8 as defined in s. 1012.01(2), election to participate in the
9 DROP shall be made at any time following the date on which the
10 member first reaches normal retirement date. The member shall
11 advise his or her employer and the division in writing of the
12 date on which the Deferred Retirement Option Program shall
13 begin. When establishing eligibility of the member to
14 participate in the DROP for the 60-month or, with respect to
15 members who are instructional personnel as defined in s.
16 1012.01(2)(a)-(d) in grades K-12 and who have received
17 authorization by the district school superintendent to
18 participate in DROP for more than 60 months, the 96-month
19 maximum participation period, as provided in subparagraph
20 (b)1., the member may elect to include or exclude any optional
21 service credit purchased by the member from the total service
22 used to establish the normal retirement date. A member with
23 dual normal retirement dates shall be eligible to elect to
24 participate in either class.

25 (b) Participation in the DROP.--

26 1. An eligible member may elect to participate in the
27 DROP for a period not to exceed a maximum of 60 calendar
28 months or, with respect to members who are instructional
29 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12
30 and who have received authorization by the district school
31 superintendent to participate in DROP for more than 60

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1 calendar months, a maximum of 96 calendar months immediately
2 following the date on which the member first reaches his or
3 her normal retirement date or the date to which he or she is
4 eligible to defer his or her election to participate as
5 provided in subparagraph (a)2. However, a member who has
6 reached normal retirement date prior to the effective date of
7 the DROP shall be eligible to participate in the DROP for a
8 period of time not to exceed 60 calendar months or, with
9 respect to members who are instructional personnel as defined
10 in s. 1012.01(2)(a)-(d) in grades K-12 and who have received
11 authorization by the district school superintendent to
12 participate in DROP for more than 60 calendar months, 96
13 calendar months immediately following the effective date of
14 the DROP, except a member of the Special Risk Class who has
15 reached normal retirement date prior to the effective date of
16 the DROP and whose total accrued value exceeds 75 percent of
17 average final compensation as of his or her effective date of
18 retirement shall be eligible to participate in the DROP for no
19 more than 36 calendar months immediately following the
20 effective date of the DROP.

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

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

24 b. Selection of the DROP participation and termination
25 dates, which satisfy the limitations stated in paragraph (a)
26 and subparagraph 1. Such termination date shall be in a
27 binding letter of resignation with the employer, establishing
28 a deferred termination date. The member may change the
29 termination date within the limitations of subparagraph 1.,
30 but only with the written approval of his or her employer;

31 c. A properly completed DROP application for service

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1 retirement as provided in this section; and

2 d. Any other information required by the division.

3 3. The DROP participant shall be a retiree under the
4 Florida Retirement System for all purposes, except for
5 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,
6 121.053, and 121.122. However, participation in the DROP does
7 not alter the participant's employment status and such
8 employee shall not be deemed retired from employment until his
9 or her deferred resignation is effective and termination
10 occurs as provided in s. 121.021(39).

11 4. Elected officers shall be eligible to participate
12 in the DROP subject to the following:

13 a. An elected officer who reaches normal retirement
14 date during a term of office may defer the election to
15 participate in the DROP until the next succeeding term in that
16 office. Such elected officer who exercises this option may
17 participate in the DROP for up to 60 calendar months or a
18 period of no longer than such succeeding term of office,
19 whichever is less.

20 b. An elected or a nonelected participant may run for
21 a term of office while participating in DROP and, if elected,
22 extend the DROP termination date accordingly, except, however,
23 if such additional term of office exceeds the 60-month
24 limitation established in subparagraph 1., and the officer
25 does not resign from office within such 60-month limitation,
26 the retirement and the participant's DROP shall be null and
27 void as provided in sub-subparagraph (c)5.d.

28 c. An elected officer who is dually employed and
29 elects to participate in DROP shall be required to satisfy the
30 definition of termination within the 60-month or, with respect
31 to members who are instructional personnel as defined in s.

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1 1012.01(2)(a)-(d) in grades K-12 and who have received
 2 authorization by the district school superintendent to
 3 participate in DROP for more than 60 months, the 96-month
 4 limitation period as provided in subparagraph 1. for the
 5 nonelected position and may continue employment as an elected
 6 officer as provided in s. 121.053. The elected officer will be
 7 enrolled as a renewed member in the Elected Officers' Class or
 8 the Regular Class, as provided in ss. 121.053 and 121.22, on
 9 the first day of the month after termination of employment in
 10 the nonelected position and termination of DROP. Distribution
 11 of the DROP benefits shall be made as provided in paragraph
 12 (c).

13 Section 9. Paragraph (b) of subsection (3), and
 14 paragraph (a) of subsection (6) of section 220.187, Florida
 15 Statutes, are amended, a new subsection (5) is added to that
 16 section, and subsequent subsections (5), (6), and (7) are
 17 redesignated as subsections (6), (7), and (8), respectively,
 18 to read:

19 220.187 Credits for contributions to nonprofit
 20 scholarship-funding organizations.--

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

23 (b) The total amount of tax credit which may be
 24 granted each state fiscal year under this section is ~~\$88~~\$50
 25 million.

26 (5) PARENT OBLIGATIONS--As a condition for scholarship
 27 payment pursuant to paragraph (4)(g), if the parent chooses
 28 for his or her child to attend an eligible nonpublic school,
 29 the parent must inform the child's school district within 15
 30 days after such decision.

31 (6) ADMINISTRATION; RULES.--

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

10 Section 10. Paragraph (i) is added to subsection (1)
 11 of section 1003.02, Florida Statutes, and subsection (4) of
 12 that section is amended, to read:

13 1003.02 District school board operation and control of
 14 public K-12 education within the school district.--As provided
 15 in part II of chapter 1001, district school boards are
 16 constitutionally and statutorily charged with the operation
 17 and control of public K-12 education within their school
 18 district. The district school boards must establish, organize,
 19 and operate their public K-12 schools and educational
 20 programs, employees, and facilities. Their responsibilities
 21 include staff development, public K-12 school student
 22 education including education for exceptional students and
 23 students in juvenile justice programs, special programs, adult
 24 education programs, and career and technical education
 25 programs. Additionally, district school boards must:

26 (1) Provide for the proper accounting for all students
 27 of school age, for the attendance and control of students at
 28 school, and for proper attention to health, safety, and other
 29 matters relating to the welfare of students in the following
 30 fields:

31 (i) Parental notification of acceleration

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1 mechanisms.--At the beginning of each school year, notify
2 parents of students in or entering high school of the
3 opportunity and benefits of advanced placement, International
4 Baccalaureate, Advanced International Certificate of
5 Education, dual enrollment, and Florida Virtual School
6 courses.

7 (4) ~~For any school within the district that is not in~~
8 ~~compliance with the small school size requirements of chapter~~
9 ~~1013,~~ In order to reduce the anonymity of students in large
10 schools, adopt policies that encourage subdivision of the
11 school into schools-within-a-school, which shall operate
12 within existing resources. A "school-within-a-school" means an
13 operational program that uses flexible scheduling, team
14 planning, and curricular and instructional innovation to
15 organize groups of students with groups of teachers as smaller
16 units, so as to functionally operate as a smaller school.
17 Examples of this include, but are not limited to:

18 (a) An organizational arrangement assigning both
19 students and teachers to smaller units in which the students
20 take some or all of their coursework with their fellow grouped
21 students and from the teachers assigned to the smaller unit. A
22 unit may be grouped together for 1 year or on a vertical,
23 multiyear basis.

24 (b) An organizational arrangement similar to that
25 described in paragraph (a) with additional variations in
26 instruction and curriculum. The smaller unit usually seeks to
27 maintain a program different from that of the larger school,
28 or of other smaller units. It may be vertically organized, but
29 is dependent upon the school principal for its existence,
30 budget, and staff.

31 (c) A separate and autonomous smaller unit formally

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1 authorized by the district school board or district school
2 superintendent. The smaller unit plans and runs its own
3 program, has its own staff and students, and receives its own
4 separate budget. The smaller unit must negotiate the use of
5 common space with the larger school and defer to the building
6 principal on matters of safety and building operation.

7 Section 11. Paragraphs (i) and (j) of subsection (1)
8 of section 1003.43, Florida Statutes, are amended to read:

9 1003.43 General requirements for high school
10 graduation.--

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

15 (i) One-half credit in life management skills to
16 include consumer education, positive emotional development,
17 marriage and relationship skill-based education, nutrition,
18 parenting skills, prevention of human immunodeficiency virus
19 infection and acquired immune deficiency syndrome and other
20 sexually transmissible diseases, benefits of sexual abstinence
21 and consequences of teenage pregnancy, information and
22 instruction on breast cancer detection and breast
23 self-examination, cardiopulmonary resuscitation, drug
24 education, and the hazards of smoking. ~~Such credit shall be
25 given for a course to be taken by all students in either the~~

26 ~~9th or 10th grade.~~ (j) One credit in physical education to
27 include assessment, improvement, and maintenance of personal
28 fitness. Participation in an interscholastic sport at the
29 junior varsity or varsity level, for two full seasons, shall
30 satisfy the one-credit requirement in physical education if
31 the student passes a competency test on personal fitness with

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1 a score of "C" or better. The competency test on personal
2 fitness must be developed by the Department of Education. A
3 district school board may not require that the one credit in
4 physical education be taken during the 9th grade year.
5 Completion of one semester with a grade of "C" or better in a
6 marching band class, ~~or~~ in a physical activity class that
7 requires participation in marching band activities as an
8 extracurricular activity, or in a Reserve Officer Training
9 Corps (R.O.T.C.) class a significant component of which is
10 drills shall satisfy a one-half credit requirement in physical
11 education. This one-half credit may not be used to satisfy
12 the personal fitness requirement or the requirement for
13 adaptive physical education under an individual educational
14 plan (IEP) or 504 plan.

15
16 District school boards may award a maximum of one-half credit
17 in social studies and one-half elective credit for student
18 completion of nonpaid voluntary community or school service
19 work. Students choosing this option must complete a minimum
20 of 75 hours of service in order to earn the one-half credit in
21 either category of instruction. Credit may not be earned for
22 service provided as a result of court action. District school
23 boards that approve the award of credit for student volunteer
24 service shall develop guidelines regarding the award of the
25 credit, and school principals are responsible for approving
26 specific volunteer activities. A course designated in the
27 Course Code Directory as grade 9 through grade 12 that is
28 taken below the 9th grade may be used to satisfy high school
29 graduation requirements or Florida Academic Scholars award
30 requirements as specified in a district school board's student
31 progression plan. A student shall be granted credit toward

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1 meeting the requirements of this subsection for equivalent
2 courses, as identified pursuant to s. 1007.271(6), taken
3 through dual enrollment.

4 Section 12. Section 1003.429, Florida Statutes, is
5 created to read: 1003.429 Accelerated high school graduation
6 options.--

7 (1) Beginning with the 2003-2004 school year, all
8 students scheduled to graduate in 2004 and thereafter may
9 select one of the following three high school graduation
10 options:

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

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

18 1. Four credits in English, with major concentration
19 in composition and literature;

20 2. Three credits in mathematics at the Algebra I level
21 or higher from the list of courses that qualify for state
22 university admission;

23 3. Three credits in natural science, two of which must
24 have a laboratory component;

25 4. Three credits in social sciences;

26 5. Two credits in the same second language unless the
27 student is a native speaker of or can otherwise demonstrate
28 competency in a language other than English. If the student
29 demonstrates competency in another language, the student may
30 replace the language requirement with two credits in other
31 academic courses; and

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- 1 6. Three credits in electives; or
2 (c) Completion of a 3-year career preparatory program
3 requiring successful completion of a minimum of 18 academic
4 credits in grades 9 through 12. The 18 credits shall be
5 primary requirements and shall be distributed as follows:
6 1. Four credits in English, with major concentration
7 in composition and literature;
8 2. Three credits in mathematics, one of which must be
9 Algebra I;
10 3. Three credits in natural science, two of which must
11 have a laboratory component;
12 4. Three credits in social sciences;
13 5. Two credits in the same second language unless the
14 student is a native speaker of or can otherwise demonstrate
15 competency in a language other than English. If the student
16 demonstrates competency in another language, the student may
17 replace the language requirement with two credits in other
18 academic courses; and
19 6. Three credits in electives.
20 (2) Beginning with the 2003-2004 school year, each
21 district school board shall provide each student in grades 6
22 through 12 and their parents with the 3-year and 4-year high
23 school graduation options listed in subsection (1) with
24 curriculum for the students and parents to select the
25 postsecondary education or career plan that best fits their
26 needs. The options shall include a timeframe for achieving
27 each graduation option.
28 (3) Selection of one of the graduation options listed
29 in subsection (1) is exclusively up to the student and
30 parent. If the student and parent fail to select a graduation
31 option, the student shall be considered to have selected the

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1 general requirements for high school graduation pursuant to
2 paragraph (1)(a).

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

7 (5) Students pursuing accelerated 3-year high school
8 graduation options pursuant to paragraph (1)(b) or paragraph
9 (1)(c) are required to:

10 (a) Earn passing scores on the FCAT as defined in s.
11 1008.22(3)(c).

12 (b) Achieve a cumulative grade point average of 2.0 on
13 a 4.0 scale, or its equivalent, in the courses required by the
14 chosen accelerated 3-year high school graduation option
15 pursuant to paragraph (1)(b) or paragraph (1)(c).

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

19 Section 13. Paragraphs (a) and (b) of subsection (1)
20 of section 1007.261, Florida Statutes, are amended to read:

21 1007.261 State universities; admissions of
22 students.--Each university board of trustees is authorized to
23 adopt rules governing the admission of students, subject to
24 this section and rules of the State Board of Education.

25 (1) Minimum academic standards for undergraduate
26 admission to a university include:

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

31 (b) Each student must have successfully completed a

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1 college-preparatory curriculum of 18 19 credits, which shall
2 include, but not be limited to, four credits in English, with
3 major concentration in composition and literature; three
4 credits in mathematics; three credits in natural science, two
5 of which must have a laboratory component; three credits in
6 social sciences; and two credits in the same second language
7 ~~as defined in rules of the State Board of Education, including~~
8 ~~at least 2 credits of sequential foreign language at the~~
9 ~~secondary level or the equivalent of such instruction at the~~
10 ~~postsecondary level.~~ A student who completes a home education
11 program according to s. 1002.41 is not required to document
12 completion of the 18 19 credits required by this paragraph. A
13 student whose native language is not English is exempt from
14 the foreign language requirement, provided that the student
15 demonstrates proficiency in the native language. If a
16 standardized test is not available in the student's native
17 language for the demonstration of proficiency, the university
18 may provide an alternative method of assessment. The State
19 Board of Education shall adopt rules for the articulation of
20 foreign language competency and equivalency between secondary
21 and postsecondary institutions. A student who received an
22 associate in arts degree prior to September 1, 1989, or who
23 enrolled in a program of studies leading to an associate
24 degree from a community college prior to August 1, 1989, and
25 maintains continuous enrollment shall be exempt from this
26 admissions requirement.

27 Section 14. Paragraph (a) of subsection (1) of section
28 1003.436, Florida Statutes, is amended to read:

29 1003.436 Definition of "credit".--

30 (1)(a) For the purposes of requirements for high
31 school graduation, one full credit means a minimum of 135

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1 hours of bona fide instruction in a designated course of study
2 that contains student performance standards. One full credit
3 means a minimum of 120 hours of bona fide instruction in a
4 designated course of study that contains student performance
5 standards for purposes of meeting high school graduation
6 requirements in a district school that has been authorized to
7 implement block scheduling by the district school board. The
8 State Board of Education shall determine the number of
9 postsecondary credit hours earned through dual enrollment
10 pursuant to s. 1007.271 that satisfy the requirements of a
11 district's interinstitutional articulation agreement according
12 to s. 1007.235 and that equal one full credit of the
13 equivalent high school course identified pursuant to s.
14 1007.271(6).

