

By the Committee on Education; and Senator Constantine

304-1888-03

1 A bill to be entitled
2 An act relating to implementation of Amendment
3 9 to the Florida Constitution (November 2002
4 election); providing a short title; amending s.
5 121.091, F.S.; authorizing instructional
6 personnel who receive authorization to extend
7 participation in the Deferred Retirement Option
8 Program; amending s. 1001.42, F.S.; clarifying
9 provisions concerning a school-within-a-school;
10 amending ss. 1003.01 and 1003.02, F.S.;
11 defining the terms "core-curricular courses"
12 and "extracurricular courses"; requiring school
13 districts to notify parents of acceleration
14 mechanisms; eliminating a cross-reference to
15 conform to changes made by the act; amending s.
16 1003.03, F.S.; establishing constitutional
17 class size caps; providing for the
18 determination of averages; providing for the
19 department to calculate averages based upon
20 student membership surveys; providing
21 implementation options for school districts;
22 providing accountability for the class size
23 reduction measures; providing that a district
24 school board that fails to comply with maximum
25 class size requirements is subject to
26 suspension by the Governor; amending s.
27 1003.43, F.S.; removing the requirement that a
28 life management course be offered during the
29 9th and 10th grade years; amending s. 1003.436,
30 F.S.; reducing the number of hours required for
31 one full credit; amending s. 1011.62, F.S.;

1 removing a date limitation to provide for
2 categorical flexibility; amending s. 1011.69,
3 F.S.; deleting obsolete provisions; providing
4 that Classrooms for Kids operating categorial
5 funds are not subject to provisions requiring
6 equity in school funding; amending s. 1012.56,
7 F.S.; amending the time period for an
8 authorized statement of status of eligibility
9 for educator certification requirements;
10 amending requirements for mastery of general
11 knowledge for a teaching certificate; revising
12 requirements for mastery of subject area
13 knowledge; revising requirements for mastery of
14 professional competence; amending s. 1012.57,
15 F.S.; requiring district school boards to adopt
16 rules to allow for the issuance of adjunct
17 educator certificates; amending s. 1013.03,
18 F.S.; requiring the department to review rules
19 relating to school construction and make
20 recommendations to the State Board of
21 Education; amending s. 1013.31, F.S.; requiring
22 school districts to periodically update the
23 inventory of educational facilities; creating
24 s. 1013.368, F.S.; requiring all new schools
25 constructed by a specified date to meet certain
26 limits on the cost per student station;
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; creating the Florida
3 Business and Education in School Together
4 (Florida BEST) Program; requiring school
5 districts to seek business partners for Florida
6 BEST schools; requiring each school district to
7 create a Florida BEST school evaluation
8 committee; defining a "Florida Business and
9 Education in School Together (Florida BEST)
10 school"; providing for priority in admission of
11 students; providing parental responsibility;
12 providing for contracts to operate Florida BEST
13 schools; providing school district and business
14 responsibilities for Florida BEST schools;
15 providing exemptions from local government
16 ordinances or regulations relating to square
17 footage or floor area; repealing ss.
18 1002.33(13), 1012.41, 1013.21, and 1013.43,
19 F.S., relating to number of charter schools,
20 directors of career and technical education,
21 relocatable facilities, and the small school
22 requirement; providing for severability;
23 providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. This act may be cited as the "Class Size
28 Reduction Implementing Act."

29 Section 2. Paragraphs (a) and (b) of subsection (13)
30 of section 121.091, Florida Statutes, are amended to read:

31

1 121.091 Benefits payable under the system.--Benefits
2 may not be paid under this section unless the member has
3 terminated employment as provided in s. 121.021(39)(a) or
4 begun participation in the Deferred Retirement Option Program
5 as provided in subsection (13), and a proper application has
6 been filed in the manner prescribed by the department. The
7 department may cancel an application for retirement benefits
8 when the member or beneficiary fails to timely provide the
9 information and documents required by this chapter and the
10 department's rules. The department shall adopt rules
11 establishing procedures for application for retirement
12 benefits and for the cancellation of such application when the
13 required information or documents are not received.

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

29 (a) Eligibility of member to participate in the
30 DROP.--All active Florida Retirement System members in a
31 regularly established position, and all active members of

1 either the Teachers' Retirement System established in chapter
2 238 or the State and County Officers' and Employees'
3 Retirement System established in chapter 122 which systems are
4 consolidated within the Florida Retirement System under s.
5 121.011, are eligible to elect participation in the DROP
6 provided that:

7 1. The member is not a renewed member of the Florida
8 Retirement System under s. 121.122, or a member of the State
9 Community College System Optional Retirement Program under s.
10 121.051, the Senior Management Service Optional Annuity
11 Program under s. 121.055, or the optional retirement program
12 for the State University System under s. 121.35.

