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1 A bill to be entitled

2 An act relating to corrections to the school code rewrite;
3 amending s. 17.076, F.S.; providing an exception to a
4 public records exemption; amending s. 20.055, F.S.;
5 deleting reference to Board of Regents; amending s.
6 24.121, F.S.; correcting a cross reference; amending s.
7 110.161, F.S.; including employees of state universities
8 in definition for purposes of pretax benefits program;
9 amending s. 112.215, F.S.; including employees of state
10 university boards of trustees in definition for purposes
11 of deferred compensation program; amending s. 145.19,
12 F.S.; adding a cross reference; providing for
13 superintendent's annual performance salary incentive to be
14 added to adjusted salary rate; amending s. 159.27, F.S.;
15 redesignating developmental research school as lab school;
16 amending s. 212.055, F.S.; deleting references to Florida
17 Frugal Schools Program; amending s. 216.136, F.S.;
18 deleting reference to Chancellor of State University
19 System, Executive Director of State Board of Community
20 Colleges, and State Board of Nonpublic Career Education;
21 providing that the executive director of Commission for
22 Independent Education is a member of the Workforce
23 Estimating Conference; amending s. 250.10, F.S.; replacing
24 reference to Board of Regents with Board of Governors;
25 deleting reference to State Board of Community Colleges;
26 amending s. 287.064, F.S.; authorizing state universities
27 to continue to participate in the consolidated equipment
28 financing program; amending s. 288.7091, F.S.; changing
29 reference to Florida Board of Education to State Board of
30 Education; amending s. 316.615, F.S.; replacing reference



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31 to Commissioner of Education with State Board of Education
32 for purpose of rulemaking; amending s. 402.305, F.S.;
33 replacing reference to Department of Education with State
34 Board of Education for purpose of rulemaking; amending s.
35 409.1451, F.S.; correcting a cross reference; amending s.
36 440.38, F.S.; including state universities as self-
37 insurers for purposes of workers' compensation; amending
38 ss. 445.012 and 445.0122, F.S.; deleting reference to
39 Articulation Coordinating Committee; providing for
40 agreement of State Board of Education; amending s.
41 445.0123, F.S.; deleting reference to State Board of
42 Independent Colleges and Universities and State Board of
43 Nonpublic Career Education; requiring licensure of certain
44 postsecondary education institutions by the Commission for
45 Independent Education for determining eligibility for
46 certain students; amending s. 445.0124, F.S.; deleting
47 reference to Articulation Coordinating Committee;
48 providing for agreement of State Board of Education;
49 amending ss. 445.2125 and 456.028, F.S.; deleting
50 reference to State Board of Independent Colleges and
51 Universities, State Board of Nonpublic Career Education,
52 Board of Regents, and State Board of Community Colleges;
53 requiring consultation with Commission for Independent
54 Education, Board of Governors, and State Board of
55 Education; amending s. 458.347, F.S.; replacing reference
56 to State Board of Community Colleges with State Board of
57 Education; amending s. 467.009, F.S.; deleting reference
58 to licensing authority of State Board of Nonpublic Career
59 Education; providing licensing authority of Commission for
60 Independent Education; amending s. 488.01, F.S.; deleting



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61 reference to State Board of Nonpublic Career Education;
62 requiring license from the Commission for Independent
63 Education for operating certain driver's schools; amending
64 s. 489.125, F.S.; replacing reference to Commissioner of
65 Education with State Board of Education for purpose of
66 rulemaking; amending s. 784.081, F.S.; redesignating
67 developmental research school as lab school; amending ss.
68 817.566 and 817.567, F.S.; correcting cross references;
69 deleting reference to State Board of Independent Colleges
70 and Universities; providing licensing authority of
71 Commission for Independent Education; amending s. 943.17,
72 F.S.; replacing reference to Department of Education with
73 State Board of Education for purpose of rulemaking;
74 amending s. 943.22, F.S.; replacing reference to
75 accreditation by Accrediting Commission for Independent
76 Colleges and Schools with Accrediting Council for
77 Independent Colleges and Schools; amending s. 1000.04,
78 F.S.; correcting reference to technical centers; amending
79 s. 1001.26, F.S.; correcting a cross reference; amending
80 s. 1001.32, F.S.; deleting reference to rulemaking
81 authority of Commissioner of Education; amending s.
82 1001.372, F.S.; correcting a cross reference; amending s.
83 1001.395, F.S.; revising time requirements for district
84 school board members to determine salary; amending s.
85 1001.42, F.S.; correcting a cross reference; amending s.
86 1001.47, F.S.; providing calculation methodology for
87 salary for elected district school superintendents based
88 on county population; amending s. 1001.50, F.S.;
89 eliminating age as a criterion of compensation for
90 district school superintendents; amending s. 1001.51,



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91 F.S.; deleting reference to patrons; amending s. 1001.74,
 92 F.S.; adding a cross reference relating to pretax benefits
 93 for state university employees; amending ss. 1002.01 and
 94 1002.20, F.S.; correcting a cross reference; amending s.
 95 1002.32, F.S.; redesignating developmental research school
 96 as lab school; correcting a cross reference; amending s.
 97 1002.33, F.S.; correcting reference to federal law;
 98 deleting conflicting provisions relating to charter school
 99 facilities; requiring certain compliance for
 100 transportation of charter school students; deleting
 101 obsolete pilot program; amending s. 1002.42, F.S.;
 102 correcting cross references; amending s. 1002.43, F.S.;
 103 providing reference to regular school attendance;
 104 correcting a cross reference; amending s. 1003.22, F.S.;
 105 providing reference to prekindergarten; amending s.
 106 1003.43, F.S.; deleting reference to State Board of
 107 Education waiver authority; correcting date and name of
 108 the Korean Conflict; amending s. 1003.52, F.S.; correcting
 109 a cross reference; amending s. 1003.63, F.S.; deleting
 110 reference to State Board of Education waiver authority;
 111 amending s. 1004.24, F.S.; deleting obsolete reference to
 112 postaudit of financial accounts; providing for financial
 113 audit pursuant to s. 11.45, F.S.; amending s. 1004.26,
 114 F.S.; conforming university oversight of student
 115 government; amending s. 1004.445, F.S.; deleting obsolete
 116 reference to postaudit of financial accounts; providing
 117 for financial audit pursuant to s. 11.45, F.S.; amending
 118 s. 1005.04, F.S.; correcting punctuation; amending s.
 119 1006.06, F.S.; replacing reference to private school with
 120 reference to nonprofit school; amending s. 1006.14, F.S.;



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121 correcting punctuation; amending ss. 1006.18 and 1006.20,
122 F.S.; changing name of the Florida High School Activities
123 Association to Florida High School Athletic Association;
124 clarifying requirements of physical assessment prior to
125 interscholastic athletic competition; deleting an obsolete
126 report; amending s. 1006.21, F.S.; omitting references to
127 regulations; amending s. 1007.21, F.S.; conforming
128 references to parent or guardian; amending s. 1007.264,
129 F.S.; revising provisions relating to impaired and
130 learning disabled persons; deleting provisions relating to
131 admission into a program of study and graduation; creating
132 s. 1007.265, F.S.; creating provisions relating to
133 impaired and learning disabled students with regard to
134 graduation, study program admission, and upper-division
135 entry; providing for substitute requirements; amending s.
136 1008.22, F.S.; revising provisions relating to passing
137 scores for students taking the FCAT for the first time;
138 amending s. 1008.25, F.S.; providing exemption from
139 retention for certain grade 3 students with disabilities;
140 revising a reporting date; amending s. 1008.29, F.S.;
141 correcting a cross reference; amending s. 1008.32, F.S.;
142 requiring Commissioner of Education to report
143 determinations of probable cause; amending s. 1008.37,
144 F.S.; correcting a reporting date; amending s. 1009.24,
145 F.S.; providing that nonresident student fees must be
146 sufficient to defray costs of undergraduate education;
147 amending s. 1009.25, F.S.; providing that a student
148 enrolled in an apprenticeship program is exempt from
149 certain tuition and program fees; defining the term
150 "fees"; amending s. 1009.29, F.S.; correcting reference to



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151 | number of state universities; amending s. 1009.531, F.S.;
152 | including International General Certificate of Secondary
153 | Education and Advanced International Certificate of
154 | Education courses in courses that are weighted for
155 | purposes of determining initial eligibility for a Florida
156 | Bright Futures Scholarship; amending s. 1009.532, F.S.;
157 | providing for a one-time restoration of award; amending
158 | ss. 1009.534 and 1009.535, F.S.; including Advanced
159 | International Certificate of Education students as
160 | eligible for a Florida Academic Scholars award or a
161 | Florida Medallion Scholars award; amending s. 1009.536,
162 | F.S., relating to the Florida Gold Seal Vocational
163 | Scholars award, to conform; amending ss. 1009.58 and
164 | 1009.61, F.S.; redesignating developmental research school
165 | as lab school; amending ss. 1009.765 and 1009.77, F.S.;
166 | replacing reference to Department of Education with State
167 | Board of Education for purpose of rulemaking; amending s.
168 | 1010.215, F.S.; replacing reference to revenues with
169 | funds; amending s. 1010.75, F.S.; providing for
170 | disbursement of fees from the Teacher Certification
171 | Examination Trust Fund; amending ss. 1011.24 and 1011.47,
172 | F.S.; redesignating developmental research schools as lab
173 | schools; amending s. 1011.60, F.S.; deleting a nonexistent
174 | cross reference; authorizing a decrease in days of
175 | instruction for certain students; amending s. 1011.62,
176 | F.S.; redesignating developmental research school as lab
177 | school; deleting reference to high school competency test;
178 | providing reference to performance grade category;
179 | amending s. 1011.70, F.S.; changing references to
180 | Department of Education to Agency for Health Care



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181 Administration; redesignating developmental research
182 schools as lab schools; authorizing lab schools to
183 participate in Medicaid certified school match program on
184 same basis as school districts; amending s. 1011.765,
185 F.S.; requiring the Consortium of Florida Education
186 Foundations to administer funds appropriated to the
187 Florida Academic Improvement Trust Fund; amending s.
188 1012.21, F.S.; providing references to Department of
189 Education; amending s. 1012.585, F.S.; correcting name of
190 trust fund; correcting a cross reference; amending s.
191 1012.61, F.S.; defining "educational support employee";
192 amending ss. 1012.62, 1012.74, and 1012.79, F.S.;
193 correcting cross references; amending s. 1012.795, F.S.;
194 designating appointed representative of district school
195 superintendent to receive records concerning certain
196 offenses; amending s. 1012.796, F.S.; correcting a cross
197 reference; amending s. 1012.98, F.S.; requiring
198 consultation with state university faculty; amending s.
199 1013.31, F.S.; deleting reference to Division of Colleges
200 and Universities; requiring the Department of Education to
201 validate university surveys in accordance with State Board
202 of Education approval of needs and enrollment cycle;
203 amending s. 1013.62, F.S.; clarifying provisions relating
204 to charter school eligibility for capital outlay funding;
205 amending ss. 1013.73 and 1013.74, F.S.; correcting cross
206 references; repealing s. 445.049(2)(g) and (h), F.S.,
207 relating to the executive director of the State Board of
208 Community Colleges and the executive director of the State
209 Board for Career Education as members of the Digital
210 Divide Council; repealing s. 1006.57, F.S., relating to



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211 certain books furnished by the Clerk of the Supreme Court;
 212 repealing s. 1008.345(3), F.S., relating to development of
 213 an annual report by the Department Education; providing an
 214 effective date.