15 Section 15. Paragraph (b) of subsection (5) of section
16 1011.62, Florida Statutes, is amended to read:

17 1011.62 Funds for operation of schools.--If the annual
18 allocation from the Florida Education Finance Program to each
19 district for operation of schools is not determined in the
20 annual appropriations act or the substantive bill implementing
21 the annual appropriations act, it shall be determined as
22 follows:

23 (5) CATEGORICAL FUNDS.--

24 (b) ~~For fiscal year 2002-2003,~~ If a district school
25 board finds and declares in a resolution adopted at a regular
26 meeting of the school board that the funds received for any of
27 the following categorical appropriations are urgently needed
28 to maintain school board specified academic classroom
29 instruction, the school board may consider and approve an
30 amendment to the school district operating budget transferring
31 the identified amount of the categorical funds to the

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1 appropriate account for expenditure:

- 2 1. Funds for student transportation.
- 3 2. Funds for in-service educational personnel
- 4 training.
- 5 3. Funds for safe schools.
- 6 4. Funds for public school technology.
- 7 ~~5. Funds for teacher recruitment and retention.~~
- 8 ~~5.6.~~ Funds for supplemental academic instruction.

9 Section 16. Section 1011.69, Florida Statutes, is
10 amended to read:

11 1011.69 Equity in School-Level Funding Act.--

12 (1) This section may be cited as the "Equity in
13 School-Level Funding Act."

14 ~~(2)(a) Beginning in the 2000-2001 fiscal year,~~
15 ~~district school boards shall allocate to each school within~~
16 ~~the district at least 50 percent of the funds generated by~~
17 ~~that school based upon the Florida Education Finance Program~~
18 ~~as provided in s. 1011.62 and the General Appropriations Act,~~
19 ~~including gross state and local funds, discretionary lottery~~
20 ~~funds, and funds from the school district's current operating~~
21 ~~discretionary millage levy.~~

22 ~~(b) Beginning in the 2001-2002 fiscal year, district~~
23 ~~school boards shall allocate to each school within the~~
24 ~~district at least 65 percent of the funds generated by that~~
25 ~~school based upon the Florida Education Finance Program as~~
26 ~~provided in s. 1011.62 and the General Appropriations Act,~~
27 ~~including gross state and local funds, discretionary lottery~~
28 ~~funds, and funds from the school district's current operating~~
29 ~~discretionary millage levy.~~

30 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
31 ~~school boards shall allocate to each school within the~~

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1 ~~district at least 80 percent of the funds generated by that~~
2 ~~school based upon the Florida Education Finance Program as~~
3 ~~provided in s. 1011.62 and the General Appropriations Act,~~
4 ~~including gross state and local funds, discretionary lottery~~
5 ~~funds, and funds from the school district's current operating~~
6 ~~discretionary millage levy.~~

7 (d) Beginning in the 2003-2004 fiscal year, district
8 school boards shall allocate to schools ~~each school~~ within the
9 district an average of at least 90 percent of the funds
10 generated by all schools and guarantee that each school
11 receives at least 80 percent of the funds generated by that
12 school based upon the Florida Education Finance Program as
13 provided in s. 1011.62 and the General Appropriations Act,
14 including gross state and local funds, discretionary lottery
15 funds, and funds from the school district's current operating
16 discretionary millage levy. Total funding for each school
17 shall be recalculated during the year to reflect the revised
18 calculations under the Florida Education Finance Program by
19 the state and the actual weighted full-time equivalent
20 students reported by the school during the full-time
21 equivalent student survey periods designated by the
22 Commissioner of Education. If the district school board is
23 providing programs or services to students funded by federal
24 funds, any eligible students enrolled in the schools in the
25 district shall be provided federal funds. Only academic
26 performance-based charter school ~~those districts that~~
27 ~~initially applied for charter school district status,~~ pursuant
28 to s. 1003.62, ~~and have been approved by the State Board of~~
29 ~~Education~~ are exempt from the provisions of this section.

30 (3) Funds allocated to a school pursuant to this
31 section that are unused at the end of the fiscal year shall

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1 not revert to the district, but shall remain with the school.
2 These carryforward funds may be used for any purpose provided
3 by law at the discretion of the principal of the school.

4 (4) The following funds are excluded from the
5 school-level allocation under this section:

6 ~~(4) Recommendations made by the Governor's Equity in~~
7 ~~Educational Opportunity Task Force shall be reviewed to~~
8 ~~identify potential categorical funds to be included in the~~
9 ~~district allocation methodology required in subsection (2).~~

10 (a)(5) Funds appropriated in the General
11 Appropriations Act for supplemental academic instruction to be
12 used for the purposes described in s. 1011.62(1)(f); and

13 (b) Funds appropriated in the General Appropriations
14 Act for the class size reduction operating categorical fund
15 established in s. 1011.685 are excluded from the school-level
16 allocation under this section.

17 Section 17. Subsection (13) is added to section
18 1013.03, Florida Statutes, to read:

19 1013.03 Functions of the department.--The functions of
20 the Department of Education as it pertains to educational
21 facilities shall include, but not be limited to, the
22 following:

23 (13) By October 1, 2003, review all rules related to
24 school construction to identify requirements that are
25 outdated, obsolete, unnecessary, or otherwise could be amended
26 in order to provide additional flexibility to school districts
27 to comply with the constitutional class size maximums
28 described in s. 1003.03(1) and make recommendations concerning
29 such rules to the State Board of Education. The State Board of
30 Education shall act on such recommendations by December 31,
31 2003.

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1 Section 18. Paragraph (d) is added to subsection (1)
2 of section 1013.31, Florida Statutes, to read:

3 1013.31 Educational plant survey; localized need
4 assessment; PECO project funding.--

5 (1) At least every 5 years, each board shall arrange
6 for an educational plant survey, to aid in formulating plans
7 for housing the educational program and student population,
8 faculty, administrators, staff, and auxiliary and ancillary
9 services of the district or campus, including consideration of
10 the local comprehensive plan. The Office of Workforce and
11 Economic Development shall document the need for additional
12 career and adult education programs and the continuation of
13 existing programs before facility construction or renovation
14 related to career or adult education may be included in the
15 educational plant survey of a school district or community
16 college that delivers career or adult education programs.
17 Information used by the Office of Workforce and Economic
18 Development to establish facility needs must include, but need
19 not be limited to, labor market data, needs analysis, and
20 information submitted by the school district or community
21 college.

22 (d) Periodic update of Florida Inventory of School
23 Houses.--School districts shall periodically update their
24 inventory of educational facilities as new capacity becomes
25 available and as unsatisfactory space is eliminated. The State
26 Board of Education shall adopt rules to determine the time
27 frame in which districts must provide a periodic update.

28 Section 19. Subsections (2) and (3) of section
29 1002.37, Florida Statutes, are amended, subsections (4), (5),
30 and (6) are renumbered as subsections (5), (6) and (7),
31 respectively, and new subsections (3) and (4) are added to

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1 that section to read:

2 1002.37 The Florida Virtual School.--

3 (2) The Florida Virtual School shall be governed by a
4 board of trustees comprised of seven members appointed by the
5 Governor to 4-year staggered terms. The board of trustees
6 shall be a public agency entitled to sovereign immunity
7 pursuant to s. 768.28, and board members shall be public
8 officers who shall bear fiduciary responsibility for the
9 Florida Virtual School. The board of trustees shall have the
10 following powers and duties:

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

14 2. The fiscal year for the Florida Virtual School
15 shall be the state fiscal year as provided in s.
16 216.011(1)(o).

17 (b) The board of trustees shall be responsible for the
18 Florida Virtual School's development of a state-of-the-art
19 technology-based education delivery system that is
20 cost-effective, educationally sound, marketable, and capable
21 of sustaining a self-sufficient delivery system through the
22 Florida Education Finance Program, ~~by fiscal year 2003-2004.~~
23 ~~The school shall collect and report data for all students~~
24 ~~served and credit awarded. This data shall be segregated by~~
25 ~~private, public, and home education students by program.~~
26 ~~Information shall also be collected that reflects any other~~
27 ~~school in which a virtual school student is enrolled.~~

28 (c) The board of trustees shall aggressively seek
29 avenues to generate revenue to support its future endeavors,
30 and shall enter into agreements with distance learning
31 providers. The board of trustees may acquire, enjoy, use, and

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1 dispose of patents, copyrights, and trademarks and any
2 licenses and other rights or interests thereunder or therein.
3 Ownership of all such patents, copyrights, trademarks,
4 licenses, and rights or interests thereunder or therein shall
5 vest in the state, with the board of trustees having full
6 right of use and full right to retain the revenues derived
7 therefrom. Any funds realized from patents, copyrights,
8 trademarks, or licenses shall be considered internal funds as
9 provided in s. 1011.07. Such funds shall be used to support
10 the school's marketing and research and development activities
11 in order to improve courseware and services to its students.

12 (d) The board of trustees shall be responsible for the
13 administration and control of all local school funds derived
14 from all activities or sources and shall prescribe the
15 principles and procedures to be followed in administering
16 these funds.~~annually prepare and submit to the State Board of~~
17 ~~Education a legislative budget request, including funding~~
18 ~~requests for computers for public school students who do not~~
19 ~~have access to public school computers, in accordance with~~
20 ~~chapter 216 and s. 1013.60. The legislative budget request of~~
21 ~~the Florida Virtual School shall be prepared using the same~~
22 ~~format, procedures, and timelines required for the submission~~
23 ~~of the legislative budget of the Department of Education.~~
24 ~~Nothing in this section shall be construed to guarantee a~~
25 ~~computer to any individual student.~~

26 (e) The Florida Virtual School may accrue supplemental
27 revenue from supplemental support organizations, which
28 include, but are not limited to, alumni associations,
29 foundations, parent-teacher associations, and booster
30 associations. The governing body of each supplemental support
31 organization shall recommend the expenditure of moneys

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1 collected by the organization for the benefit of the school.
2 Such expenditures shall be contingent upon the review of the
3 executive director. The executive director may override any
4 proposed expenditure of the organization that would violate
5 Florida law or breach sound educational management.

6 ~~(f)~~(e) In accordance with law and rules of the State
7 Board of Education, the board of trustees shall administer and
8 maintain personnel programs for all employees of the board of
9 trustees and the Florida Virtual School. The board of trustees
10 may adopt rules, policies, and procedures related to the
11 appointment, employment, and removal of personnel.

12 1. The board of trustees shall determine the
13 compensation, including salaries and fringe benefits, and
14 other conditions of employment for such personnel.

15 2. The board of trustees may establish and maintain a
16 personnel loan or exchange program by which persons employed
17 by the board of trustees for the Florida Virtual School as
18 academic administrative and instructional staff may be loaned
19 to, or exchanged with persons employed in like capacities by,
20 public agencies either within or without this state, or by
21 private industry. With respect to public agency employees, the
22 program authorized by this subparagraph shall be consistent
23 with the requirements of part II of chapter 112. The salary
24 and benefits of board of trustees personnel participating in
25 the loan or exchange program shall be continued during the
26 period of time they participate in a loan or exchange program,
27 and such personnel shall be deemed to have no break in
28 creditable or continuous service or employment during such
29 time. The salary and benefits of persons participating in the
30 personnel loan or exchange program who are employed by public
31 agencies or private industry shall be paid by the originating

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1 employers of those participants, and such personnel shall be
2 deemed to have no break in creditable or continuous service or
3 employment during such time.

4 3. The employment of all Florida Virtual School
5 academic administrative and instructional personnel shall be
6 subject to rejection for cause by the board of trustees, and
7 shall be subject to policies of the board of trustees relative
8 to certification, tenure, leaves of absence, sabbaticals,
9 remuneration, and such other conditions of employment as the
10 board of trustees deems necessary and proper, not inconsistent
11 with law.

12 4. Each person employed by the board of trustees in an
13 academic administrative or instructional capacity with the
14 Florida Virtual School shall be entitled to a contract as
15 provided by rules of the board of trustees.

16 5. All employees except temporary, seasonal, and
17 student employees may be state employees for the purpose of
18 being eligible to participate in the Florida Retirement System
19 and receive benefits. The classification and pay plan,
20 including terminal leave and other benefits, and any
21 amendments thereto, shall be subject to review and approval by
22 the Department of Management Services and the Executive Office
23 of the Governor prior to adoption. ~~In the event that the board
24 of trustees assumes responsibility for governance pursuant to
25 this section before approval is obtained, employees shall be
26 compensated pursuant to the system in effect for the employees
27 of the fiscal agent.~~

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

31 ~~(h)(g)~~ The board of trustees shall establish and

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1 distribute to all school districts and high schools in the
 2 state procedures for enrollment of students in courses offered
 3 by the Florida Virtual School. ~~Such procedures shall be~~
 4 ~~designed to minimize paperwork and fairly resolve the issue of~~
 5 ~~double funding students taking courses on-line.~~

6 (i) The board of trustees shall establish criteria
 7 defining the elements of an approved franchise. The board of
 8 trustees may enter into franchise agreements with Florida
 9 district school boards and may establish the terms and
 10 conditions governing such agreements. The board of trustees
 11 shall establish the performance and accountability measures
 12 and report the performance of each school district franchise
 13 to the Commissioner of Education.

14 ~~(j)(h)~~ The board of trustees shall ~~annually~~ submit to
 15 the State Board of Education both forecasted and actual
 16 enrollments and credit completions for the Florida Virtual
 17 School, according to procedures established by the State Board
 18 of Education. At a minimum, such procedures must include the
 19 number of public, private, and home education students served
 20 by program and by county of residence district.

21 ~~(k)(i)~~ The board of trustees shall provide for the
 22 content and custody of student and employee personnel records.
 23 Student records shall be subject to the provisions of s.
 24 1002.22. Employee records shall be subject to the provisions
 25 of s. 1012.31.

26 ~~(l)(j)~~ The financial records and accounts of the
 27 Florida Virtual School shall be maintained under the direction
 28 of the board of trustees and under rules adopted by the State
 29 Board of Education for the uniform system of financial records
 30 and accounts for the schools of the state.

31

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1 The Governor shall designate the initial chair of the board of
2 trustees to serve a term of 4 years. Members of the board of
3 trustees shall serve without compensation, but may be
4 reimbursed for per diem and travel expenses pursuant to s.
5 112.061. The board of trustees shall be a body corporate with
6 all the powers of a body corporate and such authority as is
7 needed for the proper operation and improvement of the Florida
8 Virtual School. The board of trustees is specifically
9 authorized to adopt rules, policies, and procedures,
10 consistent with law and rules of the State Board of Education
11 related to governance, personnel, budget and finance,
12 administration, programs, curriculum and instruction, travel
13 and purchasing, technology, students, contracts and grants,
14 and property as necessary for optimal, efficient operation of
15 the Florida Virtual School. Tangible personal property owned
16 by the board of trustees shall be subject to the provisions of
17 chapter 273.

18 (3) Funding for the Florida Virtual School shall be
19 provided as follows:

20 (a) A "full-time equivalent student" for the Florida
21 Virtual School is one student who has successfully completed
22 six credits that shall count toward the minimum number of
23 credits required for high school graduation. A student who
24 completes less than six credits shall be a fraction of a
25 full-time equivalent student. Half credit completions shall be
26 included in determining a full-time equivalent student. Credit
27 completed by a student in excess of the minimum required for
28 that student for high school graduation is not eligible for
29 funding.

30 (b) Full-time equivalent student credit completed
31 through the Florida Virtual School, including credits

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1 completed during the summer, shall be reported to the
2 Department of Education in the manner prescribed by the
3 department and shall be funded through the Florida Education
4 Finance Program.

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

7 (d) Full-time equivalent student credit completion for
8 courses offered through the Florida Virtual School shall be
9 reported only by the Florida Virtual School. School districts
10 shall report full-time equivalent student membership only for
11 courses for which the district provides the instruction.

12 (e) The district cost differential as provided in s.
13 1011.62(2) shall be established as 1.000.

14 (f) The Florida Virtual School shall receive funds for
15 operating purposes in an amount determined as follows:
16 multiply the maximum allowable nonvoted discretionary millage
17 for operations pursuant to s. 1011.71(1) by the value of 95
18 percent of the current year's taxable value for school
19 purposes for the state; divide the result by the total
20 full-time equivalent membership of the state; and multiply the
21 result by the full-time equivalent membership of the school.

22 The amount thus obtained shall be discretionary operating
23 funds and shall be appropriated from state funds in the
24 General Appropriations Act.

25 (g) The Florida Virtual School shall receive
26 additional state funds as may be provided in the General
27 Appropriations Act.