13 2. Except as provided in subparagraph 6., election to
14 participate is made within 12 months immediately following the
15 date on which the member first reaches normal retirement date,
16 or, for a member who reaches normal retirement date based on
17 service before he or she reaches age 62, or age 55 for Special
18 Risk Class members, election to participate may be deferred to
19 the 12 months immediately following the date the member
20 attains 57, or age 52 for Special Risk Class members. For a
21 member who first reached normal retirement date or the
22 deferred eligibility date described above prior to the
23 effective date of this section, election to participate shall
24 be made within 12 months after the effective date of this
25 section. A member who fails to make an election within such
26 12-month limitation period shall forfeit all rights to
27 participate in the DROP. The member shall advise his or her
28 employer and the division in writing of the date on which the
29 DROP shall begin. Such beginning date may be subsequent to the
30 12-month election period, but must be within the 60-month or,
31 with respect to members who are instructional personnel as

1 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
2 received authorization by the district school superintendent
3 to participate in DROP for more than 60 months, the 96-month
4 limitation period as provided in subparagraph (b)1. When
5 establishing eligibility of the member to participate in the
6 DROP for the 60-month or, with respect to members who are
7 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
8 grades K-12 and who have received authorization by the
9 district school superintendent to participate in DROP for more
10 than 60 months, the 96-month maximum participation period, the
11 member may elect to include or exclude any optional service
12 credit purchased by the member from the total service used to
13 establish the normal retirement date. A member with dual
14 normal retirement dates shall be eligible to elect to
15 participate in DROP within 12 months after attaining normal
16 retirement date in either class.

17 3. The employer of a member electing to participate in
18 the DROP, or employers if dually employed, shall acknowledge
19 in writing to the division the date the member's participation
20 in the DROP begins and the date the member's employment and
21 DROP participation will terminate.

22 4. Simultaneous employment of a participant by
23 additional Florida Retirement System employers subsequent to
24 the commencement of participation in the DROP shall be
25 permissible provided such employers acknowledge in writing a
26 DROP termination date no later than the participant's existing
27 termination date or the 60-month limitation period as provided
28 in subparagraph (b)1.

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

31

1 a. A change of employment must take place without a
2 break in service so that the member receives salary for each
3 month of continuous DROP participation. If a member receives
4 no salary during a month, DROP participation shall cease
5 unless the employer verifies a continuation of the employment
6 relationship for such participant pursuant to s.
7 121.021(39)(b).

8 b. Such participant and new employer shall notify the
9 division on forms required by the division as to the identity
10 of the new employer.

11 c. The new employer shall acknowledge, in writing, the
12 participant's DROP termination date, which may be extended but
13 not beyond the original 60-month or, with respect to members
14 who are instructional personnel as defined in s.

15 1012.01(2)(a)-(d) in grades K-12 and who have received
16 authorization by the district school superintendent to
17 participate in DROP for more than 60 months, the 96-month
18 period provided in subparagraph (b)1., shall acknowledge
19 liability for any additional retirement contributions and
20 interest required if the participant fails to timely terminate
21 employment, and shall be subject to the adjustment required in
22 sub-subparagraph (c)5.d.

23 6. Effective July 1, 2001, for instructional personnel
24 as defined in s. 1012.01(2), election to participate in the
25 DROP shall be made at any time following the date on which the
26 member first reaches normal retirement date. The member shall
27 advise his or her employer and the division in writing of the
28 date on which the Deferred Retirement Option Program shall
29 begin. When establishing eligibility of the member to
30 participate in the DROP for the 60-month or, with respect to
31 members who are instructional personnel as defined in s.

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 maximum participation period, as provided in subparagraph
5 (b)1., the member may elect to include or exclude any optional
6 service credit purchased by the member from the total service
7 used to establish the normal retirement date. A member with
8 dual normal retirement dates shall be eligible to elect to
9 participate in either class.

