

By the Committees on Appropriations; Finance and Taxation;
Education; and Senators Carlton and Constantine

309-1939-03

1 A bill to be entitled
2 An act relating to implementation of Amendment
3 9 to the State Constitution (November 2002
4 election); providing a short title; amending s.
5 1003.01, F.S.; defining the terms
6 "core-curricula courses" and "extracurricular
7 courses"; amending s. 1003.03, F.S.;
8 establishing the constitutional class size
9 maximum; providing for the determination of
10 averages; providing for the department to
11 calculate averages based upon student
12 membership surveys; providing implementation
13 options for school districts; providing
14 accountability for the class size reduction
15 measures; providing that a district school
16 board that fails to comply with maximum class
17 size requirements is subject to suspension by
18 the Governor; creating s. 1011.685, F.S.;
19 establishing an operating categorical fund for
20 implementing class size reduction; providing
21 for the use of the funds by school districts;
22 creating s. 1013.735, F.S.; establishing the
23 Classrooms for Kids Program; providing for the
24 allocation of funds; providing requirements for
25 district participation in the program;
26 providing for the use of the funds; creating s.
27 1013.736, F.S.; establishing the District
28 Equity Recognition Program; providing for
29 eligibility for school district participation;
30 establishing a district equity ratio for
31 purposes of calculating the allocation for the

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

1 contingent upon such determination or other
2 favorable opinion; amending s. 1001.42, F.S.;
3 clarifying provisions concerning a
4 school-within-a-school; amending s. 1003.02,
5 F.S.; requiring school districts to notify
6 parents of acceleration mechanisms; eliminating
7 a cross-reference to conform to changes made by
8 the act; amending s. 1003.43, F.S.; removing
9 the requirement that a life management course
10 be offered during the 9th and 10th grade years;
11 amending s. 1003.436, F.S.; reducing the number
12 of hours required for one full credit; amending
13 s. 1011.62, F.S.; removing a date limitation to
14 provide for categorical flexibility; amending
15 s. 1011.69, F.S.; deleting obsolete provisions;
16 providing that Classrooms for Kids operating
17 categorical funds are not subject to provisions
18 requiring equity in school funding; amending s.
19 1012.56, F.S.; revising the time period for an
20 authorized statement of status of eligibility
21 for educator certification requirements;
22 amending requirements for mastery of general
23 knowledge for a teaching certificate; revising
24 requirements for mastery of subject area
25 knowledge; revising requirements for mastery of
26 professional competence; amending s. 1012.57,
27 F.S.; requiring district school boards to adopt
28 rules to allow for the issuance of adjunct
29 educator certificates; amending s. 1013.03,
30 F.S.; requiring the Department of Education to
31 review rules relating to school construction

1 and make recommendations to the State Board of
2 Education; amending s. 1013.31, F.S.; requiring
3 school districts to periodically update the
4 inventory of educational facilities; amending
5 s. 1002.37, F.S.; revising reporting
6 requirements for the board of trustees of the
7 Florida Virtual School; providing for funding
8 the Florida Virtual School within the Florida
9 Education Finance Program; providing for the
10 determination of a credit; eliminating obsolete
11 provisions; amending s. 1011.61, F.S.;
12 redefining the term "full-time equivalent
13 student" to include a Florida Virtual School
14 student; providing for membership to exceed
15 certain maximum days of instruction; creating
16 the Florida Business and Education in School
17 Together (Florida BEST) Program; requiring
18 school districts to seek business partners for
19 Florida BEST schools; requiring each school
20 district to create a Florida BEST school
21 evaluation committee; defining a "Florida
22 Business and Education in School Together
23 (Florida BEST) school"; providing for priority
24 in admission of students; providing parental
25 responsibility; providing for contracts to
26 operate Florida BEST schools; providing school
27 district and business responsibilities for
28 Florida BEST schools; providing exemptions from
29 local government ordinances or regulations
30 relating to square footage or floor area;
31 repealing ss. 1002.33(13), 1012.41, and

1 1013.43, F.S., relating to number of charter
2 schools, directors of career and technical
3 education, and the small school requirement;
4 amending s. 216.292, F.S.; requiring the
5 Executive Office of the Governor to transfer
6 funds for class size reduction based on
7 recommendations of the Florida Education
8 Finance Program Appropriation Allocation
9 Conference; requiring notice and review;
10 providing for severability; providing effective
11 dates.

12
13 WHEREAS, in 1998 the voters approved an amendment to
14 Section 1, Article IX of the State Constitution that required
15 the Legislature to establish by law a uniform, efficient,
16 safe, secure, and high-quality system of free public schools
17 that allows students to obtain a high-quality education, and

18 WHEREAS, in 2002 the voters of Florida approved a
19 further amendment to Section 1, Article IX of the State
20 Constitution to assure that students obtain a high-quality
21 education, and

22 WHEREAS, the voters defined a high-quality education
23 as, by 2010 a prekindergarten through grade 3 core-curricula
24 class size of no more than 18 students assigned to a teacher,
25 a grade 4 through grade 8 core-curricula class size of no more
26 than 22 students assigned to a teacher, and a grade 9 through
27 grade 12 core-curricula class size of no more than 25 students
28 assigned to a teacher, and

29 WHEREAS, Section 1, Article IX of the State
30 Constitution further requires that such reduced class sizes be
31

1 accomplished through a system that is both efficient and
2 uniform, and

3 WHEREAS, there are a number of ways that the
4 Legislature could implement the provisions of Amendment 9 to
5 Section 1, Article IX of the State Constitution, and

6 WHEREAS, the Legislature has chosen to focus on student
7 achievement, provide clarity of goals, allow flexibility to
8 reach those goals, recognize issues relating to equity of
9 implementation, and require accountability to meet the
10 standards set forth in the State Constitution, NOW, THEREFORE,

11

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

13

14 Section 1. This act may be cited as "The Class Size
15 Reduction Act."

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

18 1003.01 Definitions.--As used in this chapter, the
19 term:

20 (14) "Core-curricula courses" mean courses defined by
21 the Department of Education as mathematics, language
22 arts/reading, science, social studies, foreign language,
23 English for Speakers of Other Languages, exceptional student
24 education, and courses taught in traditional self-contained
25 elementary school classrooms.

