

By the Committee on Education

304-1432A-03

1                                   A bill to be entitled  
2           An act relating to education; amending s.  
3           20.055, F.S.; eliminating a reference to the  
4           Board of Regents; amending s. 24.121, F.S.;  
5           correcting a cross-reference; amending s.  
6           212.055, F.S.; eliminating references to the  
7           Florida Frugal Schools Program; amending s.  
8           216.136, F.S.; eliminating reference to an  
9           obsolete board; providing that the executive  
10          director of the Commission for Independent  
11          Education is a member of the Workforce  
12          Estimating Conference; amending s. 316.615,  
13          F.S.; revising provisions relating to  
14          rulemaking with respect to school bus  
15          operation; amending s. 402.305, F.S.; revising  
16          provisions relating to rules with respect to  
17          child care facilities; amending s. 409.1451,  
18          F.S.; correcting a cross-reference; amending s.  
19          445.0123, F.S.; eliminating a reference to  
20          State Board of Independent Colleges and  
21          Universities; prescribing duties of the  
22          Commission for Independent Education with  
23          respect to determining eligibility for certain  
24          students; amending s. 455.2125, F.S.;  
25          eliminating a reference to the State Board of  
26          Independent Colleges and Universities and the  
27          State Board of Nonpublic Career Education;  
28          requiring certain entities to consult with the  
29          Commission for Independent Education; amending  
30          s. 456.028, F.S.; eliminating a reference to  
31          the State Board of Independent Colleges and

1 Universities and the State Board of Nonpublic  
2 Career Education; requiring certain entities to  
3 consult with the Commission for Independent  
4 Education; amending s. 467.009, F.S.;  
5 transferring certain duties from the authority  
6 of the State Board of Nonpublic Career  
7 Education to the Commission for Independent  
8 Education; amending s. 488.01, F.S.;  
9 transferring certain duties from the State  
10 Board of Nonpublic Career Education to the  
11 Commission for Independent Education; amending  
12 s. 489.125, F.S.; eliminating a reference to  
13 the Commissioner of Education; providing  
14 rulemaking authority of the State Board of  
15 Education; amending s. 817.566, F.S.;  
16 correcting a cross-reference; transferring  
17 certain duties from the State Board of  
18 Independent Colleges and Universities to the  
19 Commission for Independent Education; amending  
20 s. 817.567, F.S.; correcting a cross-reference;  
21 transferring certain duties from the State  
22 Board of Independent Colleges and Universities  
23 to the Commission for Independent Education;  
24 amending s. 943.22, F.S.; replacing a reference  
25 to the Accrediting Commission for Independent  
26 Colleges to one for the Accrediting Council for  
27 Independent Colleges and Schools; amending s.  
28 1000.04, F.S.; correcting terminology; amending  
29 s. 1001.26, F.S.; correcting a cross-reference;  
30 amending s. 1001.372, F.S.; correcting an  
31 internal reference; amending s. 1001.42, F.S.;

1           correcting a cross-reference; amending s.  
2           1001.50, F.S.; eliminating age as a criterion  
3           of compensation for district school  
4           superintendents; amending s. 1001.74, F.S.;  
5           correcting a cross-reference; amending s.  
6           1002.01, F.S.; correcting a cross-reference;  
7           amending s. 1002.32, F.S.; redesignating a  
8           developmental research school as a "lab"  
9           school; deleting a cross-reference; amending s.  
10          1002.33, F.S.; requiring compliance with s.  
11          1012.45, F.S., for transportation of charter  
12          school students; amending s. 1002.42, F.S.;  
13          correcting a cross-reference; amending s.  
14          1002.43, F.S.; correcting a cross-reference;  
15          amending s. 1004.24, F.S.; eliminating an  
16          obsolete reference to postaudits of financial  
17          accounts; providing for financial audit  
18          pursuant to s. 11.45, F.S.; amending s.  
19          1004.26, F.S.; revising provisions relating to  
20          university oversight of student government;  
21          amending s. 1004.445, F.S.; eliminating an  
22          obsolete reference to postaudit of financial  
23          accounts; requiring a financial audit pursuant  
24          to s. 11.45, F.S.; amending s. 1005.04, F.S.;  
25          correcting an error in punctuation; amending s.  
26          1006.14, F.S.; correcting an error in  
27          punctuation; amending s. 1006.21, F.S.;  
28          deleting references to "regulations" and  
29          conforming references to State Board of  
30          Education; amending s. 1007.21, F.S.; deleting  
31          references to guardians; amending s. 1008.37,

1 F.S.; correcting a date; amending s. 1009.29,  
2 F.S.; correcting reference to State Board of  
3 Education; correcting reference to the number  
4 of state universities; amending s. 1009.539,  
5 F.S.; redesignating the Florida Merit Scholars  
6 award as the Florida Medallion Scholars award;  
7 transferring certain duties of the Articulation  
8 Coordinating Committee to the State Board of  
9 Education; correcting a cross-reference;  
10 amending s. 1010.75, F.S.; providing that fees  
11 be remitted for disbursement from the Teacher  
12 Certification Examination Trust Fund; amending  
13 s. 1011.60, F.S.; deleting a cross-reference;  
14 amending s. 1011.62, F.S.; redesignating the  
15 Accrediting Commission of the Association of  
16 Independent Colleges and Schools as the  
17 Accrediting Council for Independent Colleges  
18 and Schools; amending s. 1012.21, F.S.;  
19 correcting a reference to the Department of  
20 Education; amending s. 1012.585, F.S.;  
21 correcting the name of a trust fund; correcting  
22 a cross-reference; amending s. 1012.62, F.S.;  
23 correcting a cross-reference; amending s.  
24 1012.74, F.S.; correcting cross-references;  
25 amending s. 1012.79, F.S.; correcting a  
26 cross-reference; amending s. 1012.795, F.S.;  
27 designating the appointed representative of a  
28 district school superintendent to receive  
29 certain records concerning certain offenses;  
30 amending s. 1012.796, F.S.; correcting  
31 cross-references; amending s. 1012.98, F.S.;

1 requiring consultation with state university  
2 faculty; amending 1013.73, F.S.; correcting a  
3 cross-reference; amending s. 1013.74, F.S.;  
4 eliminating an obsolete cross-reference;  
5 providing an effective date.

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

8  
9 Section 1. Paragraph (a) of subsection (1) of section  
10 20.055, Florida Statutes, is amended to read:

11 20.055 Agency inspectors general.--

12 (1) For the purposes of this section:

13 (a) "State agency" means each department created  
14 pursuant to this chapter, and also includes the Executive  
15 Office of the Governor, the Department of Military Affairs,  
16 ~~the Board of Regents,~~ the Fish and Wildlife Conservation  
17 Commission, the Public Service Commission, and the state  
18 courts system.

19 Section 2. Paragraph (d) of subsection (5) of section  
20 24.121, Florida Statutes, is amended to read:

21 24.121 Allocation of revenues and expenditure of funds  
22 for public education.--

23 (5)

24 (d) No funds shall be released for any purpose from  
25 the Educational Enhancement Trust Fund to any school district  
26 in which one or more schools do not have an approved school  
27 improvement plan pursuant to s. 1001.42(16) or do not comply  
28 with school advisory council membership composition  
29 requirements pursuant to s. 1001.452(1)~~s. 229.58(1)~~.

30 Effective July 1, 2002, the Commissioner of Education shall  
31 withhold disbursements from the trust fund to any school

1 district that fails to adopt the performance-based salary  
2 schedule required by s. 1012.22(1).

3 Section 3. Paragraphs (b) and (c) of subsection (6) of  
4 section 212.055, Florida Statutes, are amended to read:

5 212.055 Discretionary sales surtaxes; legislative  
6 intent; authorization and use of proceeds.--It is the  
7 legislative intent that any authorization for imposition of a  
8 discretionary sales surtax shall be published in the Florida  
9 Statutes as a subsection of this section, irrespective of the  
10 duration of the levy. Each enactment shall specify the types  
11 of counties authorized to levy; the rate or rates which may be  
12 imposed; the maximum length of time the surtax may be imposed,  
13 if any; the procedure which must be followed to secure voter  
14 approval, if required; the purpose for which the proceeds may  
15 be expended; and such other requirements as the Legislature  
16 may provide. Taxable transactions and administrative  
17 procedures shall be as provided in s. 212.054.