215

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

217

218 Section 1. Subsection (5) of section 17.076, Florida
 219 Statutes, is amended to read:

220 17.076 Direct deposit of funds.--

221 (5) All direct deposit records made prior to October 1,
 222 1986, are exempt from the provisions of s. 119.07(1). With
 223 respect to direct deposit records made on or after October 1,
 224 1986, the names of the authorized financial institutions and the
 225 account numbers of the beneficiaries are confidential and exempt
 226 from the provisions of s. 119.07(1) and s. 24(a), Art.I of the
 227 State Constitution. Notwithstanding this exemption and the
 228 provisions of s. 119.07(3)(dd), the department may provide a
 229 state university, upon request, with that university's employee
 230 or vendor direct deposit authorization information on file with
 231 the department in order to accommodate the transition to the
 232 university accounting system. The state university shall
 233 maintain the confidentiality of all such information provided by
 234 the department.

235 Section 2. Paragraph (a) of subsection (1) of section
 236 20.055, Florida Statutes, is amended to read:

237 20.055 Agency inspectors general.--

238 (1) For the purposes of this section:

239 (a) "State agency" means each department created pursuant
 240 to this chapter, and also includes the Executive Office of the



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241 Governor, the Department of Military Affairs, ~~the Board of~~
 242 ~~Regents~~, the Fish and Wildlife Conservation Commission, the
 243 Public Service Commission, and the state courts system.

244 Section 3. Paragraph (d) of subsection (5) of section
 245 24.121, Florida Statutes, is amended to read:

246 24.121 Allocation of revenues and expenditure of funds for
 247 public education.--

248 (5)

249 (d) No funds shall be released for any purpose from the
 250 Educational Enhancement Trust Fund to any school district in
 251 which one or more schools do not have an approved school
 252 improvement plan pursuant to s. 1001.42(16) or do not comply
 253 with school advisory council membership composition requirements
 254 pursuant to s. 1001.452(1) ~~229.58(1)~~. Effective July 1, 2002,
 255 the Commissioner of Education shall withhold disbursements from
 256 the trust fund to any school district that fails to adopt the
 257 performance-based salary schedule required by s. 1012.22(1).

258 Section 4. Subsection (2) of section 110.161, Florida
 259 Statutes, is amended to read:

260 110.161 State employees; pretax benefits program.--

261 (2) As used in this section, "employee" means any
 262 individual filling an authorized and established position in the
 263 executive, legislative, or judicial branch of the state,
 264 including the employees of the State Board of Administration and
 265 state universities.

266 Section 5. Subsection (2) of section 112.215, Florida
 267 Statutes, is amended to read:

268 112.215 Government employees; deferred compensation
 269 program.--



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270 (2) For the purposes of this section, the term "employee"
 271 means any person, whether appointed, elected, or under contract,
 272 providing services for the state; any state agency or county or
 273 other political subdivision of the state; any municipality; any
 274 state university board of trustees; or any constitutional county
 275 officer under s. 1(d), Art. VIII of the State Constitution for
 276 which compensation or statutory fees are paid.

277 Section 6. Subsection (2) of section 145.19, Florida
 278 Statutes, is amended to read:

279 145.19 Annual percentage increases based on increase for
 280 state career service employees; limitation.--

281 (2) Each fiscal year, the salaries of all officials listed
 282 in this chapter and s. 1001.47 shall be adjusted by the annual
 283 factor. The Department of Management Services shall certify the
 284 annual factor and the cumulative annual factors. The adjusted
 285 salary rate shall be the product, rounded to the nearest dollar,
 286 of the salary rate granted by the appropriate section of this
 287 chapter or s. 1001.47 multiplied first by the initial factor,
 288 then by the cumulative annual factor, and finally by the annual
 289 factor. Any special qualification salary received under this
 290 chapter or annual performance salary incentive available to
 291 elected superintendents under s. 1001.47 shall be added to such
 292 adjusted salary rate, which special qualification salary shall
 293 be \$2,000, but shall not exceed \$2,000.

294 Section 7. Paragraph (b) of subsection (22) of section
 295 159.27, Florida Statutes, is amended to read:

296 159.27 Definitions.--The following words and terms, unless
 297 the context clearly indicates a different meaning, shall have
 298 the following meanings:

299 (22) "Educational facility" means:



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300 (b) Property that comprises the buildings and equipment,
 301 structures, and special education use areas that are built,
 302 installed, or established to serve primarily the educational
 303 purposes of operating any nonprofit private preschool,
 304 kindergarten, elementary school, middle school, or high school
 305 that is established under chapter 617 or chapter 623, or that is
 306 owned or operated by an organization described in s. 501(c)(3)
 307 of the United States Internal Revenue Code, or operating any
 308 preschool, kindergarten, elementary school, middle school, or
 309 high school that is owned or operated as part of the state's
 310 system of public education, including, but not limited to, a
 311 charter school or a lab ~~developmental-research~~ school operated
 312 under chapter 1002. The requirements of this part for the
 313 financing of projects through local agencies shall also apply to
 314 such schools. Bonds issued under the provisions of this part for
 315 such schools shall not be deemed to constitute a debt,
 316 liability, or obligation of the state or any political
 317 subdivision thereof, or a pledge of the faith and credit of the
 318 state or of any such political subdivision, but shall be payable
 319 solely from the revenues provided therefor.

320 Section 8. Paragraphs (b) and (c) of subsection (6) of
 321 section 212.055, Florida Statutes, are amended to read:

322 212.055 Discretionary sales surtaxes; legislative intent;
 323 authorization and use of proceeds.--It is the legislative intent
 324 that any authorization for imposition of a discretionary sales
 325 surtax shall be published in the Florida Statutes as a
 326 subsection of this section, irrespective of the duration of the
 327 levy. Each enactment shall specify the types of counties
 328 authorized to levy; the rate or rates which may be imposed; the
 329 maximum length of time the surtax may be imposed, if any; the



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330 procedure which must be followed to secure voter approval, if
 331 required; the purpose for which the proceeds may be expended;
 332 and such other requirements as the Legislature may provide.
 333 Taxable transactions and administrative procedures shall be as
 334 provided in s. 212.054.

335 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

336 (b) The resolution shall include a statement that provides
 337 a brief and general description of the school capital outlay
 338 projects to be funded by the surtax. ~~If applicable, the~~
 339 ~~resolution must state that the district school board has been~~
 340 ~~recognized by the State Board of Education as having a Florida~~
 341 ~~Frugal Schools Program.~~ The statement shall conform to the
 342 requirements of s. 101.161 and shall be placed on the ballot by
 343 the governing body of the county. The following question shall
 344 be placed on the ballot:

_____ FOR THE _____ CENTS TAX

_____ AGAINST THE _____ CENTS TAX

346
 347 (c) The resolution providing for the imposition of the
 348 surtax shall set forth a plan for use of the surtax proceeds for
 349 fixed capital expenditures or fixed capital costs associated
 350 with the construction, reconstruction, or improvement of school
 351 facilities and campuses which have a useful life expectancy of 5
 352 or more years, and any land acquisition, land improvement,
 353 design, and engineering costs related thereto. Additionally, the
 354 plan shall include the costs of retrofitting and providing for
 355 technology implementation, including hardware and software, for
 356 the various sites within the school district. Surtax revenues
 357 may be used for the purpose of servicing bond indebtedness to



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358 finance projects authorized by this subsection, and any interest
 359 accrued thereto may be held in trust to finance such projects.
 360 Neither the proceeds of the surtax nor any interest accrued
 361 thereto shall be used for operational expenses. ~~If the district~~
 362 ~~school board has been recognized by the State Board of Education~~
 363 ~~as having a Florida Frugal Schools Program, the district's plan~~
 364 ~~for use of the surtax proceeds must be consistent with this~~
 365 ~~subsection and with uses assured under the Florida Frugal~~
 366 ~~Schools Program.~~ Section 9. Paragraph (b) of subsection (9)
 367 of section 216.136, Florida Statutes, is amended to read:

368 216.136 Consensus estimating conferences; duties and
 369 principals.--

370 (9) WORKFORCE ESTIMATING CONFERENCE.--

371 (b) *Principals*.--The Commissioner of Education, the
 372 Executive Office of the Governor, the director of the Office of
 373 Tourism, Trade, and Economic Development, the director of the
 374 Agency for Workforce Innovation, the executive director of the
 375 Commission for Independent Education, ~~the Chancellor of the~~
 376 ~~State University System, the Executive Director of the State~~
 377 ~~Board of Community Colleges, the chair of the State Board of~~
 378 ~~Nonpublic Career Education~~, the chair of Workforce Florida,
 379 Inc., the coordinator of the Office of Economic and Demographic
 380 Research, or their designees, and professional staff from the
 381 Senate and the House of Representatives who have forecasting and
 382 substantive expertise, are the principals of the Workforce
 383 Estimating Conference. In addition to the designated principals
 384 of the conference, nonprincipal participants of the conference
 385 shall include a representative of the Florida Chamber of
 386 Commerce and other interested parties. The principal



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387 representing the Executive Office of the Governor shall preside
 388 over the sessions of the conference.

389 Section 10. Subsection (7) of section 250.10, Florida
 390 Statutes, is amended to read:

391 250.10 Appointment and duties of the Adjutant General.--

392 (7) The Adjutant General and representatives of the Board
 393 of Governors Regents, ~~the State Board of Community Colleges~~, and
 394 the State Board of Education shall design and develop a tuition
 395 assistance program for members in good standing of the active
 396 Florida National Guard who enroll in a public institution of
 397 higher learning in the state in accordance with the provisions
 398 of subsection (8).

399 (a) The program shall set forth application requirements
 400 which include, but are not limited to, requirements that the
 401 applicant shall:

- 402 1. Be 17 years of age or older.
- 403 2. Be presently domiciled in the state.
- 404 3. Be a member in good standing in the active Florida
 405 National Guard at the beginning of and throughout the entire
 406 academic term for which benefits are received.
- 407 4. Maintain continuous satisfactory participation in the
 408 active Florida National Guard for any school term for which
 409 exemption benefits are received.
- 410 5. Agree in writing to serve in the active Florida
 411 National Guard for 3 years after completion of the studies for
 412 which an exemption is granted.

413 (b) The program shall include, but not be limited to, the
 414 following penalties:

- 415 1. When a member of the active Florida National Guard
 416 receives an exemption from tuition and fees for any academic



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417 term and fails to maintain satisfactory participation in the
418 Florida National Guard during such academic term, the exemption
419 shall immediately be forfeited and the member shall be required
420 to pay to the institution all tuition charges and student fees
421 for the current academic term for which the exemption has been
422 granted.