26 (15) "Extracurricular courses" means all courses that
27 are not defined as "core-curricula courses," which may
28 include, but are not limited to, physical education, fine
29 arts, performing fine arts, vocational education, and career
30 and technical education. The term is limited in meaning and
31 used for the sole purpose of designating classes that are not

1 subject to the maximum class size requirements established in
2 s. 1, Art. IX of the State Constitution.

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

5 (Substantial rewording of section. See
6 s. 1003.03, F.S., for present text.)

7 1003.03 Maximum class size.--

8 (1) CONSTITUTIONAL CLASS SIZE MAXIMUM.--Pursuant to s.
9 1, Art. IX of the State Constitution, beginning in the
10 2010-2011 school year:

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

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

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

23 (2) IMPLEMENTATION.--

24 (a) Beginning with the 2003-2004 fiscal year, each
25 school district that is not in compliance with the maximums in
26 subsection (1) shall reduce the average number of students per
27 classroom in each of the following grade groupings:
28 prekindergarten through grade 3, grade 4 through grade 8, and
29 grade 9 through grade 12, by at least two students each year.

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

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

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

7 3. For fiscal years 2008-2009 and 2009-2010, the
8 calculation for compliance shall be at the individual
9 classroom level.

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

19 (d) Prior to the adoption of the district school
20 budget for 2003-2004, each district school board shall hold
21 public hearings to review school attendance zones in order to
22 ensure maximum use of facilities while minimizing the
23 additional use of transportation in order to comply with the
24 two-student-per-year reduction required in paragraph (a).
25 School districts that meet the constitutional class size
26 maximum described in subsection (1) are exempt from this
27 requirement.

28 (3) IMPLEMENTATION OPTIONS.--District school boards
29 must consider, but are not limited to, implementing the
30 following items in order to meet the constitutional class size
31

1 maximum described in subsection (1) and the

2 two-student-per-year reduction required in subsection (2):

3 (a) Adopt policies to encourage qualified students to
4 take dual enrollment courses.

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

7 (c) Repeal district school board policies that require
8 students to have more than 24 credits to graduate from high
9 school.

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

15 (e) Use innovative methods to reduce the cost of
16 school construction by using prototype school designs, using
17 SMART Schools designs, participating in the School
18 Infrastructure Thrift Program, or any other method not
19 prohibited by law.

20 (f) Use joint-use facilities through partnerships with
21 community colleges, state universities, and private colleges
22 and universities.

23 (g) Adopt alternative methods of class scheduling,
24 such as block scheduling.

25 (h) Redraw school attendance zones to maximize use of
26 facilities while minimizing the additional use of
27 transportation.

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

31

1 (j) Use year-round schools and other nontraditional
2 calendars that do not adversely impact annual assessment of
3 student achievement.

4 (k) Review and consider amending any collective
5 bargaining contracts that hinder the implementation of class
6 size reduction.

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

8 (4) ACCOUNTABILITY.--

9 (a) Beginning in the 2003-2004 fiscal year, if the
10 department determines for any year that a school district has
11 not reduced average class size as required in subsection (2)
12 at the time of the third FEFP calculation, the department
13 shall calculate an amount from the class size reduction
14 operating categorical which is proportionate to the amount of
15 class size reduction not accomplished. Upon verification of
16 the department's calculation by the Florida Education Finance
17 Program Appropriation Allocation Conference, the Executive
18 Office of the Governor shall transfer undistributed funds
19 equivalent to the calculated amount from the district's class
20 size reduction operating categorical to an approved fixed
21 capital outlay appropriation for class size reduction in the
22 affected district pursuant to s. 216.292(13). The amount of
23 funds transferred shall be the lesser of the amount verified
24 by the Florida Education Finance Program Appropriation
25 Allocation Conference or the undistributed balance of the
26 district's class size reduction operating categorical.

27 (b) Beginning in the 2005-2006 school year, the
28 department shall determine by January 15 of each year which
29 districts have not met the two-student-per-year reduction
30 required in subsection (2) based upon a comparison of the
31 district's October student membership survey for the current

1 school year and the February 2003 baseline student membership
2 survey. The department shall report such districts to the
3 Legislature. Each district that has not met the
4 two-student-per-year reduction shall be required to implement
5 one of the following policies in the subsequent school year
6 unless the department finds that the district comes into
7 compliance based upon the February student membership survey:

- 8 1. Year-round schools;
- 9 2. Double sessions;
- 10 3. Extended school year; or
- 11 4. Rezoning.

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

27 (c) Beginning in the 2006-2007 school year, the
28 department shall annually determine which districts do not
29 meet the requirements described in subsection (2). In addition
30 to enforcement authority provided in s. 1008.32, the
31 Department of Education shall develop a constitutional

1 compliance plan for each such district which includes, but is
2 not limited to, redrawing school attendance zones to maximize
3 use of facilities while minimizing the additional use of
4 transportation unless the department finds that the district
5 comes into compliance based upon the February student
6 membership survey and the other accountability policies listed
7 in paragraph (b). Each district school board shall implement
8 the constitutional compliance plan developed by the state
9 board until the district complies with the constitutional
10 class size maximum.

11 (d) Any district school board that does not comply
12 with the requirements of this section and s. 1, Art. IX of the
13 State Constitution shall be subject to suspension by the
14 Governor pursuant to s. 7, Art. IV of the State Constitution.

15 Section 4. Section 1011.685, Florida Statutes, is
16 created to read:

17 1011.685 Class size reduction; operating categorical
18 fund.--

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

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

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

30 (b) For any lawful operating expenditure, if the
31 district has met the constitutional maximum identified in s.

1 1003.03(1) or the reduction of two students per year required
2 by s. 1003.03(2); however, priority should be given to
3 increase salaries of classroom teachers as defined in s.
4 1012.01(2)(a).

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

7 1013.735 Classrooms for Kids Program.--

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

16 (a) Twenty-five percent of the appropriation shall be
17 prorated to the districts based on each district's percentage
18 of base capital outlay full-time equivalent membership, and 65
19 percent shall be based on each district's percentage of growth
20 capital outlay full-time equivalent membership as specified
21 for the allocation of funds from the Public Education Capital
22 Outlay and Debt Service Trust Fund by s. 1013.64(3).

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

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

29 (a) Enter into an interlocal agreement pursuant to s.
30 1013.33.