18 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

19 (b) The resolution shall include a statement that  
20 provides a brief and general description of the school capital  
21 outlay projects to be funded by the surtax. ~~If applicable, the~~  
22 ~~resolution must state that the district school board has been~~  
23 ~~recognized by the State Board of Education as having a Florida~~  
24 ~~Frugal Schools Program.~~The statement shall conform to the  
25 requirements of s. 101.161 and shall be placed on the ballot  
26 by the governing body of the county. The following question  
27 shall be placed on the ballot:

28  
29       ....FOR THE                               ....CENTS TAX  
30       ....AGAINST THE                           ....CENTS TAX

31

1           (c) The resolution providing for the imposition of the  
2 surtax shall set forth a plan for use of the surtax proceeds  
3 for fixed capital expenditures or fixed capital costs  
4 associated with the construction, reconstruction, or  
5 improvement of school facilities and campuses which have a  
6 useful life expectancy of 5 or more years, and any land  
7 acquisition, land improvement, design, and engineering costs  
8 related thereto. Additionally, the plan shall include the  
9 costs of retrofitting and providing for technology  
10 implementation, including hardware and software, for the  
11 various sites within the school district. Surtax revenues may  
12 be used for the purpose of servicing bond indebtedness to  
13 finance projects authorized by this subsection, and any  
14 interest accrued thereto may be held in trust to finance such  
15 projects. Neither the proceeds of the surtax nor any interest  
16 accrued thereto shall be used for operational expenses. ~~If the~~  
17 ~~district school board has been recognized by the State Board~~  
18 ~~of Education as having a Florida Frugal Schools Program, the~~  
19 ~~district's plan for use of the surtax proceeds must be~~  
20 ~~consistent with this subsection and with uses assured under~~  
21 ~~the Florida Frugal Schools Program.~~

22           Section 4. Paragraph (b) of subsection (9) of section  
23 216.136, Florida Statutes, is amended to read:

24           216.136 Consensus estimating conferences; duties and  
25 principals.--

26           (9) WORKFORCE ESTIMATING CONFERENCE.--

27           (b) Principals.--The Commissioner of Education, the  
28 Executive Office of the Governor, the director of the Office  
29 of Tourism, Trade, and Economic Development, the director of  
30 the Agency for Workforce Innovation, the Chancellor of the  
31 State University System, the Executive Director of the State

1 Board of Community Colleges, the Executive Director ~~chair~~ of  
2 the Commission for Independent Education ~~State Board of~~  
3 ~~Nonpublic Career Education~~, the chair of Workforce Florida,  
4 Inc., the coordinator of the Office of Economic and  
5 Demographic Research, or their designees, and professional  
6 staff from the Senate and the House of Representatives who  
7 have forecasting and substantive expertise, are the principals  
8 of the Workforce Estimating Conference. In addition to the  
9 designated principals of the conference, nonprincipal  
10 participants of the conference shall include a representative  
11 of the Florida Chamber of Commerce and other interested  
12 parties. The principal representing the Executive Office of  
13 the Governor shall preside over the sessions of the  
14 conference.

15 Section 5. Subsection (3) of section 316.615, Florida  
16 Statutes, is amended to read:

17 316.615 School buses; physical requirements of  
18 drivers.--

19 (3) A person may not operate or cause to be operated a  
20 motor vehicle covered by subsection (1) or subsection (2) when  
21 transporting school children unless the operator has met the  
22 physical examination requirements established by law and by  
23 rule of the State Board of Education ~~adopted by the~~  
24 ~~Commissioner of Education~~. The operator of such a motor  
25 vehicle shall pass an annual physical examination and have  
26 posted in the vehicle a certificate to drive the vehicle.

27 Section 6. Paragraph (b) of subsection (1), subsection  
28 (5), and paragraph (b) of subsection (7) of section 402.305,  
29 Florida Statutes, are amended to read:

30 402.305 Licensing standards; child care facilities.--

31



1           (1) LICENSING STANDARDS.--The department shall  
2 establish licensing standards that each licensed child care  
3 facility must meet regardless of the origin or source of the  
4 fees used to operate the facility or the type of children  
5 served by the facility.

6           (b) All standards established under ss.  
7 402.301-402.319 must be consistent with the rules adopted by  
8 the State Fire Marshal for child care facilities. However, if  
9 the facility is operated in a public school, the department  
10 shall use the public school fire code, as provided in the  
11 rules of the State Board ~~Department~~ of Education, as the  
12 minimum standard for firesafety.

13           (5) PHYSICAL FACILITIES.--Minimum standards shall  
14 include requirements for building conditions, indoor play  
15 space, outdoor play space, napping space, bathroom facilities,  
16 food preparation facilities, outdoor equipment, and indoor  
17 equipment. Because of the nature and duration of drop-in child  
18 care, outdoor play space and outdoor equipment shall not be  
19 required for licensure; however, if such play space and  
20 equipment are provided, then the minimum standards shall apply  
21 to drop-in child care. With respect to minimum standards for  
22 physical facilities of a child care program for school-age  
23 children which is operated in a public school facility, the  
24 department shall adopt the State Uniform Building Code for  
25 Public Educational Facilities Construction as the minimum  
26 standards, regardless of the operator of the program. The  
27 Legislature intends that if a child care program for  
28 school-age children is operated in a public school, the  
29 program need not conform to standards for physical facilities  
30 other than the standards adopted by the State Board  
31 ~~Commissioner~~ of Education.

1           (7) SANITATION AND SAFETY.--

2           (b) In the case of a child care program for school-age  
3 children attending before and after school programs on the  
4 public school site, the department shall use the public school  
5 fire code, as adopted ~~promulgated~~ in the rules of the State  
6 Board ~~Department~~ of Education, as the minimum standard for  
7 firesafety. In the case of a child care program for  
8 school-age children attending before-school and after-school  
9 programs on a site operated by a municipality, the department  
10 shall adopt rules for such site and intended use.

11           Section 7. Paragraph (b) of subsection (5) of section  
12 409.1451, Florida Statutes, is amended to read:

13           409.1451 Independent living transition services.--

14           (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS  
15 FORMERLY IN FOSTER CARE.--Based on the availability of funds,  
16 the department shall provide or arrange for the following  
17 services to young adults formerly in foster care who meet the  
18 prescribed conditions and are determined eligible by the  
19 department. The categories of services available to assist a  
20 young adult formerly in foster care to achieve independence  
21 are:

22           (b) Road-to-Independence Scholarship Program.--

23           1. The Road-to-Independence Scholarship Program is  
24 intended to help eligible students who are former foster  
25 children in this state to receive the educational and  
26 vocational training needed to achieve independence. The amount  
27 of the award shall equal the earnings that the student would  
28 have been eligible to earn working a 40-hour-a-week federal  
29 minimum wage job, after considering other grants and  
30 scholarships that are in excess of the educational  
31 institutions' fees and costs, and contingent upon available

1 funds. Students eligible for the Road-to-Independence  
2 Scholarship Program may also be eligible for educational fee  
3 waivers for workforce development postsecondary programs,  
4 community colleges, and universities, pursuant to s.  
5 1009.25(2)(c).

6 2. A young adult 18 to 21 years of age is eligible for  
7 the initial award, and a young adult under 23 years of age is  
8 eligible for renewal awards, if he or she:

9 a. Is a dependent child, pursuant to chapter 39, and  
10 is living in licensed foster care or in subsidized independent  
11 living at the time of his or her 18th birthday;

12 b. Has spent at least 6 months living in foster care  
13 before reaching his or her 18th birthday;

14 c. Is a resident of this state as defined in s.  
15 1009.40; and

16 d. Meets one of the following qualifications:

17 (I) Has earned a standard high school diploma or its  
18 equivalent as described in ~~s. 1003.425~~ or s. 1003.43 or s.  
19 1003.435, and has been admitted for full-time enrollment in an  
20 eligible postsecondary education institution as defined in s.  
21 1009.533;

22 (II) Is enrolled full time in an accredited high  
23 school, is within 2 years of graduation, and has maintained a  
24 grade point average of at least 2.0 on a scale of 4.0 for the  
25 two semesters preceding the date of his or her 18th birthday;  
26 or

27 (III) Is enrolled full time in an accredited adult  
28 education program designed to provide the student with a high  
29 school diploma or its equivalent, is making satisfactory  
30 progress in that program as certified by the program, and is  
31 within 2 years of graduation.