423 2. When a member of the active Florida National Guard
424 leaves the Florida National Guard during the 3-year period such
425 member had agreed to serve after completing the courses for
426 which exemptions were granted, the member shall be required to
427 reimburse the state for all tuition charges and student fees for
428 which such member received exemptions, unless the Adjutant
429 General determines there are justifiable extenuating
430 circumstances.

431 3. If the service of a member of the active Florida
432 National Guard is terminated or the member is placed on
433 scholastic probation while receiving exemption benefits, the
434 exemption shall be immediately forfeited and the member shall
435 pay to the institution all tuition charges and student fees for
436 the current academic term for which the member has received an
437 exemption.

438 (c) The program shall define those members of the active
439 Florida National Guard ineligible to participate in the program
440 and those courses of study not authorized for the program.

441 1. Such members shall include, but not be limited to:

442 a. Any member, commissioned officer or warrant officer or
443 enlisted person, who has a baccalaureate degree.

444 b. Any member who has 15 years or more of total military
445 service creditable toward retirement.



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446 c. Any member who has not completed basic military
447 training.

448 2. Courses not authorized include noncredit courses,
449 courses which do not meet degree requirements, or courses which
450 do not meet requirements for completion of vocational-technical
451 training.

452 (d) The Adjutant General, together with the Board of
453 Governors Regents, ~~the State Board of Community Colleges~~, and
454 the State Board of Education, shall promulgate rules for the
455 overall policy, guidance, administration, implementation, and
456 proper utilization of the program. Such rules shall include, but
457 not be limited to, guidelines for certification by the Adjutant
458 General of a guard member's eligibility, procedures for
459 notification to an institution of a guard member's termination
460 of eligibility, and procedures for restitution when a guard
461 member fails to comply with the penalties described in paragraph
462 (b).

463 Section 11. Subsections (1) through (6) of section
464 287.064, Florida Statutes, are amended to read:

465 287.064 Consolidated financing of deferred-payment
466 purchases.--

467 (1) The Division of Bond Finance of the State Board of
468 Administration and the Comptroller shall plan and coordinate
469 deferred-payment purchases made by or on behalf of the state or
470 its agencies or by or on behalf of state universities or state
471 community colleges participating under this section pursuant to
472 s. 1001.74(5) or s. 1001.64(26), respectively. The Division of
473 Bond Finance shall negotiate and the Comptroller shall execute
474 agreements and contracts to establish master equipment financing
475 agreements for consolidated financing of deferred-payment,



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476 installment sale, or lease purchases with a financial
477 institution or a consortium of financial institutions. As used
478 in this act, the term "deferred-payment" includes installment
479 sale and lease-purchase.

480 (a) The period during which equipment may be acquired
481 under any one master equipment financing agreement shall be
482 limited to not more than 3 years.

483 (b) Repayment of the whole or a part of the funds drawn
484 pursuant to the master equipment financing agreement may
485 continue beyond the period established pursuant to paragraph
486 (a).

487 (c) The interest rate component of any master equipment
488 financing agreement shall be deemed to comply with the interest
489 rate limitation imposed in s. 287.063 so long as the interest
490 rate component of every interagency, state university, or
491 community college agreement entered into under such master
492 equipment financing agreement complies with the interest rate
493 limitation imposed in s. 287.063. Such interest rate limitation
494 does not apply when the payment obligation under the master
495 equipment financing agreement is rated by a nationally
496 recognized rating service in any one of the three highest
497 classifications, which rating services and classifications are
498 determined pursuant to rules adopted by the Comptroller.

499 (2) Unless specifically exempted by the Comptroller, all
500 deferred-payment purchases, including those made by a state
501 university or community college that is participating under this
502 section, shall be acquired by funding through master equipment
503 financing agreements. The Comptroller is authorized to exempt
504 any purchases from consolidated financing when, in his or her



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505 judgment, alternative financing would be cost-effective or
506 otherwise beneficial to the state.

507 (3) The Comptroller may require agencies to enter into
508 interagency agreements and may require participating state
509 universities or community colleges to enter into systemwide
510 agreements for the purpose of carrying out the provisions of
511 this act.

512 (a) The term of any interagency or systemwide agreement
513 shall expire on June 30 of each fiscal year but shall
514 automatically be renewed annually subject to appropriations and
515 deferred-payment schedules. The period of any interagency or
516 systemwide agreement shall not exceed the useful life of the
517 equipment for which the agreement was made as determined by the
518 Comptroller.

519 (b) The interagency or systemwide agreements may include,
520 but are not limited to, equipment costs, terms, and a pro rata
521 share of program and issuance expenses.

522 (4) Each state university or community college may choose
523 to have its purchasing agreements involving administrative and
524 instructional materials consolidated under this section.

525 (5) The Comptroller is authorized to automatically debit
526 each agency's or state university's funds and each community
527 college's portion of the Community College Program Fund
528 consistently with the deferred-payment schedules.

529 (6) There is created the Consolidated Payment Trust Fund
530 in the Comptroller's office for the purpose of implementing the
531 provisions of this act. All funds debited from each agency,
532 state university, and ~~each~~ community college may be deposited in
533 the trust fund and shall be used to meet the financial
534 obligations incurred pursuant to this act. Any income from the



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535 investment of funds may be used to fund administrative costs
 536 associated with this program.

537 Section 12. Subsection (7) of section 288.7091, Florida
 538 Statutes, is amended to read:

539 288.7091 Duties of the Florida Black Business Investment
 540 Board, Inc.--The Florida Black Business Investment Board, Inc.,
 541 shall:

542 (7) Develop memoranda of understanding with the
 543 Departments of Education, Transportation, Community Affairs, and
 544 Management Services, as well as with Workforce Florida, Inc.,
 545 and the State ~~Florida~~ Board of Education, detailing efforts of
 546 common interest and collaborations to expand black business
 547 development;

548 Section 13. Subsection (3) of section 316.615, Florida
 549 Statutes, is amended to read:

550 316.615 School buses; physical requirements of drivers.--

551 (3) A person may not operate or cause to be operated a
 552 motor vehicle covered by subsection (1) or subsection (2) when
 553 transporting school children unless the operator has met the
 554 physical examination requirements established by law and by rule
 555 of adopted ~~by the State Board Commissioner~~ of Education. The
 556 operator of such a motor vehicle shall pass an annual physical
 557 examination and have posted in the vehicle a certificate to
 558 drive the vehicle.

559 Section 14. Paragraph (b) of subsection (1) and paragraph
 560 (b) of subsection (7) of section 402.305, Florida Statutes, are
 561 amended to read:

562 402.305 Licensing standards; child care facilities.--

563 (1) LICENSING STANDARDS.--The department shall establish
 564 licensing standards that each licensed child care facility must



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565 meet regardless of the origin or source of the fees used to
 566 operate the facility or the type of children served by the
 567 facility.

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

574 (7) SANITATION AND SAFETY.--

575 (b) In the case of a child care program for school-age
 576 children attending before and after school programs on the
 577 public school site, the department shall use the public school
 578 fire code, as adopted ~~promulgated~~ in the rules of the State
 579 Board ~~Department~~ of Education, as the minimum standard for fire
 580 safety. In the case of a child care program for school-age
 581 children attending before-school and after-school programs on a
 582 site operated by a municipality, the department shall adopt
 583 rules for such site and intended use.

584 Section 15. Paragraph (b) of subsection (5) of section
 585 409.1451, Florida Statutes, is amended to read:

586 409.1451 Independent living transition services.--

587 (5) PROGRAM COMPONENT OF SERVICES FOR YOUNG ADULTS
 588 FORMERLY IN FOSTER CARE.--Based on the availability of funds,
 589 the department shall provide or arrange for the following
 590 services to young adults formerly in foster care who meet the
 591 prescribed conditions and are determined eligible by the
 592 department. The categories of services available to assist a
 593 young adult formerly in foster care to achieve independence are:

594 (b) *Road-to-Independence Scholarship Program*.--



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595 1. The Road-to-Independence Scholarship Program is
596 intended to help eligible students who are former foster
597 children in this state to receive the educational and vocational
598 training needed to achieve independence. The amount of the award
599 shall equal the earnings that the student would have been
600 eligible to earn working a 40-hour-a-week federal minimum wage
601 job, after considering other grants and scholarships that are in
602 excess of the educational institutions' fees and costs, and
603 contingent upon available funds. Students eligible for the Road-
604 to-Independence Scholarship Program may also be eligible for
605 educational fee waivers for workforce development postsecondary
606 programs, community colleges, and universities, pursuant to s.
607 1009.25(2)(c).

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

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

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

616 c. Is a resident of this state as defined in s. 1009.40;
617 and

618 d. Meets one of the following qualifications:

619 (I) Has earned a standard high school diploma or its
620 equivalent as described in ~~s. 1003.425~~ or s. 1003.43 or s.
621 1003.435, and has been admitted for full-time enrollment in an
622 eligible postsecondary education institution as defined in s.
623 1009.533;



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

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

633 3.a. The department must advertise the availability of the
634 program and must ensure that the children and young adults
635 leaving foster care, foster parents, or family services
636 counselors are informed of the availability of the program and
637 the application procedures.

638 b. A young adult must apply for the initial award during
639 the 6 months immediately preceding his or her 18th birthday. A
640 young adult who fails to make an initial application, but who
641 otherwise meets the criteria for an initial award, may make one
642 application for the initial award if such application is made
643 before the young adult's 21st birthday.

644 c. If funding for the program is available, the department
645 shall issue awards from the scholarship program for each young
646 adult who meets all the requirements of the program.

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

649 e. If the award recipient transfers from one eligible
650 institution to another and continues to meet eligibility
651 requirements, the award must be transferred with the recipient.

652 f. Scholarship funds awarded to any eligible young adult
653 under this program are in addition to any other services



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654 provided to the young adult by the department through its
655 independent living transition services.

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

660 h. Scholarship funds shall be terminated when the young
661 adult has attained a bachelor of arts or bachelor of science
662 degree, or equivalent undergraduate degree, or reaches 23 years
663 of age, whichever occurs earlier.

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

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

672 (II) Maintain the cumulative grade point average required
673 by the scholarship program, except that, if the young adult's
674 grades are insufficient to renew the scholarship at any time
675 during the eligibility period, the young adult may restore
676 eligibility by improving the grade point average to the required
677 level.

678 j. Scholarship funds may be terminated during the interim
679 between an award and the evaluation for a renewal award if the
680 department determines that the award recipient is no longer
681 enrolled in an educational institution as defined in sub-
682 subparagraph 2.d., or is no longer a state resident. The



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683 department shall notify a student who is terminated and inform
684 the student of his or her right to appeal.

685 k. An award recipient who does not qualify for a renewal
686 award or who chooses not to renew the award may subsequently
687 apply for reinstatement. An application for reinstatement must
688 be made before the young adult reaches 23 years of age, and a
689 student may not apply for reinstatement more than once. In order
690 to be eligible for reinstatement, the young adult must meet the
691 eligibility criteria and the criteria for award renewal for the
692 scholarship program.