10 (b) Participation in the DROP.--

11 1. An eligible member may elect to participate in the
12 DROP for a period not to exceed a maximum of 60 calendar
13 months or, with respect to members who are instructional
14 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12
15 and who have received authorization by the district school
16 superintendent to participate in DROP for more than 60
17 calendar months, a maximum of 96 calendar months immediately
18 following the date on which the member first reaches his or
19 her normal retirement date or the date to which he or she is
20 eligible to defer his or her election to participate as
21 provided in subparagraph (a)2. However, a member who has
22 reached normal retirement date prior to the effective date of
23 the DROP shall be eligible to participate in the DROP for a
24 period of time not to exceed 60 calendar months or, with
25 respect to members who are instructional personnel as defined
26 in s. 1012.01(2)(a)-(d) in grades K-12 and who have received
27 authorization by the district school superintendent to
28 participate in DROP for more than 60 calendar months, 96
29 calendar months immediately following the effective date of
30 the DROP, except a member of the Special Risk Class who has
31 reached normal retirement date prior to the effective date of

1 the DROP and whose total accrued value exceeds 75 percent of
2 average final compensation as of his or her effective date of
3 retirement shall be eligible to participate in the DROP for no
4 more than 36 calendar months immediately following the
5 effective date of the DROP.

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

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

9 b. Selection of the DROP participation and termination
10 dates, which satisfy the limitations stated in paragraph (a)
11 and subparagraph 1. Such termination date shall be in a
12 binding letter of resignation with the employer, establishing
13 a deferred termination date. The member may change the
14 termination date within the limitations of subparagraph 1.,
15 but only with the written approval of his or her employer;

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

18 d. Any other information required by the division.

19 3. The DROP participant shall be a retiree under the
20 Florida Retirement System for all purposes, except for
21 paragraph (5)(f) and subsection (9) and ss. 112.3173, 112.363,
22 121.053, and 121.122. However, participation in the DROP does
23 not alter the participant's employment status and such
24 employee shall not be deemed retired from employment until his
25 or her deferred resignation is effective and termination
26 occurs as provided in s. 121.021(39).

27 4. Elected officers shall be eligible to participate
28 in the DROP subject to the following:

29 a. An elected officer who reaches normal retirement
30 date during a term of office may defer the election to
31 participate in the DROP until the next succeeding term in that

1 office. Such elected officer who exercises this option may
2 participate in the DROP for up to 60 calendar months or a
3 period of no longer than such succeeding term of office,
4 whichever is less.

5 b. An elected or a nonelected participant may run for
6 a term of office while participating in DROP and, if elected,
7 extend the DROP termination date accordingly, except, however,
8 if such additional term of office exceeds the 60-month
9 limitation established in subparagraph 1., and the officer
10 does not resign from office within such 60-month limitation,
11 the retirement and the participant's DROP shall be null and
12 void as provided in sub-subparagraph (c)5.d.

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

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

31

1 1001.42 Powers and duties of district school
2 board.--The district school board, acting as a board, shall
3 exercise all powers and perform all duties listed below:

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

11 Section 4. Subsections (14) and (15) are added to
12 section 1003.01, Florida Statutes, to read:

13 1003.01 Definitions.--As used in this chapter, the
14 term:

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

21 (15) "Extracurricular courses" means all courses that
22 are not defined as "core-curricula courses," which may
23 include, but are not limited to, physical education, fine
24 arts, performing fine arts, vocational education, and career
25 and technical education.

26 Section 5. Paragraph (i) is added to subsection (1) of
27 section 1003.02, Florida Statutes, and subsection (4) of that
28 section is amended, to read:

29 1003.02 District school board operation and control of
30 public K-12 education within the school district.--As provided
31 in part II of chapter 1001, district school boards are

1 constitutionally and statutorily charged with the operation
2 and control of public K-12 education within their school
3 district. The district school boards must establish, organize,
4 and operate their public K-12 schools and educational
5 programs, employees, and facilities. Their responsibilities
6 include staff development, public K-12 school student
7 education including education for exceptional students and
8 students in juvenile justice programs, special programs, adult
9 education programs, and career and technical education
10 programs. Additionally, district school boards must:

11 (1) Provide for the proper accounting for all students
12 of school age, for the attendance and control of students at
13 school, and for proper attention to health, safety, and other
14 matters relating to the welfare of students in the following
15 fields:

16 (i) Parental notification of acceleration
17 mechanisms.--At the beginning of each school year, notify
18 parents of students in or entering high school of the
19 opportunity and benefits of advanced placement, International
20 Baccalaureate, Advanced International Certificate of
21 Education, dual enrollment, and Florida Virtual School
22 courses.