1           3.a. The department must advertise the availability of  
2 the program and must ensure that the children and young adults  
3 leaving foster care, foster parents, or family services  
4 counselors are informed of the availability of the program and  
5 the application procedures.

6           b. A young adult must apply for the initial award  
7 during the 6 months immediately preceding his or her 18th  
8 birthday. A young adult who fails to make an initial  
9 application, but who otherwise meets the criteria for an  
10 initial award, may make one application for the initial award  
11 if such application is made before the young adult's 21st  
12 birthday.

13           c. If funding for the program is available, the  
14 department shall issue awards from the scholarship program for  
15 each young adult who meets all the requirements of the  
16 program.

17           d. An award shall be issued at the time the eligible  
18 student reaches 18 years of age.

19           e. If the award recipient transfers from one eligible  
20 institution to another and continues to meet eligibility  
21 requirements, the award must be transferred with the  
22 recipient.

23           f. Scholarship funds awarded to any eligible young  
24 adult under this program are in addition to any other services  
25 provided to the young adult by the department through its  
26 independent living transition services.

27           g. The department shall provide information concerning  
28 young adults receiving the Road-to-Independence Scholarship to  
29 the Department of Education for inclusion in the student  
30 financial assistance database, as provided in s. 1009.94.

31

1           h. Scholarship funds shall be terminated when the  
2 young adult has attained a bachelor of arts or bachelor of  
3 science degree, or equivalent undergraduate degree, or reaches  
4 23 years of age, whichever occurs earlier.

5           i. The department shall evaluate and renew each award  
6 annually during the 90-day period before the young adult's  
7 birthday. In order to be eligible for a renewal award for the  
8 subsequent year, the young adult must:

9           (I) Complete at least 12 semester hours or the  
10 equivalent in the last academic year in which the young adult  
11 earned a scholarship, except for a young adult who meets the  
12 requirements of s. 1009.41.

13           (II) Maintain the cumulative grade point average  
14 required by the scholarship program, except that, if the young  
15 adult's grades are insufficient to renew the scholarship at  
16 any time during the eligibility period, the young adult may  
17 restore eligibility by improving the grade point average to  
18 the required level.

19           j. Scholarship funds may be terminated during the  
20 interim between an award and the evaluation for a renewal  
21 award if the department determines that the award recipient is  
22 no longer enrolled in an educational institution as defined in  
23 sub-subparagraph 2.d., or is no longer a state resident. The  
24 department shall notify a student who is terminated and inform  
25 the student of his or her right to appeal.

26           k. An award recipient who does not qualify for a  
27 renewal award or who chooses not to renew the award may  
28 subsequently apply for reinstatement. An application for  
29 reinstatement must be made before the young adult reaches 23  
30 years of age, and a student may not apply for reinstatement  
31 more than once. In order to be eligible for reinstatement, the

1 young adult must meet the eligibility criteria and the  
2 criteria for award renewal for the scholarship program.

3 1. A young adult receiving continued services of the  
4 foster care program under former s. 409.145(3) must transfer  
5 to the scholarship program by July 1, 2003.

6 Section 8. Subsections (4) and (5) of section  
7 445.0123, Florida Statutes, are amended to read:

8 445.0123 Eligible postsecondary education  
9 institutions.--A student is eligible for an award or the  
10 renewal of an award from the Careers for Florida's Future  
11 Incentive Grant Program if the student meets the requirements  
12 for the program as described in ss. 445.012-445.0125 and is  
13 enrolled in a postsecondary education institution that meets  
14 the description of any one of the following:

15 (4) An independent postsecondary education institution  
16 in this state which is licensed by the Commission for  
17 Independent Education ~~State Board of Independent Colleges and~~  
18 ~~Universities~~ and which:

19 (a) Shows evidence of sound financial condition; and

20 (b) Has operated in this state for at least 3 years  
21 without having its approval, accreditation, or license placed  
22 on probation.

23 (5) An independent postsecondary education institution  
24 in this state which is licensed by the Commission for  
25 Independent Education ~~State Board of Nonpublic Career~~  
26 ~~Education~~ and which:

27 (a) Has a program-completion and placement rate of at  
28 least the rate required by current state law, the Florida  
29 Administrative Code, or the Department of Education for an  
30 institution at its level;

31 (b) Shows evidence of sound financial condition; and

1 (c)1. Is accredited at the institutional level by an  
2 accrediting agency recognized by the United States Department  
3 of Education and has operated in this state for at least 3  
4 years during which there has been no complaint for which  
5 probable cause has been found; or

6 2. Has operated in this state for 5 years during which  
7 there has been no complaint for which probable cause has been  
8 found.

9 Section 9. Section 455.2125, Florida Statutes, is  
10 amended to read:

11 455.2125 Consultation with postsecondary education  
12 boards prior to adoption of changes to training  
13 requirements.--Any state agency or board that has jurisdiction  
14 over the regulation of a profession or occupation shall  
15 consult with the Commission for Independent Education State  
16 ~~Board of Independent Colleges and Universities, the State~~  
17 ~~Board of Nonpublic Career Education~~, the Board of Regents, and  
18 the State Board of Community Colleges prior to adopting any  
19 changes to training requirements relating to entry into the  
20 profession or occupation. This consultation must allow the  
21 educational board to provide advice regarding the impact of  
22 the proposed changes in terms of the length of time necessary  
23 to complete the training program and the fiscal impact of the  
24 changes. The educational board must be consulted only when an  
25 institution offering the training program falls under its  
26 jurisdiction.

27 Section 10. Section 456.028, Florida Statutes, is  
28 amended to read:

29 456.028 Consultation with postsecondary education  
30 boards prior to adoption of changes to training  
31 requirements.--Any state agency or board that has jurisdiction

1 over the regulation of a profession or occupation shall  
2 consult with the Commission for Independent Education State  
3 ~~Board of Independent Colleges and Universities, the State~~  
4 ~~Board of Nonpublic Career Education~~, the Board of Regents, and  
5 the State Board of Community Colleges prior to adopting any  
6 changes to training requirements relating to entry into the  
7 profession or occupation. This consultation must allow the  
8 educational board to provide advice regarding the impact of  
9 the proposed changes in terms of the length of time necessary  
10 to complete the training program and the fiscal impact of the  
11 changes. The educational board must be consulted only when an  
12 institution offering the training program falls under its  
13 jurisdiction.

14 Section 11. Subsection (8) of section 467.009, Florida  
15 Statutes, is amended to read:

16 467.009 Midwifery programs; education and training  
17 requirements.--

18 (8) Nonpublic educational institutions that conduct  
19 approved midwifery programs shall be accredited by a member of  
20 the Commission on Recognition of Postsecondary Accreditation  
21 and shall be licensed by the Commission for Independent  
22 Education State Board of Nonpublic Career Education.

23 Section 12. Section 488.01, Florida Statutes, is  
24 amended to read:

25 488.01 License to engage in business of operating a  
26 driver's school required.--The Department of Highway Safety  
27 and Motor Vehicles shall oversee and license all commercial  
28 driver's schools except truck driving schools. All commercial  
29 truck driving schools shall be required to be licensed  
30 pursuant to chapter 1005, and additionally shall be subject to  
31 the provisions of ss. 488.04 and 488.05. No person, group,



1 organization, institution, business entity, or corporate  
2 entity may engage in the business of operating a driver's  
3 school without first obtaining a license therefor from the  
4 Department of Highway Safety and Motor Vehicles pursuant to  
5 this chapter or from the Commission for Independent Education  
6 ~~State Board of Nonpublic Career Education~~ pursuant to chapter  
7 1005.