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

696 Section 16. Subsection (6) of section 440.38, Florida
697 Statutes, is amended to read:

698 440.38 Security for compensation; insurance carriers and
699 self-insurers.--

700 (6) The state and its boards, bureaus, departments, and
701 agencies and all of its political subdivisions which employ
702 labor, and the state universities, shall be deemed self-insurers
703 under the terms of this chapter, unless they elect to procure
704 and maintain insurance to secure the benefits of this chapter to
705 their employees; and they are hereby authorized to pay the
706 premiums for such insurance.

707 Section 17. Subsection (5) of section 445.012, Florida
708 Statutes, is amended to read:

709 445.012 Careers for Florida's Future Incentive Grant
710 Program.--

711 (5) A recipient who is pursuing a baccalaureate degree
712 shall receive \$100 for each lower-division credit hour in which



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713 the student is enrolled at an eligible college or university, up
 714 to a maximum of \$1,500 per semester, and \$200 for each upper-
 715 division credit hour in which the student is enrolled at an
 716 eligible college or university, up to a maximum of \$3,000 per
 717 semester. For purposes of this section, a student is pursuing a
 718 baccalaureate degree if he or she is in a program that
 719 articulates into a baccalaureate degree program by agreement of
 720 the State Board of Education ~~Articulation Coordinating~~
 721 ~~Committee~~. A student in an applied technology diploma program, a
 722 certificate career education program, or a degree career
 723 education program that does not articulate into a baccalaureate
 724 degree program shall receive \$2 for each vocational contact
 725 hour, or the equivalent, for certificate programs, or \$60 for
 726 each credit hour, or the equivalent, for degree career education
 727 programs and applied technology programs for which the student
 728 is enrolled at an eligible college, technical center, or
 729 nonpublic career education school.

730 Section 18. Subsection (5) of section 445.0122, Florida
 731 Statutes, is amended to read:

732 445.0122 Student eligibility requirements for renewal
 733 awards.--

734 (5) A student maintains eligibility for an award for 4
 735 years following receipt of the initial award for courses in the
 736 lower division and 4 years following receipt of the initial
 737 award for courses in the upper division. For purposes of this
 738 subsection, lower-division courses include courses in an
 739 eligible applied technology diploma program or a certificate or
 740 degree career education program that does not articulate into a
 741 baccalaureate degree program by agreement of the State Board of
 742 Education ~~Articulation Coordinating Committee~~, as well as



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743 courses in associate in arts and associate in science degree
 744 programs that articulate into a baccalaureate degree program.

745 Section 19. Subsections (4) and (5) of section 445.0123,
 746 Florida Statutes, are amended to read:

747 445.0123 Eligible postsecondary education institutions.--A
 748 student is eligible for an award or the renewal of an award from
 749 the Careers for Florida's Future Incentive Grant Program if the
 750 student meets the requirements for the program as described in
 751 ss. 445.012-445.0125 and is enrolled in a postsecondary
 752 education institution that meets the description of any one of
 753 the following:

754 (4) An independent postsecondary education institution in
 755 this state which is licensed by the Commission for Independent
 756 Education ~~State Board of Independent Colleges and Universities~~
 757 and which:

- 758 (a) Shows evidence of sound financial condition; and
- 759 (b) Has operated in this state for at least 3 years
 760 without having its approval, accreditation, or license placed on
 761 probation.

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

- 765 (a) Has a program-completion and placement rate of at
 766 least the rate required by current state law, the Florida
 767 Administrative Code, or the Department of Education for an
 768 institution at its level;
- 769 (b) Shows evidence of sound financial condition; and
- 770 (c)1. Is accredited at the institutional level by an
 771 accrediting agency recognized by the United States Department of
 772 Education and has operated in this state for at least 3 years



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773 during which there has been no complaint for which probable
774 cause has been found; or

775 2. Has operated in this state for 5 years during which
776 there has been no complaint for which probable cause has been
777 found.

778 Section 20. Subsections (2) and (4) of section 445.0124,
779 Florida Statutes, are amended to read:

780 445.0124 Eligible programs.--

781 (2) Eligible lower-division programs are those programs
782 that prepare a student for admission to a degree program that
783 prepares students for employment in targeted career occupations
784 listed in subsection (3). These programs include any associate
785 in science degree program that articulates into a baccalaureate
786 degree program by agreement of the State Board of Education
787 ~~Articulation Coordinating Committee~~.

788 (4) Eligible career education programs are those programs
789 in the following business sectors: information
790 technology/telecommunications, biomedical technology,
791 manufacturing-electronics, aviation/transportation, and skilled
792 building trades. Workforce Florida, Inc., must determine
793 eligible programs within these sectors annually in cooperation
794 with the State Board of ~~Community Colleges and the Department of~~
795 Education.

796 Section 21. Section 455.2125, Florida Statutes, is amended
797 to read:

798 455.2125 Consultation with postsecondary education boards
799 prior to adoption of changes to training requirements.--Any
800 state agency or board that has jurisdiction over the regulation
801 of a profession or occupation shall consult with the Commission
802 for Independent Education ~~State Board of Independent Colleges~~



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803 ~~and Universities, the State Board of Nonpublic Career Education,~~
 804 the Board of Governors Regents, and the State Board of Education
 805 ~~Community Colleges~~ prior to adopting any changes to training
 806 requirements relating to entry into the profession or
 807 occupation. This consultation must allow the educational board
 808 to provide advice regarding the impact of the proposed changes
 809 in terms of the length of time necessary to complete the
 810 training program and the fiscal impact of the changes. The
 811 educational board must be consulted only when an institution
 812 offering the training program falls under its jurisdiction.

813 Section 22. Section 456.028, Florida Statutes, is amended
 814 to read:

815 456.028 Consultation with postsecondary education boards
 816 prior to adoption of changes to training requirements.--Any
 817 state agency or board that has jurisdiction over the regulation
 818 of a profession or occupation shall consult with the Commission
 819 for Independent Education ~~State Board of Independent Colleges~~
 820 ~~and Universities, the State Board of Nonpublic Career Education,~~
 821 the Board of Governors Regents, and the State Board of Education
 822 ~~Community Colleges~~ prior to adopting any changes to training
 823 requirements relating to entry into the profession or
 824 occupation. This consultation must allow the educational board
 825 to provide advice regarding the impact of the proposed changes
 826 in terms of the length of time necessary to complete the
 827 training program and the fiscal impact of the changes. The
 828 educational board must be consulted only when an institution
 829 offering the training program falls under its jurisdiction.

830 Section 23. Paragraph (c) of subsection (6) of section
 831 458.347, Florida Statutes, is amended to read:

832 458.347 Physician assistants.--



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833 (6) PROGRAM APPROVAL.--

834 (c) Any community college with the approval of the State
835 Board of Education ~~Community Colleges~~ may conduct a physician
836 assistant program which shall apply for national accreditation
837 through the American Medical Association's Committee on Allied
838 Health, Education, and Accreditation, or its successor
839 organization, and which may admit unlicensed physicians, as
840 authorized in subsection (7), who are graduates of foreign
841 medical schools listed with the World Health Organization. The
842 unlicensed physician must have been a resident of this state for
843 a minimum of 12 months immediately prior to admission to the
844 program. An evaluation of knowledge base by examination shall be
845 required to grant advanced academic credit and to fulfill the
846 necessary requirements to graduate. A minimum of one 16-week
847 semester of supervised clinical and didactic education, which
848 may be completed simultaneously, shall be required before
849 graduation from the program. All other provisions of this
850 section shall remain in effect.

851 Section 24. Subsection (8) of section 467.009, Florida
852 Statutes, is amended to read:

853 467.009 Midwifery programs; education and training
854 requirements.--

855 (8) Nonpublic educational institutions that conduct
856 approved midwifery programs shall be accredited by a member of
857 the Commission on Recognition of Postsecondary Accreditation and
858 shall be licensed by the Commission for Independent Education
859 ~~State Board of Nonpublic Career Education~~.

860 Section 25. Section 488.01, Florida Statutes, is amended
861 to read:



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862 488.01 License to engage in business of operating a
863 driver's school required.--The Department of Highway Safety and
864 Motor Vehicles shall oversee and license all commercial driver's
865 schools except truck driving schools. All commercial truck
866 driving schools shall be required to be licensed pursuant to
867 chapter 1005, and additionally shall be subject to the
868 provisions of ss. 488.04 and 488.05. No person, group,
869 organization, institution, business entity, or corporate entity
870 may engage in the business of operating a driver's school
871 without first obtaining a license therefor from the Department
872 of Highway Safety and Motor Vehicles pursuant to this chapter or
873 from the Commission for Independent Education ~~State Board of~~
874 ~~Nonpublic Career Education~~ pursuant to chapter 1005.

875 Section 26. Section 489.125, Florida Statutes, is amended
876 to read:

877 489.125 Prequalification of certificateholders.--Any
878 person holding a certificate shall be prequalified to bid by a
879 district school board pursuant to uniform prequalification of
880 contractors criteria adopted by rule of the State Board
881 ~~Commissioner~~ of Education. This section does not supersede any
882 small, woman-owned or minority-owned business enterprise
883 preference program adopted by a district school board. A
884 district school board may not modify or supplement the uniform
885 prequalification criteria adopted by rule. A person holding a
886 certificate must apply to each board for prequalification
887 consideration.

888 Section 27. Section 784.081, Florida Statutes, is amended
889 to read:

890 784.081 Assault or battery on specified officials or
891 employees; reclassification of offenses.--Whenever a person is



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892 charged with committing an assault or aggravated assault or a
 893 battery or aggravated battery upon any elected official or
 894 employee of: a school district; a private school; the Florida
 895 School for the Deaf and the Blind; a university lab
 896 ~~developmental research~~ school; a state university or any other
 897 entity of the state system of public education, as defined in s.
 898 1000.04; an employee or protective investigator of the
 899 Department of Children and Family Services; or an employee of a
 900 lead community-based provider and its direct service contract
 901 providers, when the person committing the offense knows or has
 902 reason to know the identity or position or employment of the
 903 victim, the offense for which the person is charged shall be
 904 reclassified as follows:

905 (1) In the case of aggravated battery, from a felony of
 906 the second degree to a felony of the first degree.

907 (2) In the case of aggravated assault, from a felony of
 908 the third degree to a felony of the second degree.

909 (3) In the case of battery, from a misdemeanor of the
 910 first degree to a felony of the third degree.

911 (4) In the case of assault, from a misdemeanor of the
 912 second degree to a misdemeanor of the first degree.

913 Section 28. Section 817.566, Florida Statutes, is amended
 914 to read:

915 817.566 Misrepresentation of association with, or academic
 916 standing at, postsecondary educational institution.--Any person
 917 who, with intent to defraud, misrepresents his or her
 918 association with, or academic standing or other progress at, any
 919 postsecondary educational institution by falsely making,
 920 altering, simulating, or forging a document, degree,
 921 certificate, diploma, award, record, letter, transcript, form,



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922 or other paper; or any person who causes or procures such a
 923 misrepresentation; or any person who utters and publishes or
 924 otherwise represents such a document, degree, certificate,
 925 diploma, award, record, letter, transcript, form, or other paper
 926 as true, knowing it to be false, is guilty of a misdemeanor of
 927 the first degree, punishable as provided in s. 775.082 or s.
 928 775.083. Individuals who present a religious academic degree
 929 from any college, university, seminary, or institution which is
 930 not licensed by the Commission for Independent Education ~~State~~
 931 ~~Board of Independent Colleges and Universities~~ or which is not
 932 exempt pursuant to the provisions of s. 1005.06(1)(e) ~~246.085~~
 933 shall disclose the religious nature of the degree upon
 934 presentation.