23 ~~(4) For any school within the district that is not in~~
24 ~~compliance with the small school size requirements of chapter~~
25 ~~1013, In order to reduce the anonymity of students in large~~
26 schools, adopt policies that encourage subdivision of the
27 school into schools-within-a-school, which shall operate
28 within existing resources. A "school-within-a-school" means an
29 operational program that uses flexible scheduling, team
30 planning, and curricular and instructional innovation to
31 organize groups of students with groups of teachers as smaller

1 units, so as to functionally operate as a smaller school.

2 Examples of this include, but are not limited to:

3 (a) An organizational arrangement assigning both
4 students and teachers to smaller units in which the students
5 take some or all of their coursework with their fellow grouped
6 students and from the teachers assigned to the smaller unit. A
7 unit may be grouped together for 1 year or on a vertical,
8 multiyear basis.

9 (b) An organizational arrangement similar to that
10 described in paragraph (a) with additional variations in
11 instruction and curriculum. The smaller unit usually seeks to
12 maintain a program different from that of the larger school,
13 or of other smaller units. It may be vertically organized, but
14 is dependent upon the school principal for its existence,
15 budget, and staff.

16 (c) A separate and autonomous smaller unit formally
17 authorized by the district school board or district school
18 superintendent. The smaller unit plans and runs its own
19 program, has its own staff and students, and receives its own
20 separate budget. The smaller unit must negotiate the use of
21 common space with the larger school and defer to the building
22 principal on matters of safety and building operation.

23 Section 6. Section 1003.03, Florida Statutes, is
24 amended to read:

25 (Substantial rewording of section. See

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

27 1003.03 Maximum class size.--

28 (1) CONSTITUTIONAL CLASS SIZE MAXIMUM CAPS.--Pursuant

29 to s. 1, Art. IX of the State Constitution, beginning in the

30 2010-2011 school year:

31

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

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

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

13 (2) IMPLEMENTATION.--

14 (a) Beginning with the 2003-2004 fiscal year, school
15 districts shall reduce the average number of students per
16 classroom in each of the following grade groupings:
17 prekindergarten through grade 3, grade 4 through grade 8, and
18 grade 9 through grade 12, by at least two students per year
19 until the maximum number of students per classroom does not
20 exceed the constitutional class size maximum caps described in
21 subsection (1).

22 (b) Determination of the average number of students
23 per classroom in paragraph (a) shall be calculated as follows:

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

27 2. For fiscal years 2006-2007 through 2007-2008, the
28 calculation for compliance for each of the 3 grade groupings
29 shall be at the school level.

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

4 (c) The Department of Education shall annually
5 calculate each of the three average class size measures
6 defined in paragraphs (a) and (b) based upon the October and
7 February student membership surveys. For purposes of
8 determining the baseline from which each district's average
9 class size must be reduced for the 2003-2004 school year, the
10 department shall use data from the March 2003 student
11 membership survey.

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

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

26 (a) Adopt policies to encourage qualified students to
27 take dual enrollment courses.

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

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

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

9 (e) Use innovative methods to reduce the cost of
10 school construction by using prototype school designs, using
11 SMART Schools designs, participating in the School
12 Infrastructure Thrift Program, or any other method not
13 prohibited by law.

14 (f) Use joint-use facilities through partnerships with
15 community colleges, state universities, and private colleges
16 and universities.

17 (g) Adopt alternative methods of class scheduling,
18 such as block scheduling.

19 (h) Redraw school attendance zones to maximize use of
20 facilities while minimizing the additional use of
21 transportation.

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

25 (j) Use year-round schools and other nontraditional
26 calendars that do not adversely impact annual assessment of
27 student achievement.

28 (k) Review and consider amending any collective
29 bargaining contracts that hinder the implementation of class
30 size reduction.

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

1 (4) ACCOUNTABILITY.--
2 (a) Beginning in the 2005-2006 school year, the
3 department shall determine by January 15 of each year which
4 districts have not met the two-student-per-year reduction
5 required in subsection (2) for the current year based upon a
6 comparison of the district's October student membership survey
7 for the current school year and the October student membership
8 survey for the prior school year. The department shall report
9 such districts to the Legislature. Each district that has not
10 met the two-student-per-year reduction shall be required to
11 implement one of the following policies in the subsequent
12 school year unless the department finds that the district
13 comes into compliance based upon the February student
14 membership survey:
15 1. Year-round schools;
16 2. Double sessions;
17 3. Extended school year; or
18 4. Rezoning.
19
20 A school district that is required to implement the policies
21 outlined in subparagraphs 1. through 4. shall correct in the
22 year of implementation any past deficiencies and bring the
23 district into compliance with the two-student-per-year
24 reduction goals established for the district by the department
25 pursuant to subsection (2). A school district may choose to
26 implement more than one of these policies. The district school
27 superintendent shall report to the Commissioner of Education
28 on the extent to which the district implemented any of the
29 policies outlined in subparagraphs 1. through 4. in a format
30 to be specified by the Commissioner. The Department of
31 Education shall use the enforcement authority provided in s.