8 Section 13. Section 489.125, Florida Statutes, is  
9 amended to read:

10 489.125 Prequalification of certificateholders.--Any  
11 person holding a certificate shall be prequalified to bid by a  
12 district school board pursuant to uniform prequalification of  
13 contractors criteria adopted by rule of the State Board  
14 ~~Commissioner~~ of Education. This section does not supersede any  
15 small, woman-owned or minority-owned business enterprise  
16 preference program adopted by a district school board. A  
17 district school board may not modify or supplement the uniform  
18 prequalification criteria adopted by rule. A person holding a  
19 certificate must apply to each board for prequalification  
20 consideration.

21 Section 14. Section 817.566, Florida Statutes, is  
22 amended to read:

23 817.566 Misrepresentation of association with, or  
24 academic standing at, postsecondary educational  
25 institution.--Any person who, with intent to defraud,  
26 misrepresents his or her association with, or academic  
27 standing or other progress at, any postsecondary educational  
28 institution by falsely making, altering, simulating, or  
29 forging a document, degree, certificate, diploma, award,  
30 record, letter, transcript, form, or other paper; or any  
31 person who causes or procures such a misrepresentation; or any

1 person who utters and publishes or otherwise represents such a  
2 document, degree, certificate, diploma, award, record, letter,  
3 transcript, form, or other paper as true, knowing it to be  
4 false, is guilty of a misdemeanor of the first degree,  
5 punishable as provided in s. 775.082 or s. 775.083.  
6 Individuals who present a religious academic degree from any  
7 college, university, seminary, or institution that ~~which~~ is  
8 not licensed by the Commission for Independent Education State  
9 ~~Board of Independent Colleges and Universities~~ or that ~~which~~  
10 is not exempt pursuant to the provisions of s. 1005.06(1)(e)  
11 ~~s. 246.085~~ shall disclose the religious nature of the degree  
12 upon presentation.

13 Section 15. Subsection (1) of section 817.567, Florida  
14 Statutes, is amended to read:

15 817.567 Making false claims of academic degree or  
16 title.--

17 (1) No person in the state may claim, either orally or  
18 in writing, to possess an academic degree, as defined in s.  
19 1005.02, or the title associated with said degree, unless the  
20 person has, in fact, been awarded said degree from an  
21 institution that is:

22 (a) Accredited by a regional or professional  
23 accrediting agency recognized by the United States Department  
24 of Education or the Commission on Recognition of Postsecondary  
25 Accreditation;

26 (b) Provided, operated, and supported by a state  
27 government or any of its political subdivisions or by the  
28 Federal Government;

29 (c) A school, institute, college, or university  
30 chartered outside the United States, the academic degree from  
31 which has been validated by an accrediting agency approved by

1 the United States Department of Education as equivalent to the  
2 baccalaureate or postbaccalaureate degree conferred by a  
3 regionally accredited college or university in the United  
4 States;

5 (d) Licensed by the Commission for Independent  
6 Education State Board of Independent Colleges and Universities  
7 ~~pursuant to ss. 1005.01-1005.38~~ or exempt from licensure  
8 pursuant to s. 1005.06(1)(e)~~s. 246.085~~; or

9 (e) A religious seminary, institute, college, or  
10 university which offers only educational programs that prepare  
11 students for a religious vocation, career, occupation,  
12 profession, or lifework, and the nomenclature of whose  
13 certificates, diplomas, or degrees clearly identifies the  
14 religious character of the educational program.

15 Section 16. Paragraph (a) of subsection (1) of section  
16 943.22, Florida Statutes, is amended to read:

17 943.22 Salary incentive program for full-time  
18 officers.--

19 (1) For the purpose of this section, the term:

20 (a) "Accredited college, university, or community  
21 college" means a college, university, or community college  
22 which has been accredited by the Southern Association of  
23 Colleges and Schools, another regional accrediting agency, or  
24 the Accrediting Council ~~Commission~~ for Independent Colleges  
25 and Schools.

26 Section 17. Subsection (1) of section 1000.04, Florida  
27 Statutes, is amended to read:

28 1000.04 Components for the delivery of public  
29 education within the Florida K-20 education system.--Florida's  
30 K-20 education system provides for the delivery of public  
31 education through publicly supported and controlled K-12

1 schools, community colleges, state universities and other  
2 postsecondary educational institutions, other educational  
3 institutions, and other educational services as provided or  
4 authorized by the Constitution and laws of the state.

5 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools  
6 include charter schools and consist of kindergarten classes;  
7 elementary, middle, and high school grades and special  
8 classes; workforce development education; ~~area~~ technical  
9 centers; adult, part-time, career and technical, and evening  
10 schools, courses, or classes, as authorized by law to be  
11 operated under the control of district school boards; and lab  
12 schools operated under the control of state universities.

13 Section 18. Paragraph (a) of subsection (2) of section  
14 1001.26, Florida Statutes, is amended to read:

15 1001.26 Public broadcasting program system.--

16 (2)(a) The Department of Education is responsible for  
17 implementing the provisions of this section pursuant to s.  
18 282.102 ~~part III of chapter 287~~ and may employ personnel,  
19 acquire equipment and facilities, and perform all duties  
20 necessary for carrying out the purposes and objectives of this  
21 section.

22 Section 19. Subsection (3) of section 1001.372,  
23 Florida Statutes, is amended to read:

24 1001.372 District school board meetings.--

25 (3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The  
26 presiding officer of any district school board may order the  
27 removal, from a public meeting held by the district school  
28 board, of any person interfering with the expeditious or  
29 orderly process of such meeting, provided such officer has  
30 first issued a warning that continued interference with the  
31 orderly processes of the meeting will result in removal. Any

1 law enforcement authority or a sergeant-at-arms designated by  
2 the officer shall remove any person ordered removed pursuant  
3 to this subsection ~~section~~.

4 Section 20. Paragraph (m) of subsection (4) of section  
5 1001.42, Florida Statutes, is amended to read:

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

9 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
10 SCHOOLS.--Adopt and provide for the execution of plans for the  
11 establishment, organization, and operation of the schools of  
12 the district, including, but not limited to, the following:

13 (m) Alternative education programs for students in  
14 residential care facilities.--Provide, in accordance with the  
15 provisions of s. 1003.58 ~~chapter 1006~~, educational programs  
16 according to rules of the State Board of Education to students  
17 who reside in residential care facilities operated by the  
18 Department of Children and Family Services.

19 Section 21. Paragraph (f) of subsection (3) of section  
20 1001.50, Florida Statutes, is amended to read:

21 1001.50 Superintendents employed under Art. IX of the  
22 State Constitution.--

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

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

30 Section 22. Subsection (8) of section 1001.74, Florida  
31 Statutes, is amended to read:

1           1001.74 Powers and duties of university boards of  
2 trustees.--

3           (8) Each board of trustees is authorized to create  
4 divisions of sponsored research pursuant to the provisions of  
5 s. 1004.22 ~~s. 1011.411~~ to serve the function of administration  
6 and promotion of the programs of research.

7           Section 23. Subsection (2) of section 1002.01, Florida  
8 Statutes, is amended to read:

9           1002.01 Definitions.--

10           (2) A "private school" is a nonpublic school defined  
11 as an individual, association, copartnership, or corporation,  
12 or department, division, or section of such organizations,  
13 that designates itself as an educational center that includes  
14 kindergarten or a higher grade or as an elementary, secondary,  
15 business, technical, or trade school below college level or  
16 any organization that provides instructional services that  
17 meet the intent of s. 1003.01(13)~~s. 1003.01(14)~~ or that gives  
18 preemployment or supplementary training in technology or in  
19 fields of trade or industry or that offers academic, literary,  
20 or career and technical training below college level, or any  
21 combination of the above, including an institution that  
22 performs the functions of the above schools through  
23 correspondence or extension, except those licensed under the  
24 provisions of chapter 1005. A private school may be a  
25 parochial, religious, denominational, for-profit, or nonprofit  
26 school. This definition does not include home education  
27 programs conducted in accordance with s. 1002.41.