935 Section 29. Paragraph (d) of subsection (1) of section
 936 817.567, Florida Statutes, is amended to read:

937 817.567 Making false claims of academic degree or title.--

938 (1) No person in the state may claim, either orally or in
 939 writing, to possess an academic degree, as defined in s.
 940 1005.02, or the title associated with said degree, unless the
 941 person has, in fact, been awarded said degree from an
 942 institution that is:

943 (d) Licensed by the Commission for Independent Education
 944 ~~State Board of Independent Colleges and Universities~~ pursuant to
 945 ss. 1005.01-1005.38 or exempt from licensure pursuant to chapter
 946 1005 ~~s. 246.085~~; or

947 Section 30. Subsection (4) of section 943.17, Florida
 948 Statutes, is amended to read:

949 943.17 Basic recruit, advanced, and career development
 950 training programs; participation; cost; evaluation.--The
 951 commission shall, by rule, design, implement, maintain,



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952 evaluate, and revise entry requirements and job-related
 953 curricula and performance standards for basic recruit, advanced,
 954 and career development training programs and courses. The rules
 955 shall include, but are not limited to, a methodology to assess
 956 relevance of the subject matter to the job, student performance,
 957 and instructor competency.

958 (4) The commission may, by rule, establish a sponsorship
 959 program for prospective officers. The rule shall specify the
 960 provisions of s. 943.13 that must be satisfied prior to the
 961 prospective officer's enrollment in a basic recruit training
 962 course. However, the rule shall not conflict with any laws or
 963 rules of the State Board ~~Department~~ of Education relating to
 964 student enrollment.

965 Section 31. Paragraph (a) of subsection (1) of section
 966 943.22, Florida Statutes, is amended to read:

967 943.22 Salary incentive program for full-time officers.--

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

969 (a) "Accredited college, university, or community college"
 970 means a college, university, or community college which has been
 971 accredited by the Southern Association of Colleges and Schools,
 972 another regional accrediting agency, or the Accrediting Council
 973 ~~Commission~~ for Independent Colleges and Schools.

974 Section 32. Subsection (1) of section 1000.04, Florida
 975 Statutes, is amended to read:

976 1000.04 Components for the delivery of public education
 977 within the Florida K-20 education system.--Florida's K-20
 978 education system provides for the delivery of public education
 979 through publicly supported and controlled K-12 schools,
 980 community colleges, state universities and other postsecondary
 981 educational institutions, other educational institutions, and



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982 other educational services as provided or authorized by the
983 Constitution and laws of the state.

984 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include
985 charter schools and consist of kindergarten classes; elementary,
986 middle, and high school grades and special classes; workforce
987 development education; ~~area~~ technical centers; adult, part-time,
988 career and technical, and evening schools, courses, or classes,
989 as authorized by law to be operated under the control of
990 district school boards; and lab schools operated under the
991 control of state universities.

992 Section 33. Paragraph (a) of subsection (2) of section
993 1001.26, Florida Statutes, is amended to read:

994 1001.26 Public broadcasting program system.--

995 (2)(a) The Department of Education is responsible for
996 implementing the provisions of this section pursuant to s.
997 282.102 ~~part III of chapter 287~~ and may employ personnel,
998 acquire equipment and facilities, and perform all duties
999 necessary for carrying out the purposes and objectives of this
1000 section.

1001 Section 34. Subsection (1) of section 1001.32, Florida
1002 Statutes, is amended to read:

1003 1001.32 Management, control, operation, administration,
1004 and supervision.--The district school system must be managed,
1005 controlled, operated, administered, and supervised as follows:

1006 (1) DISTRICT SYSTEM.--The district school system shall be
1007 considered as a part of the state system of public education.
1008 All actions of district school officials shall be consistent and
1009 in harmony with state laws and with rules and minimum standards
1010 of the state board ~~and the commissioner~~. District school
1011 officials, however, shall have the authority to provide



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1012 additional educational opportunities, as desired, which are
 1013 authorized, but not required, by law or by the district school
 1014 board.

1015 Section 35. Subsection (3) of section 1001.372, Florida
 1016 Statutes, is amended to read:

1017 1001.372 District school board meetings.--

1018 (3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The
 1019 presiding officer of any district school board may order the
 1020 removal, from a public meeting held by the district school
 1021 board, of any person interfering with the expeditious or orderly
 1022 process of such meeting, provided such officer has first issued
 1023 a warning that continued interference with the orderly processes
 1024 of the meeting will result in removal. Any law enforcement
 1025 authority or a sergeant-at-arms designated by the officer shall
 1026 remove any person ordered removed pursuant to this subsection
 1027 section.

1028 Section 36. Section 1001.395, Florida Statutes, is amended
 1029 to read:

1030 1001.395 District school board members; compensation.--

1031 (1) Each district school board shall annually determine
 1032 the salary of its members at any ~~the first~~ regular meeting
 1033 following the organizational meeting held pursuant to s.
 1034 1001.371 and prior to July 1 of the following year. The proposed
 1035 salary to be adopted shall be noticed at the time of the meeting
 1036 notice and shall not be increased during that same ~~the~~ meeting
 1037 or any subsequent meeting held prior to the beginning of the
 1038 district's next fiscal year. The salary adopted by the district
 1039 school board shall be in effect during the next fiscal year
 1040 ~~succeeding 12 months~~.

1041 (2) The salary adopted by the district school board shall



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1042 apply to each district school board member ~~This section shall~~
 1043 ~~apply to any district school board member elected or reelected~~
 1044 ~~at the November 2002 general election or any subsequent general~~
 1045 ~~election~~ and to any person appointed to fill a vacancy in the
 1046 office of any such member.

1047 Section 37. Paragraph (m) of subsection (4) of section
 1048 1001.42, Florida Statutes, is amended to read:

1049 1001.42 Powers and duties of district school board.--The
 1050 district school board, acting as a board, shall exercise all
 1051 powers and perform all duties listed below:

1052 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF
 1053 SCHOOLS.--Adopt and provide for the execution of plans for the
 1054 establishment, organization, and operation of the schools of the
 1055 district, including, but not limited to, the following:

1056 (m) *Alternative education programs for students in*
 1057 *residential care facilities*.--Provide, in accordance with the
 1058 provisions of s. 1003.58 ~~chapter 1006~~, educational programs
 1059 according to rules of the State Board of Education to students
 1060 who reside in residential care facilities operated by the
 1061 Department of Children and Family Services.

1062 Section 38. Subsection (2) of section 1001.47, Florida
 1063 Statutes, is amended, subsections (3), (4), and (5) are
 1064 renumbered as subsections (4), (5), and (6), respectively, and a
 1065 new subsection (3) is added to said section, to read:

1066 1001.47 District school superintendent; salary.--

1067 (2) Each elected district school superintendent shall
 1068 receive a base salary, the amounts indicated below, based on the
 1069 population of the county the elected superintendent serves. In
 1070 addition, compensation shall be made for population increments
 1071 over the minimum for each population group, which shall be



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1072 determined by multiplying the population in excess of the
 1073 minimum for the group times the group rate. The product of such
 1074 calculation shall be added to the base salary to determine the
 1075 adjusted base salary. Laws that increase the base salary
 1076 provided in this subsection shall contain provisions on no other
 1077 subject.

1078

<u>Pop. Group</u>	<u>County Pop. Range</u>		<u>Base Salary</u>	<u>Group Rate</u>
	<u>Minimum</u>	<u>Maximum</u>		
<u>I</u>	<u>-0-</u>	<u>49,999</u>	<u>\$21,250</u>	<u>\$0.07875</u>
<u>II</u>	<u>50,000</u>	<u>99,999</u>	<u>24,400</u>	<u>0.06300</u>
<u>III</u>	<u>100,000</u>	<u>199,999</u>	<u>27,550</u>	<u>0.02625</u>
<u>IV</u>	<u>200,000</u>	<u>399,999</u>	<u>30,175</u>	<u>0.01575</u>
<u>V</u>	<u>400,000</u>	<u>999,999</u>	<u>33,325</u>	<u>0.00525</u>
<u>VI</u>	<u>1,000,000</u>		<u>36,475</u>	<u>0.00400</u>

1086

1087 ~~Notwithstanding the provisions of chapter 145 to the contrary,~~
 1088 ~~the annual salaries of elected district school superintendents~~
 1089 ~~for 1993 and each year thereafter shall be established at the~~
 1090 ~~same amounts as the district school superintendents were paid~~
 1091 ~~for fiscal year 1991-1992, adjusted by each annual increase~~
 1092 ~~provided for in chapter 145.~~

1093 (3) The adjusted base salaries of elected district school
 1094 superintendents shall be increased annually as provided for in
 1095 s. 145.19. Any salary previously paid to elected



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1096 superintendents, including the salary calculated for fiscal year
 1097 2002-2003, which was consistent with chapter 145 and s. 230.303,
 1098 Florida Statutes 2001, is hereby ratified and validated.

1099 Section 39. Paragraph (f) of subsection (3) of section
 1100 1001.50, Florida Statutes, is amended to read:

1101 1001.50 Superintendents employed under Art. IX of the
 1102 State Constitution.--

1103 (3) The district school board of each such district shall
 1104 pay to the district school superintendent a reasonable annual
 1105 salary. In determining the amount of compensation to be paid,
 1106 the board shall take into account such factors as:

1107 (f) The educational qualifications, and professional
 1108 experience, ~~and age~~ of the candidate for the position of
 1109 district school superintendent.

1110 Section 40. Subsection (16) of section 1001.51, Florida
 1111 Statutes, is amended to read:

1112 1001.51 Duties and responsibilities of district school
 1113 superintendent.--The district school superintendent shall
 1114 exercise all powers and perform all duties listed below and
 1115 elsewhere in the law, provided that, in so doing, he or she
 1116 shall advise and counsel with the district school board. The
 1117 district school superintendent shall perform all tasks necessary
 1118 to make sound recommendations, nominations, proposals, and
 1119 reports required by law to be acted upon by the district school
 1120 board. All such recommendations, nominations, proposals, and
 1121 reports by the district school superintendent shall be either
 1122 recorded in the minutes or shall be made in writing, noted in
 1123 the minutes, and filed in the public records of the district
 1124 school board. It shall be presumed that, in the absence of the
 1125 record required in this section, the recommendations,



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1126 nominations, and proposals required of the district school
 1127 superintendent were not contrary to the action taken by the
 1128 district school board in such matters.

1129 (16) VISITATION OF SCHOOLS.--Visit the schools; observe
 1130 the management and instruction; give suggestions for
 1131 improvement; and advise supervisors, principals, teachers,
 1132 ~~patrons,~~ and other citizens with the view of promoting interest
 1133 in education and improving the school conditions of the
 1134 district.