31

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

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

7 (a) Construct, renovate, remodel, or repair
8 educational facilities that are in excess of projects
9 identified in the district's 5-year work program adopted prior
10 to March 15, 2003; or

11 (b) Purchase or lease-purchase relocatable facilities
12 that are in excess of relocatables identified in the
13 district's 5-year work program adopted prior to March 15,
14 2003.

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

17 1013.736 District Effort Recognition Program.--

18 (1) RECOGNITION FUNDS.--From funds appropriated by the
19 Legislature, district effort recognition capital outlay grants
20 shall be made to eligible school districts in accordance with
21 the provisions of this section and the General Appropriations
22 Act. The funds appropriated in this section are not subject to
23 the provisions of s. 216.301.

24 (2) ELIGIBILITY.--Annually, the Department of
25 Education shall determine each district's compliance with the
26 provisions of s. 1003.03 and determine the district's
27 eligibility to receive a district effort recognition grant for
28 local school facilities projects pursuant to this section.
29 Districts shall be eligible for a district effort recognition
30 grant based upon participation in any of the following:

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

3 (b) The district participates in the levy of the local
4 government infrastructure sales surtax authorized in s.
5 212.055(2).

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

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

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

6 (5) USE OF FUNDS.--School districts that do not meet
7 the constitutional class size maximum described in s.
8 1003.03(1) must use the funds for capital outlay to reduce
9 class size. School districts that meet the constitutional
10 class size maximum may use the funds for any lawful capital
11 outlay purpose.

12 Section 7. Section 1013.737, Florida Statutes, is
13 created to read:

14 1013.737 The Class Size Reduction Lottery Revenue Bond
15 Program.--There is established the Class Size Reduction
16 Lottery Revenue Bond Program.

17 (1) The issuance of revenue bonds is authorized to
18 finance or refinance the construction, acquisition,
19 reconstruction, or renovation of educational facilities. Such
20 bonds shall be issued pursuant to and in compliance with the
21 provisions of s. 11(d), Art. VII of the State Constitution,
22 the provisions of the State Bond Act, ss. 215.57-215.83, as
23 amended, and the provisions of this section.

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

30 (3) The state hereby covenants with the holders of
31 such revenue bonds that it will not take any action that will

1 materially and adversely affect the rights of such holders so
2 long as bonds authorized by this section are outstanding. The
3 state does hereby additionally authorize the establishment of
4 a covenant in connection with the bonds which provides that
5 any additional funds received by the state from new or
6 enhanced lottery programs, video gaming, or other similar
7 activities will first be available for payments relating to
8 bonds pledging revenues available pursuant to s. 24.121(2),
9 prior to use for any other purpose.

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

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

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

30 (7) Any complaint for validation of such bonds is
31 required to be filed only in the circuit court of the county

1 where the seat of state government is situated. The notice
2 required to be published by s. 75.06 is required to be
3 published only in the county where the complaint is filed, and
4 the complaint and order of the circuit court need be served
5 only on the state attorney of the circuit in which the action
6 is pending.

7 (8) The Commissioner of Education shall provide for
8 timely encumbrances of funds for duly authorized projects.
9 Encumbrances may include proceeds to be received under a
10 resolution approved by the State Board of Education
11 authorizing issuance of class size reduction lottery bonds
12 pursuant to s. 11(d), Art. VII of the State Constitution, s.
13 1013.737, and other applicable law.

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

16 24.121 Allocation of revenues and expenditure of funds
17 for public education.--

18 (2) Each fiscal year, at least 38 percent of the gross
19 revenue from the sale of on-line lottery tickets, variable
20 percentages of the gross revenue from the sale of instant
21 lottery tickets as determined by the department consistent
22 with subsection (1), and other earned revenue, excluding
23 application processing fees, shall be deposited in the
24 Educational Enhancement Trust Fund, which is hereby created in
25 the State Treasury to be administered by the Department of
26 Education. The Department of the Lottery shall transfer moneys
27 to the Educational Enhancement Trust Fund at least once each
28 quarter. Funds in the Educational Enhancement Trust Fund shall
29 be used to the benefit of public education in accordance with
30 the provisions of this act. Notwithstanding any other
31 provision of law, ~~a maximum of \$180 million of lottery~~

1 revenues transferred to the Educational Enhancement Trust Fund
2 ~~in fiscal year 1997-1998 and for 30 years thereafter~~ shall be
3 reserved as needed and used to meet the requirements of the
4 documents authorizing the bonds issued by the state pursuant
5 to s. 1013.68,or s. 1013.70, or s. 1013.737 or distributed to
6 school districts for the Classrooms First Program as provided
7 in s. 1013.68. Such lottery revenues are hereby pledged to the
8 payment of debt service on bonds issued by the state pursuant
9 to s. 1013.68,or s. 1013.70, or s. 1013.737. Debt service
10 payable on bonds issued by the state pursuant to s. 1013.68,
11 or s. 1013.70, or s. 1013.737 shall be payable from, and are
12 secured by a first lien on, the first lottery revenues
13 transferred to the Educational Enhancement Trust Fund in each
14 fiscal year. Amounts distributable to school districts that
15 request the issuance of bonds pursuant to s. 1013.68(3) are
16 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
17 the State Constitution. ~~The amounts distributed through the~~
18 ~~Classrooms First Program shall equal \$145 million in each~~
19 ~~fiscal year. These funds are intended to provide up to \$2.5~~
20 ~~billion for public school facilities.~~

21 Section 9. Paragraphs (a) and (b) of subsection (13)
22 of section 121.091, Florida Statutes, are amended to read:

23 121.091 Benefits payable under the system.--Benefits
24 may not be paid under this section unless the member has
25 terminated employment as provided in s. 121.021(39)(a) or
26 begun participation in the Deferred Retirement Option Program
27 as provided in subsection (13), and a proper application has
28 been filed in the manner prescribed by the department. The
29 department may cancel an application for retirement benefits
30 when the member or beneficiary fails to timely provide the
31 information and documents required by this chapter and the

1 department's rules. The department shall adopt rules
2 establishing procedures for application for retirement
3 benefits and for the cancellation of such application when the
4 required information or documents are not received.