28           Section 24. Paragraph (a) of subsection (3) and  
29 paragraph (a) of subsection (11) of section 1002.32, Florida  
30 Statutes, are amended to read:

31           1002.32 Developmental research (laboratory) schools.--

1           (3) MISSION.--The mission of a lab school shall be the  
2 provision of a vehicle for the conduct of research,  
3 demonstration, and evaluation regarding management, teaching,  
4 and learning. Programs to achieve the mission of a lab school  
5 shall embody the goals and standards established pursuant to  
6 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate  
7 education for its students.

8           (a) Each lab school shall emphasize mathematics,  
9 science, computer science, and foreign languages. The primary  
10 goal of a lab school is to enhance instruction and research in  
11 such specialized subjects by using the resources available on  
12 a state university campus, while also providing an education  
13 in nonspecialized subjects. Each lab school shall provide  
14 sequential elementary and secondary instruction where  
15 appropriate. A lab school may not provide instruction at grade  
16 levels higher than grade 12 without authorization from the  
17 State Board of Education. Each lab ~~developmental research~~  
18 school shall develop and implement a school improvement plan  
19 pursuant to s. 1003.02(3).

20           (11) EXCEPTIONS TO LAW.--To encourage innovative  
21 practices and facilitate the mission of the lab schools, in  
22 addition to the exceptions to law specified in s. 1001.23(2),  
23 the following exceptions shall be permitted for lab schools:

24           (a) The methods and requirements of the following  
25 statutes shall be held in abeyance: ss. 316.75; 1001.30;  
26 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36;  
27 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372;  
28 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44;  
29 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464;  
30 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(1);  
31 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41;

1 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48;  
2 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55;  
3 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22;  
4 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74; ~~and 1013.77.~~

5 Section 25. Paragraph (c) of subsection (21) of  
6 section 1002.33, Florida Statutes, is amended to read:

7 1002.33 Charter schools.--

8 (21) SERVICES.--

9 (c) Transportation of charter school students shall be  
10 provided by the charter school consistent with the  
11 requirements of subpart I.e. of chapter 1006 and s. 1012.45.

12 The governing body of the charter school may provide  
13 transportation through an agreement or contract with the  
14 district school board, a private provider, or parents. The  
15 charter school and the sponsor shall cooperate in making  
16 arrangements that ensure that transportation is not a barrier  
17 to equal access for all students residing within a reasonable  
18 distance of the charter school as determined in its charter.

19 Section 26. Subsection (14) of section 1002.42,  
20 Florida Statutes, is amended to read:

21 1002.42 Private schools.--

22 (14) BUS DRIVER TRAINING.--Private school bus drivers  
23 may participate in a district school board's bus driver  
24 training program, if the district school board makes the  
25 program available pursuant to s. 1012.45(4)~~s. 1006.26.~~

26 Section 27. Subsection (1) of section 1002.43, Florida  
27 Statutes, is amended to read:

28 1002.43 Private tutoring programs.--

29 (1) Regular attendance as defined in s. 1003.01(13) ~~s.~~  
30 ~~1003.01(14)~~ may be achieved by attendance in a private

31



1 tutoring program if the person tutoring the student meets the  
2 following requirements:

3 (a) Holds a valid Florida certificate to teach the  
4 subjects or grades in which instruction is given.

5 (b) Keeps all records and makes all reports required  
6 by the state and district school board and makes regular  
7 reports on the attendance of students in accordance with the  
8 provisions of s. 1003.23(2).

9 (c) Requires students to be in actual attendance for  
10 the minimum length of time prescribed by s. 1011.60(2).

11 Section 28. Subsection (5) of section 1004.24, Florida  
12 Statutes, is amended to read:

13 1004.24 State Board of Education authorized to secure  
14 liability insurance.--

15 (5) Each self-insurance program council shall make  
16 provision for an annual financial audit pursuant to s. 11.45  
17 ~~postaudit~~ of its ~~financial~~ accounts to be conducted by an  
18 independent certified public accountant. The annual audit  
19 report must include a management letter and shall be submitted  
20 to the State Board of Education for review. The State Board of  
21 Education shall have the authority to require and receive from  
22 the self-insurance program council or from its independent  
23 auditor any detail or supplemental data relative to the  
24 operation of the self-insurance program.

25 Section 29. Subsection (5) of section 1004.26, Florida  
26 Statutes, is amended to read:

27 1004.26 University student governments.--

28 (5) Each student government is a part of the  
29 university at which it is established. ~~If an internal~~  
30 ~~procedure of the university student government is disapproved~~  
31 ~~by the university president under s. 229.0082(15), a member of~~

1 ~~the university board of trustees may request a review of the~~  
2 ~~disapproved procedure at the next meeting of the board of~~  
3 ~~trustees.~~

4 Section 30. Paragraph (d) of subsection (3) of section  
5 1004.445, Florida Statutes, is amended to read:

6 1004.445 Florida Alzheimer's Center and Research  
7 Institute.--

8 (3) The State Board of Education shall provide in the  
9 agreement with the not-for-profit corporation for the  
10 following:

11 (d) Preparation of an annual financial audit pursuant  
12 to s. 11.45 postaudit of the not-for-profit corporation's  
13 ~~financial~~ accounts and the ~~financial~~ accounts of any  
14 subsidiaries to be conducted by an independent certified  
15 public accountant. The annual audit report shall include  
16 management letters and shall be submitted to the Auditor  
17 General and the State Board of Education for review. The State  
18 Board of Education, the Auditor General, and the Office of  
19 Program Policy Analysis and Government Accountability shall  
20 have the authority to require and receive from the  
21 not-for-profit corporation and any subsidiaries, or from their  
22 independent auditor, any detail or supplemental data relative  
23 to the operation of the not-for-profit corporation or  
24 subsidiary.

25 Section 31. Subsection (1) of section 1005.04, Florida  
26 Statutes, is amended to read:

27 1005.04 Fair consumer practices.--

28 (1) Every institution that is under the jurisdiction  
29 of the commission or is exempt from the jurisdiction or  
30 purview of the commission pursuant to s. 1005.06(1)(c) or (f)

31

1 and that either directly or indirectly solicits for enrollment  
2 any student shall:

3 (a) Disclose to each prospective student a statement  
4 of the purpose of such institution, its educational programs  
5 and curricula, a description of its physical facilities, its  
6 status regarding licensure, its fee schedule and policies  
7 regarding retaining student fees if a student withdraws, and a  
8 statement regarding the transferability of credits to and from  
9 other institutions. The institution shall make the required  
10 disclosures in writing at least 1 week prior to enrollment or  
11 collection of any tuition from the prospective student. The  
12 required disclosures may be made in the institution's current  
13 catalog;

14 (b) Use a reliable method to assess, before accepting  
15 a student into a program, the student's ability to complete  
16 successfully the course of study for which he or she has  
17 applied;

18 (c) Inform each student accurately about financial  
19 assistance and obligations for repayment of loans; describe  
20 any employment placement services provided and the limitations  
21 thereof; and refrain from promising or implying guaranteed  
22 placement, market availability, or salary amounts;

23 (d) Provide to prospective and enrolled students  
24 accurate information regarding the relationship of its  
25 programs to state licensure requirements for practicing  
26 related occupations and professions in Florida;

27 (e) Ensure that all advertisements are accurate and  
28 not misleading;

29 (f) Publish and follow an equitable prorated refund  
30 policy for all students, and follow both the federal refund  
31

1 guidelines for students receiving federal financial assistance  
2 and the minimum refund guidelines set by commission rule;

3 (g) Follow the requirements of state and federal laws  
4 that require annual reporting with respect to crime statistics  
5 and physical plant safety and make those reports available to  
6 the public; and

7 (h) Publish and follow procedures for handling student  
8 complaints, disciplinary actions, and appeals.