1135 Section 41. Subsection (19) of section 1001.74, Florida
 1136 Statutes, is amended to read:

1137 1001.74 Powers and duties of university boards of
 1138 trustees.--

1139 (19) Each board of trustees shall establish the personnel
 1140 program for all employees of the university, including the
 1141 president, pursuant to the provisions of chapter 1012 and, in
 1142 accordance with rules and guidelines of the State Board of
 1143 Education, including: compensation and other conditions of
 1144 employment, recruitment and selection, nonreappointment,
 1145 standards for performance and conduct, evaluation, benefits and
 1146 hours of work, leave policies, recognition and awards,
 1147 inventions and works, travel, learning opportunities, exchange
 1148 programs, academic freedom and responsibility, promotion,
 1149 assignment, demotion, transfer, tenure and permanent status,
 1150 ethical obligations and conflicts of interest, restrictive
 1151 covenants, disciplinary actions, complaints, appeals and
 1152 grievance procedures, and separation and termination from
 1153 employment. The Department of Management Services shall retain
 1154 authority over state university employees for programs



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1155 established in ss. 110.123, 110.1232, 110.1234, ~~and~~ 110.1238,
1156 and 110.161 and in chapters 121, 122, and 238.

1157 Section 42. Subsection (2) of section 1002.01, Florida
1158 Statutes, is amended to read:

1159 1002.01 Definitions.--

1160 (2) A "private school" is a nonpublic school defined as an
1161 individual, association, copartnership, or corporation, or
1162 department, division, or section of such organizations, that
1163 designates itself as an educational center that includes
1164 kindergarten or a higher grade or as an elementary, secondary,
1165 business, technical, or trade school below college level or any
1166 organization that provides instructional services that meet the
1167 intent of s. 1003.01(13) ~~1003.01(14)~~ or that gives preemployment
1168 or supplementary training in technology or in fields of trade or
1169 industry or that offers academic, literary, or career and
1170 technical training below college level, or any combination of
1171 the above, including an institution that performs the functions
1172 of the above schools through correspondence or extension, except
1173 those licensed under the provisions of chapter 1005. A private
1174 school may be a parochial, religious, denominational, for-
1175 profit, or nonprofit school. This definition does not include
1176 home education programs conducted in accordance with s. 1002.41.

1177 Section 43. Paragraph (b) of subsection (2) of section
1178 1002.20, Florida Statutes, is amended to read:

1179 1002.20 K-12 student and parent rights.--K-12 students and
1180 their parents are afforded numerous statutory rights including,
1181 but not limited to, the following:

1182 (2) ATTENDANCE.--

1183 (b) *Regular school attendance*.--Parents of students who
1184 have attained the age of 6 years by February 1 of any school



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1185 year but who have not attained the age of 16 years must comply
1186 with the compulsory school attendance laws. Parents have the
1187 option to comply with the school attendance laws by attendance
1188 of the student in a public school; a parochial, religious, or
1189 denominational school; a private school; a home education
1190 program; or a private tutoring program, in accordance with the
1191 provisions of s. 1003.01(13) ~~1003.01(14)~~.

1192 Section 44. Paragraph (a) of subsection (3) and paragraph
1193 (a) of subsection (11) of section 1002.32, Florida Statutes, are
1194 amended to read:

1195 1002.32 Developmental research (laboratory) schools.--

1196 (3) MISSION.--The mission of a lab school shall be the
1197 provision of a vehicle for the conduct of research,
1198 demonstration, and evaluation regarding management, teaching,
1199 and learning. Programs to achieve the mission of a lab school
1200 shall embody the goals and standards established pursuant to ss.
1201 1000.03(5) and 1001.23(2) and shall ensure an appropriate
1202 education for its students.

1203 (a) Each lab school shall emphasize mathematics, science,
1204 computer science, and foreign languages. The primary goal of a
1205 lab school is to enhance instruction and research in such
1206 specialized subjects by using the resources available on a state
1207 university campus, while also providing an education in
1208 nonspecialized subjects. Each lab school shall provide
1209 sequential elementary and secondary instruction where
1210 appropriate. A lab school may not provide instruction at grade
1211 levels higher than grade 12 without authorization from the State
1212 Board of Education. Each lab ~~developmental-research~~ school shall
1213 develop and implement a school improvement plan pursuant to s.
1214 1003.02(3).



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1215 (11) EXCEPTIONS TO LAW.--To encourage innovative practices
 1216 and facilitate the mission of the lab schools, in addition to
 1217 the exceptions to law specified in s. 1001.23(2), the following
 1218 exceptions shall be permitted for lab schools:

1219 (a) The methods and requirements of the following statutes
 1220 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;
 1221 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;
 1222 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;
 1223 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;
 1224 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;
 1225 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4); 1006.23;
 1226 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;
 1227 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;
 1228 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5);
 1229 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;
 1230 1011.73; and 1011.74; ~~and 1013.77.~~

1231 Section 45. Paragraph (c) of subsection (18), paragraphs
 1232 (c), (d), and (e) of subsection (19), paragraph (c) of
 1233 subsection (21), and subsections (25) and (26) of section
 1234 1002.33, Florida Statutes, are amended to read:

1235 1002.33 Charter schools.--

1236 (18) FUNDING.--Students enrolled in a charter school,
 1237 regardless of the sponsorship, shall be funded as if they are in
 1238 a basic program or a special program, the same as students
 1239 enrolled in other public schools in the school district. Funding
 1240 for a charter lab school shall be as provided in s. 1002.32.

1241 (c) If the district school board is providing programs or
 1242 services to students funded by federal funds, any eligible
 1243 students enrolled in charter schools in the school district
 1244 shall be provided federal funds for the same level of service



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1245 provided students in the schools operated by the district school
1246 board. Pursuant to provisions of 20 U.S.C. ss. 8061-8066 ~~20~~
1247 ~~U.S.C. 8061 s. 10306~~, all charter schools shall receive all
1248 federal funding for which the school is otherwise eligible,
1249 including Title I funding, not later than 5 months after the
1250 charter school first opens and within 5 months after any
1251 subsequent expansion of enrollment.

1252 (19) FACILITIES.--

1253 ~~(c) Charter school facilities shall utilize facilities~~
1254 ~~which comply with the Florida Building Code, pursuant to chapter~~
1255 ~~553, and the Florida Fire Prevention Code, pursuant to chapter~~
1256 ~~633.~~

1257 (c)~~(d)~~ Charter school facilities are exempt from
1258 assessments of fees for building permits, except as provided in
1259 s. 553.80, and from assessments of impact fees or service
1260 availability fees.

1261 (d)~~(e)~~ If a district school board facility or property is
1262 available because it is surplus, marked for disposal, or
1263 otherwise unused, it shall be provided for a charter school's
1264 use on the same basis as it is made available to other public
1265 schools in the district. A charter school receiving property
1266 from the school district may not sell or dispose of such
1267 property without written permission of the school district.
1268 Similarly, for an existing public school converting to charter
1269 status, no rental or leasing fee for the existing facility or
1270 for the property normally inventoried to the conversion school
1271 may be charged by the district school board to the parents and
1272 teachers organizing the charter school. The charter organizers
1273 shall agree to reasonable maintenance provisions in order to
1274 maintain the facility in a manner similar to district school



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1275 board standards. The Public Education Capital Outlay maintenance
 1276 funds or any other maintenance funds generated by the facility
 1277 operated as a conversion school shall remain with the conversion
 1278 school.

1279 (21) SERVICES.--

1280 (c) Transportation of charter school students shall be
 1281 provided by the charter school consistent with the requirements
 1282 of subpart I.e. of chapter 1006 and s. 1012.45. The governing
 1283 body of the charter school may provide transportation through an
 1284 agreement or contract with the district school board, a private
 1285 provider, or parents. The charter school and the sponsor shall
 1286 cooperate in making arrangements that ensure that transportation
 1287 is not a barrier to equal access for all students residing
 1288 within a reasonable distance of the charter school as determined
 1289 in its charter.

1290 ~~(25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--~~

1291 ~~(a) The conversion charter school pilot program is hereby~~
 1292 ~~established with the intent to provide incentives for local~~
 1293 ~~school districts to approve conversion charter schools.~~

1294 ~~(b) The conversion charter school pilot program shall be a~~
 1295 ~~statewide pilot program in which 10 schools shall be selected~~
 1296 ~~based on a competitive application process in accordance with~~
 1297 ~~this section.~~

1298 ~~(c) The purpose of the pilot program is to produce~~
 1299 ~~significant improvements in student achievement and school~~
 1300 ~~management, to encourage and measure the use of innovative~~
 1301 ~~learning methods, and to make the school the unit for~~
 1302 ~~improvement.~~

1303 ~~(d) Each school principal or a majority of the parents of~~
 1304 ~~students attending the school, a majority of the school's~~



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1305 ~~teachers, or a majority of the members of the school advisory~~
1306 ~~council may apply to the school district to participate in this~~
1307 ~~pilot program on forms which shall be provided by the Department~~
1308 ~~of Education. The forms shall include acknowledgment by the~~
1309 ~~school principal of applicable provisions of this section and s.~~
1310 ~~1013.62. For purposes of this paragraph, "a majority of the~~
1311 ~~parents of students attending the school" means more than 50~~
1312 ~~percent of the parents voting whose children are enrolled at the~~
1313 ~~school, provided that a majority of the parents eligible to vote~~
1314 ~~participate in the ballot process; and "a majority of the~~
1315 ~~school's teachers" means more than 50 percent of the teachers~~
1316 ~~employed at the school, according to procedures established by~~
1317 ~~rule of the State Board of Education pursuant to subsections (3)~~
1318 ~~and (4).~~

1319 ~~(e) A person or group who has applied to participate in~~
1320 ~~the pilot program created by this section, pursuant to paragraph~~
1321 ~~(d), shall not be subject to an unlawful reprisal, as defined by~~
1322 ~~paragraph (4)(a), as a consequence of such application. The~~
1323 ~~procedures established by subsections (3) and (4) shall apply to~~
1324 ~~any alleged unlawful reprisal which occurs as a consequence of~~
1325 ~~such application.~~

1326 ~~(f) A district school board shall receive and review all~~
1327 ~~applications by school principals, parents, teachers, or school~~
1328 ~~advisory council members to participate in the pilot project;~~
1329 ~~shall select the best applications; and shall submit these~~
1330 ~~applications, together with the district school board's letter~~
1331 ~~of endorsement and commitment of support and cooperation toward~~
1332 ~~the success of program implementation, for review by the~~
1333 ~~statewide selection panel established pursuant to paragraph (g).~~



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1334 ~~(g) A conversion charter school pilot program statewide~~
1335 ~~selection panel is established. The panel shall be comprised of~~
1336 ~~the following nine members who are not elected public officials:~~

1337 ~~1. Three members shall be appointed by the Governor.~~

1338 ~~2. Two members shall be appointed by the Commissioner of~~
1339 ~~Education.~~

1340 ~~3. Two members shall be appointed by the President of the~~
1341 ~~Senate.~~

1342 ~~4. Two members shall be appointed by the Speaker of the~~
1343 ~~House of Representatives.~~