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

31 ~~(3)(a) Until fiscal year 2003-2004, the Commissioner~~

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1 ~~of Education shall include the Florida Virtual School as a~~
2 ~~grant-in-aid appropriation in the department's legislative~~
3 ~~budget request to the State Board of Education, the Governor,~~
4 ~~and the Legislature, subject to any guidelines imposed in the~~
5 ~~General Appropriations Act.~~

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

8 (4) School districts operating a virtual school that
9 is an approved franchise of the Florida Virtual School may
10 count full-time equivalent students, as provided in paragraph
11 (3)(a), if such school has been certified as an approved
12 franchise by the Commissioner of Education based on criteria
13 established by the board of trustees pursuant to paragraph
14 (2)(i).

15 Section 20. Paragraph (c) of subsection (1) of section
16 1011.61, Florida Statutes, is amended to read:

17 1011.61 Definitions.--Notwithstanding the provisions
18 of s. 1000.21, the following terms are defined as follows for
19 the purposes of the Florida Education Finance Program:

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

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

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

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

30 (I) A full-time student, except a postsecondary or
31 adult student or a senior high school student enrolled in

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1 adult education when such courses are required for high school
2 graduation, in a combination of programs listed in s.
3 1011.62(1)(c) shall be a fraction of a full-time equivalent
4 membership in each special program equal to the number of net
5 hours per school year for which he or she is a member, divided
6 by the appropriate number of hours set forth in subparagraph
7 (a)1. or subparagraph (a)2. The difference between that
8 fraction or sum of fractions and the maximum value as set
9 forth in subsection (4) for each full-time student is presumed
10 to be the balance of the student's time not spent in such
11 special education programs and shall be recorded as time in
12 the appropriate basic program.

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

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

20 2. A student in membership in a program scheduled for
21 more or less than 180 school days is a fraction of a full-time
22 equivalent membership equal to the number of instructional
23 hours in membership divided by the appropriate number of hours
24 set forth in subparagraph (a)1.; however, for the purposes of
25 this subparagraph, membership in programs scheduled for more
26 than 180 days is limited to students enrolled in juvenile
27 justice education programs and the Florida Virtual School.

28
29 The department shall determine and implement an equitable
30 method of equivalent funding for experimental schools and for
31 schools operating under emergency conditions, which schools

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1 have been approved by the department to operate for less than
2 the minimum school day.

3 Section 21. Florida Business and Education in School
4 Together (Florida BEST) Program.--

5 (1) In order to increase business partnerships in
6 education, to reduce school and classroom overcrowding
7 throughout the state, and to offset the high costs of
8 educational facilities construction, the Legislature intends
9 to encourage the formation of partnerships between business
10 and education by creating the Florida Business and Education
11 in School Together (Florida BEST) Program.

12 (2) Each school board shall through advertisements in
13 local media and other means request proposals from area
14 businesses to allow the operation of a business and education
15 partnership school in facilities owned or operated by the
16 business.

17 (3) Each school district shall establish a Florida
18 BEST school evaluation committee.

19 (a) The committee shall be appointed by the school
20 board and be composed of one school district administrator, at
21 least one member of the business community, and at least one
22 member of a local chamber of commerce.

23 (b) The committee shall evaluate the feasibility of
24 each proposal, including the operating cost, number of
25 students to be served, proposed student-to-teacher ratio,
26 proposed number of years the satellite school would operate,
27 and any other operational or facilities considerations the
28 school board or committee deems appropriate.

29 (c) The committee shall recommend to the school board
30 those proposals for satellite schools the committee deems
31 viable and worthy of being established. The school board must

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1 take official action on the recommendation of the committee
2 within 60 days after receipt of the recommendation.

3 (4) A "Florida Business and Education in School
4 Together (Florida BEST) school" is defined as a public school
5 offering instruction to students from kindergarten through
6 third grade. The school may offer instruction in any single
7 grade level or for multiple grade levels. Florida BEST schools
8 shall comply with the constitutional class size requirements.

9 (a) First priority for admission of students to the
10 Florida BEST school shall be given to the children of owners
11 and employees of the host business. If additional student
12 capacity remains after those children are admitted, the host
13 business may choose which other neighboring businesses may
14 also participate to generate a viable number of students for
15 the school. The school board shall make the necessary
16 arrangements to accommodate students from other school
17 districts whose parents are associated with the host business
18 or business partners.

19 (b) Parents shall be responsible for providing
20 transportation to and from school for the students.

21 (5) A multiyear contract for operation of the Florida
22 BEST school may be entered into between the school district
23 and the host business. The contract must at least include
24 provisions relating to any cost of facilities modifications,
25 provide for the assignment or waiver of appropriate insurance
26 costs, specify the number of students expected to be served,
27 provide grounds for canceling the lease, and specify the
28 advance notice required before the school may be closed.

29 (a) The school board shall be responsible for
30 providing the appropriate instructional, support, and
31 administrative staff and textbooks, materials, and supplies.

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1 The school district may also agree to operate or contract for
2 the operation of a before school and after school program
3 using the donated facilities.

4 (b) The host business shall provide the appropriate
5 types of space for operating the school. If special
6 facilities, such as restrooms or dining, recreational, or
7 other areas are required, the district may contribute a part
8 of the cost of the construction, remodeling, or renovation for
9 such facilities from capital outlay funds of the district. A
10 multiyear lease for operation of the facility must be agreed
11 to if the school district contributes to the cost of such
12 construction.

13 Section 22. Notwithstanding any local government
14 ordinance or regulation, any business or corporation may
15 expand the square footage or floor area of its current or
16 proposed facility to accommodate a Florida Business and
17 Education in School Together (Florida BEST) school. Facilities
18 constructed to house a Florida BEST school must comply with
19 the State Uniform Building Code for Educational Facilities
20 Construction adopted pursuant to section 1013.37, Florida
21 Statutes, and must meet state and local health, environmental,
22 and safety laws and codes.

23 Section 23. Subsection (13) of section 1002.33,
24 Florida Statutes, as created by section 98 of ch. 2002-387,
25 Laws of Florida; subsection (2) of section 1007.261, Florida
26 Statutes, as created by section 352 of chapter 2002-387, Laws
27 of Florida; section 1012.41, Florida Statutes, as created by
28 section 716 of chapter 2002-387, Laws of Florida; section
29 1013.21, Florida Statutes, as created by section 815 of
30 chapter 2002-387, Laws of Florida; and section 1013.43,
31 Florida Statutes, as created by section 842 of chapter

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1 2002-387, Laws of Florida, and section 1012.73, Florida
 2 Statutes, as created by section 751 of chapter 2002-287, Laws
 3 of Florida, are repealed.

4 Section 24. Subsection (13) is added to section
 5 216.292, Florida Statutes, to read:

6 216.292 Appropriations nontransferable; exceptions.--

7 (13) The Executive Office of the Governor shall
 8 transfer funds from appropriations for public school
 9 operations to a fixed capital outlay appropriation for class
 10 size reduction based on recommendations of the Florida
 11 Education Finance Program Appropriation Allocation Conference
 12 or the Legislative Budget Commission pursuant to s.
 13 1003.03(4)(a). This subsection is subject to the notice and
 14 review provisions of s. 216.177.

15 Section 25. Section 25. Section 1003.62, Florida
 16 Statutes, is amended to read:

17 1003.62 Academic performance-based charter school
 18 districts ~~pilot program.~~--The State Board of Education may ~~is~~
 19 ~~authorized to~~ enter into a performance contract with ~~up to six~~
 20 district school boards as authorized in this section for the
 21 purpose of establishing them as academic performance-based
 22 charter school districts. ~~The State Board of Education shall~~
 23 ~~give priority to Hillsborough and Volusia Counties upon the~~
 24 ~~submission of a completed precharter agreement or charter~~
 25 ~~proposal for a charter school district.~~ The purpose of this
 26 section ~~pilot program~~ is to examine a new relationship between
 27 the State Board of Education and district school boards that
 28 will ~~may~~ produce significant improvements in student
 29 achievement ~~and school management~~, while complying with
 30 constitutional and statutory requirements assigned to each
 31 entity.

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

3 (a) A school district shall be eligible for
4 designation as an academic performance-based charter school
5 district if it is a high-performing school district in which a
6 minimum of 50 percent of the schools earn a performance grade
7 category "A" or "B" and in which no school earns a performance
8 grade category "D" or "F" for 2 consecutive years pursuant to
9 s. 1008.34. Schools that receive a performance grade category
10 "I" or "N" shall not be included in this calculation. The
11 performance contract for a school district that earns a
12 charter based on school performance grades shall be predicated
13 on maintenance of at least 50 percent of the schools in the
14 school district earning a performance grade category "A" or
15 "B" with no school in the school district earning a
16 performance grade category "D" or "F" for 2 consecutive years.
17 A school district in which the number of schools that earn a
18 performance grade of "A" or "B" is less than 50 percent may
19 have its charter renewed for 1 year; however, if the
20 percentage of "A" or "B" schools is less than 50 percent for 2
21 consecutive years, the charter shall not be renewed.

22 (b) A school district that satisfies the eligibility
23 criteria for designation as an academic performance-based
24 charter school district may be so designated upon a super
25 majority vote by ~~in Florida in which~~ the district school board
26 after having ~~has~~ submitted and the State Board of Education
27 having ~~has~~ approved a charter proposal that exchanges
28 statutory and rule exemption, as authorized by this section,
29 for agreement to meet performance goals in the proposal. The
30 academic performance-based charter school district shall be
31 chartered for 1 year ~~3 years~~, at the end of which the

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1 performance shall be evaluated. If maintenance of
2 high-performing school district status pursuant to paragraph
3 (a) is not documented in accordance with State Board
4 of Education rule, the charter shall not be renewed.
5 (2) EXEMPTION FROM STATUTES AND RULES.--
6 (a) An academic performance-based charter school
7 district shall operate in accordance with its charter and
8 shall be exempt from certain State Board of Education rules
9 and statutes if the State Board of Education determines such
10 an exemption will assist the district in maintaining or
11 improving its high performing status pursuant to paragraph
12 (1)(a). However, the State Board of Education may not exempt
13 an academic performance-based charter school district from any
14 of the following statutes:
15 1. Those statutes pertaining to the provision of
16 services to students with disabilities.
17 2. Those statutes pertaining to civil rights,
18 including s. 1000.05, relating to discrimination.
19 3. Those statutes pertaining to student health,
20 safety, and welfare.
21 4. Those statutes governing the election or
22 compensation of district school board members.
23 5. Those statutes pertaining to the student assessment
24 program and the school grading system, including chapter 1008.
25 6. Those statutes pertaining to financial matters,
26 including chapter 1010.
27 7. Those statutes pertaining to planning and
28 budgeting, including chapter 1011, except that ss. 1011.64 and
29 1011.69 shall be eligible for exemption.
30 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
31 performance-pay policies for school administrators and

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1 instructional personnel. Professional service contracts shall
2 be subject to the provisions of ss. 1012.33 and 1012.34.

3 9. Those statutes pertaining to educational
4 facilities, including chapter 1013, except as specified under
5 contract with the State Board of Education. However, no
6 contractual provision that could have the effect of requiring
7 the appropriation of additional capital outlay funds to the
8 academic performance-based charter school district shall be
9 valid.

10 (b) Additionally, an academic performance-based
11 charter school district shall be in compliance with the
12 following statutes:

13 1. Section 286.011, relating to public meetings and
14 records, public inspection, and criminal and civil penalties.

15 2. Those statutes pertaining to public records,
16 including chapter 119.

17 3. Those statutes pertaining to financial disclosure
18 by elected officials.

19 4. Those statutes pertaining to conflicts of interest
20 by elected officials. Charter school districts shall be exempt
21 from state statutes and specified State Board of Education
22 rules. The district school board of a charter school district
23 shall not be exempt from any statute governing election of
24 district school board members, public meetings and public
25 records requirements, financial disclosure, conflicts of
26 interest, operation in the sunshine, or any provisions outside
27 the Florida K-20 Education Code.

28 (3) GOVERNING BOARD.--The governing board of the
29 academic performance-based charter school district shall be
30 the duly elected district school board. The district school
31 board shall be responsible for supervising the schools in the

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1 academic performance-based charter school district and may
 2 convert ~~is authorized to charter~~ each of its existing public
 3 schools to charter schools pursuant to s. 1002.33, ~~apply for~~
 4 ~~deregulation of its public schools pursuant to s. 1003.63,~~ or
 5 otherwise establish performance-based contractual
 6 relationships with its public schools for the purpose of
 7 giving them greater autonomy with accountability for
 8 performance.

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

14 (5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.--Each
 15 school district chartered pursuant to this section shall
 16 transmit an annual report to the State Board of Education that
 17 delineates the performance of the school district relative to
 18 the performance goals contained in the charter agreement. The
 19 annual report shall be transmitted to the Commissioner of
 20 Education and shall be due each year on the anniversary date
 21 of the charter agreement.

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

26 (6) REPORTS.--The State Board of Education shall
 27 annually report on the performance of each academic
 28 performance-based implementation of the charter school
 29 district pilot program . Biennially ~~Upon the completion of the~~
 30 ~~first 3-year term,~~ the State Board of Education, through the
 31 Commissioner of Education, shall submit to the Legislature a

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1 full evaluation of the effectiveness of granting academic
2 performance-based charter school district status ~~the program.~~

3 (7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS;

4 GRANDFATHER PROVISION.--The State Board of Education shall use
5 the criteria approved in the initial charter applications
6 issued to the school districts of Volusia, Hillsborough,
7 Orange, and Palm Beach Counties to renew those pilot program
8 charter school districts in accordance with this subsection.
9 No additional pilot program charter school districts shall be
10 approved, and the pilot program consists solely of school
11 districts in Volusia, Hillsborough, Orange, and Palm Beach
12 Counties. The termination of the charter school districts
13 pilot program is effective July 1, 2007, or upon the end of a
14 5-year renewal contract issued by the State Board of Education
15 to the Volusia County, Hillsborough County, Orange County, or
16 Palm Beach County school district prior to July 1, 2003,
17 whichever is later.

18 (8)(7) RULEMAKING.--The State Board of Education may
19 adopt ~~shall have the authority to enact~~ rules to implement
20 this section in accordance with ss. 120.536 and 120.54.

21 Section 26. Section 35. Paragraphs (b) and (d) of
22 subsection (6) of section 1013.64, Florida Statutes, are
23 amended to read:

24 1013.64 Funds for comprehensive educational plant
25 needs; construction cost maximums for school district capital
26 projects.--Allocations from the Public Education Capital
27 Outlay and Debt Service Trust Fund to the various boards for
28 capital outlay projects shall be determined as follows:

29 (6)

30 (b)1. A district school board, including a district
31 school board of an academic performance-based charter school

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1 district, must not use funds from the following sources:
 2 Public Education Capital Outlay and Debt Service Trust Fund;
 3 ~~or the~~ School District and Community College District Capital
 4 Outlay and Debt Service Trust Fund; Classrooms First Program
 5 funds provided in s. 1013.68; effort index grant funds
 6 provided in s. 1013.73; nonvoted 2-mill levy of ad valorem
 7 property taxes provided in s. 1011.71(2); Class Size Reduction
 8 Infrastructure Program funds provided in s. 1013.735; or
 9 District Effort Recognition Program funds provided in s.
 10 1013.736, for any new construction of educational plant space
 11 with a total cost per student station, including change
 12 orders, that equals more than:

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

16
 17 (January 2002 ~~1997~~) as adjusted annually to reflect
 18 increases or decreases in ~~by~~ the Consumer Price Index.

19 2. A district school board must not use funds from the
 20 Public Education Capital Outlay and Debt Service Trust Fund or
 21 the School District and Community College District Capital
 22 Outlay and Debt Service Trust Fund for any new construction of
 23 an ancillary plant that exceeds 70 percent of the average cost
 24 per square foot of new construction for all schools.

25 (d) The department shall:

26 1. Compute for each calendar year the statewide
 27 average construction costs for facilities serving each
 28 instructional level, for relocatable educational facilities,
 29 for administrative facilities, and for other ancillary and
 30 auxiliary facilities. The department shall compute the
 31 statewide average costs per student station for each

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1 instructional level.

2 2. Annually review the actual completed construction
3 costs of educational facilities in each school district. For
4 any school district in which the total actual cost per student
5 station, including change orders, exceeds the statewide limits
6 established in paragraph (b), the school district shall report
7 to the department the actual cost per student station and the
8 reason for the school district's inability to adhere to the
9 limits established in paragraph (b). The department shall
10 collect all such reports and shall report to the Governor, the
11 President of the Senate, and the Speaker of the House of
12 Representatives by December 31 of each year a summary of each
13 school district's spending in excess of the cost per student
14 station provided in paragraph (b) as reported by the school
15 districts.