1 1008.32, to ensure that districts comply with the provisions
2 of this paragraph.

3 (b) Beginning in the 2006-2007 school year, the
4 department shall annually determine which districts do not
5 meet the requirements described in subsection (2). In addition
6 to enforcement authority provided in s. 1008.32, the
7 Department of Education shall develop a constitutional
8 compliance plan for each such district which includes, but is
9 not limited to, redrawing school attendance zones to maximize
10 use of facilities while minimizing the additional use of
11 transportation unless the department finds that the district
12 comes into compliance based upon the February student
13 membership survey and the other accountability policies listed
14 in paragraph (a). Each district school board shall implement
15 the constitutional compliance plan developed by the state
16 board until the district complies with the constitutional
17 class size maximum caps.

18
19 Any district school board that does not comply with the
20 requirements of this section and s. 1, Art. IX of the State
21 Constitution shall be subject to suspension by the Governor
22 pursuant to s. 7, Art. IV of the State Constitution.

23 Section 7. Paragraph (i) of subsection (1) of section
24 1003.43, Florida Statutes, is amended to read:

25 1003.43 General requirements for high school
26 graduation.--

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

31

1 (i) One-half credit in life management skills to
2 include consumer education, positive emotional development,
3 marriage and relationship skill-based education, nutrition,
4 prevention of human immunodeficiency virus infection and
5 acquired immune deficiency syndrome and other sexually
6 transmissible diseases, benefits of sexual abstinence and
7 consequences of teenage pregnancy, information and instruction
8 on breast cancer detection and breast self-examination,
9 cardiopulmonary resuscitation, drug education, and the hazards
10 of smoking. ~~Such credit shall be given for a course to be~~
11 ~~taken by all students in either the 9th or 10th grade.~~

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

1 Section 8. Paragraph (a) of subsection (1) of section
2 1003.436, Florida Statutes, is amended to read:

3 1003.436 Definition of "credit".--

4 (1)(a) For the purposes of requirements for high
5 school graduation, one full credit means a minimum of 120 ~~135~~
6 hours of bona fide instruction in a designated course of study
7 that contains student performance standards. The State Board
8 of Education shall determine the number of postsecondary
9 credit hours earned through dual enrollment pursuant to s.
10 1007.271 that satisfy the requirements of a district's
11 interinstitutional articulation agreement according to s.
12 1007.235 and that equal one full credit of the equivalent high
13 school course identified pursuant to s. 1007.271(6).

14 Section 9. Paragraph (b) of subsection (5) of section
15 1011.62, Florida Statutes, is amended to read:

16 1011.62 Funds for operation of schools.--If the annual
17 allocation from the Florida Education Finance Program to each
18 district for operation of schools is not determined in the
19 annual appropriations act or the substantive bill implementing
20 the annual appropriations act, it shall be determined as
21 follows:

22 (5) CATEGORICAL FUNDS.--

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

- 1 1. Funds for student transportation.
2 2. Funds for in-service educational personnel
3 training.
4 3. Funds for safe schools.
5 4. Funds for public school technology.
6 ~~5. Funds for teacher recruitment and retention.~~
7 5.6. Funds for supplemental academic instruction.
8 Section 10. Section 1011.69, Florida Statutes, is
9 amended to read:

10 1011.69 Equity in School-Level Funding Act.--

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

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

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

29 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
30 ~~school boards shall allocate to each school within the~~
31 ~~district at least 80 percent of the funds generated by that~~

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

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

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

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

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

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

10 (b) Funds appropriated in the General Appropriations
11 Act for the Classrooms for Kids operating categorical
12 established in s. 1011.685 are excluded from the school-level
13 allocation under this section.