1344
1345 ~~The panel shall review the conversion charter school pilot~~
1346 ~~program applications submitted by the district school boards and~~
1347 ~~shall select the 10 applications which the panel deems best~~
1348 ~~comply with the purpose of the program pursuant to paragraph~~
1349 ~~(c).~~

1350 ~~(h) Each district school board in which there is a school~~
1351 ~~selected by the statewide panel for participation in the pilot~~
1352 ~~program shall receive a grant as provided in the General~~
1353 ~~Appropriations Act:~~

1354 ~~1. One hundred thousand dollars for planning and~~
1355 ~~development for each conversion charter school selected; and~~

1356 ~~2.a. Eighty thousand dollars for each conversion charter~~
1357 ~~school selected with 500 or fewer students;~~

1358 ~~b. One hundred thousand dollars for each conversion~~
1359 ~~charter school selected with more than 500 but fewer than 1,001~~
1360 ~~students; or~~

1361 ~~c. One hundred twenty thousand dollars for each conversion~~
1362 ~~charter school selected with more than 1,000 students.~~

1363



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1364 ~~The Commissioner of Education may reduce the district's FEFP~~
 1365 ~~funding entitlement by the amount of the grant awarded under~~
 1366 ~~this subsection if he or she determines that the district has~~
 1367 ~~failed to comply with its letter of endorsement and commitment~~
 1368 ~~of support and cooperation submitted under paragraph (f).~~

1369 ~~(i) Each conversion charter school selected for~~
 1370 ~~participation in the pilot program shall make annual progress~~
 1371 ~~reports to the district school board and the Commissioner of~~
 1372 ~~Education detailing the school's progress in achieving the~~
 1373 ~~purpose of the program as described in paragraph (e).~~

1374 ~~(25)(26)~~ RULEMAKING.--The Department of Education, after
 1375 consultation with school districts and charter school directors,
 1376 shall recommend that the State Board of Education adopt rules to
 1377 implement specific subsections of this section. Such rules shall
 1378 require minimum paperwork and shall not limit charter school
 1379 flexibility authorized by statute.

1380 Section 46. Subsections (7) and (14) of section 1002.42,
 1381 Florida Statutes, are amended to read:

1382 1002.42 Private schools.--

1383 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student at a
 1384 private, parochial, religious, or denominational school
 1385 satisfies the attendance requirements of ss. 1003.01(13)
 1386 ~~1003.01(14)~~ and 1003.21(1).

1387 (14) BUS DRIVER TRAINING.--Private school bus drivers may
 1388 participate in a district school board's bus driver training
 1389 program, if the district school board makes the program
 1390 available pursuant to s. 1012.45(4) ~~1006.26~~.

1391 Section 47. Subsection (1) of section 1002.43, Florida
 1392 Statutes, is amended to read:

1393 1002.43 Private tutoring programs.--



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1394 (1) Regular school attendance as defined in s. 1003.01(13)
 1395 ~~1003.01(14)~~ may be achieved by attendance in a private tutoring
 1396 program if the person tutoring the student meets the following
 1397 requirements:

1398 (a) Holds a valid Florida certificate to teach the
 1399 subjects or grades in which instruction is given.

1400 (b) Keeps all records and makes all reports required by
 1401 the state and district school board and makes regular reports on
 1402 the attendance of students in accordance with the provisions of
 1403 s. 1003.23(2).

1404 (c) Requires students to be in actual attendance for the
 1405 minimum length of time prescribed by s. 1011.60(2).

1406 Section 48. Subsection (4) of section 1003.22, Florida
 1407 Statutes, is amended to read:

1408 1003.22 School-entry health examinations; immunization
 1409 against communicable diseases; exemptions; duties of Department
 1410 of Health.--

1411 (4) Each district school board and the governing authority
 1412 of each private school shall establish and enforce as policy
 1413 that, prior to admittance to or attendance in a public or
 1414 private school, grades prekindergarten ~~kindergarten~~ through 12,
 1415 each child present or have on file with the school a
 1416 certification of immunization for the prevention of those
 1417 communicable diseases for which immunization is required by the
 1418 Department of Health and further shall provide for appropriate
 1419 screening of its students for scoliosis at the proper age. Such
 1420 certification shall be made on forms approved and provided by
 1421 the Department of Health and shall become a part of each
 1422 student's permanent record, to be transferred when the student
 1423 transfers, is promoted, or changes schools. The transfer of such



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1424 immunization certification by Florida public schools shall be
1425 accomplished using the Florida Automated System for Transferring
1426 Education Records and shall be deemed to meet the requirements
1427 of this section.

1428 Section 49. Paragraph (c) of subsection (1) and subsection
1429 (12) of section 1003.43, Florida Statutes, are amended to read:

1430 1003.43 General requirements for high school graduation.--

1431 (1) Graduation requires successful completion of either a
1432 minimum of 24 academic credits in grades 9 through 12 or an
1433 International Baccalaureate curriculum. The 24 credits shall be
1434 distributed as follows:

1435 (c) Three credits in science, two of which must have a
1436 laboratory component. ~~The State Board of Education may grant an
1437 annual waiver of the laboratory requirement to a district school
1438 board that certifies that its laboratory facilities are
1439 inadequate, provided the district school board submits a capital
1440 outlay plan to provide adequate facilities and makes the funding
1441 of this plan a priority of the district school board.~~

1442 Agriscience Foundations I, the core course in secondary
1443 Agriscience and Natural Resources programs, counts as one of the
1444 science credits.

1445
1446 District school boards may award a maximum of one-half credit in
1447 social studies and one-half elective credit for student
1448 completion of nonpaid voluntary community or school service
1449 work. Students choosing this option must complete a minimum of
1450 75 hours of service in order to earn the one-half credit in
1451 either category of instruction. Credit may not be earned for
1452 service provided as a result of court action. District school
1453 boards that approve the award of credit for student volunteer



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1454 service shall develop guidelines regarding the award of the
1455 credit, and school principals are responsible for approving
1456 specific volunteer activities. A course designated in the Course
1457 Code Directory as grade 9 through grade 12 that is taken below
1458 the 9th grade may be used to satisfy high school graduation
1459 requirements or Florida Academic Scholars award requirements as
1460 specified in a district school board's student progression plan.
1461 A student shall be granted credit toward meeting the
1462 requirements of this subsection for equivalent courses, as
1463 identified pursuant to s. 1007.271(6), taken through dual
1464 enrollment.

1465 (12) The Commissioner of Education may award a standard
1466 high school diploma to honorably discharged veterans who started
1467 high school between 1946 and 1955 ~~1950~~ and were scheduled to
1468 graduate between 1950 and 1954, but were inducted into the
1469 United States Armed Forces between June 27, 1950 and January 31,
1470 1954, and served during the Korean Conflict ~~War~~ prior to
1471 completing the
1472 necessary high school graduation requirements. Upon the
1473 recommendation of the commissioner, the State Board of Education
1474 may develop criteria and guidelines for awarding such diplomas.

1475 Section 50. Subsection (4) of section 1003.52, Florida
1476 Statutes, is amended to read:

1477 1003.52 Educational services in Department of Juvenile
1478 Justice programs.--

1479 (4) Educational services shall be provided at times of the
1480 day most appropriate for the juvenile justice program. School
1481 programming in juvenile justice detention, commitment, and
1482 rehabilitation programs shall be made available by the local



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1483 school district during the juvenile justice school year, as
1484 defined in s. 1003.01(11) ~~1003.01(12)~~.

1485 Section 51. Paragraph (a) of subsection (7) of section
1486 1003.63, Florida Statutes, is amended to read:

1487 1003.63 Deregulated public schools pilot program.--

1488 (7) EXEMPTION FROM STATUTES.--

1489 (a) A deregulated public school shall operate in
1490 accordance with its proposal and shall be exempt from all
1491 statutes of the Florida K-20 Education Code, except those
1492 pertaining to civil rights and student health, safety, and
1493 welfare, or as otherwise required by this section. A deregulated
1494 public school shall not be exempt from the following statutes:
1495 chapter 119, relating to public records, ~~and s. 286.011,~~
1496 relating to public meetings and records, public inspection, and
1497 penalties, ~~and chapters 1010 and 1011 if exemption. The school~~
1498 ~~district, upon request of a deregulated public school, may apply~~
1499 ~~to the State Board of Education for a waiver of provisions of~~
1500 ~~law applicable to deregulated public schools under this section,~~
1501 ~~except that the provisions of chapter 1010 or chapter 1011 shall~~
1502 ~~not be eligible for waiver if the waiver would affect funding~~
1503 ~~allocations or create inequity in public school funding. The~~
1504 ~~State Board of Education may grant the waiver if necessary to~~
1505 ~~implement the school program.~~

1506 Section 52. Subsection (5) of section 1004.24, Florida
1507 Statutes, is amended to read:

1508 1004.24 State Board of Education authorized to secure
1509 liability insurance.--

1510 (5) Each self-insurance program council shall make
1511 provision for an annual financial audit pursuant to s. 11.45
1512 ~~postaudit~~ of its ~~financial~~ accounts to be conducted by an



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1513 independent certified public accountant. The annual audit report
 1514 must include a management letter and shall be submitted to the
 1515 State Board of Education for review. The State Board of
 1516 Education shall have the authority to require and receive from
 1517 the self-insurance program council or from its independent
 1518 auditor any detail or supplemental data relative to the
 1519 operation of the self-insurance program.

1520 Section 53. Subsections (1) and (5) of section 1004.26,
 1521 Florida Statutes, are amended to read:

1522 1004.26 University student governments.--

1523 (1) A student government is created on the main campus of
 1524 each state university. In addition, each university board of
 1525 trustees may establish a student government on any branch campus
 1526 or center. Each student government is a part of the university
 1527 at which it is established.

1528 ~~(5) Each student government is a part of the university at~~
 1529 ~~which it is established. If an internal procedure of the~~
 1530 ~~university student government is disapproved by the university~~
 1531 ~~president under s. 229.0082(15), a member of the university~~
 1532 ~~board of trustees may request a review of the disapproved~~
 1533 ~~procedure at the next meeting of the board of trustees.~~

1534 Section 54. Paragraph (d) of subsection (3) of section
 1535 1004.445, Florida Statutes, is amended to read:

1536 1004.445 Florida Alzheimer's Center and Research
 1537 Institute.--

1538 (3) The State Board of Education shall provide in the
 1539 agreement with the not-for-profit corporation for the following:

1540 (d) Preparation of an annual financial audit pursuant to
 1541 s. 11.45 ~~postaudit~~ of the not-for-profit corporation's ~~financial~~
 1542 accounts and the ~~financial~~ accounts of any subsidiaries to be



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1543 conducted by an independent certified public accountant. The
1544 annual audit report shall include management letters and shall
1545 be submitted to the Auditor General and the State Board of
1546 Education for review. The State Board of Education, the Auditor
1547 General, and the Office of Program Policy Analysis and
1548 Government Accountability shall have the authority to require
1549 and receive from the not-for-profit corporation and any
1550 subsidiaries, or from their independent auditor, any detail or
1551 supplemental data relative to the operation of the not-for-
1552 profit corporation or subsidiary.