16
17 Cost per student station includes contract costs, legal and
18 administrative costs, fees of architects and engineers,
19 furniture and equipment, and site improvement costs. Cost per
20 student station does not include the cost of purchasing or
21 leasing the site for the construction or the cost of related
22 offsite improvements.

23 Section 27. Section 1000.041, Florida Statutes, is
24 created to read:

25 1000.041 Better Educated Students and Teachers (BEST)
26 Florida Teaching; legislative purposes; guiding
27 principles.--The legislative purposes and guiding principles
28 of the BEST Florida Teaching are:

29 (1) Teachers lead, students learn.

30 (2) Teachers maintain orderly, disciplined classrooms
31 conducive to student learning.

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1 (3) Teachers are trained, recruited, well compensated,
2 and retained for quality.

3 (4) Teachers are well rewarded for their students'
4 high performance.

5 (5) Teachers are most effective when served by
6 exemplary school administrators.

7
8 Each teacher preparation program, each postsecondary
9 educational institution providing dual enrollment or other
10 acceleration programs, each district school board, and each
11 district and school-based administrator fully supports and
12 cooperates in the accomplishment of these purposes and guiding
13 principles.

14 Section 28. Section 1001.33, Florida Statutes, is
15 amended to read:

16 1001.33 Schools under control of district school board
17 and district school superintendent.--

18 (1) Except as otherwise provided by law, all public
19 schools conducted within the district shall be under the
20 direction and control of the district school board with the
21 district school superintendent as executive officer.

22 (2) Each district school board, each district school
23 superintendent, and each district and school-based
24 administrator shall cooperate to apply the following guiding
25 principles of the Better Educated Students and Teachers (BEST)
26 Florida Teaching:

27 (a) Teachers lead, students learn.

28 (b) Teachers maintain orderly, disciplined classrooms
29 conducive to student learning.

30 (c) Teachers are trained, recruited, well compensated,
31 and retained for quality.

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1 (d) Teachers are well rewarded for their students'
2 high performance.

3 (e) Teachers are most effective when served by
4 exemplary school administrators.

5 Section 29. Subsections (5), (6), and (20) of section
6 1001.42, Florida Statutes, are amended to read:

7 1001.42 Powers and duties of district school
8 board.--The district school board, acting as a board, shall
9 exercise all powers and perform all duties listed below:

10 (5) PERSONNEL.--

11 (a) Designate positions to be filled, prescribe
12 qualifications for those positions, and provide for the
13 appointment, compensation, promotion, suspension, and
14 dismissal of employees, subject to the requirements of chapter
15 1012. A district school board is encouraged to provide
16 clerical personnel or volunteers who are not classroom
17 teachers to assist teachers in noninstructional activities,
18 including performing paperwork and recordkeeping duties.
19 However, a teacher shall remain responsible for all
20 instructional activities and for classroom management and
21 grading student performance.

22 (b) Notwithstanding s. 1012.55 or any other provision
23 of law or rule to the contrary and, ~~the district school board~~
24 may, consistent with adopted district school board policy
25 relating to alternative certification for school principals,
26 have the authority to appoint persons to the position of
27 school principal who do not hold educator certification.

28 (c) Fully support and cooperate in the application of
29 the guiding principles of Better Educated Students and
30 Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

31 (6) STUDENT CHILD WELFARE.--

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

7 (b) In accordance with the provisions of ss. 1003.31
 8 and 1003.32, fully support the authority of each teacher and
 9 school bus driver to remove disobedient, disrespectful,
 10 violent, abusive, uncontrollable, or disruptive students from
 11 the classroom and the school bus and the authority of the
 12 school board to place such students in an alternative
 13 educational setting, when appropriate and available.

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

21 Section 30. Subsection (23) of section 1001.51,
 22 Florida Statutes, is renumbered as subsection (25), and new
 23 subsections (23) and (24) are added to that section to read:

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

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

10 (23) QUALITY TEACHERS.--Fully support and cooperate in
11 the application of the guiding principles of Better Educated
12 Students and Teachers (BEST) Florida Teaching, pursuant to s.
13 1000.041.

14 (24) ORDERLY CLASSROOMS AND SCHOOL BUSES.--Fully
15 support the authority of each teacher and school bus driver to
16 remove disobedient, disrespectful, violent, abusive,
17 uncontrollable, or disruptive students from the classroom and
18 the school bus and the authority of the school principal to
19 place such students in an alternative educational setting,
20 when appropriate and available.

21 Section 31. Subsection (1) of section 1001.54, Florida
22 Statutes, is amended to read:

23 1001.54 Duties of school principals.--

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

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

28 (c) The school principal shall encourage school
29 personnel to implement the guiding principles for Better
30 Educated Students and Teachers (BEST) Florida Teaching,
31 pursuant to s. 1000.041.

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1 (d) The school principal shall fully support the
2 authority of each teacher and school bus driver to remove
3 disobedient, disrespectful, violent, abusive, uncontrollable,
4 or disruptive students from the classroom and the school bus
5 and, when appropriate and available, place such students in an
6 alternative educational setting.

7 Section 32. Subsection (22) is added to section
8 1002.20, Florida Statutes, to read:

9 1002.20 K-12 student and parent rights.--K-12 students
10 and their parents are afforded numerous statutory rights
11 including, but not limited to, the following:

12 (22) ORDERLY, DISCIPLINED CLASSROOMS.--Public school
13 students shall be in orderly, disciplined classrooms conducive
14 to learning without the distraction caused by disobedient,
15 disrespectful, violent, abusive, uncontrollable, or disruptive
16 students, in accordance with s. 1003.32.

17 Section 33. Subsection (13) of section 1002.42,
18 Florida Statutes, is amended to read:

19 1002.42 Private schools.--

20 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization
21 of private schools that has no fewer than 10 member schools in
22 this state may develop a professional development system to be
23 filed with the Department of Education in accordance with the
24 provisions of s. 1012.98(6)(7).

25 Section 34. Section 1003.04, Florida Statutes, is
26 amended to read:

27 1003.04 Student conduct and parental involvement
28 ~~goals.--~~

29 ~~(1) It is the goal of the Legislature and each~~
30 ~~district school board that~~ Each public K-12 student must
31 remain in attendance throughout the school year, unless

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1 excused by the school for illness or other good cause, and
2 must comply fully with the school's code of conduct.

3 (2) The parent of each public K-12 student must
4 cooperate with the authority of the student's district school
5 board, superintendent, principal, teachers, and school bus
6 drivers, according to ss. 1003.31 and 1003.32, to remove the
7 student from the classroom and the school bus and, when
8 appropriate and available, to place the student in an
9 alternative educational setting, if the student is
10 disobedient, disrespectful, violent, abusive, uncontrollable,
11 or disruptive.

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

16 Section 35. Subsection (1) of section 1003.31, Florida
17 Statutes, is amended to read:

18 1003.31 Students subject to control of school.--

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

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

24 (b) During the time she or he is attending school;

25 (c) During the time she or he is on the school

26 premises participating with authorization in a

27 school-sponsored activity; and

28 (d) During a reasonable time before and after the
29 student is on the premises for attendance at school or for
30 authorized participation in a school-sponsored activity, and
31 only when on the premises,

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1
2 be under the control and direction of the principal or teacher
3 in charge of the school, and under the immediate control and
4 direction of the teacher or other member of the instructional
5 staff or of the bus driver to whom such responsibility may be
6 assigned by the principal. However, the State Board of
7 Education or the district school board may, by rules, subject
8 each student to the control and direction of the principal or
9 teacher in charge of the school during the time she or he is
10 otherwise en route to or from school or is presumed by law to
11 be attending school. Each district school board, each district
12 school superintendent, and each school principal shall fully
13 support the authority of teachers, according to s. 1003.32,
14 and school bus drivers to remove disobedient, disrespectful,
15 violent, abusive, uncontrollable, or disruptive students from
16 the classroom and the school bus and, when appropriate and
17 available, place such students in an alternative educational
18 setting.

19 Section 36. Section 1003.32, Florida Statutes, is
20 amended to read:

21 1003.32 Authority of teacher; responsibility for
22 control of students; district school board and principal
23 duties.--Subject to law and to the rules of the district
24 school board, each teacher or other member of the staff of any
25 school shall have such authority for the control and
26 discipline of students as may be assigned to him or her by the
27 principal or the principal' s designated representative and
28 shall keep good order in the classroom and in other places in
29 which he or she is assigned to be in charge of students.

30 (1) In accordance with this section and within the
31 framework of the district school board's code of student

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1 | conduct, teachers and other instructional personnel shall have
2 | the authority to undertake any of the following actions in
3 | managing student behavior and ensuring the safety of all
4 | students in their classes and school and their opportunity to
5 | learn in an orderly and disciplined classroom:

6 | (a) Establish classroom rules of conduct.

7 | (b) Establish and implement consequences, designed to
8 | change behavior, for infractions of classroom rules.

9 | (c) Have disobedient, disrespectful, violent, abusive,
10 | uncontrollable, or disruptive students ~~temporarily~~ removed
11 | from the classroom for behavior management intervention.

12 | (d) Have violent, abusive, uncontrollable, or
13 | disruptive students directed for information or assistance
14 | from appropriate school or district school board personnel.

15 | (e) Assist in enforcing school rules on school
16 | property, during school-sponsored transportation, and during
17 | school-sponsored activities.

18 | (f) Request and receive information as to the
19 | disposition of any referrals to the administration for
20 | violation of classroom or school rules.

21 | (g) Request and receive immediate assistance in
22 | classroom management if a student becomes uncontrollable or in
23 | case of emergency.

24 | (h) Request and receive training and other assistance
25 | to improve skills in classroom management, violence
26 | prevention, conflict resolution, and related areas.

27 | (i) Press charges if there is a reason to believe that
28 | a crime has been committed ~~against the teacher or other~~
29 | ~~instructional personnel~~ on school property, during
30 | school-sponsored transportation, or during school-sponsored
31 | activities.

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

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

7 1. The use of corporal punishment shall be approved in
8 principle by the principal before it is used, but approval is
9 not necessary for each specific instance in which it is used.
10 The principal shall prepare guidelines for administering such
11 punishment which identify the types of punishable offenses,
12 the conditions under which the punishment shall be
13 administered, and the specific personnel on the school staff
14 authorized to administer the punishment.

15 2. A teacher or principal may administer corporal
16 punishment only in the presence of another adult who is
17 informed beforehand, and in the student's presence, of the
18 reason for the punishment.

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

23 (2) Teachers and other instructional personnel shall:

24 (a) Set and enforce reasonable classroom rules that
25 treat all students equitably.

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

29 (c) Maintain an orderly and disciplined classroom with
30 a positive and effective learning environment that maximizes
31 learning and minimizes disruption.

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

3 (3) A teacher may send a student to the principal's
4 office to maintain effective discipline in the classroom and
5 may recommend an appropriate consequence consistent with the
6 student code of conduct under s. 1006.07. The principal shall
7 respond by employing the teacher's recommended consequence or
8 a more serious disciplinary action if the student's history of
9 disruptive behavior warrants it. If the principal determines
10 that a lesser disciplinary action is appropriate, the
11 principal should consult with the teacher prior to taking
12 disciplinary action ~~appropriate discipline management~~
13 ~~techniques consistent with the student code of conduct under~~
14 ~~s. 1006.07.~~

15 (4) A teacher may remove from class a student whose
16 behavior the teacher determines interferes with the teacher's
17 ability to communicate effectively with the students in the
18 class or with the ability of the student's classmates to
19 learn. Each district school board, each district school
20 superintendent, and each school principal shall support the
21 authority of teachers to remove disobedient, violent, abusive,
22 uncontrollable, or disruptive students from the classroom.

23 (5) If a teacher removes a student from class under
24 subsection (4), the principal may place the student in another
25 appropriate classroom, in in-school suspension, or in a
26 dropout prevention and academic intervention program as
27 provided by s. 1003.53; or the principal may recommend the
28 student for out-of-school suspension or expulsion, as
29 appropriate. The student may be prohibited from attending or
30 participating in school-sponsored or school-related
31 activities. The principal may not return the student to that

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1 teacher's class without the teacher's consent unless the
2 committee established under subsection (6) determines that
3 such placement is the best or only available alternative. The
4 teacher and the placement review committee must render
5 decisions within 5 days of the removal of the student from the
6 classroom.

7 (6)(a) Each school shall establish a placement review
8 committee to determine placement of a student when a teacher
9 withholds consent to the return of a student to the teacher's
10 class. A school principal must notify each teacher in that
11 school about the availability, the procedures, and the
12 criteria for the placement review committee as outlined in
13 this section.

14 (b) The principal must report on a quarterly basis to
15 the district school superintendent and district school board
16 each incidence of a teacher's withholding consent for a
17 removed student to return to the teacher's class and the
18 disposition of the incident, and the superintendent must
19 annually report these data to the department.

20 (c) The Commissioner of Education shall annually
21 review each school district's compliance with this section,
22 and success in achieving orderly classrooms, and shall use all
23 appropriate enforcement actions up to and including the
24 withholding of disbursements from the Educational Enhancement
25 Trust Fund until full compliance is verified.

26 (d) Placement review committee membership must include
27 at least the following:

28 1.(a) Two teachers, ~~one~~ selected by the school's
29 faculty and one selected by the teacher who has removed the
30 student.

31 2.(b) One member from the school's staff who is

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1 selected by the principal.

2

3 The teacher who withheld consent to readmitting the student
4 may not serve on the committee. The teacher and the placement
5 review committee must render decisions within 5 days after the
6 removal of the student from the classroom. If the placement
7 review committee's decision is contrary to the decision of the
8 teacher to withhold consent to the return of the removed
9 student to the teacher's class, the teacher may appeal the
10 committee's decision to the district school superintendent.

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

15 (8) Each teacher or other member of the staff of any
16 school who knows or has reason to suspect that any person has
17 committed, or has made a credible threat to commit, a crime of
18 violence on school property shall report such knowledge or
19 suspicion in accordance with the provisions of s. 1006.13.
20 Each district school superintendent and each school principal
21 shall fully support good-faith reporting in accordance with
22 the provisions of this subsection and s. 1006.13. Any person
23 who makes a report required by this subsection in good faith
24 shall be immune from civil or criminal liability for making
25 the report.

26 (9)+(8) When knowledgeable of the likely risk of
27 physical violence in the schools, the district school board
28 shall take reasonable steps to ensure that teachers, other
29 school staff, and students are not at undue risk of violence
30 or harm.

31 Section 37. Section 1004.04, Florida Statutes, is

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1 amended to read:

2 1004.04 Public accountability and state approval for
3 teacher preparation programs.--

4 (1) INTENT.--

5 (a) The Legislature recognizes that skilled teachers
6 make an important contribution to a system that allows
7 students to obtain a high-quality education.

8 (b) The intent of the Legislature is to require the
9 State Board of Education to attain ~~establish~~ a system for
10 development and approval of teacher preparation programs that
11 allows ~~will free~~ postsecondary teacher preparation
12 institutions to employ varied and innovative teacher
13 preparation techniques while being held accountable for
14 producing graduates with the competencies and skills necessary
15 to achieve the state education goals; help the state's diverse
16 student population, including students who have substandard
17 reading and computational skills and students with limited
18 English proficiency, meet high standards for academic
19 achievement; maintain safe, secure classroom learning
20 environments; and sustain the state system of school
21 improvement and education accountability established pursuant
22 to ss. 1000.03(5) and 1008.345.

23 (2) UNIFORM CORE CURRICULA.--

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

28 (b) The rules to establish uniform core curricula for
29 each state-approved teacher preparation program must include,
30 but are not limited to, a State Board of Education identified
31 foundation in scientifically researched, knowledge-based

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1 reading literacy and computational skills acquisition;
 2 classroom management; school safety; professional ethics;
 3 educational law; human development and learning; and
 4 understanding of the Sunshine State Standards content measured
 5 by state achievement tests, reading and interpretation of
 6 data, and use of data to improve student achievement.

7 (c) These rules shall not require an additional period
 8 of time-to-degree but may be phased in to enable teacher
 9 preparation programs to supplant courses, including pedagogy
 10 courses, not required by law or State Board of Education rule
 11 with the courses identified pursuant to paragraph (b).