9 Section 32. Subsection (5) of section 1006.14, Florida  
10 Statutes, is amended to read:

11 1006.14 Secret societies prohibited in public K-12  
12 schools.--

13 (5) It is unlawful for any student enrolled in any  
14 public K-12 school to be a member of, to join or to become a  
15 member of or to pledge himself or herself to become a member  
16 of any secret fraternity, sorority, or group wholly or partly  
17 formed from the membership of students attending public K-12  
18 schools or to take part in the organization or formation of  
19 any such fraternity, sorority, or secret society; provided  
20 that this does not prevent any student from belonging to any  
21 organization fostered and promoted by the school authorities,<sup>†</sup>  
22 or approved and accepted by the school authorities and whose  
23 membership is selected on the basis of good character, good  
24 scholarship, leadership ability, and achievement.

25 Section 33. Subsections (1) and (2) of section  
26 1006.21, Florida Statutes, are amended to read:

27 1006.21 Duties of district school superintendent and  
28 district school board regarding transportation.--

29 (1) The district school superintendent shall ascertain  
30 which students should be transported to school or to school  
31 activities, determine the most effective arrangement of

1 transportation routes to accommodate these students; recommend  
2 such routing to the district school board; recommend plans and  
3 procedures for providing facilities for the economical and  
4 safe transportation of students; recommend such rules ~~and~~  
5 ~~regulations~~ as may be necessary and see that all rules ~~and~~  
6 ~~regulations~~ relating to the transportation of students  
7 approved by the district school board, as well as rules  
8 ~~regulations~~ of the State Board of Education, are properly  
9 carried into effect, as prescribed in this chapter.

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

22 Section 34. Subsection (1) and paragraphs (a) and (b)  
23 of subsection (2) of section 1007.21, Florida Statutes, are  
24 amended to read:

25 1007.21 Readiness for postsecondary education and the  
26 workplace.--

27 (1) It is the intent of the Legislature that students  
28 and parents set early achievement and career goals for the  
29 student's post-high school experience. This section sets forth  
30 a model which schools, through their school advisory councils,  
31 may choose to implement to ensure that students are ready for

1 postsecondary education and the workplace. If such a program  
2 is adopted, students and their parents shall have the option  
3 of participating in this model to plan the student's secondary  
4 level course of study. Parents and students are to become  
5 partners with school personnel in educational choice. Clear  
6 academic course expectations shall be made available to all  
7 students by allowing both student and parent ~~or guardian~~  
8 choice.

9 (2)(a) Students entering the 9th grade and their  
10 parents shall be active participants in choosing an  
11 end-of-high-school student destination based upon both student  
12 and parent ~~or guardian~~ goals. Four or more destinations should  
13 be available with bridges between destinations to enable  
14 students to shift destinations should they choose to change  
15 goals. The destinations shall accommodate the needs of  
16 students served in exceptional education programs to the  
17 extent appropriate for individual students. Exceptional  
18 education students may continue to follow the courses outlined  
19 in the district school board student progression plan.  
20 Participating students and their parents shall choose among  
21 destinations, which must include:

- 22 1. Four-year college or university, community college  
23 plus university, or military academy.
- 24 2. Two-year postsecondary degree.
- 25 3. Postsecondary career and technical certificate.
- 26 4. Immediate employment or entry-level military.

27 (b) The student progression model toward a chosen  
28 destination shall include:

- 29 1. A "path" of core courses leading to each of the  
30 destinations provided in paragraph (a).

31

1           2. A recommended group of electives which shall help  
2 define each path.

3           3. Provisions for a teacher, school administrator,  
4 other school staff member, or community volunteer to be  
5 assigned to a student as an "academic advocate" if parental ~~or~~  
6 ~~guardian~~ involvement is lacking.

7           Section 35. Subsection (2) of section 1008.37, Florida  
8 Statutes, is amended to read:

9           1008.37 Postsecondary feedback of information to high  
10 schools.--

11           (2) The Commissioner of Education shall report, by  
12 high school, to the State Board of Education and the  
13 Legislature, no later than November 30 ~~November 31~~ of each  
14 year, on the number of prior year Florida high school  
15 graduates who enrolled for the first time in public  
16 postsecondary education in this state during the previous  
17 summer, fall, or spring term, indicating the number of  
18 students whose scores on the common placement test indicated  
19 the need for remediation through college-preparatory or  
20 vocational-preparatory instruction pursuant to s. 1004.91 or  
21 s. 1008.30.

22           Section 36. Subsection (1) of section 1009.29, Florida  
23 Statutes, is amended to read:

24           1009.29 Increased fees for funding financial aid  
25 program.--

26           (1) Student tuition and registration fees at each  
27 state university and community college shall include up to  
28 \$4.68 per quarter, or \$7.02 per semester, per full-time  
29 student, or the per-student credit hour equivalents of such  
30 amounts. The fees provided for by this section shall be  
31 adjusted from time to time, as necessary, to comply with the

1 debt service coverage requirements of the student loan revenue  
2 bonds issued pursuant to s. 1009.79. If the Division of Bond  
3 Finance of the State Board of Administration ~~Education~~ and the  
4 Commissioner of Education determine that such fees are no  
5 longer required as security for revenue bonds issued pursuant  
6 to ss. 1009.78-1009.88, moneys previously collected pursuant  
7 to this section which are held in escrow, after administrative  
8 expenses have been met and up to \$150,000 has been used to  
9 establish a financial aid data processing system for the state  
10 universities incorporating the necessary features to meet the  
11 needs of all 11 ~~nine~~ universities for application through  
12 disbursement processing, shall be reallocated to the  
13 generating institutions to be used for student financial aid  
14 programs, including, but not limited to, scholarships and  
15 grants for educational purposes. Upon such determination, such  
16 fees shall no longer be assessed and collected.

17 Section 37. Paragraph (b) of subsection (3) and  
18 subsection (5) of section 1009.539, Florida Statutes, are  
19 amended to read:

20 1009.539 Florida Bright Futures Scholarship Testing  
21 Program.--

22 (3)

23 (b) Notwithstanding the provisions of paragraph (a),  
24 and for the 2002-2003 fiscal year only, initial award  
25 recipients for the 2002-2003 academic year who are eligible  
26 for a Florida Academic Scholars award or a Florida Medallion  
27 ~~Merit~~ Scholars award and who are admitted to and enroll in a  
28 community college or state university shall, prior to  
29 registering for courses that may be earned through a CLEP  
30 examination and no later than the end of the 2002-2003  
31 academic year, complete at least five examinations from those



1 specified in subsection (1) in the following areas: English;  
2 humanities; mathematics; natural sciences; and social  
3 sciences. Successful completion of dual enrollment courses,  
4 Advanced Placement examinations, and International  
5 Baccalaureate examinations taken prior to high school  
6 graduation satisfy this requirement. The State Board of  
7 Education ~~Articulation Coordinating Committee~~ shall identify  
8 the examinations that satisfy each component of this  
9 requirement. This paragraph expires July 1, 2003.

10 (5) The credit awarded pursuant to this section shall  
11 apply toward the 120 hours of college credit required pursuant  
12 to s. 1007.25(8)~~s. 1007.25(7)~~.

13 Section 38. Section 1010.75, Florida Statutes, is  
14 amended to read:

15 1010.75 Teacher Certification Examination Trust  
16 Fund.--The proceeds for the certification examination fee  
17 levied pursuant to s. 1012.59 shall be remitted by the  
18 Department of Education to the Treasurer for deposit into and  
19 disbursed from ~~for~~ the "Teacher Certification Examination  
20 Trust Fund" as re-created by chapter 99-28, Laws of Florida.