5 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
6 and subject to the provisions of this section, the Deferred
7 Retirement Option Program, hereinafter referred to as the
8 DROP, is a program under which an eligible member of the
9 Florida Retirement System may elect to participate, deferring
10 receipt of retirement benefits while continuing employment
11 with his or her Florida Retirement System employer. The
12 deferred monthly benefits shall accrue in the System Trust
13 Fund on behalf of the participant, plus interest compounded
14 monthly, for the specified period of the DROP participation,
15 as provided in paragraph (c). Upon termination of employment,
16 the participant shall receive the total DROP benefits and
17 begin to receive the previously determined normal retirement
18 benefits. Participation in the DROP does not guarantee
19 employment for the specified period of DROP.

20 (a) Eligibility of member to participate in the
21 DROP.--All active Florida Retirement System members in a
22 regularly established position, and all active members of
23 either the Teachers' Retirement System established in chapter
24 238 or the State and County Officers' and Employees'
25 Retirement System established in chapter 122 which systems are
26 consolidated within the Florida Retirement System under s.
27 121.011, are eligible to elect participation in the DROP
28 provided that:

29 1. The member is not a renewed member of the Florida
30 Retirement System under s. 121.122, or a member of the State
31 Community College System Optional Retirement Program under s.

1 121.051, the Senior Management Service Optional Annuity
2 Program under s. 121.055, or the optional retirement program
3 for the State University System under s. 121.35.

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

1 than 60 months, the 96-month maximum participation period, the
2 member may elect to include or exclude any optional service
3 credit purchased by the member from the total service used to
4 establish the normal retirement date. A member with dual
5 normal retirement dates shall be eligible to elect to
6 participate in DROP within 12 months after attaining normal
7 retirement date in either class.

8 3. The employer of a member electing to participate in
9 the DROP, or employers if dually employed, shall acknowledge
10 in writing to the division the date the member's participation
11 in the DROP begins and the date the member's employment and
12 DROP participation will terminate.

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

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

22 a. A change of employment must take place without a
23 break in service so that the member receives salary for each
24 month of continuous DROP participation. If a member receives
25 no salary during a month, DROP participation shall cease
26 unless the employer verifies a continuation of the employment
27 relationship for such participant pursuant to s.

28 121.021(39)(b).

29 b. Such participant and new employer shall notify the
30 division on forms required by the division as to the identity
31 of the new employer.

1 c. The new employer shall acknowledge, in writing, the
2 participant's DROP termination date, which may be extended but
3 not beyond the original 60-month or, with respect to members
4 who are instructional personnel as defined in s.
5 1012.01(2)(a)-(d) in grades K-12 and who have received
6 authorization by the district school superintendent to
7 participate in DROP for more than 60 months, the 96-month
8 period provided in subparagraph (b)1., shall acknowledge
9 liability for any additional retirement contributions and
10 interest required if the participant fails to timely terminate
11 employment, and shall be subject to the adjustment required in
12 sub-subparagraph (c)5.d.

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

31 (b) Participation in the DROP.--

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

27 2. Upon deciding to participate in the DROP, the
28 member shall submit, on forms required by the division:
29 a. A written election to participate in the DROP;
30 b. Selection of the DROP participation and termination
31 dates, which satisfy the limitations stated in paragraph (a)

1 and subparagraph 1. Such termination date shall be in a
2 binding letter of resignation with the employer, establishing
3 a deferred termination date. The member may change the
4 termination date within the limitations of subparagraph 1.,
5 but only with the written approval of his or her employer;

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

8 d. Any other information required by the division.

9 3. The DROP participant shall be a retiree under the
10 Florida Retirement System for all purposes, except for
11 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,
12 121.053, and 121.122. However, participation in the DROP does
13 not alter the participant's employment status and such
14 employee shall not be deemed retired from employment until his
15 or her deferred resignation is effective and termination
16 occurs as provided in s. 121.021(39).

17 4. Elected officers shall be eligible to participate
18 in the DROP subject to the following:

19 a. An elected officer who reaches normal retirement
20 date during a term of office may defer the election to
21 participate in the DROP until the next succeeding term in that
22 office. Such elected officer who exercises this option may
23 participate in the DROP for up to 60 calendar months or a
24 period of no longer than such succeeding term of office,
25 whichever is less.

26 b. An elected or a nonelected participant may run for
27 a term of office while participating in DROP and, if elected,
28 extend the DROP termination date accordingly, except, however,
29 if such additional term of office exceeds the 60-month
30 limitation established in subparagraph 1., and the officer
31 does not resign from office within such 60-month limitation,

1 the retirement and the participant's DROP shall be null and
2 void as provided in sub-subparagraph (c)5.d.

3 c. An elected officer who is dually employed and
4 elects to participate in DROP shall be required to satisfy the
5 definition of termination within the 60-month or, with respect
6 to members who are instructional personnel as defined in s.
7 1012.01(2)(a)-(d) in grades K-12 and who have received
8 authorization by the district school superintendent to
9 participate in DROP for more than 60 months, the 96-month
10 limitation period as provided in subparagraph 1. for the
11 nonelected position and may continue employment as an elected
12 officer as provided in s. 121.053. The elected officer will be
13 enrolled as a renewed member in the Elected Officers' Class or
14 the Regular Class, as provided in ss. 121.053 and 121.22, on
15 the first day of the month after termination of employment in
16 the nonelected position and termination of DROP. Distribution
17 of the DROP benefits shall be made as provided in paragraph
18 (c).

19 Section 10. (1) The Department of Management Services
20 shall, as soon as practicable after the effective date of the
21 act, request an expedited opinion from the United States
22 Internal Revenue Service as to the qualified status of the
23 changes to the Deferred Retirement Option Program.

24 (2) The changes effected by this act to the Deferred
25 Retirement Option Program shall be contingent upon the
26 Department of Management Services receiving a favorable
27 determination letter and a favorable private letter ruling
28 from the Internal Revenue Service. If the Internal Revenue
29 Service refuses to act upon a request for a private letter
30 ruling, then a favorable legal opinion from a qualified tax
31

1 attorney or firm may be substituted for such private letter
2 ruling.