12 (3)(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
 13 system developed by the Department of Education in
 14 collaboration with postsecondary educational institutions
 15 shall assist departments and colleges of education in the
 16 restructuring of their programs in accordance with this
 17 section to meet the need for producing quality teachers now
 18 and in the future.

19 (a) The system must be designed to assist teacher
 20 educators in conceptualizing, developing, implementing, and
 21 evaluating programs that meet state-adopted standards. These
 22 standards shall emphasize quality indicators drawn from
 23 research, professional literature, recognized guidelines,
 24 Florida essential teaching competencies and
 25 educator-accomplished practices, effective classroom
 26 practices, and the outcomes of the state system of school
 27 improvement and education accountability, as well as
 28 performance measures.

29 (b) Departments and colleges of education shall
 30 emphasize the state system of school improvement and education
 31 accountability concepts and standards, including Sunshine

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1 State Standards.

2 (c) State-approved teacher preparation programs must
3 incorporate:

4 1. Appropriate English for Speakers of Other Languages
5 instruction so that program graduates will have completed the
6 requirements for teaching limited English proficient students
7 in Florida public schools.

8 2. Scientifically researched, knowledge-based reading
9 literacy and computational skills instruction so that program
10 graduates will be able to provide the necessary academic
11 foundations for their students at whatever grade levels they
12 choose to teach.

13 ~~(4)(3)~~ INITIAL STATE PROGRAM APPROVAL.--

14 (a) A program approval process based on standards
15 adopted pursuant to subsections ~~subsection~~ (2) and (3) must be
16 established for postsecondary teacher preparation programs,
17 phased in according to timelines determined by the Department
18 of Education, and fully implemented for all teacher
19 preparation programs in the state. Each program shall be
20 approved by the department, consistent with the intent set
21 forth in subsection (1) and based primarily upon significant,
22 objective, and quantifiable graduate performance measures.

23 (b) Each teacher preparation program approved by the
24 Department of Education, as provided for by this section,
25 shall require students to meet the following as prerequisites
26 for admission into the program:

27 1. Have a grade point average of at least 2.5 on a 4.0
28 scale for the general education component of undergraduate
29 studies or have completed the requirements for a baccalaureate
30 degree with a minimum grade point average of 2.5 on a 4.0
31 scale from any college or university accredited by a regional

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1 accrediting association as defined by State Board of Education
2 rule or any college or university otherwise approved pursuant
3 to State Board of Education rule.

4 2. Demonstrate mastery of general knowledge, including
5 the ability to read, write, and compute, by passing the
6 College Level Academic Skills Test, a corresponding component
7 of the National Teachers Examination series, or a similar test
8 pursuant to rules of the State Board of Education.

9
10 Each teacher preparation program may waive these admissions
11 requirements for up to 10 percent of the students admitted.
12 Programs shall implement strategies to ensure that students
13 admitted under a waiver receive assistance to demonstrate
14 competencies to successfully meet requirements for
15 certification.

16 ~~(5)(4)~~ CONTINUED PROGRAM APPROVAL.--Notwithstanding
17 subsection~~(4)(3)~~, failure by a public or nonpublic teacher
18 preparation program to meet the criteria for continued program
19 approval shall result in loss of program approval. The
20 Department of Education, in collaboration with the departments
21 and colleges of education, shall develop procedures for
22 continued program approval that document the continuous
23 improvement of program processes and graduates' performance.

24 (a) Continued approval of specific teacher preparation
25 programs at each public and nonpublic postsecondary
26 educational institution within the state is contingent upon
27 the passing of the written examination required by s. 1012.56
28 by at least 90 percent of the graduates of the program who
29 take the examination. ~~On request of an institution~~ The
30 Department of Education shall annually provide an analysis of
31 the performance of the graduates of such institution with

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1 | respect to the competencies assessed by the examination
2 | required by s. 1012.56.

3 | (b) Additional criteria for continued program approval
4 | for public institutions may be approved by the State Board of
5 | Education. Such criteria must emphasize instruction in
6 | classroom management and must provide for the evaluation of
7 | the teacher candidates' performance in this area. The criteria
8 | shall also require instruction in working with underachieving
9 | students. Program evaluation procedures must include, but are
10 | not limited to, program graduates' satisfaction with
11 | instruction and the program's responsiveness to local school
12 | districts. Additional criteria for continued program approval
13 | for nonpublic institutions shall be developed in the same
14 | manner as for public institutions; however, such criteria must
15 | be based upon significant, objective, and quantifiable
16 | graduate performance measures. Responsibility for collecting
17 | data on outcome measures through survey instruments and other
18 | appropriate means shall be shared by the postsecondary
19 | educational institutions and the Department of Education. By
20 | January 1 of each year, the Department of Education shall
21 | report this information for each postsecondary educational
22 | institution that has state-approved programs of teacher
23 | education to the Governor, the State Board of Education, the
24 | Commissioner of Education, the President of the Senate, the
25 | Speaker of the House of Representatives, all Florida
26 | postsecondary teacher preparation programs, and interested
27 | members of the public. This report must analyze the data and
28 | make recommendations for improving teacher preparation
29 | programs in the state.

30 | (c) Continued approval for a teacher preparation
31 | program is contingent upon the results of periodic ~~annual~~

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1 reviews, on a schedule established by the State Board of
2 Education, of the program conducted by the postsecondary
3 educational institution, using procedures and criteria
4 outlined in an institutional program evaluation plan approved
5 by the Department of Education. This plan must incorporate the
6 criteria established in paragraphs (a) and (b) and include
7 provisions for involving primary stakeholders, such as program
8 graduates, district school personnel, classroom teachers,
9 principals, community agencies, and business representatives
10 in the evaluation process. Upon request by an institution, the
11 department shall provide assistance in developing, enhancing,
12 or reviewing the institutional program evaluation plan and
13 training evaluation team members.

14 (d) Continued approval for a teacher preparation
15 program is contingent upon standards being in place that are
16 designed to adequately prepare elementary, middle, and high
17 school teachers to instruct their students in reading and
18 higher-level mathematics concepts and in the use of technology
19 at the appropriate grade level.

20 (e) Continued approval of teacher preparation programs
21 is contingent upon compliance with the student admission
22 requirements of subsection (4)(3) and upon the receipt of at
23 least a satisfactory rating from public schools and private
24 schools that employ graduates of the program. Each teacher
25 preparation program shall guarantee the high quality of its
26 graduates during the first 2 years immediately following
27 graduation from the program or following initial
28 certification, whichever occurs first. Any educator in a
29 Florida school who fails to demonstrate the essential skills
30 specified in subparagraphs 1.-5. shall be provided additional
31 training by the teacher preparation program at no expense to

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1 the educator or the employer. Such training must consist of an
 2 individualized plan agreed upon by the school district and the
 3 postsecondary educational institution that includes specific
 4 learning outcomes. The postsecondary educational institution
 5 assumes no responsibility for the educator's employment
 6 contract with the employer. Employer satisfaction shall be
 7 determined by an annually administered survey instrument
 8 approved by the Department of Education that, at a minimum,
 9 must include employer satisfaction of the graduates' ability
 10 to do the following:

- 11 1. Write and speak in a logical and understandable
 12 style with appropriate grammar.
- 13 2. Recognize signs of students' difficulty with the
 14 reading and computational process and apply appropriate
 15 measures to improve students' reading and computational
 16 performance.
- 17 3. Use and integrate appropriate technology in
 18 teaching and learning processes.
- 19 4. Demonstrate knowledge and understanding of Sunshine
 20 State Standards.
- 21 5. Maintain an orderly and disciplined classroom
 22 conducive to student learning.

23 (f)1. Each Florida public and private institution that
 24 offers a state-approved teacher preparation program must
 25 annually report information regarding these programs to the
 26 state and the general public. This information shall be
 27 reported in a uniform and comprehensible manner that is
 28 consistent with definitions and methods approved by the
 29 Commissioner of the National Center for Educational Statistics
 30 and that is approved by the State Board of Education. This
 31 information must include, at a minimum:

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

3 b. The average length of stay of graduates in their
4 full-time teaching positions.

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

6 2. Each public and private institution offering
7 training for school readiness related professions, including
8 training in the fields of child care and early childhood
9 education, whether offering technical credit, associate in
10 applied science degree programs, associate in science degree
11 programs, or associate in arts degree programs, shall annually
12 report information regarding these programs to the state and
13 the general public in a uniform and comprehensible manner that
14 conforms with definitions and methods approved by the State
15 Board of Education. This information must include, at a
16 minimum:

17 a. Average length of stay of graduates in their
18 positions.

19 b. Satisfaction ratings of graduates' employers.

20

21 This information shall be reported through publications,
22 including college and university catalogs and promotional
23 materials sent to potential applicants, secondary school
24 guidance counselors, and prospective employers of the
25 institution's program graduates.

26 ~~(6)(5)~~ PRESERVICE FIELD EXPERIENCE.--All postsecondary
27 instructors, school district personnel and instructional
28 personnel, and school sites preparing instructional personnel
29 through preservice field experience courses and internships
30 shall meet special requirements. District school boards are
31 authorized to pay student teachers during their internships.

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1 (a) All instructors in postsecondary teacher
2 preparation programs who instruct or supervise preservice
3 field experience courses or internships shall have at least
4 one of the following: specialized training in clinical
5 supervision; a valid professional teaching certificate
6 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of
7 successful teaching experience in prekindergarten through
8 grade 12.

9 (b) All school district personnel and instructional
10 personnel who supervise or direct teacher preparation students
11 during field experience courses or internships must have
12 evidence of "clinical educator" training and must successfully
13 demonstrate effective classroom management strategies that
14 consistently result in improved student performance. The State
15 Board of Education shall approve the training requirements.

16 (c) Preservice field experience programs must provide
17 specific guidance and demonstration of effective classroom
18 management strategies, strategies for incorporating technology
19 into classroom instruction, strategies for incorporating
20 scientifically researched, knowledge-based reading literacy
21 and computational skills acquisition into classroom
22 instruction, and ways to link instructional plans to the
23 Sunshine State Standards, as appropriate. The length of
24 structured field experiences may be extended to ensure that
25 candidates achieve the competencies needed to meet
26 certification requirements.

27 (d) Postsecondary teacher preparation programs in
28 cooperation with district school boards and approved private
29 school associations shall select the school sites for
30 preservice field experience activities. These sites must
31 represent the full spectrum of school communities, including,

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1 but not limited to, schools located in urban settings. In
2 order to be selected, school sites must demonstrate commitment
3 to the education of public school students and to the
4 preparation of future teachers.

5 ~~(7)(6)~~ STANDARDS OF EXCELLENCE.--The State Board of
6 Education shall approve standards of excellence for teacher
7 preparation. These standards must exceed the requirements for
8 program approval pursuant to subsection~~(4)(3)~~ and must
9 incorporate state and national recommendations for exemplary
10 teacher preparation programs.

11 ~~(8)(7)~~ NATIONAL BOARD STANDARDS.--The State Board of
12 Education shall review standards and recommendations developed
13 by the National Board for Professional Teaching Standards and
14 may incorporate those parts deemed appropriate into criteria
15 for continued state program approval, standards of excellence,
16 and requirements for inservice education.

17 ~~(9)(8)~~ COMMUNITY COLLEGES.--To the extent practical,
18 postsecondary educational institutions offering teacher
19 preparation programs shall establish articulation agreements
20 on a core of liberal arts courses and introductory
21 professional courses with field experience components which
22 shall be offered at community colleges.

23 ~~(10)(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT
24 PROGRAMS.--State universities and community colleges may
25 establish preteacher education and teacher education pilot
26 programs to encourage promising minority students to prepare
27 for a career in education. These pilot programs shall be
28 designed to recruit and provide additional academic, clinical,
29 and counseling support for students whom the institution
30 judges to be potentially successful teacher education
31 candidates, but who may not meet teacher education program

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1 admission standards. Priority consideration shall be given to
2 those pilot programs that are jointly submitted by community
3 colleges and state universities.

4 (a) These pilot programs shall be approved by the
5 State Board of Education and shall be designed to provide help
6 and support for program participants during the preteacher
7 education period of general academic preparation at a
8 community college or state university and during professional
9 preparation in a state-approved teacher education program.
10 Emphasis shall be placed on development of the basic skills
11 needed by successful teachers.

12 (b) State universities and community colleges may
13 admit into the pilot program those incoming students who
14 demonstrate an interest in teaching as a career, but who may
15 not meet the requirements for entrance into an approved
16 teacher education program.

17 1. Flexibility may be given to colleges of education
18 to develop and market innovative teacher training programs
19 directed at specific target groups such as graduates from the
20 colleges of arts and sciences, employed education
21 paraprofessionals, substitute teachers, early federal
22 retirees, and nontraditional college students. Programs must
23 be submitted to the State Board of Education for approval.

24 2. Academically successful graduates in the fields of
25 liberal arts and science may be encouraged to embark upon a
26 career in education.

27 3. Models may be developed to provide a positive
28 initial experience in teaching in order to encourage
29 retention. Priority should be given to models that encourage
30 minority graduates.

31 (c) In order to be certified, a graduate from a pilot

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1 program shall meet all requirements for teacher certification
2 specified by s. 1012.56. Should a graduate of a pilot program
3 not meet the requirements of s. 1012.56, that person shall not
4 be included in the calculations required by paragraph
5 ~~(5)(4)~~(a) and State Board of Education rules for continued
6 program approval, or in the statutes used by the State Board
7 of Education in deciding which teacher education programs to
8 approve.

9 (d) Institutions participating in the pilot program
10 shall submit an annual report evaluating the success of the
11 program to the Commissioner of Education by March 1 of each
12 year. The report shall include, at a minimum, contain, but
13 ~~shall not be limited to:~~ the number of pilot program
14 participants, including the number participating in general
15 education and the number admitted to approved teacher
16 education programs, the number of pilot program graduates, and
17 the number of pilot program graduates who met the requirements
18 of s. 1012.56. The commissioner shall consider the number of
19 participants recruited, the number of graduates, and the
20 number of graduates successfully meeting the requirements of
21 s. 1012.56 reported by each institution, and shall make an
22 annual recommendation to the State Board of Education
23 regarding the institution's continued participation in the
24 pilot program.

25 ~~(11)(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR
26 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
27 may shall be established with the authorization of the
28 Commissioner of Education at colleges and universities with
29 state-approved teacher education programs at the University of
30 Central Florida, the University of North Florida, and the
31 University of South Florida. These programs shall include a

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1 year-long paid teaching assignment and competency-based
2 learning experiences and shall be designed to encourage
3 high-achieving students, as identified by the institution, to
4 pursue a career in education. Priority consideration shall be
5 given to students obtaining academic degrees in mathematics,
6 science, engineering, reading, or identified critical shortage
7 areas. Students chosen to participate in the pilot programs
8 shall agree to teach for at least 3 ± years ~~year~~ after they
9 receive their degrees. Criteria for identifying high-achieving
10 students shall be developed by the institution and shall
11 include, at a minimum, requirements that the student have a
12 3.3 grade point average or above and that the student has
13 demonstrated mastery of general knowledge pursuant to s.
14 1012.56. The year-long paid teaching assignment shall begin
15 after completion of the equivalent of 3 years of the state
16 university teacher preparation program.

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

18 1. A year-long paid teaching assignment at a
19 low-performing ~~specified~~ school site during the fourth year of
20 the state university teacher preparation program, which
21 includes intense supervision by a support team trained in
22 clinical education. The support team shall include a state
23 university supervisor and experienced school-based mentors. A
24 mentor teacher shall be assigned to each fourth year employed
25 teacher to implement an individualized learning plan. This
26 mentor teacher will be considered an adjunct professor for
27 purposes of this program and may receive credit for time spent
28 as a mentor teacher in the program. The mentor teacher must
29 have a master's degree or above, a minimum of 3 years of
30 teaching experience, and clinical education training or
31 certification by the National Board for ~~of~~ Professional

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1 Teaching Standards. Experiences and instruction may be
2 delivered by other mentors, assigned teachers, professors,
3 individualized learning, and demonstrations. Students in this
4 paid teaching assignment shall assume full responsibility of
5 all teaching duties.

6 2. Professional education curriculum requirements that
7 address the educator-accomplished practices and other
8 competencies specified in state board rule.