21 Section 39. Subsection (2) of section 1011.60, Florida  
22 Statutes, is amended to read:

23 1011.60 Minimum requirements of the Florida Education  
24 Finance Program.--Each district which participates in the  
25 state appropriations for the Florida Education Finance Program  
26 shall provide evidence of its effort to maintain an adequate  
27 school program throughout the district and shall meet at least  
28 the following requirements:

29 (2) MINIMUM TERM.--Operate all schools for a term of  
30 at least 180 actual teaching days ~~as prescribed in s.~~  
31 ~~1003.01(14)~~ or the equivalent on an hourly basis as specified

1 by rules of the State Board of Education each school year. The  
2 State Board of Education may prescribe procedures for  
3 altering, and, upon written application, may alter, this  
4 requirement during a national, state, or local emergency as it  
5 may apply to an individual school or schools in any district  
6 or districts if, in the opinion of the board, it is not  
7 feasible to make up lost days, and the apportionment may, at  
8 the discretion of the Commissioner of Education and if the  
9 board determines that the reduction of school days is caused  
10 by the existence of a bona fide emergency, be reduced for such  
11 district or districts in proportion to the decrease in the  
12 length of term in any such school or schools. A strike, as  
13 defined in s. 447.203(6), by employees of the school district  
14 may not be considered an emergency.

15 Section 40. Paragraph (i) of subsection (1) of section  
16 1011.62, Florida Statutes, is amended to read:

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

23 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
24 OPERATION.--The following procedure shall be followed in  
25 determining the annual allocation to each district for  
26 operation:

27 (i) Calculation of full-time equivalent membership  
28 with respect to instruction from community colleges or state  
29 universities.--Students enrolled in community college or  
30 university dual enrollment instruction pursuant to s. 1007.271  
31 may be included in calculations of full-time equivalent

1 student memberships for basic programs for grades 9 through 12  
2 by a district school board. Such students may also be  
3 calculated as the proportional shares of full-time equivalent  
4 enrollments they generate for the community college or  
5 university conducting the dual enrollment instruction. Early  
6 admission students shall be considered dual enrollments for  
7 funding purposes. Students may be enrolled in dual enrollment  
8 instruction provided by an eligible independent college or  
9 university and may be included in calculations of full-time  
10 equivalent student memberships for basic programs for grades 9  
11 through 12 by a district school board. However, those  
12 provisions of law which exempt dual enrolled and early  
13 admission students from payment of instructional materials and  
14 tuition and fees, including laboratory fees, shall not apply  
15 to students who select the option of enrolling in an eligible  
16 independent institution. An independent college or university  
17 which is located and chartered in Florida, is not for profit,  
18 is accredited by the Commission on Colleges of the Southern  
19 Association of Colleges and Schools or the Accrediting Council  
20 for Commission of the Association of Independent Colleges and  
21 Schools, and which confers degrees as defined in s. 1005.02  
22 shall be eligible for inclusion in the dual enrollment or  
23 early admission program. Students enrolled in dual enrollment  
24 instruction shall be exempt from the payment of tuition and  
25 fees, including laboratory fees. No student enrolled in  
26 college credit mathematics or English dual enrollment  
27 instruction shall be funded as a dual enrollment unless the  
28 student has successfully completed the relevant section of the  
29 entry-level examination required pursuant to s. 1008.30.

30 Section 41. Subsections (1) and (3) of section  
31 1012.21, Florida Statutes, are amended to read:

1           1012.21 Department of Education duties; K-12  
2 personnel.--

3           (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In  
4 cooperation with the Florida Department of Law Enforcement,  
5 the department ~~of Education~~ may periodically perform criminal  
6 history record checks on individuals who hold a certificate  
7 pursuant to s. 1012.56 or s. 1012.57.

8           (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE  
9 TO CHILD SUPPORT DELINQUENCY.--The department ~~of Education~~  
10 shall allow applicants for new or renewal certificates and  
11 renewal certificateholders to be screened by the Title IV-D  
12 child support agency pursuant to s. 409.2598 to assure  
13 compliance with an obligation for support, as defined in s.  
14 409.2554. The purpose of this section is to promote the  
15 public policy of this state as established in s. 409.2551.  
16 The department shall, when directed by the court, deny the  
17 application of any applicant found to have a delinquent  
18 support obligation. The department shall issue or reinstate  
19 the certificate without additional charge to the  
20 certificateholder when notified by the court that the  
21 certificateholder has complied with the terms of the court  
22 order. The department shall not be held liable for any  
23 certificate denial or suspension resulting from the discharge  
24 of its duties under this section.

25           Section 42. Paragraph (a) of subsection (1) and  
26 paragraph (a) of subsection (3) of section 1012.585, Florida  
27 Statutes, are amended to read:

28           1012.585 Process for renewal of professional  
29 certificates.--

30           (1)(a) District school boards in this state shall  
31 renew state-issued professional certificates as follows:

1           1. Each district school board shall renew state-issued  
2 professional certificates for individuals who hold a  
3 professional certificate by this state and are employed by  
4 that district pursuant to criteria established in subsections  
5 (2), (3), and (4) and rules of the State Board of Education.

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

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

23           (a) The applicant must earn a minimum of 6 college  
24 credits or 120 inservice points or a combination thereof. For  
25 each area of specialization to be retained on a certificate,  
26 the applicant must earn at least 3 of the required credit  
27 hours or equivalent inservice points in the specialization  
28 area. Education in "clinical educator" training pursuant to s.  
29 1004.04(5)(b) and credits or points that provide training in  
30 the area of exceptional student education, normal child  
31 development, and the disorders of development may be applied

1 toward any specialization area. Credits or points that provide  
2 training in the areas of drug abuse, child abuse and neglect,  
3 strategies in teaching students having limited proficiency in  
4 English, or dropout prevention, or training in areas  
5 identified in the educational goals and performance standards  
6 adopted pursuant to ss. 1000.03(5) and 1008.345 ~~1001.23~~ may be  
7 applied toward any specialization area. Credits or points  
8 earned through approved summer institutes may be applied  
9 toward the fulfillment of these requirements. Inservice points  
10 may also be earned by participation in professional growth  
11 components approved by the State Board of Education and  
12 specified pursuant to s. 1012.98 in the district's approved  
13 master plan for inservice educational training, including, but  
14 not limited to, serving as a trainer in an approved teacher  
15 training activity, serving on an instructional materials  
16 committee or a state board or commission that deals with  
17 educational issues, or serving on an advisory council created  
18 pursuant to s. 1001.452.

19 Section 43. Section 1012.62, Florida Statutes, is  
20 amended to read:

21 1012.62 Transfer of sick leave and annual leave.--In  
22 implementing the provisions of ss. 402.22(1)(d) and  
23 1001.42(4)(m) ~~1001.42(4)(n)~~, educational personnel in  
24 Department of Children and Family Services residential care  
25 facilities who are employed by a district school board may  
26 request, and the district school board shall accept, a  
27 lump-sum transfer of accumulated sick leave for such personnel  
28 to the maximum allowed by policies of the district school  
29 board, notwithstanding the provisions of s. 110.122.  
30 Educational personnel in Department of Children and Family  
31 Services residential care facilities who are employed by a

1 district school board under the provisions of s. 402.22(1)(d)  
2 may request, and the district school board shall accept, a  
3 lump-sum transfer of accumulated annual leave for each person  
4 employed by the district school board in a position in the  
5 district eligible to accrue vacation leave under policies of  
6 the district school board.

7 Section 44. Paragraphs (b) and (c) of subsection (2)  
8 of section 1012.74, Florida Statutes, are amended to read:

9 1012.74 Florida educators professional liability  
10 insurance protection.--

11 (2)

12 (b) Educator professional liability coverage shall be  
13 extended at cost to all instructional personnel, as defined by  
14 s. 1012.01(2)~~s. 1012.01(3)~~, who are part-time personnel, as  
15 defined by the district school board policy, and choose to  
16 participate in the state-provided program.

17 (c) Educator professional liability coverage shall be  
18 extended at cost to all administrative personnel, as defined  
19 by s. 1012.01(3)~~s. 1012.01(2)~~, who choose to participate in  
20 the state-provided program.

21 Section 45. Paragraph (b) of subsection (7) of section  
22 1012.79, Florida Statutes, is amended to read:

23 1012.79 Education Practices Commission;  
24 organization.--

25 (7) The duties and responsibilities of the commission  
26 are to:

27 (b) Revoke or suspend a certificate or take other  
28 appropriate action as provided in ss. 1012.795 ~~ss. 1012.56~~ and  
29 1012.796.