3 Section 11. Subsection (20) of section 1001.42,
4 Florida Statutes, is amended to read:

5 1001.42 Powers and duties of district school
6 board.--The district school board, acting as a board, shall
7 exercise all powers and perform all duties listed below:

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

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

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

31

1 (1) Provide for the proper accounting for all students
2 of school age, for the attendance and control of students at
3 school, and for proper attention to health, safety, and other
4 matters relating to the welfare of students in the following
5 fields:

6 (i) Parental notification of acceleration
7 mechanisms.--At the beginning of each school year, notify
8 parents of students in or entering high school of the
9 opportunity and benefits of advanced placement, International
10 Baccalaureate, Advanced International Certificate of
11 Education, dual enrollment, and Florida Virtual School
12 courses.

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

24 (a) An organizational arrangement assigning both
25 students and teachers to smaller units in which the students
26 take some or all of their coursework with their fellow grouped
27 students and from the teachers assigned to the smaller unit. A
28 unit may be grouped together for 1 year or on a vertical,
29 multiyear basis.

30 (b) An organizational arrangement similar to that
31 described in paragraph (a) with additional variations in

1 instruction and curriculum. The smaller unit usually seeks to
2 maintain a program different from that of the larger school,
3 or of other smaller units. It may be vertically organized, but
4 is dependent upon the school principal for its existence,
5 budget, and staff.

6 (c) A separate and autonomous smaller unit formally
7 authorized by the district school board or district school
8 superintendent. The smaller unit plans and runs its own
9 program, has its own staff and students, and receives its own
10 separate budget. The smaller unit must negotiate the use of
11 common space with the larger school and defer to the building
12 principal on matters of safety and building operation.

13 Section 13. Paragraph (i) of subsection (1) of section
14 1003.43, Florida Statutes, is amended to read:

15 1003.43 General requirements for high school
16 graduation.--

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

21 (i) One-half credit in life management skills to
22 include consumer education, positive emotional development,
23 marriage and relationship skill-based education, nutrition,
24 parenting skills, prevention of human immunodeficiency virus
25 infection and acquired immune deficiency syndrome and other
26 sexually transmissible diseases, benefits of sexual abstinence
27 and consequences of teenage pregnancy, information and
28 instruction on breast cancer detection and breast
29 self-examination, cardiopulmonary resuscitation, drug
30 education, and the hazards of smoking. ~~Such credit shall be~~

31

1 ~~given for a course to be taken by all students in either the~~
2 ~~9th or 10th grade.~~

3
4 District school boards may award a maximum of one-half credit
5 in social studies and one-half elective credit for student
6 completion of nonpaid voluntary community or school service
7 work. Students choosing this option must complete a minimum
8 of 75 hours of service in order to earn the one-half credit in
9 either category of instruction. Credit may not be earned for
10 service provided as a result of court action. District school
11 boards that approve the award of credit for student volunteer
12 service shall develop guidelines regarding the award of the
13 credit, and school principals are responsible for approving
14 specific volunteer activities. A course designated in the
15 Course Code Directory as grade 9 through grade 12 that is
16 taken below the 9th grade may be used to satisfy high school
17 graduation requirements or Florida Academic Scholars award
18 requirements as specified in a district school board's student
19 progression plan. A student shall be granted credit toward
20 meeting the requirements of this subsection for equivalent
21 courses, as identified pursuant to s. 1007.271(6), taken
22 through dual enrollment.

23 Section 14. Paragraph (a) of subsection (1) of section
24 1003.436, Florida Statutes, is amended to read:

25 1003.436 Definition of "credit".--

26 (1)(a) For the purposes of requirements for high
27 school graduation, one full credit means a minimum of 120 ~~135~~
28 hours of bona fide instruction in a designated course of study
29 that contains student performance standards. The State Board
30 of Education shall determine the number of postsecondary
31 credit hours earned through dual enrollment pursuant to s.

1 1007.271 that satisfy the requirements of a district's
2 interinstitutional articulation agreement according to s.
3 1007.235 and that equal one full credit of the equivalent high
4 school course identified pursuant to s. 1007.271(6).

5 Section 15. Paragraph (b) of subsection (5) of section
6 1011.62, Florida Statutes, is amended to read:

7 1011.62 Funds for operation of schools.--If the annual
8 allocation from the Florida Education Finance Program to each
9 district for operation of schools is not determined in the
10 annual appropriations act or the substantive bill implementing
11 the annual appropriations act, it shall be determined as
12 follows:

13 (5) CATEGORICAL FUNDS.--

14 (b) ~~For fiscal year 2002-2003,~~If a district school
15 board finds and declares in a resolution adopted at a regular
16 meeting of the school board that the funds received for any of
17 the following categorical appropriations are urgently needed
18 to maintain school board specified academic classroom
19 instruction, the school board may consider and approve an
20 amendment to the school district operating budget transferring
21 the identified amount of the categorical funds to the
22 appropriate account for expenditure:

23 1. Funds for student transportation.
24 2. Funds for in-service educational personnel
25 training.

26 3. Funds for safe schools.

27 4. Funds for public school technology.

28 ~~5. Funds for teacher recruitment and retention.~~

29 5.6. Funds for supplemental academic instruction.

30 Section 16. Section 1011.69, Florida Statutes, is
31 amended to read:

1 1011.69 Equity in School-Level Funding Act.--

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

4 ~~(2)(a) Beginning in the 2000-2001 fiscal year,~~
5 ~~district school boards shall allocate to each school within~~
6 ~~the district at least 50 percent of the funds generated by~~
7 ~~that school based upon the Florida Education Finance Program~~
8 ~~as provided in s. 1011.62 and the General Appropriations Act,~~
9 ~~including gross state and local funds, discretionary lottery~~
10 ~~funds, and funds from the school district's current operating~~
11 ~~discretionary millage levy.~~

12 ~~(b) Beginning in the 2001-2002 fiscal year, district~~
13 ~~school boards shall allocate to each school within the~~
14 ~~district at least 65 percent of the funds generated by that~~
15 ~~school based upon the Florida Education Finance Program as~~
16 ~~provided in s. 1011.62 and the General Appropriations Act,~~
17 ~~including gross state and local funds, discretionary lottery~~
18 ~~funds, and funds from the school district's current operating~~
19 ~~discretionary millage levy.~~

20 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
21 ~~school boards shall allocate to each school within the~~
22 ~~district at least 80 percent of the funds generated by that~~
23 ~~school based upon the Florida Education Finance Program as~~
24 ~~provided in s. 1011.62 and the General Appropriations Act,~~
25 ~~including gross state and local funds, discretionary lottery~~
26 ~~funds, and funds from the school district's current operating~~
27 ~~discretionary millage levy.~~