9 3. A modified instructional delivery system that
10 provides onsite training during the paid teaching assignment
11 in the professional education areas and competencies specified
12 in this subsection. The institutions participating in this
13 pilot program shall be given a waiver to provide a modified
14 instructional delivery system meeting criteria that allows
15 earned credit through nontraditional approaches. The modified
16 system may provide for an initial evaluation of the
17 candidate's competencies to determine an appropriate
18 individualized professional development plan and may provide
19 for earned credit by:

20 a. Internet learning and competency acquisition.

21 b. Learning acquired by observing demonstrations and
22 being observed in application.

23 c. Independent study or instruction by mentor teachers
24 or adjunct teachers.

25 4. Satisfactory demonstration of the
26 educator-accomplished practices and content area competencies
27 for program completion.

28 5. For program completion, required achievement of
29 passing scores on all tests required for certification by
30 State Board of Education rules.

31 (b) Beginning in July 2003, each institution

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1 participating in the pilot program shall submit to the
2 Commissioner of Education an annual report evaluating the
3 effectiveness of the program. The report shall include, but
4 shall not be limited to, the number of students selected for
5 the pilot program, the number of students successfully
6 completing the pilot program, the number of program
7 participants who passed all required examinations, the number
8 of program participants who successfully demonstrated all
9 required competencies, and a followup study to determine the
10 number of pilot program completers who were employed in a
11 teaching position and employers' satisfaction with the
12 performance of pilot program completers based upon student
13 performance.

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

16 ~~(12)(11)~~ RULES.--The State Board of Education shall
17 adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to
18 implement this section.

19 Section 38. Subsection (1) of section 1006.08, Florida
20 Statutes, is amended to read:

21 1006.08 District school superintendent duties relating
22 to student discipline and school safety.--

23 (1) The district school superintendent shall recommend
24 plans to the district school board for the proper accounting
25 for all students of school age, for the attendance and control
26 of students at school, and for the proper attention to health,
27 safety, and other matters which will best promote the welfare
28 of students. Each district school superintendent shall fully
29 support the authority of his or her principals, teachers, and
30 school bus drivers to remove disobedient, disrespectful,
31 violent, abusive, uncontrollable, or disruptive students from

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1 the classroom and the school bus and, when appropriate and
2 available, to place such students in an alternative
3 educational setting. When the district school superintendent
4 makes a recommendation for expulsion to the district school
5 board, he or she shall give written notice to the student and
6 the student's parent of the recommendation, setting forth the
7 charges against the student and advising the student and his
8 or her parent of the student's right to due process as
9 prescribed by ss. 120.569 and 120.57(2). When district school
10 board action on a recommendation for the expulsion of a
11 student is pending, the district school superintendent may
12 extend the suspension assigned by the principal beyond 10
13 school days if such suspension period expires before the next
14 regular or special meeting of the district school board.

15 Section 39. Paragraph (a) of subsection (1) of section
16 1006.09, Florida Statutes, is amended to read:

17 1006.09 Duties of school principal relating to student
18 discipline and school safety.--

19 (1)(a) Subject to law and to the rules of the State
20 Board of Education and the district school board, the
21 principal in charge of the school or the principal's designee
22 shall develop policies for delegating to any teacher or other
23 member of the instructional staff or to any bus driver
24 transporting students of the school responsibility for the
25 control and direction of students. Each school principal shall
26 fully support the authority of his or her teachers and school
27 bus drivers to remove disobedient, disrespectful, violent,
28 abusive, uncontrollable, or disruptive students from the
29 classroom and the school bus and, when appropriate and
30 available, place such students in an alternative educational
31 setting. The principal or the principal's designee must give

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1 full consideration to ~~shall consider~~ the recommendation for
2 discipline made by a teacher, other member of the
3 instructional staff, or a bus driver when making a decision
4 regarding student referral for discipline.

5 Section 40. Section 1012.05, Florida Statutes, is
6 amended to read:

7 1012.05 Teacher recruitment and retention.--

8 (1) The Department of Education, in cooperation with
9 teacher organizations, district personnel offices, and
10 schools, colleges, and departments of all ~~education in~~ public
11 and nonpublic postsecondary educational institutions, shall
12 concentrate on the recruitment of qualified teachers.

13 (2) The Department of Education shall:

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

17 (b) Advertise in major newspapers, national
18 professional publications, and other professional publications
19 and in public and nonpublic postsecondary educational
20 institutions ~~schools of education~~.

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

22 (d) Conduct periodic communications with district
23 personnel directors regarding applicants.

24 (e) Provide district access to the applicant database
25 by computer or telephone.

26 (f) Develop and distribute promotional materials
27 related to teaching as a career.

28 (g) Publish and distribute information pertaining to
29 employment opportunities, application procedures, and all
30 routes toward teacher certification in Florida, and teacher
31 salaries.

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1 (h) Provide information related to certification
2 procedures.

3 (i) Develop and sponsor the Florida Future Educator of
4 America Program throughout the state.

5 (j) Develop, in consultation with school district
6 staff including, but not limited to, district school
7 superintendents, district school board members, and district
8 human resources personnel, a long-range plan for educator
9 recruitment and retention.

10 (k) Identify best practices for retaining high-quality
11 teachers.

12 (l) Develop, in consultation with Workforce Florida,
13 Inc., and the Agency for Workforce Innovation, created
14 pursuant to ss. 445.004 and 20.50, respectively, a plan for
15 accessing and identifying available resources in the state's
16 workforce system for the purpose of enhancing teacher
17 recruitment and retention.

18 (m) Develop and implement a First Response Center to
19 provide educator candidates one-stop shopping for information
20 on teaching careers in Florida and establish the Teacher
21 Lifeline Network to provide on-line support to beginning
22 teachers and those needing assistance.

23 (3) The Department of Education, in cooperation with
24 district personnel offices, shall sponsor a job fair in a
25 central part of the state to match in-state educators and
26 potential educators and out-of-state educators and potential
27 educators with teaching opportunities in this state.

28 (4) Subject to proviso in the General Appropriations
29 Act, the Commissioner of Education may use funds appropriated
30 by the Legislature and funds from federal grants and other
31 sources to provide incentives for teacher recruitment and

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1 preparation programs. The purpose of the use of such funds is
2 to recruit and prepare individuals who do not graduate from
3 state-approved teacher preparation programs to teach in a
4 Florida public school. The commissioner may contract with
5 entities other than, and including, approved teacher
6 preparation programs to provide intensive teacher training
7 leading to passage of the required certification exams for the
8 desired subject area or coverage. The commissioner shall
9 survey school districts to evaluate the effectiveness of such
10 programs.

11 Section 41. Section 1012.231, Florida Statutes, is
12 created to read:

13 1012.231 BEST Florida Teacher salary career ladder
14 program; assignment of teachers.--

15 (1) SALARY CAREER LADDER FOR CLASSROOM
16 TEACHERS.--Beginning with the 2004-2005 academic year, each
17 district school board shall implement a salary career ladder
18 for classroom teachers as defined in s. 1012.01(2)(a).
19 Performance shall be defined as designated in s.
20 1012.34(3)(a)1.-7. District school boards shall designate
21 categories of classroom teachers reflecting these salary
22 career ladder levels as follows:

23 (a) Associate Teacher.--Classroom teachers who have not
24 yet received a professional certificate or those with a
25 professional certificate who are evaluated as low-performing
26 teachers.

27 (b) Professional Teacher.--Classroom teachers who have
28 received a professional certificate.

29 (c) Lead Teacher.--Classroom teachers in the school
30 district who are responsible for leading others in the school
31 as department chair, lead teacher, grade-level leader, intern

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1 coordinator, or professional development coordinator. Lead
2 teachers must participate on a regular basis in the direct
3 instruction of students and serve as faculty for professional
4 development activities as determined by the State Board of
5 Education. To be eligible for designation as a lead teacher,
6 a teacher must demonstrate outstanding performance pursuant to
7 s. 1012.34(3)(a)1.-7. and must have been a "professional
8 teacher" pursuant to paragraph (b) for at least one year.

9 (d) Mentor Teacher.--Classroom teachers in the school
10 district who serve as regular mentors to other teachers who
11 are either not performing satisfactorily or who strive to
12 become more proficient. Mentor teachers must serve as
13 faculty-based professional development coordinators and
14 regularly demonstrate and share their expertise with other
15 teachers in order to remain mentor teachers. Mentor teachers
16 must also participate on a regular basis in the direct
17 instruction of low-performing students. To be eligible for
18 designation as a mentor teacher, a teacher must demonstrate
19 outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and
20 must have been a "lead teacher" pursuant to paragraph (c) for
21 at least two years.

22
23 Promotion of a teacher to a higher level on the salary career
24 ladder shall be based upon prescribed performance criteria and
25 not based upon length of service.

26 (2) TEACHER ASSIGNMENT.--School districts may not
27 assign a higher percentage than the school district average of
28 first-time teachers, temporarily certified teachers, teachers
29 in need of improvement, or out-of-field teachers to schools
30 with above the school district average of minority and
31 economically disadvantaged students or schools that are graded

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1 "D" or "F." District school boards are authorized to provide
2 salary incentives to meet this requirement. No district school
3 board shall sign a collective bargaining agreement that fails
4 to provide sufficient incentives to meet this requirement.

5 (3) The State Board of Education shall develop a
6 long-range plan to implement a differentiated pay model for
7 teachers beginning in the 2004-2005 academic year, based upon
8 the differentiated classroom teacher categories in subsection

9 (1). No later than December 1, 2003, the State Board of
10 Education shall approve guidelines and criteria for the
11 district plans. District school boards shall develop plans to
12 implement the salary career ladder prescribed in this section
13 and submit these plans to the State Board of Education by
14 March 1, 2004.

15 Section 42. Section 1012.27, Florida Statutes, is
16 amended to read:

17 1012.27 Public school personnel; powers and duties of
18 district school superintendent.--The district school
19 superintendent ~~is shall be~~ responsible, ~~as required herein,~~
20 for directing the work of the personnel, subject to the
21 requirements of this chapter, and in addition the district
22 school superintendent shall perform ~~have~~ the following ~~duties~~:

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

24 (a) Recommend to the district school board duties and
25 responsibilities which need to be performed and positions
26 which need to be filled to make possible the development of an
27 adequate school program in the district.

28 (b) Recommend minimum qualifications of personnel for
29 these various positions, and nominate in writing persons to
30 fill such positions.

31

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1 The district school superintendent's recommendations for
2 filling instructional positions at the school level must
3 consider nominations received from school principals of the
4 respective schools. Before transferring a teacher who holds a
5 professional teaching certificate from one school to another,
6 the district school superintendent shall consult with the
7 principal of the receiving school and allow the principal to
8 review the teacher's records and interview the teacher. If, in
9 the judgment of the principal, students would not benefit from
10 the placement, an alternative placement may be sought.

11 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
12 recommend to the district school board for adoption a salary
13 schedule or salary schedules. The district school
14 superintendent must recommend a salary schedule for
15 instructional personnel which bases a portion of each
16 employee's compensation on performance demonstrated under s.
17 1012.34. In developing the recommended salary schedule, the
18 district school superintendent shall include input from
19 parents, teachers, and representatives of the business
20 community. Beginning with the 2004-2005 academic year, the
21 recommended salary schedule for classroom teachers shall be
22 consistent with the district's career ladder based upon s.
23 1012.231.

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

27 (4) TRANSFER.--Recommend employees for transfer and
28 transfer any employee during any emergency and report the
29 transfer to the district school board at its next regular
30 meeting.

31 (5) SUSPENSION AND DISMISSAL.--Suspend members of the

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1 instructional staff and other school employees during
 2 emergencies for a period extending to and including the day of
 3 the next regular or special meeting of the district school
 4 board and notify the district school board immediately of such
 5 suspension. When authorized to do so, serve notice on the
 6 suspended member of the instructional staff of charges made
 7 against him or her and of the date of hearing. Recommend
 8 employees for dismissal under the terms prescribed herein.

9 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE
 10 INSTRUCTION.--Direct or arrange for the proper direction and
 11 improvement, under rules of the district school board, of the
 12 work of all members of the instructional staff and other
 13 employees of the district school system, supervise or arrange
 14 under rules of the district school board for the supervision
 15 of instruction in the district, and take such steps as are
 16 necessary to bring about continuous improvement.

17 Section 43. Subsections (1) through (5) of section
 18 1012.56, Florida Statutes, are amended to read:

19 1012.56 Educator certification requirements.--

20 (1) APPLICATION.--Each person seeking certification
 21 pursuant to this chapter shall submit a completed application
 22 containing the applicant's social security number to the
 23 Department of Education and remit the fee required pursuant to
 24 s. 1012.59 and rules of the State Board of Education. Pursuant
 25 to the federal Personal Responsibility and Work Opportunity
 26 Reconciliation Act of 1996, each party is required to provide
 27 his or her social security number in accordance with this
 28 section. Disclosure of social security numbers obtained
 29 through this requirement ~~is shall be~~ limited to the purpose of
 30 administration of the Title IV-D program of the Social
 31 Security Act for child support enforcement. Pursuant to s.

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1 120.60, the department shall issue within 90 calendar days
2 after the stamped receipted date of the completed application:

- 3 (a) A certificate covering the classification, level,
4 and area for which the applicant is deemed qualified; or
5 (b) An official statement of status of eligibility.

6 The statement of status of eligibility must advise the
7 applicant of any qualifications that must be completed to
8 qualify for certification. Each statement of status of
9 eligibility is valid for 3 ~~2~~ years after its date of issuance,
10 except as provided in paragraph (2)(d). ~~A statement of status~~
11 ~~of eligibility may be reissued for one additional 2-year~~
12 ~~period if application is made while the initial statement of~~
13 ~~status of eligibility is valid or within 1 year after the~~
14 ~~initial statement expires, and if the certification subject~~
15 ~~area is authorized to be issued by the state board at the time~~
16 ~~the application requesting a reissued statement of status of~~
17 ~~eligibility is received.~~

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

- 20 (a) Be at least 18 years of age.
21 (b) File a written statement, under oath, that the
22 applicant subscribes to and will uphold the principles
23 incorporated in the Constitution of the United States and the
24 Constitution of the State of Florida.

25 (c) Document receipt of a bachelor's or higher degree
26 from an accredited institution of higher learning, or a
27 nonaccredited institution of higher learning that the
28 Department of Education has identified as having a quality
29 program resulting in a bachelor's degree, or higher. Each
30 applicant seeking initial certification must have attained at
31 least a 2.5 overall grade point average on a 4.0 scale in the

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1 applicant's major field of study. The applicant may document
2 the required education by submitting official transcripts from
3 institutions of higher education or by authorizing the direct
4 submission of such official transcripts through established
5 electronic network systems. The bachelor's or higher degree
6 may not be required in areas approved in rule by the State
7 Board of Education as nondegreed areas.

8 (d) Submit to a fingerprint check from the Department
9 of Law Enforcement and the Federal Bureau of Investigation
10 pursuant to s. 1012.32. If the fingerprint reports indicate a
11 criminal history or if the applicant acknowledges a criminal
12 history, the applicant's records shall be referred to the
13 Bureau of Educator Standards for review and determination of
14 eligibility for certification. If the applicant fails to
15 provide the necessary documentation requested by the Bureau of
16 Educator Standards within 90 days after the date of the
17 receipt of the certified mail request, the statement of
18 eligibility and pending application shall become invalid.

19 (e) Be of good moral character.

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

22 (g) Demonstrate mastery of general knowledge, pursuant
23 to subsection (3).

24 (h) Demonstrate mastery of subject area knowledge,
25 pursuant to subsection (4).