14 Section 11. Paragraph (b) of subsection (1) and
15 subsections (3), (4), and (5) of section 1012.56, Florida
16 Statutes, are amended to read:

17 1012.56 Educator certification requirements.--

18 (1) APPLICATION.--Each person seeking certification
19 pursuant to this chapter shall submit a completed application
20 containing the applicant's social security number to the
21 Department of Education and remit the fee required pursuant to
22 s. 1012.59 and rules of the State Board of Education. Pursuant
23 to the federal Personal Responsibility and Work Opportunity
24 Reconciliation Act of 1996, each party is required to provide
25 his or her social security number in accordance with this
26 section. Disclosure of social security numbers obtained
27 through this requirement shall be limited to the purpose of
28 administration of the Title IV-D program of the Social
29 Security Act for child support enforcement. Pursuant to s.
30 120.60, the department shall issue within 90 calendar days
31 after the stamped receipted date of the completed application:

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

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

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

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

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

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

22 (c) A valid professional standard teaching certificate
23 issued by another state ~~that requires an examination of
24 mastery of general knowledge;~~

25 (d) A ~~valid standard teaching certificate issued by
26 another state and~~ valid certificate issued by the National
27 Board for Professional Teaching Standards or other such
28 nationally recognized organization as determined by the State
29 Board of Education; or

30 (e) Documentation of two semesters of successful
31 teaching in a community college, state university, or private

1 college or university that awards an associate's or higher
2 degree and is an accredited institution or an institution of
3 higher education identified by the Department of Education as
4 having a quality program.~~A valid standard teaching~~
5 ~~certificate issued by another state and documentation of 2~~
6 ~~years of continuous successful full-time teaching or~~
7 ~~administrative experience during the 5-year period immediately~~
8 ~~preceding the date of application for certification.~~

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

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

13 (b) Completion of the subject area specialization
14 requirements specified in state board rule and verification of
15 the attainment of the essential subject matter competencies by
16 the district school superintendent of the employing school
17 district or chief administrative officer of the employing
18 state-supported or private school for a subject area for which
19 a subject area examination has not been developed and required
20 by state board rule;

21 (c) Completion of the graduate level subject area
22 specialization requirements specified in state board rule for
23 a subject coverage requiring a master's or higher degree and
24 achievement of a passing score on the subject area examination
25 specified in state board rule;

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

29 (e) A valid standard teaching certificate issued by
30 another state and valid certificate issued by the National
31 Board for Professional Teaching Standards or other such

1 nationally recognized organization as determined by the State
2 Board of Education. ~~or~~

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

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

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

15 (b) Completion of a teacher preparation program at a
16 postsecondary educational institution outside Florida and
17 achievement of a passing score on the professional education
18 competency examination required by state board rule;

19 (c) A valid professional standard teaching certificate
20 issued by another state ~~that requires an examination of~~
21 ~~mastery of professional education competence;~~

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

27 (e) Documentation of two semesters of successful
28 teaching in a community college, state university, or private
29 college or university that awards an associate's or higher
30 degree and is an accredited institution or an institution of
31 higher education identified by the Department of Education as

1 having a quality program ~~A valid standard teaching certificate~~
2 ~~issued by another state and documentation of 2 years of~~
3 ~~continuous successful full-time teaching or administrative~~
4 ~~experience during the 5-year period immediately preceding the~~
5 ~~date of application for certification;~~

6 (f) Completion of professional preparation courses as
7 specified in state board rule, successful completion of a
8 professional education competence demonstration program
9 pursuant to paragraph (7)(b), and achievement of a passing
10 score on the professional education competency examination
11 required by state board rule; or

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

15 Section 12. Subsection (1) of section 1012.57, Florida
16 Statutes, is amended to read:

17 1012.57 Certification of adjunct educators.--

18 (1) Notwithstanding the provisions of ss. 1012.32,
19 1012.55, and 1012.56, or any other provision of law or rule to
20 the contrary, district school boards shall adopt rules to
21 allow for the issuance of ~~may issue~~ an adjunct teaching
22 certificate to any applicant who fulfills the requirements of
23 s. 1012.56(2)(a)-(f) and who has expertise in the subject area
24 to be taught. An applicant shall be considered to have
25 expertise in the subject area to be taught if the applicant
26 has at least a major ~~minor~~ in the subject area or demonstrates
27 sufficient subject area mastery through passage of a subject
28 area test ~~as determined by district school board policy~~. The
29 adjunct teaching certificate shall be used for part-time
30 teaching positions. The intent of this provision is to allow
31 school districts to tap the wealth of talent and expertise

1 represented in Florida's citizens who may wish to teach
2 part-time in a Florida public school by permitting school
3 districts to issue adjunct certificates. Adjunct
4 certificateholders should be used as a strategy to reduce the
5 teacher shortage; thus, adjunct certificateholders should
6 supplement a school's instructional staff, not supplant it.
7 Each school principal shall assign an experienced peer mentor
8 to assist the adjunct teaching certificateholder during the
9 certificateholder's first year of teaching, and an adjunct
10 certificateholder may participate in a district's new teacher
11 training program. District school boards shall provide the
12 adjunct teaching certificateholder an orientation in classroom
13 management prior to assigning the certificateholder to a
14 school. Each adjunct teaching certificate is valid for 5
15 school years and is renewable if:

16 (a) The applicant completes a minimum of 60 inservice
17 points or 3 semester hours of college credit. The earned
18 credits must include instruction in classroom management,
19 district school board procedures, school culture, and other
20 activities that enhance the professional teaching skills of
21 the certificateholder.