28 ~~(d) Beginning in the 2003-2004 fiscal year, district~~
29 ~~school boards shall allocate to each school within the~~
30 ~~district at least 90 percent of the funds generated by that~~
31 ~~school based upon the Florida Education Finance Program as~~

1 provided in s. 1011.62 and the General Appropriations Act,
2 including gross state and local funds, discretionary lottery
3 funds, and funds from the school district's current operating
4 discretionary millage levy. Total funding for each school
5 shall be recalculated during the year to reflect the revised
6 calculations under the Florida Education Finance Program by
7 the state and the actual weighted full-time equivalent
8 students reported by the school during the full-time
9 equivalent student survey periods designated by the
10 Commissioner of Education. If the district school board is
11 providing programs or services to students funded by federal
12 funds, any eligible students enrolled in the schools in the
13 district shall be provided federal funds. Only those districts
14 that initially applied for charter school district status,
15 pursuant to s. 1003.62, and have been approved by the State
16 Board of Education are exempt from the provisions of this
17 section.

18 (3) Funds allocated to a school pursuant to this
19 section that are unused at the end of the fiscal year shall
20 not revert to the district, but shall remain with the school.
21 These carryforward funds may be used for any purpose provided
22 by law at the discretion of the principal of the school.

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

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

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

1 (b) Funds appropriated in the General Appropriations
2 Act for the class size reduction operating categorical fund
3 established in s. 1011.685 ~~are excluded from the school-level~~
4 ~~allocation under this section.~~

5 Section 17. Paragraph (b) of subsection (1) and
6 subsections (3), (4), and (5) of section 1012.56, Florida
7 Statutes, are amended to read:

8 1012.56 Educator certification requirements.--

9 (1) APPLICATION.--Each person seeking certification
10 pursuant to this chapter shall submit a completed application
11 containing the applicant's social security number to the
12 Department of Education and remit the fee required pursuant to
13 s. 1012.59 and rules of the State Board of Education. Pursuant
14 to the federal Personal Responsibility and Work Opportunity
15 Reconciliation Act of 1996, each party is required to provide
16 his or her social security number in accordance with this
17 section. Disclosure of social security numbers obtained
18 through this requirement shall be limited to the purpose of
19 administration of the Title IV-D program of the Social
20 Security Act for child support enforcement. Pursuant to s.
21 120.60, the department shall issue within 90 calendar days
22 after the stamped receipted date of the completed application:

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

25 (b) An official statement of status of eligibility.

26 The statement of status of eligibility must advise the
27 applicant of any qualifications that must be completed to
28 qualify for certification. Each statement of status of
29 eligibility is valid for 2 years after its date of issuance,
30 except as provided in paragraph (2)(d). ~~A statement of status~~
31 ~~of eligibility may be reissued for one additional 2-year~~

1 ~~period if application is made while the initial statement of~~
2 ~~status of eligibility is valid or within 1 year after the~~
3 ~~initial statement expires, and if the certification subject~~
4 ~~area is authorized to be issued by the state board at the time~~
5 ~~the application requesting a reissued statement of status of~~
6 ~~eligibility is received.~~

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

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

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

13 (c) A valid professional standard teaching certificate
14 issued by another state ~~that requires an examination of~~
15 ~~mastery of general knowledge;~~

16 (d) A ~~valid standard teaching certificate issued by~~
17 ~~another state and~~ valid certificate issued by the National
18 Board for Professional Teaching Standards or other such
19 nationally recognized organization as determined by the State
20 Board of Education; or

21 (e) Documentation of two semesters of successful
22 teaching in a community college, state university, or private
23 college or university that awards an associate's or higher
24 degree and is an accredited institution or an institution of
25 higher education identified by the Department of Education as
26 having a quality program. ~~A valid standard teaching~~
27 ~~certificate issued by another state and documentation of 2~~
28 ~~years of continuous successful full-time teaching or~~
29 ~~administrative experience during the 5-year period immediately~~
30 ~~preceding the date of application for certification.~~

31

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

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

5 (b) Completion of the subject area specialization
6 requirements specified in state board rule and verification of
7 the attainment of the essential subject matter competencies by
8 the district school superintendent of the employing school
9 district or chief administrative officer of the employing
10 state-supported or private school for a subject area for which
11 a subject area examination has not been developed and required
12 by state board rule;

13 (c) Completion of the graduate level subject area
14 specialization requirements specified in state board rule for
15 a subject coverage requiring a master's or higher degree and
16 achievement of a passing score on the subject area examination
17 specified in state board rule;

18 (d) A valid standard teaching certificate issued by
19 another state ~~that requires an examination of mastery of~~
20 ~~subject area knowledge; or~~

21 (e) A valid standard teaching certificate issued by
22 another state and valid certificate issued by the National
23 Board for Professional Teaching Standards or other such
24 nationally recognized organization as determined by the State
25 Board of Education. ~~or~~

26 ~~(f) A valid standard teaching certificate issued by~~
27 ~~another state and documentation of 2 years of continuous~~
28 ~~successful full-time teaching or administrative experience~~
29 ~~during the 5-year period immediately preceding the date of~~
30 ~~application for certification.~~

31

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

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

8 (b) Completion of a teacher preparation program at a
9 postsecondary educational institution outside Florida and
10 achievement of a passing score on the professional education
11 competency examination required by state board rule;

12 (c) A valid professional standard teaching certificate
13 issued by another state ~~that requires an examination of~~
14 ~~mastery of professional education competence;~~

15 (d) A ~~valid standard teaching certificate issued by~~
16 ~~another state and~~ valid certificate issued by the National
17 Board for Professional Teaching Standards or other such
18 nationally recognized organization as determined by the State
19 Board of Education;

20 (e) Documentation of two semesters of successful
21 teaching in a community college, state university, or private
22 college or university that awards an associate's or higher
23 degree and is an accredited institution or an institution of
24 higher education identified by the Department of Education as
25 having a quality program A ~~valid standard teaching certificate~~
26 ~~issued by another state and documentation of 2 years of~~
27 ~~continuous successful full-time teaching or administrative~~
28 ~~experience during the 5-year period immediately preceding the~~
29 ~~date of application for certification;~~