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

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

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

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

3 (c) A valid professional standard teaching certificate
4 issued by another state ~~that requires an examination of~~
5 ~~mastery of general knowledge;~~

6 (d) A ~~valid standard teaching certificate issued by~~
7 ~~another state and~~ valid certificate issued by the National
8 Board for Professional Teaching Standards; or

9 (e) Documentation of two semesters of successful
10 teaching in a community college, state university, or private
11 college or university that awards an associate or higher
12 degree and is an accredited institution or an institution of
13 higher education identified by the Department of Education as
14 having a quality program. ~~A valid standard teaching~~
15 ~~certificate issued by another state and documentation of 2~~
16 ~~years of continuous successful full-time teaching or~~
17 ~~administrative experience during the 5-year period immediately~~
18 ~~preceding the date of application for certification.~~

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

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

23 (b) Completion of the subject area specialization
24 requirements specified in state board rule and verification of
25 the attainment of the essential subject matter competencies by
26 the district school superintendent of the employing school
27 district or chief administrative officer of the employing
28 state-supported or private school for a subject area for which
29 a subject area examination has not been developed and required
30 by state board rule;

31 (c) Completion of the ~~graduate level~~ subject area

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1 specialization requirements specified in state board rule for
2 a subject coverage requiring a master's or higher degree and
3 achievement of a passing score on the subject area examination
4 specified in state board rule;

5 (d) A valid professional standard teaching certificate
6 issued by another state ~~that requires an examination of~~
7 ~~mastery of subject area knowledge; or~~

8 (e) A ~~valid standard teaching certificate issued by~~
9 ~~another state and~~ valid certificate issued by the National
10 Board for Professional Teaching Standards, ~~or~~

11 ~~(f) A valid standard teaching certificate issued by~~
12 ~~another state and documentation of 2 years of continuous~~
13 ~~successful full-time teaching or administrative experience~~
14 ~~during the 5-year period immediately preceding the date of~~
15 ~~application for certification.~~

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

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

23 (b) Completion of a teacher preparation program at a
24 postsecondary educational institution outside Florida and
25 achievement of a passing score on the professional education
26 competency examination required by state board rule;

27 (c) A valid professional standard teaching certificate
28 issued by another state ~~that requires an examination of~~
29 ~~mastery of professional education competence;~~

30 (d) A ~~valid standard teaching certificate issued by~~
31 ~~another state and~~ valid certificate issued by the National

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1 Board for Professional Teaching Standards;

2 (e) Documentation of two semesters of successful
3 teaching in a community college, state university, or private
4 college or university that awards an associate or higher
5 degree and is an accredited institution or an institution of
6 higher education identified by the Department of Education as
7 having a quality program ~~A valid standard teaching certificate~~
8 ~~issued by another state and documentation of 2 years of~~
9 ~~continuous successful full-time teaching or administrative~~
10 ~~experience during the 5-year period immediately preceding the~~
11 ~~date of application for certification;~~

12 (f) Completion of professional preparation courses as
13 specified in state board rule, successful completion of a
14 professional education competence demonstration program
15 pursuant to paragraph (7)(b), and achievement of a passing
16 score on the professional education competency examination
17 required by state board rule; or

18 (g) Successful completion of a professional
19 preparation alternative certification and education competency
20 program, outlined in paragraph (7)(a).

21 Section 44. Subsection (1) of section 1012.57, Florida
22 Statutes, is amended to read:

23 1012.57 Certification of adjunct educators.--

24 (1) Notwithstanding the provisions of ss. 1012.32,
25 1012.55, and 1012.56, or any other provision of law or rule to
26 the contrary, district school boards shall adopt rules to
27 allow for the issuance of ~~may issue~~ an adjunct teaching
28 certificate to any applicant who fulfills the requirements of
29 s. 1012.56(2)(a)-(f) and who has expertise in the subject area
30 to be taught. An applicant shall be considered to have
31 expertise in the subject area to be taught if the applicant

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1 ~~has at least a minor in the subject area or demonstrates~~
2 ~~sufficient subject area mastery through passage of a subject~~
3 ~~area test as determined by district school board policy.~~ The
4 adjunct teaching certificate shall be used for part-time
5 teaching positions. The intent of this provision is to allow
6 school districts to tap the wealth of talent and expertise
7 represented in Florida's citizens who may wish to teach
8 part-time in a Florida public school by permitting school
9 districts to issue adjunct certificates to qualified
10 applicants. Adjunct certificateholders should be used as a
11 strategy to reduce the teacher shortage; thus, adjunct
12 certificateholders should supplement a school's instructional
13 staff, not supplant it. Each school principal shall assign an
14 experienced peer mentor to assist the adjunct teaching
15 certificateholder during the certificateholder's first year of
16 teaching, and an adjunct certificateholder may participate in
17 a district's new teacher training program. District school
18 boards shall provide the adjunct teaching certificateholder an
19 orientation in classroom management prior to assigning the
20 certificateholder to a school. Each adjunct teaching
21 certificate is valid for 5 school years and is renewable if:

22 ~~(a) The applicant completes a minimum of 60 inservice~~
23 ~~points or 3 semester hours of college credit. The earned~~
24 ~~credits must include instruction in classroom management,~~
25 ~~district school board procedures, school culture, and other~~
26 ~~activities that enhance the professional teaching skills of~~
27 ~~the certificateholder.~~

28 ~~(b) the applicant has received satisfactory~~
29 ~~performance evaluations during each year of teaching under~~
30 ~~adjunct teaching certification.~~

31 Section 45. Paragraph (a) of subsection (1),

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1 subsection (2), and paragraph (a) of subsection (3) of section
2 1012.585, Florida Statutes, are amended to read:

3 1012.585 Process for renewal of professional
4 certificates.--

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

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

13 2. The employing school district may charge the
14 individual an application fee not to exceed the amount charged
15 by the Department of Education for such services, including
16 associated late renewal fees. Each district school board shall
17 transmit monthly to the department a fee in an amount
18 established by the State Board of Education for each renewed
19 certificate. The fee shall not exceed the actual cost for
20 maintenance and operation of the statewide certification
21 database and for the actual costs incurred in printing and
22 mailing such renewed certificates. As defined in current rules
23 of the state board, the department shall contribute a portion
24 of such fee for purposes of funding the Educator Recovery
25 Network established in s. 1012.798. The department shall
26 deposit all funds into the Educational Certification Trust
27 Fund for use as specified in s. 1012.59.

28 (2)(a) All professional certificates, except a
29 nonrenewable professional certificate, shall be renewable for
30 successive periods not to exceed 5 years after the date of
31 submission of documentation of completion of the requirements

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1 for renewal provided in subsection (3). Only one renewal may
2 be granted during each 5-year validity period of a
3 professional certificate.

4 (b) A teacher with national certification from the
5 National Board for Professional Teaching Standards is deemed
6 to meet state renewal requirements for the life of the
7 teacher's national certificate in the subject shown on the
8 national certificate. A complete renewal application and fee
9 shall be submitted. The Commissioner shall notify teachers of
10 the renewal application and fee requirements.

11 (c) If the renewal application form is not received by
12 the department or by the employing school district before the
13 expiration of the professional certificate, the application
14 form, application fee, and a late fee must be submitted before
15 July 1 of the year following expiration of the certificate in
16 order to renew the professional certificate.

17 (d) The State Board of Education shall adopt rules to
18 allow a 1-year extension of the validity period of a
19 professional certificate in the event of serious illness,
20 injury, or other extraordinary extenuating circumstances of
21 the applicant. The department shall grant such 1-year
22 extension upon written request by the applicant or by the
23 district school superintendent or the governing authority of a
24 university lab school, state-supported school, or private
25 school that employs the applicant.

26 (3) For the renewal of a professional certificate, the
27 following requirements must be met:

28 (a) The applicant must earn a minimum of 6 college
29 credits or 120 inservice points or a combination thereof. For
30 each area of specialization to be retained on a certificate,
31 the applicant must earn at least 3 of the required credit

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1 hours or equivalent inservice points in the specialization
2 area. Education in "clinical educator" training pursuant to s.
3 1004.04(6)(b) ~~1004.04(5)(b)~~ and credits or points that provide
4 training in the area of scientifically researched,
5 knowledge-based reading literacy and computational skills
6 acquisition, exceptional student education, normal child
7 development, and the disorders of development may be applied
8 toward any specialization area. Credits or points that provide
9 training in the areas of drug abuse, child abuse and neglect,
10 strategies in teaching students having limited proficiency in
11 English, or dropout prevention, or training in areas
12 identified in the educational goals and performance standards
13 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied
14 toward any specialization area. Credits or points earned
15 through approved summer institutes may be applied toward the
16 fulfillment of these requirements. Inservice points may also
17 be earned by participation in professional growth components
18 approved by the State Board of Education and specified
19 pursuant to s. 1012.98 in the district's approved master plan
20 for inservice educational training, including, but not limited
21 to, serving as a trainer in an approved teacher training
22 activity, serving on an instructional materials committee or a
23 state board or commission that deals with educational issues,
24 or serving on an advisory council created pursuant to s.
25 1001.452.

26 Section 46. Section 1012.586, Florida Statutes, is
27 created to read:

28 1012.586 Additions or changes to certificates;
29 duplicate certificates.--A school district may process via a
30 Department of Education website certificates for the following
31 applications of public school employees:

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1 (1) Addition of a subject coverage or endorsement to a
2 valid Florida certificate on the basis of the completion of
3 the appropriate subject area testing requirements of s.
4 1012.56(4)(a) or the completion of the requirements of an
5 approved school district program or the inservice components
6 for an endorsement.

7 (2) A reissued certificate to reflect a name change.

8 (3) A duplicate certificate to replace a lost or
9 damaged certificate.

10

11 The employing school district shall charge the employee a fee
12 not to exceed the amount charged by the Department of
13 Education for such services. Each district school board shall
14 retain a portion of the fee as defined in the rules of the
15 State Board of Education. The portion sent to the department
16 shall be used for maintenance of the technology system, the
17 web application, and posting and mailing of the certificate.

18 Section 47. Subsection (2), paragraph (b) of
19 subsection (3), and subsections (5) through (10) of section
20 1012.98, Florida Statutes, are amended to read:

21 1012.98 School Community Professional Development
22 Act.--

23 (2) The school community includes students and
24 parents, administrative personnel, managers, instructional
25 personnel, support personnel, members of district school
26 boards, members of school advisory councils, ~~parents~~, business
27 partners, and personnel that provide health and social
28 services to students ~~school children~~. ~~School districts may~~
29 ~~identify and include additional members of the school~~
30 ~~community in the professional development activities required~~
31 ~~by this section.~~

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1 (3) The activities designed to implement this section
2 must:

3 (b) Assist the school community in providing
4 stimulating, scientifically research-based educational
5 activities that encourage and motivate students to achieve at
6 the highest levels and to become active learners.

7 ~~(5)(a) The Department of Education shall provide a~~
8 ~~system for the recruitment, preparation, and professional~~
9 ~~development of school administrative personnel. This system~~
10 ~~shall:~~

11 ~~1. Identify the knowledge, competencies, and skills~~
12 ~~necessary for effective school management and instructional~~
13 ~~leadership that align with student performance standards and~~
14 ~~accountability measures.~~

15 ~~2. Include performance evaluation methods.~~

16 ~~3. Provide for alternate means for preparation of~~
17 ~~school administrative personnel which may include programs~~
18 ~~designed by school districts and postsecondary educational~~
19 ~~institutions pursuant to guidelines developed by the~~
20 ~~commissioner. Such preparation programs shall be approved by~~
21 ~~the Department of Education.~~

22 ~~4. Provide for the hiring of qualified out-of-state~~
23 ~~school administrative personnel.~~

24 ~~5. Provide advanced educational opportunities for~~
25 ~~school-based instructional leaders.~~

26 ~~(b) The Commissioner of Education shall appoint a task~~
27 ~~force that includes a district school superintendent, a~~
28 ~~district school board member, a principal, an assistant~~
29 ~~principal, a teacher, a dean of a college of education, and~~
30 ~~parents. The task force shall convene periodically to provide~~
31 ~~recommendations to the department in the areas of recruitment,~~

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1 ~~certification, preparation, professional development, and~~
2 ~~evaluation of school administrators.~~

3 ~~(5)(6)~~ Each district school board shall provide
4 funding for the professional development system as required by
5 s. 1011.62 and the General Appropriations Act, and shall
6 direct expenditures from other funding sources to strengthen
7 the system and make it uniform and coherent. A school district
8 may coordinate its professional development program with that
9 of another district, with an educational consortium, or with a
10 community college or university, especially in preparing and
11 educating personnel. Each district school board shall make
12 available inservice activities to instructional personnel of
13 nonpublic schools in the district and the state certified
14 teachers who are not employed by the district school board on
15 a fee basis not to exceed the cost of the activity per all
16 participants.

17 ~~(6)(7)~~ An organization of private schools which has no
18 fewer than 10 member schools in this state, which publishes
19 and files with the Department of Education copies of its
20 standards, and the member schools of which comply with the
21 provisions of part II of chapter 1003, relating to compulsory
22 school attendance, may also develop a professional development
23 system that includes a master plan for inservice activities.
24 The system and inservice plan must be submitted to the
25 commissioner for approval pursuant to rules of the State Board
26 of Education.

27 ~~(7)(8)~~ The Department of Education shall design
28 methods by which the state and district school boards may
29 evaluate and improve the professional development system. The
30 evaluation must include an annual assessment of data that
31 indicate progress or lack of progress of all students. If the

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1 review of the data indicates progress, the department shall
2 identify the best practices that contributed to the progress.
3 If the review of the data indicates a lack of progress, the
4 department shall investigate the causes of the lack of
5 progress, provide technical assistance, and require the school
6 district to employ a different approach to professional
7 development. The department shall report annually to the State
8 Board of Education and the Legislature any school district
9 that, in the determination of the department, has failed to
10 provide an adequate professional development system. This
11 report must include the results of the department's
12 investigation and of any intervention provided.

13 ~~(8)(9)~~ The State Board of Education may adopt rules
14 pursuant to ss. 120.536(1) and 120.54 to administer this
15 section.

16 ~~(9)(10)~~ This section does not limit or discourage a
17 district school board from contracting with independent
18 entities for professional development services and inservice
19 education if the district school board can demonstrate to the
20 Commissioner of Education ~~believes~~ that, through such a
21 contract, a better product can be acquired or its goals for
22 education improvement can be better met.

23 ~~(10)(11)~~ For teachers, managers, and administrative
24 personnel who have been evaluated as less than satisfactory, a
25 district school board shall require participation in specific
26 professional development programs as part of the improvement
27 prescription.

28 Section 48. Paragraph (b) of subsection (1) of section
29 1009.531, Florida Statutes, is amended to read:

30 1009.531 Florida Bright Futures Scholarship Program;
31 student eligibility requirements for initial awards.--

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1 (1) To be eligible for an initial award from any of
2 the three types of scholarships under the Florida Bright
3 Futures Scholarship Program, a student must:

4 (b) Earn a standard Florida high school diploma or its
5 equivalent as described in s. 1003.429, s. 1003.43, or s.
6 1003.435 ~~1003.45~~ unless:

7 1. The student is enrolled full time in the early
8 admission program of an eligible postsecondary education
9 institution or completes a home education program according to
10 s. 1002.41; or

11 2. The student earns a high school diploma from a
12 non-Florida school while living with a parent or guardian who
13 is on military or public service assignment away from Florida.

14 Section 49. Part VIII of Chapter 159, Florida
15 Statutes, consisting of sections 159.831, 159.832, 159.833,
16 159.834, and 159.835, is created to read:

17 159.831 Short title.--This part may be cited as the
18 "Florida Qualified Public Educational Facilities Private
19 Activity Bond Allocation Act."

20 159.832 Purpose.--The purpose of this part is to
21 allocate the state volume limitation imposed by s.
22 142(k)(5)(A) of the Code on private activity bonds to finance
23 qualified public educational facilities. No private activity
24 bond subject to the limitation in s. 142(k)(5)(A) of the code
25 shall be issued in this state unless a written confirmation
26 therefor is issued pursuant to this part.

27 159.833 Definitions.--As used in this part, the term:

28 (1) "Board" means the State Board of Education,
29 created pursuant to Section 2, Article IX of the State
30 Constitution.

31 (2) "Code" means the Internal Revenue Code of 1986, as

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1 amended, and the regulations and rulings issued thereunder.

2 (3) "Commissioner" means the Commissioner of
3 Education.

4 (4) "Department" means the Department of Education,
5 created pursuant to s. 20.15.

6 (5) "Issued" has the same meaning as in the code.

7 (6) "Private activity bond" means any bond described
8 in s. 141 of the Code.

9 (7) "Qualified Public Educational Facility" means a
10 facility described in s. 142(k)(1) of the code.