22 (b) The applicant has received satisfactory
23 performance evaluations during each year of teaching under
24 adjunct teaching certification.

25 Section 13. Subsection (13) is added to section
26 1013.03, Florida Statutes, to read:

27 1013.03 Functions of the department.--The functions of
28 the Department of Education as it pertains to educational
29 facilities shall include, but not be limited to, the
30 following:

31

1 (13) By October 1, 2003, review all rules related to
2 school construction to identify requirements that are
3 outdated, obsolete, unnecessary, or otherwise could be amended
4 in order to provide additional flexibility to school districts
5 to comply with the constitutional class size maximum caps
6 described in s. 1003.03(1) and make recommendations concerning
7 such rules to the State Board of Education. The State Board of
8 Education shall act on such recommendations by December 31,
9 2003.

10 Section 14. Paragraph (d) is added to subsection (1)
11 of section 1013.31, Florida Statutes, to read:

12 1013.31 Educational plant survey; localized need
13 assessment; PECO project funding.--

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

31

1 (d) Periodic update of Florida Inventory of School
2 Houses.--School districts shall periodically update their
3 inventory of educational facilities as new capacity becomes
4 available and as unsatisfactory space is eliminated. The State
5 Board of Education shall adopt rules to determine the
6 timeframe in which districts must provide a periodic update.

7 Section 15. Section 1013.368, Florida Statutes, is
8 created to read:

9 1013.368 Cost-per-student-station requirements for
10 educational facilities.--

11 (1) Beginning July 1, 2004, all new public schools
12 constructed, including change orders, regardless of the source
13 of funds, may not exceed the following
14 cost-per-student-station amounts:

- 15 (a) \$12,755 for an elementary school (January 2002);
16 (b) \$14,624 for a middle school (January 2002); or
17 (c) \$19,352 for a high school, (January 2002).

18
19 The cost-per-student-station limits required by this section
20 shall be adjusted annually to reflect increases or decreases
21 in the Consumer Price Index.

22 (2) This section does not apply to plans for new
23 educational facilities already under architectural contract on
24 July 1, 2004.

25 (3) Charter districts are not exempt from this
26 section.

27 Section 16. (1) The Department of Management Services
28 shall, as soon as practicable after the effective date of the
29 act, request an expedited opinion from the United States
30 Internal Revenue Service as to the qualified status of the
31 changes to the Deferred Retirement Option Program.

1 (2) The changes effected by this act to the Deferred
2 Retirement Option Program shall be contingent upon the
3 Department of Management Services receiving a favorable
4 determination letter and a favorable private letter ruling
5 from the Internal Revenue Service. If the Internal Revenue
6 Service refuses to act upon a request for a private letter
7 ruling, then a favorable legal opinion from a qualified tax
8 attorney or firm may be substituted for such private letter
9 ruling.

10 Section 17. Florida Business and Education in School
11 Together (Florida BEST) Program.--

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

19 (2) Each school board shall through advertisements in
20 local media and other means request proposals from area
21 businesses to allow the operation of a business and education
22 partnership school in facilities owned or operated by the
23 business.

24 (3) Each school district shall establish a Florida
25 BEST school evaluation committee.

26 (a) The committee shall be appointed by the school
27 board and be composed of one school district administrator, at
28 least one member of the business community, and at least one
29 member of a local chamber of commerce.

30 (b) The committee shall evaluate the feasibility of
31 each proposal, including the operating cost, number of

1 students to be served, proposed student-to-teacher ratio,
2 proposed number of years the satellite school would operate,
3 and any other operational or facilities considerations the
4 school board or committee deems appropriate.

5 (c) The committee shall recommend to the school board
6 those proposals for satellite schools the committee deems
7 viable and worthy of being established. The school board must
8 take official action on the recommendation of the committee
9 within 60 days after receipt of the recommendation.