30 (f) Completion of professional preparation courses as
31 specified in state board rule, successful completion of a

1 professional education competence demonstration program
2 pursuant to paragraph (7)(b), and achievement of a passing
3 score on the professional education competency examination
4 required by state board rule; or

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

8 Section 18. Subsection (1) of section 1012.57, Florida
9 Statutes, is amended to read:

10 1012.57 Certification of adjunct educators.--

11 (1) Notwithstanding the provisions of ss. 1012.32,
12 1012.55, and 1012.56, or any other provision of law or rule to
13 the contrary, district school boards shall adopt rules to
14 allow for the issuance of ~~may issue~~ an adjunct teaching
15 certificate to any applicant who fulfills the requirements of
16 s. 1012.56(2)(a)-(f) and who has expertise in the subject area
17 to be taught. An applicant shall be considered to have
18 expertise in the subject area to be taught if the applicant
19 has at least a major ~~minor~~ in the subject area or demonstrates
20 sufficient subject area mastery through passage of a subject
21 area test ~~as determined by district school board policy~~. The
22 adjunct teaching certificate shall be used for part-time
23 teaching positions. The intent of this provision is to allow
24 school districts to tap the wealth of talent and expertise
25 represented in Florida's citizens who may wish to teach
26 part-time in a Florida public school by permitting school
27 districts to issue adjunct certificates. Adjunct
28 certificateholders should be used as a strategy to reduce the
29 teacher shortage; thus, adjunct certificateholders should
30 supplement a school's instructional staff, not supplant it.
31 Each school principal shall assign an experienced peer mentor

1 to assist the adjunct teaching certificateholder during the
2 certificateholder's first year of teaching, and an adjunct
3 certificateholder may participate in a district's new teacher
4 training program. District school boards shall provide the
5 adjunct teaching certificateholder an orientation in classroom
6 management prior to assigning the certificateholder to a
7 school. Each adjunct teaching certificate is valid for 5
8 school years and is renewable if:

9 (a) The applicant completes a minimum of 60 inservice
10 points or 3 semester hours of college credit. The earned
11 credits must include instruction in classroom management,
12 district school board procedures, school culture, and other
13 activities that enhance the professional teaching skills of
14 the certificateholder.

15 (b) The applicant has received satisfactory
16 performance evaluations during each year of teaching under
17 adjunct teaching certification.

18 Section 19. Subsection (13) is added to section
19 1013.03, Florida Statutes, to read:

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

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

1 Education shall act on such recommendations by December 31,
2 2003.

3 Section 20. Paragraph (d) is added to subsection (1)
4 of section 1013.31, Florida Statutes, to read:

5 1013.31 Educational plant survey; localized need
6 assessment; PECO project funding.--

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

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

30
31

1 Section 21. Paragraph (h) of subsection (2) and
2 subsection (3) of section 1002.37, Florida Statutes, are
3 amended to read:

4 1002.37 The Florida Virtual School.--

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

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

20
21 The Governor shall designate the initial chair of the board of
22 trustees to serve a term of 4 years. Members of the board of
23 trustees shall serve without compensation, but may be
24 reimbursed for per diem and travel expenses pursuant to s.
25 112.061. The board of trustees shall be a body corporate with
26 all the powers of a body corporate and such authority as is
27 needed for the proper operation and improvement of the Florida
28 Virtual School. The board of trustees is specifically
29 authorized to adopt rules, policies, and procedures,
30 consistent with law and rules of the State Board of Education
31 related to governance, personnel, budget and finance,

1 administration, programs, curriculum and instruction, travel
2 and purchasing, technology, students, contracts and grants,
3 and property as necessary for optimal, efficient operation of
4 the Florida Virtual School. Tangible personal property owned
5 by the board of trustees shall be subject to the provisions of
6 chapter 273.

7 (3) Funding for the Florida Virtual School shall be
8 provided as follows:

9 (a) A "full-time equivalent student" for the Florida
10 Virtual School is one student who has successfully completed
11 six credits that shall count toward the minimum number of
12 credits required for high school graduation. A student who
13 completes less than six credits shall be a fraction of a
14 full-time equivalent student. Half credit completions shall be
15 included in determining a full-time equivalent student. Credit
16 completed by a student in excess of the minimum required for
17 that student for high school graduation is not eligible for
18 funding.

19 (b) Full-time equivalent student credit completed
20 through the Florida Virtual School, including credits
21 completed during the summer, shall be reported to the
22 Department of Education in the manner prescribed by the
23 department and shall be funded through the Florida Education
24 Finance Program.

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

27 (d) Full-time equivalent student credit completion for
28 courses offered through the Florida Virtual School shall be
29 reported only by the Florida Virtual School. School districts
30 shall report full-time equivalent student membership only for
31 courses for which the district provides the instruction.

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

3 (f) The school shall receive funds for operating
4 purposes in an amount determined as follows: multiply the
5 maximum allowable nonvoted discretionary millage for
6 operations pursuant to s. 1011.71(1) by the value of 95
7 percent of the current year's taxable value for school
8 purposes for the state; divide the result by the total
9 full-time equivalent membership of the state; and multiply the
10 result by the full-time equivalent membership of the school.
11 The amount thus obtained shall be discretionary operating
12 funds and shall be appropriated from state funds in the
13 General Appropriations Act.

14 (g) Additional state funds as may be provided in the
15 General Appropriations Act.

16 (h) In addition to the funds provided in the General
17 Appropriations Act, the school may receive other funds from
18 grants and donations.

19 ~~(3)(a) Until fiscal year 2003-2004, the Commissioner~~
20 ~~of Education shall include the Florida Virtual School as a~~
21 ~~grant-in-aid appropriation in the department's legislative~~
22 ~~budget request to the State Board of Education, the Governor,~~
23 ~~and the Legislature, subject to any guidelines imposed in the~~
24 ~~General Appropriations Act.~~

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

27 Section 22. Paragraph (c) of subsection (1) of section
28 1011.61, Florida Statutes, is amended to read:

29 1011.61 Definitions.--Notwithstanding the provisions
30 of s. 1000.21, the following terms are defined as follows for
31 the purposes of the Florida Education Finance Program:

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

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

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

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

11 (I) A full-time student, except a postsecondary or
12 adult student or a senior high school student enrolled in
13 adult education when such courses are required for high school
14 graduation, in a combination of programs listed in s.
15 1011.62(1)(c) shall be a fraction of a full-time equivalent
16 membership in each special program equal to the number of net
17 hours per school year for which he or she is a member, divided
18 by the appropriate number of hours set forth in subparagraph
19 (a)1. or subparagraph (a)2. The difference between that
20 fraction or sum of fractions and the maximum value as set
21 forth in subsection (4) for each full-time student is presumed
22 to be the balance of the student's time not spent in such
23 special education programs and shall be recorded as time in
24 the appropriate basic program.