11 159.834 Allocation of state volume limitation.--

12 (1) By February 1, 2004, the board shall establish a
13 program for allocating the state volume limitation imposed by
14 s. 142(k)(5)(A) of the Code on private activity bonds to
15 finance qualified public educational facilities. Such program
16 shall include objective criteria to be considered in
17 determining whether to grant a request for such volume
18 limitation, including, but not limited to, the need for a
19 qualified public educational facility in the area proposed in
20 the application, the number of students to be served by such
21 facility, and the cost effectiveness of the proposed facility.
22 The program shall be administered by the department.

23 (2) The department shall annually determine the amount
24 of private activity bonds for qualified public educational
25 facilities permitted to be issued in this state under s. 142
26 (k)(5) of the Code and shall make such information available
27 upon request to any person or agency.

28 (3) The department shall ensure that any volume
29 limitation unused at the end of each calendar year is carried
30 forward pursuant to s. 142(k)(5)(B)(ii) of the Code.

31 (4) The commissioner shall sign any certificate

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1 required by the Code relating to the allocation of the state
2 volume limitation on private activity bonds to finance
3 qualified public educational facilities.

4 159.835 Rules.--The board and the department shall
5 adopt any rules necessary to ensure the orderly implementation
6 and administration of this act.

7 Section 50. If any provision of this act or its
8 application to any person or circumstance is held invalid, the
9 invalidity does not affect other provisions or applications of
10 the act which can be given effect without the invalid
11 provision or application, and to this end the provisions of
12 this act are severable.

13 Section 51. Paragraph (c) of subsection (1) of section
14 1012.22, Florida Statutes, is amended to read:

15 1012.22 Public school personnel; powers and duties of
16 the district school board.--The district school board shall:

17 (1) Designate positions to be filled, prescribe
18 qualifications for those positions, and provide for the
19 appointment, compensation, promotion, suspension, and
20 dismissal of employees as follows, subject to the requirements
21 of this chapter:

22 (c) Compensation and salary schedules.--

23 1. The district school board shall adopt a salary
24 schedule or salary schedules designed to furnish incentives
25 for improvement in training and for continued efficient
26 service to be used as a basis for paying all school employees
27 and fix and authorize the compensation of school employees on
28 the basis thereof.

29 2. A district school board, in determining the salary
30 schedule for instructional personnel, must base a portion of
31 each employee's compensation on performance demonstrated under

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1 s. 1012.34, must consider the prior teaching experience of a
2 person who has been designated state teacher of the year by
3 any state in the United States, and must consider prior
4 professional experience in the field of education gained in
5 positions in addition to district level instructional and
6 administrative positions.

7 3. In developing the salary schedule, the district
8 school board shall seek input from parents, teachers, and
9 representatives of the business community.

10 4. Beginning with the 2002-2003 fiscal year, each
11 district school board must adopt a performance-pay policy for
12 school administrators and instructional personnel. The
13 district's performance-pay policy is subject to negotiation as
14 provided in chapter 447; however, the adopted salary schedule
15 must allow school administrators and instructional personnel
16 who demonstrate outstanding performance, as measured under s.
17 1012.34, to earn a 5-percent supplement in addition to their
18 individual, negotiated salary. The supplements shall be funded
19 from the performance-pay reserve funds adopted in the salary
20 schedule. Beginning with the 2004-2005 academic year, the
21 district's 5-percent performance-pay policy must provide for
22 the evaluation of classroom teachers within each level of the
23 salary career ladder provided in s. 1012.231. The Commissioner
24 of Education shall determine whether the district school
25 board's adopted salary schedule complies with the requirement
26 for performance-based pay. If the district school board fails
27 to comply with this section, the commissioner shall withhold
28 disbursements from the Educational Enhancement Trust Fund to
29 the district until compliance is verified.

30 Section 52. Except as otherwise expressly provided in
31 this act, this act shall take effect July 1, 2003, and the

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1 changes effected by this act to the Deferred Retirement Option
2 Program shall take effect June 1, 2003.

3

4

5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 178, line 5103, through page 188, line 5383

8 delete those lines

9

10 and insert:

11 An act relating to the implementation of
12 Amendment 9 to the State Constitution (November
13 2002 election); amending s. 1003.01, F.S.;
14 defining the terms "core-curricula courses" and
15 "extracurricular courses"; amending s. 1003.03,
16 F.S.; establishing the constitutional class
17 size maximum; providing for the determination
18 of averages; providing for the department to
19 calculate averages based upon student
20 membership surveys; providing implementation
21 options for school districts; providing
22 accountability for the class size reduction
23 measures; creating s. 1011.685, F.S.;
24 establishing an operating categorical fund for
25 implementing class size reduction; providing
26 for the use of the funds by school districts;
27 creating s. 1013.735, F.S.; establishing the
28 Classrooms for Kids Program; providing for the
29 allocation of funds; providing requirements for
30 district participation in the program;
31 providing for the use of the funds; creating s.

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1 1013.736, F.S.; establishing the District
2 Effort Recognition Program; providing for
3 eligibility for school district participation;
4 establishing a district equity ratio for
5 purposes of calculating the allocation for the
6 program; providing for the use of the funds;
7 creating s. 1013.737, F.S.; establishing the
8 Class Size Reduction Lottery Revenue Bond
9 Program; authorizing the issuance of revenue
10 bonds to finance or refinance the construction,
11 acquisition, reconstruction, or renovation of
12 educational facilities; providing legislative
13 findings; specifying that the bonds are payable
14 from first proceeds of lottery revenues
15 transferred to the Educational Enhancement
16 Trust Fund; establishing a covenant with
17 bondholders to not materially and adversely
18 affect their rights; providing for issuance of
19 the bonds by the Division of Bond Finance on
20 behalf of the Department of Education; limiting
21 the total amount of such bonds issued;
22 providing for deposit of bond proceeds in the
23 Lottery Capital Outlay and Debt Service Trust
24 Fund; providing for the filing of complaints
25 for validation; providing for timely
26 encumbrances of funds for authorized projects;
27 amending s. 24.121, F.S.; removing limitations
28 on lottery revenues that may be pledged to the
29 payment of debt service; amending s. 121.091,
30 F.S.; authorizing instructional personnel who
31 receive authorization to extend participation

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1 in the Deferred Retirement Option Program;
2 amending s. 220.187, F.S.; increasing the total
3 amount of tax credit which may be granted each
4 state fiscal year; allowing tax credits to be
5 carried forward; amending s. 1003.02, F.S.;
6 requiring school districts to notify parents of
7 acceleration mechanisms; eliminating a
8 cross-reference to conform to changes made by
9 the act; amending s. 1003.43, F.S.; providing
10 that parenting skills be included; removing the
11 requirement that a life management course be
12 offered during the 9th and 10th grade years;
13 providing that participation in R.O.T.C. class
14 satisfies a portion of the physical education
15 requirement; creating s. 1003.429, F.S.;
16 providing for accelerated high school
17 graduations; providing requirements;
18 prohibiting school districts from imposing
19 additional requirements; amending 1007.261,
20 F.S.; aligning university admission standards
21 with accelerated high school graduation
22 options; revising credits required; amending s.
23 1003.436, F.S.; reducing the number of hours
24 required for one full credit for district
25 schools implementing block scheduling; amending
26 s. 1011.62, F.S.; removing a date limitation to
27 provide for categorical flexibility; revising
28 purposes of categorical; amending s. 1011.69,
29 F.S.; deleting obsolete provisions; revising
30 allocation amount to average percent of funds
31 generated; revising the exemption for certain

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1 charter schools; providing that Classrooms for
2 Kids operating categorial funds are not subject
3 to provisions requiring equity in school
4 funding; amending s. 1013.03, F.S.; requiring
5 the Department of Education to review rules
6 relating to school construction and make
7 recommendations to the State Board of
8 Education; amending s. 1013.31, F.S.; requiring
9 school districts to periodically update the
10 inventory of educational facilities; amending
11 s. 1002.37, F.S.; providing that certain funds
12 are internal funds; authorizing supplemental
13 support organization; revising administrative
14 responsibilities regarding funding and
15 reporting requirements for the board of
16 trustees of the Florida Virtual School;
17 authorizing franchise agreements; providing for
18 funding the Florida Virtual School within the
19 Florida Education Finance Program; providing
20 for funding based on credit completion;
21 providing a calculation; eliminating obsolete
22 provisions; amending s. 1011.61, F.S.;
23 redefining the term "full-time equivalent
24 student" to include a Florida Virtual School
25 student; providing for membership to exceed
26 certain maximum days of instruction; creating
27 the Florida Business and Education in School
28 Together (Florida BEST) Program; requiring
29 school districts to seek business partners for
30 Florida BEST schools; requiring each school
31 district to create a Florida BEST school

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1 evaluation committee; defining a "Florida
2 Business and Education in School Together
3 (Florida BEST) school"; providing for priority
4 in admission of students; providing parental
5 responsibility; providing for contracts to
6 operate Florida BEST schools; providing school
7 district and business responsibilities for
8 Florida BEST schools; providing exemptions from
9 local government ordinances or regulations
10 relating to square footage or floor area;
11 repealing ss. 1002.33(13), 1012.41, 1012.73,
12 1013.21, and 1013.43, F.S., relating to number
13 of charter schools, directors of career and
14 technical education, the Florida Mentor Teacher
15 School Pilot Program, reduction of relocatable
16 facilities in use, and the small school
17 requirement; amending s. 216.292, F.S.;
18 requiring the Executive Office of the Governor
19 to transfer funds for class size reduction
20 based on recommendations of the Florida
21 Education Finance Program Appropriation
22 Allocation Conference or the Legislative Budget
23 Commission; requiring notice and review;
24 amending s. 1003.62, F.S.; making pilot program
25 statewide; providing additional criteria for
26 the establishment of a charter school district;
27 providing for renewal of the charter; providing
28 certain exemptions from law and rule; providing
29 reporting requirements; grandfathering certain
30 districts; amending s. 1013.64, F.S.; providing
31 limitations on the use of certain funds;

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1 revising provisions relating to the costs per
2 student station; requiring reports; creating
3 the BEST Florida Teaching Program Act; creating
4 s. 1000.041, F.S.; providing legislative
5 purposes and guiding principles of the act;
6 amending s. 1001.33, F.S.; requiring
7 cooperation to apply guiding principles;
8 amending s. 1001.42, F.S.; providing that a
9 district school board may use certain personnel
10 to assist teachers in noninstructional
11 activities; requiring school district support
12 of certain activities and programs; clarifying
13 provisions concerning a school-within-a school;
14 amending ss. 1001.51 and 1001.54, F.S.;
15 requiring cooperation and support of district
16 school superintendents and school principals;
17 amending s. 1002.20, F.S.; providing student
18 rights with respect to classroom orderliness;
19 amending s. 1002.42, F.S.; correcting a
20 cross-reference; amending s. 1003.04, F.S.;
21 requiring specified student conduct and
22 attendance; requiring parental cooperation with
23 school authority; amending s. 1003.31, F.S.;
24 requiring support of the authority of teachers
25 and bus drivers; amending s. 1003.32, F.S.;
26 revising provisions relating to teacher
27 authority and responsibility for control of
28 students; designating a school placement review
29 committee to determine placement for disruptive
30 students; requiring reports; requiring
31 Commissioner of Education review of success in

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1 achieving orderly classrooms and use of
2 enforcement actions; requiring reporting of
3 knowledge or suspicion of crimes of violence on
4 school property and providing immunity;
5 amending s. 1004.04, F.S.; revising provisions
6 relating to state approval of teacher
7 preparation programs; expanding State Board of
8 Education rules establishing core curricula;
9 requiring teacher preparation programs to
10 incorporate certain instruction; providing for
11 guarantee; providing for additional teacher
12 training under certain circumstances;
13 authorizing pay for student teacher
14 internships; authorizing additional standards
15 for program approval and certification;
16 deleting the requirement that pilot programs be
17 established at the University of Central
18 Florida, the University of North Florida, and
19 the University of South Florida; allowing pilot
20 programs to be established as authorized by the
21 Commissioner of Education at colleges and
22 universities with state-approved teacher
23 education programs; providing priority
24 consideration for participation in teacher
25 education pilot programs; amending ss. 1006.08
26 and 1006.09, F.S.; requiring district school
27 superintendent and school principal support
28 relating to student discipline; amending s.
29 1012.05, F.S.; requiring the Department of
30 Education to provide for one-stop shopping for
31 teacher career information and on-line support;

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1 authorizing use of funds to recruit and prepare
2 teachers; creating s. 1012.231, F.S.;
3 establishing a salary career ladder program;
4 providing levels of career ladder salary;
5 providing standards; providing limitations or
6 certain assignments; requiring the State Board
7 of Education to develop a long-range plan;
8 amending s. 1012.27, F.S.; requiring district
9 school superintendents to implement district's
10 career ladder salary program; amending s.
11 1012.56, F.S.; revising the time period for
12 which an official statement of status of
13 eligibility for certification is valid;
14 revising requirements for mastery of general
15 knowledge, mastery of subject area knowledge,
16 and mastery of professional preparation and
17 education competence; revising provisions
18 relating to temporary certificates; amending s.
19 1012.57, F.S.; requiring district school boards
20 to adopt rules to allow for the issuance of
21 adjunct teaching certificates; revising
22 provisions relating to determination of
23 expertise in the subject area to be taught;
24 amending s. 1012.585, F.S.; revising certain
25 requirements for renewal of professional
26 certificates; correcting a cross-reference;
27 creating s. 1012.586, F.S.; authorizing school
28 districts to process certain applications via
29 website; providing for a fee and the uses
30 thereof; amending s. 1012.98, F.S.; revising
31 provisions relating to the School Community

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1 Professional Development Act; deleting
2 provisions relating to recruitment,
3 preparation, and professional development of
4 school administrative personnel; amending s.
5 1009.531, F.S.; correcting a cross-reference;
6 creating ss. 159.831, 159.832, and 159.832,
7 F.S.; relating to the Florida Qualified Public
8 Educational Facilities Private Activity Bond
9 Allocation Act; providing definitions;
10 providing certain state volume limitations on
11 certain private bond activity; providing for
12 department review; authorizing rule adoption;
13 amending s. 1012.22, F.S.; providing that
14 district's five-percent performance-pay policy
15 must apply at each level of the salary career
16 ladder program; providing for severability;
17 providing effective dates.

18
19 WHEREAS, in 1998 the voters approved an amendment to
20 Section 1, Article IX of the State Constitution that required
21 the Legislature to establish by law a uniform, efficient,
22 safe, secure, and high-quality system of free public schools
23 that allows students to obtain a high-quality education, and

24 WHEREAS, in 2002 the voters of Florida approved a
25 further amendment to Section 1, Article IX of the State
26 Constitution to assure that students obtain a high-quality
27 education, and

28 WHEREAS, the voters defined a high-quality education
29 as, by 2010 a prekindergarten through grade 3 core-curricula
30 class size of no more than 18 students assigned to a teacher,
31 a grade 4 through grade 8 core-curricula class size of no more

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1 | than 22 students assigned to a teacher, and a grade 9 through
2 | grade 12 core-curricula class size of no more than 25 students
3 | assigned to a teacher, and

4 | WHEREAS, the Legislature finds that a high-quality
5 | education cannot be achieved solely by small class sizes but
6 | also requires well-education, well-trained, well-compensated,
7 | and effective classroom teachers and school administrators who
8 | maintain orderly, disciplines classrooms conducive to student
9 | learning, and

10 | WHEREAS, Section 1, Article IX of the State
11 | Constitution requires that such reduced class sizes be
12 | accomplished through a system that is both efficient and
13 | uniform, and

14 | WHEREAS, the constitutional principle of efficiency
15 | includes the school districts' use of their facilities,
16 | teachers, and other resources in the most efficient manner,
17 | and

18 | WHEREAS, the Florida Supreme Court in considering the
19 | provisions of Amendment 9 to Section 1, Article IX of the
20 | State Constitution, found that "rather than restricting the
21 | Legislature, the proposed amendment gives the Legislature
22 | latitude in designing ways to reach the class size goal
23 | articulated in the ballot initiative, and places the
24 | obligation to ensure compliance on the Legislature," and

25 | WHEREAS, the Legislature has chosen to focus on student
26 | achievement, provide clarity of goals, safeguard the efficient
27 | use of public funds, allow flexibility to reach those goals,
28 | recognize issues relating to efficiency and equity of
29 | implementation, and require accountability to meet the
30 | standards set forth in the State Constitution, NOW, THEREFORE,
31 |