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

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

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

28 (5) A multiyear contract for operation of the Florida
29 BEST school may be entered into between the school district
30 and the host business. The contract must at least include
31 provisions relating to any cost of facilities modifications,

1 provide for the assignment or waiver of appropriate insurance
2 costs, specify the number of students expected to be served,
3 provide grounds for canceling the lease, and specify the
4 advance notice required before the school may be closed.

5 (a) The school board shall be responsible for
6 providing the appropriate instructional, support, and
7 administrative staff and textbooks, materials, and supplies.
8 The school district may also agree to operate or contract for
9 the operation of a before school and after school program
10 using the donated facilities.

11 (b) The host business shall provide the appropriate
12 types of space for operating the school. If special
13 facilities, such as restrooms or dining, recreational, or
14 other areas are required, the district may contribute a part
15 of the cost of the construction, remodeling, or renovation for
16 such facilities from capital outlay funds of the district. A
17 multiyear lease for operation of the facility must be agreed
18 to if the school district contributes to the cost of such
19 construction. Florida BEST schools are not subject to the
20 Florida Building Code requirements of section 423.25, Florida
21 Statutes, relating to public shelter design criteria or to
22 usage as a hurricane shelter except with the consent of the
23 owner of the facility.

24 Section 18. Notwithstanding any local government
25 ordinance or regulation, any business or corporation may
26 expand the square footage or floor area of its current or
27 proposed facility to accommodate a Florida Business and
28 Education in School Together (Florida BEST) school. Facilities
29 constructed to house a Florida BEST school must comply with
30 the State Uniform Building Code for Educational Facilities
31 Construction adopted pursuant to section 1013.37, Florida

1 Statutes, and must meet state and local health, environmental,
2 and safety laws and codes, except that a Florida BEST school
3 is not subject to the Florida Building Code requirements of
4 section 423.25, Florida Statutes, relating to public shelter
5 design criteria or to usage as a hurricane shelter except with
6 the consent of the owner of the facility.

7 Section 19. Subsection (13) of section 1002.33,
8 Florida Statutes, as created by section 98 of ch. 2002-387,
9 Laws of Florida; section 1012.41, Florida Statutes, as created
10 by section 716 of chapter 2002-387, Laws of Florida; section
11 1013.21, Florida Statutes, as created by section 815 of
12 chapter 2002-387, Laws of Florida; and section 1013.43,
13 Florida Statutes, as created by section 842 of chapter
14 2002-387, Laws of Florida, are repealed.

15 Section 20. If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 invalidity does not affect other provisions or applications of
18 the act which can be given effect without the invalid
19 provision or application, and to this end the provisions of
20 this act are severable.

21 Section 21. This act shall take effect July 1, 2003,
22 except that changes effected by this act to the Deferred
23 Retirement Option Program shall take effect June 1, 2003.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 1646

4 The CS made the following changes to SB 1646:

5 The extension of time to participate in the DROP is limited to
6 instructional personnel. School administrators are no longer
7 included.

8 Florida Learning Access Grants are removed.

9 The list of programs which had been identified as excluded
10 from the class size requirements of the constitutional
11 amendment has been removed.

12 Proposed restrictions on the cost of facilities constructed
13 with local funds are removed.

14 The basis of the calculations to determine whether districts
15 are in compliance with the two-students-per-year reduction
16 toward the final constitutional requirements are identified.

17 For fiscal years 2003-2004 through 2005-2006, the calculations
18 shall be at the district level.

19 For fiscal years 2006-2007 and 2007-2008, the calculations
20 shall be at the school level.

21 Beginning with fiscal year 2008-2009, the calculations shall
22 be at the classroom level.

23 The 2005-2006 school year is identified as the year districts
24 that are not in compliance must implement one or more of the
25 options listed in the bill.

26 The 2006-2007 school year is identified as the year in which
27 the Department of Education shall develop a compliance plan
28 for each district not in compliance with its reduction
29 requirements to implement.

30 Four options are identified for possible adoption by a
31 district that is out of compliance with the
32 two-students-per-year reduction requirement. These options are
33 also available to the Department of Education for the
34 mandatory compliance plan. The options are: 1) year round
35 schools; 2) double sessions; 3) extended school year; 4)
36 rezoning.

37 The Department of Management Services is required to contact
38 the Internal Revenue Service and ascertain that the changes
39 included in this bill to the DROP are valid changes.

40 The Florida Business and Education in School Together (Florida
41 BEST) school program is created. Businesses are encouraged to
42 house K-3 public schools in the facilities of the business.
43 Exemptions from certain local ordinances and regulations are
44 provided to businesses which choose to participate in the
45 program.

1 A new effective date for the changes to the DROP is provided.
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