30 Section 46. Subsection (2) of section 1012.795,  
31 Florida Statutes, is amended to read:

1           1012.795 Education Practices Commission; authority to  
2 discipline.--

3           (2) The plea of guilty in any court, the decision of  
4 guilty by any court, the forfeiture by the teaching  
5 certificateholder of a bond in any court of law, or the  
6 written acknowledgment, duly witnessed, of offenses listed in  
7 subsection (1) to the district school superintendent or a duly  
8 appointed representative of such superintendent or to the  
9 district school board shall be prima facie proof of grounds  
10 for revocation of the certificate as listed in subsection (1)  
11 in the absence of proof by the certificateholder that the plea  
12 of guilty, forfeiture of bond, or admission of guilt was  
13 caused by threats, coercion, or fraudulent means.

14           Section 47. Paragraph (c) of subsection (1) and  
15 subsection (4) of section 1012.796, Florida Statutes, are  
16 amended to read:

17           1012.796 Complaints against teachers and  
18 administrators; procedure; penalties.--

19           (1)

20           (c) Each school district shall file in writing with  
21 the department all legally sufficient complaints within 30  
22 days after the date on which subject matter of the complaint  
23 comes to the attention of the school district. The school  
24 district shall include all information relating to the  
25 complaint which is known to the school district at the time of  
26 filing. Each district school board shall develop policies and  
27 procedures to comply with this reporting requirement. The  
28 district school board policies and procedures shall include  
29 appropriate penalties for all personnel of the district school  
30 board for nonreporting and procedures for promptly informing  
31 the district school superintendent of each legally sufficient



1 complaint. The district school superintendent is charged with  
2 knowledge of these policies and procedures. If the district  
3 school superintendent has knowledge of a legally sufficient  
4 complaint and does not report the complaint, or fails to  
5 enforce the policies and procedures of the district school  
6 board, and fails to comply with the requirements of this  
7 subsection, in addition to other actions against  
8 certificateholders authorized by law, the district school  
9 superintendent shall be subject to penalties as specified in  
10 s. 1001.51(12)~~s. 1001.51(13)~~. This paragraph does not limit  
11 or restrict the power and duty of the department to  
12 investigate complaints as provided in paragraphs (a) and (b),  
13 regardless of the school district's untimely filing, or  
14 failure to file, complaints and followup reports.

15 (4) The complaint and all information obtained  
16 pursuant to the investigation by the department shall be  
17 confidential and exempt from the provisions of s. 119.07(1)  
18 until the conclusion of the preliminary investigation of the  
19 complaint, until such time as the preliminary investigation  
20 ceases to be active, or until such time as otherwise provided  
21 by s. 1012.798(11)~~s. 1012.798(6)~~. However, the complaint and  
22 all material assembled during the investigation may be  
23 inspected and copied by the certificateholder under  
24 investigation, or the certificateholder's designee, after the  
25 investigation is concluded, but prior to the determination of  
26 probable cause by the commissioner. If the preliminary  
27 investigation is concluded with the finding that there is no  
28 probable cause to proceed, the complaint and information shall  
29 be open thereafter to inspection pursuant to s. 119.07(1). If  
30 the preliminary investigation is concluded with the finding  
31 that there is probable cause to proceed and a complaint is

1 filed pursuant to subsection (6), the complaint and  
2 information shall be open thereafter to inspection pursuant to  
3 s. 119.07(1). If the preliminary investigation ceases to be  
4 active, the complaint and all such material shall be open  
5 thereafter to inspection pursuant to s. 119.07(1), except as  
6 otherwise provided pursuant to s. 1012.798(11)~~s. 1012.798(6)~~.  
7 For the purpose of this subsection, a preliminary  
8 investigation shall be considered active as long as it is  
9 continuing with a reasonable, good faith anticipation that an  
10 administrative finding will be made in the foreseeable future.

11 Section 48. Paragraph (b) of subsection (4) of section  
12 1012.98, Florida Statutes, is amended to read:

13 1012.98 School Community Professional Development  
14 Act.--

15 (4) The Department of Education, school districts,  
16 schools, community colleges, and state universities share the  
17 responsibilities described in this section. These  
18 responsibilities include the following:

19 (b) Each school district shall develop a professional  
20 development system. The system shall be developed in  
21 consultation with teachers and representatives of community  
22 college and state university faculty, community agencies, and  
23 other interested citizen groups to establish policy and  
24 procedures to guide the operation of the district professional  
25 development program. The professional development system  
26 must:

27 1. Be approved by the department. All substantial  
28 revisions to the system shall be submitted to the department  
29 for review for continued approval.

30 2. Require the use of student achievement data; school  
31 discipline data; school environment surveys; assessments of

1 parental satisfaction; performance appraisal data of teachers,  
2 managers, and administrative personnel; and other performance  
3 indicators to identify school and student needs that can be  
4 met by improved professional performance.

5           3. Provide inservice activities coupled with followup  
6 support that are appropriate to accomplish district-level and  
7 school-level improvement goals and standards. The inservice  
8 activities for instructional personnel shall primarily focus  
9 on subject content and teaching methods, including technology,  
10 as related to the Sunshine State Standards, assessment and  
11 data analysis, classroom management, and school safety.

12           4. Include a master plan for inservice activities,  
13 pursuant to rules of the State Board of Education, for all  
14 district employees from all fund sources. The master plan  
15 shall be updated annually by September 1 using criteria for  
16 continued approval as specified by rules of the State Board of  
17 Education. Written verification that the inservice plan meets  
18 all requirements of this section must be submitted annually to  
19 the commissioner by October 1.

20           5. Require each school principal to establish and  
21 maintain an individual professional development plan for each  
22 instructional employee assigned to the school. The individual  
23 professional development plan must:

24           a. Be related to specific performance data for the  
25 students to whom the teacher is assigned.

26           b. Define the inservice objectives and specific  
27 measurable improvements expected in student performance as a  
28 result of the inservice activity.

29           c. Include an evaluation component that determines the  
30 effectiveness of the professional development plan.

31

1           6. Include inservice activities for school  
2 administrative personnel that address updated skills necessary  
3 for effective school management and instructional leadership.

4           7. Provide for systematic consultation with regional  
5 and state personnel designated to provide technical assistance  
6 and evaluation of local professional development programs.

7           8. Provide for delivery of professional development by  
8 distance learning and other technology-based delivery systems  
9 to reach more educators at lower costs.

10          9. Provide for the continuous evaluation of the  
11 quality and effectiveness of professional development programs  
12 in order to eliminate ineffective programs and strategies and  
13 to expand effective ones. Evaluations must consider the impact  
14 of such activities on the performance of participating  
15 educators and their students' achievement and behavior.

16          Section 49. Subsection (6) of section 1013.73, Florida  
17 Statutes, is amended to read:

18           1013.73 Effort index grants for school district  
19 facilities.--

20           (6) A school district may receive a distribution for  
21 use pursuant to paragraph (3)(a) only if the district school  
22 board certifies to the Commissioner of Education that the  
23 district has no unmet need for permanent classroom facilities  
24 in its 5-year capital outlay work plan. If the work plan  
25 contains such unmet needs, the district must use its  
26 distribution for the payment of bonds under paragraph (3)(b)  
27 ~~(2)(b)~~. If the district does not require its full bonded  
28 distribution to eliminate such unmet needs, it may bond only  
29 that portion of its allocation necessary to meet the needs.

30          Section 50. Subsection (1) of section 1013.74, Florida  
31 Statutes, is amended to read:

1           1013.74 University authorization for fixed capital  
2 outlay projects.--  
3           (1) Notwithstanding the provisions of chapter 216,  
4 including s. 216.351, a university may accomplish fixed  
5 capital outlay projects consistent with the provisions of this  
6 section. Projects authorized by this section shall not require  
7 educational plant survey approval as prescribed in this  
8 chapter ~~235~~.  
9           Section 51. This act shall take effect upon becoming a  
10 law.

11  
12                           \*\*\*\*\*

13                           SENATE SUMMARY

14           Revises a broad variety of provisions dealing with  
15 education, including correcting entity names and  
16 correcting statutory cross-references. (See bill for  
17 details.)  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31