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

27 (III) A Florida Virtual School full-time student shall
28 consist of six full credit completions in the programs listed
29 in s. 1011.62(1)(c)1. and 4. Credit completions can be a
30 combination of either full or half credit.

31

1 2. A student in membership in a program scheduled for
2 more or less than 180 school days is a fraction of a full-time
3 equivalent membership equal to the number of instructional
4 hours in membership divided by the appropriate number of hours
5 set forth in subparagraph (a)1.; however, for the purposes of
6 this subparagraph, membership in programs scheduled for more
7 than 180 days is limited to students enrolled in juvenile
8 justice education programs and the Florida Virtual School.

9
10 The department shall determine and implement an equitable
11 method of equivalent funding for experimental schools and for
12 schools operating under emergency conditions, which schools
13 have been approved by the department to operate for less than
14 the minimum school day.

15 Section 23. Florida Business and Education in School
16 Together (Florida BEST) Program.--

17 (1) In order to increase business partnerships in
18 education, to reduce school and classroom overcrowding
19 throughout the state, and to offset the high costs of
20 educational facilities construction, the Legislature intends
21 to encourage the formation of partnerships between business
22 and education by creating the Florida Business and Education
23 in School Together (Florida BEST) Program.

24 (2) Each school board shall through advertisements in
25 local media and other means request proposals from area
26 businesses to allow the operation of a business and education
27 partnership school in facilities owned or operated by the
28 business.

29 (3) Each school district shall establish a Florida
30 BEST school evaluation committee.

31

1 (a) The committee shall be appointed by the school
2 board and be composed of one school district administrator, at
3 least one member of the business community, and at least one
4 member of a local chamber of commerce.

5 (b) The committee shall evaluate the feasibility of
6 each proposal, including the operating cost, number of
7 students to be served, proposed student-to-teacher ratio,
8 proposed number of years the satellite school would operate,
9 and any other operational or facilities considerations the
10 school board or committee deems appropriate.

11 (c) The committee shall recommend to the school board
12 those proposals for satellite schools the committee deems
13 viable and worthy of being established. The school board must
14 take official action on the recommendation of the committee
15 within 60 days after receipt of the recommendation.

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

22 (a) First priority for admission of students to the
23 Florida BEST school shall be given to the children of owners
24 and employees of the host business. If additional student
25 capacity remains after those children are admitted, the host
26 business may choose which other neighboring businesses may
27 also participate to generate a viable number of students for
28 the school. The school board shall make the necessary
29 arrangements to accommodate students from other school
30 districts whose parents are associated with the host business
31 or business partners.

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

3 (5) A multiyear contract for operation of the Florida
4 BEST school may be entered into between the school district
5 and the host business. The contract must at least include
6 provisions relating to any cost of facilities modifications,
7 provide for the assignment or waiver of appropriate insurance
8 costs, specify the number of students expected to be served,
9 provide grounds for canceling the lease, and specify the
10 advance notice required before the school may be closed.

11 (a) The school board shall be responsible for
12 providing the appropriate instructional, support, and
13 administrative staff and textbooks, materials, and supplies.
14 The school district may also agree to operate or contract for
15 the operation of a before school and after school program
16 using the donated facilities.

17 (b) The host business shall provide the appropriate
18 types of space for operating the school. If special
19 facilities, such as restrooms or dining, recreational, or
20 other areas are required, the district may contribute a part
21 of the cost of the construction, remodeling, or renovation for
22 such facilities from capital outlay funds of the district. A
23 multiyear lease for operation of the facility must be agreed
24 to if the school district contributes to the cost of such
25 construction.

26 Section 24. Notwithstanding any local government
27 ordinance or regulation, any business or corporation may
28 expand the square footage or floor area of its current or
29 proposed facility to accommodate a Florida Business and
30 Education in School Together (Florida BEST) school. Facilities
31 constructed to house a Florida BEST school must comply with

1 the State Uniform Building Code for Educational Facilities
2 Construction adopted pursuant to section 1013.37, Florida
3 Statutes, and must meet state and local health, environmental,
4 and safety laws and codes.

5 Section 25. Subsection (13) of section 1002.33,
6 Florida Statutes, as created by section 98 of ch. 2002-387,
7 Laws of Florida; section 1012.41, Florida Statutes, as created
8 by section 716 of chapter 2002-387, Laws of Florida; and
9 section 1013.43, Florida Statutes, as created by section 842
10 of chapter 2002-387, Laws of Florida, are repealed.

11 Section 26. Subsection (13) is added to section
12 216.292, Florida Statutes, to read:

13 216.292 Appropriations nontransferable; exceptions.--

14 (13) The Executive Office of the Governor shall
15 transfer funds from appropriations for public school
16 operations to a fixed capital outlay appropriation for class
17 size reduction based on recommendations of the Florida
18 Education Finance Program Appropriation Allocation Conference
19 pursuant to s. 1003.03(4)(a). This subsection is subject to
20 the notice and review provisions of s. 216.177.

21 Section 27. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 invalidity does not affect other provisions or applications of
24 the act which can be given effect without the invalid
25 provision or application, and to this end the provisions of
26 this act are severable.

27 Section 28. Except as otherwise expressly provided in
28 this act, this act shall take effect July 1, 2003, and the
29 changes effected by this act to the Deferred Retirement Option
30 Program shall take effect June 1, 2003.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
CS/SB 1436 and CS/1646

The committee substitute combines provisions from CS for SB 1436 and CS for SB 1646, adds a provision relating to accountability, removes all provisions relating to changing in rates of certain taxes, and deletes all provisions containing appropriations for the Public Education Capital Outlay Trust Fund.