1553 Section 55. Paragraph (a) of subsection (1) of section
1554 1005.04, Florida Statutes, is amended to read:

1555 1005.04 Fair consumer practices.--

1556 (1) Every institution that is under the jurisdiction of
1557 the commission or is exempt from the jurisdiction or purview of
1558 the commission pursuant to s. 1005.06(1)(c) or (f) and that
1559 either directly or indirectly solicits for enrollment any
1560 student shall:

1561 (a) Disclose to each prospective student a statement of
1562 the purpose of such institution, its educational programs and
1563 curricula, a description of its physical facilities, its status
1564 regarding licensure, its fee schedule and policies regarding
1565 retaining student fees if a student withdraws, and a statement
1566 regarding the transferability of credits to and from other
1567 institutions. The institution shall make the required
1568 disclosures in writing at least 1 week prior to enrollment or
1569 collection of any tuition from the prospective student. The
1570 required disclosures may be made in the institution's current
1571 catalog;—



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1572 Section 56. Subsection (1) of section 1006.06, Florida
 1573 Statutes, is amended to read:

1574 1006.06 School food service programs.--

1575 (1) In recognition of the demonstrated relationship
 1576 between good nutrition and the capacity of students to develop
 1577 and learn, it is the policy of the state to provide standards
 1578 for school food service and to require district school boards to
 1579 establish and maintain an appropriate nonprofit ~~private~~ school
 1580 food service program consistent with the nutritional needs of
 1581 students.

1582 Section 57. Subsection (5) of section 1006.14, Florida
 1583 Statutes, is amended to read:

1584 1006.14 Secret societies prohibited in public K-12
 1585 schools.--

1586 (5) It is unlawful for any student enrolled in any public
 1587 K-12 school to be a member of, to join or to become a member of
 1588 or to pledge himself or herself to become a member of any secret
 1589 fraternity, sorority, or group wholly or partly formed from the
 1590 membership of students attending public K-12 schools or to take
 1591 part in the organization or formation of any such fraternity,
 1592 sorority, or secret society; provided that this does not prevent
 1593 any student from belonging to any organization fostered and
 1594 promoted by the school authorities, + or approved and accepted by
 1595 the school authorities and whose membership is selected on the
 1596 basis of good character, good scholarship, leadership ability,
 1597 and achievement.

1598 Section 58. Section 1006.18, Florida Statutes, is amended
 1599 to read:

1600 1006.18 Cheerleader safety standards.--The Florida High
 1601 School Athletic ~~Activities~~ Association or successor organization



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1602 shall adopt statewide uniform safety standards for student
 1603 cheerleaders and spirit groups that participate in any school
 1604 activity or extracurricular student activity. The Florida High
 1605 School Athletic ~~Activities~~ Association or successor organization
 1606 shall adopt the "Official High School Spirit Rules," published
 1607 by the National Federation of State High School Associations, as
 1608 the statewide uniform safety standards.

1609 Section 59. Subsection (1), paragraph (c) of subsection
 1610 (2), and subsection (10) of section 1006.20, Florida Statutes,
 1611 are amended to read:

1612 1006.20 Athletics in public K-12 schools.--

1613 (1) GOVERNING NONPROFIT ORGANIZATION.--The Florida High
 1614 School Athletic ~~Activities~~ Association is designated as the
 1615 governing nonprofit organization of athletics in Florida public
 1616 schools. If the Florida High School Athletic ~~Activities~~
 1617 Association fails to meet the provisions of this section, the
 1618 commissioner shall designate a nonprofit organization to govern
 1619 athletics with the approval of the State Board of Education. The
 1620 organization is not to be a state agency as defined in s.
 1621 120.52. The organization shall be subject to the provisions of
 1622 s. 1006.19. A private school that wishes to engage in high
 1623 school athletic competition with a public high school may become
 1624 a member of the organization. The bylaws of the organization are
 1625 to be the rules by which high school athletic programs in its
 1626 member schools, and the students who participate in them, are
 1627 governed, unless otherwise specifically provided by statute. For
 1628 the purposes of this section, "high school" includes grades 6
 1629 through 12.

1630 (2) ADOPTION OF BYLAWS.--

1631 (c) The organization shall adopt bylaws that require all



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1632 students participating in interscholastic athletic competition
1633 or who are candidates for an interscholastic athletic team to
1634 satisfactorily pass a medical evaluation each year prior to
1635 participating in interscholastic athletic competition or
1636 engaging in any practice, tryout, workout, or other physical
1637 activity associated with the student's candidacy for an
1638 interscholastic athletic team. Such medical evaluation can only
1639 be administered by a practitioner licensed under the provisions
1640 of chapter 458, chapter 459, chapter 460, or s. 464.012, and in
1641 good standing with the practitioner's regulatory board. The
1642 bylaws shall establish requirements for eliciting a student's
1643 medical history and performing the medical evaluation required
1644 under this paragraph, which shall include a physical assessment
1645 of the student's ~~minimum standards for the~~ physical capabilities
1646 to participate ~~necessary for participation~~ in interscholastic
1647 athletic competition as contained in a uniform preparticipation
1648 physical evaluation form. The evaluation form shall provide a
1649 place for the signature of the practitioner performing the
1650 evaluation with an attestation that each examination procedure
1651 listed on the form was performed by the practitioner or by
1652 someone under the direct supervision of the practitioner. The
1653 form shall also contain a place for the practitioner to indicate
1654 if a referral to another practitioner was made in lieu of
1655 completion of a certain examination procedure. The form shall
1656 provide a place for the practitioner to whom the student was
1657 referred to complete the remaining sections and attest to that
1658 portion of the examination. The preparticipation physical
1659 evaluation form shall advise students to complete a
1660 cardiovascular assessment and shall include information
1661 concerning alternative cardiovascular evaluation and diagnostic



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1662 tests. Practitioners administering medical evaluations pursuant
 1663 to this subsection must, at a minimum, solicit all information
 1664 required by, and perform a physical assessment according to, the
 1665 uniform preparticipation form referred to in this paragraph.
 1666 Based on the information provided and the physical assessment,
 1667 the practitioner shall determine if the student is physically
 1668 capable of participating in interscholastic athletic competition
 1669 ~~know the minimum standards established by the organization and~~
 1670 ~~certify that the student meets the standards.~~ If the
 1671 practitioner determines that there are any abnormal findings in
 1672 the cardiovascular system, the student may not participate until
 1673 a further cardiovascular assessment, which may include an EKG,
 1674 is performed that indicates the student is physically capable of
 1675 participating in athletic competition ~~unless a subsequent EKG or~~
 1676 ~~other cardiovascular assessment indicates that the abnormality~~
 1677 ~~will not place the student at risk during such participation.~~
 1678 Results of such medical evaluation must be provided to the
 1679 school. No student shall be eligible to participate in any
 1680 interscholastic athletic competition or engage in any practice,
 1681 tryout, workout, or other physical activity associated with the
 1682 student's candidacy for an interscholastic athletic team until
 1683 the results of the medical evaluation clearing ~~verifying that~~
 1684 the student for participation ~~has satisfactorily passed the~~
 1685 ~~evaluation~~ have been received and approved by the school.

1686 ~~(10) EXAMINATION; CRITERIA; REPORT.~~ The board of
 1687 ~~directors of the Florida High School Activities Association~~
 1688 ~~shall undertake an examination of the following:~~

1689 ~~(a) Alternative criteria for establishing administrative~~
 1690 ~~regions to include, but not be limited to, population.~~

1691 ~~(b) Procedures to ensure appropriate diversity in the~~



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1692 ~~membership of the board of directors.~~

1693 ~~(c) Opportunities to secure corporate financial support~~
1694 ~~for high school athletic programs.~~

1695
1696 ~~The board of directors shall submit to the commissioner, the~~
1697 ~~President of the Senate, and the Speaker of the House of~~
1698 ~~Representatives not later than March 1, 2003, a report on the~~
1699 ~~actions taken in the examination of each of the three topics~~
1700 ~~listed in this subsection, the findings, and the actions to be~~
1701 ~~taken to implement the findings and the target date for~~
1702 ~~implementation.~~

1703 Section 60. Subsections (1) and (2) of section 1006.21,
1704 Florida Statutes, are amended to read:

1705 1006.21 Duties of district school superintendent and
1706 district school board regarding transportation.--

1707 (1) The district school superintendent shall ascertain
1708 which students should be transported to school or to school
1709 activities, determine the most effective arrangement of
1710 transportation routes to accommodate these students; recommend
1711 such routing to the district school board; recommend plans and
1712 procedures for providing facilities for the economical and safe
1713 transportation of students; recommend such rules ~~and regulations~~
1714 as may be necessary and see that all rules ~~and regulations~~
1715 relating to the transportation of students approved by the
1716 district school board, as well as rules ~~regulations~~ of the State
1717 Board of Education ~~state board~~, are properly carried into
1718 effect, as prescribed in this chapter.

1719 (2) After considering recommendations of the district
1720 school superintendent, the district school board shall make
1721 provision for the transportation of students to the public



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1722 schools or school activities they are required or expected to
 1723 attend; authorize transportation routes arranged efficiently and
 1724 economically; provide the necessary transportation facilities,
 1725 and, when authorized under rules of the State Board of Education
 1726 and if more economical to do so, provide limited subsistence in
 1727 lieu thereof; and adopt the necessary rules ~~and regulations~~ to
 1728 ensure safety, economy, and efficiency in the operation of all
 1729 buses, as prescribed in this chapter.

1730 Section 61. Subsection (1) and paragraphs (a) and (b) of
 1731 subsection (2) of section 1007.21, Florida Statutes, are amended
 1732 to read:

1733 1007.21 Readiness for postsecondary education and the
 1734 workplace.--

1735 (1) It is the intent of the Legislature that students and
 1736 parents set early achievement and career goals for the student's
 1737 post-high school experience. This section sets forth a model
 1738 which schools, through their school advisory councils, may
 1739 choose to implement to ensure that students are ready for
 1740 postsecondary education and the workplace. If such a program is
 1741 adopted, students and their parents shall have the option of
 1742 participating in this model to plan the student's secondary
 1743 level course of study. Parents and students are to become
 1744 partners with school personnel in educational choice. Clear
 1745 academic course expectations shall be made available to all
 1746 students by allowing both student and parent ~~or guardian~~ choice.

1747 (2)(a) Students entering the 9th grade and their parents
 1748 shall be active participants in choosing an end-of-high-school
 1749 student destination based upon both student and parent ~~or~~
 1750 ~~guardian~~ goals. Four or more destinations should be available
 1751 with bridges between destinations to enable students to shift



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1752 destinations should they choose to change goals. The
 1753 destinations shall accommodate the needs of students served in
 1754 exceptional education programs to the extent appropriate for
 1755 individual students. Exceptional education students may continue
 1756 to follow the courses outlined in the district school board
 1757 student progression plan. Participating students and their
 1758 parents shall choose among destinations, which must include:

- 1759 1. Four-year college or university, community college plus
 1760 university, or military academy.
 1761 2. Two-year postsecondary degree.
 1762 3. Postsecondary career and technical certificate.
 1763 4. Immediate employment or entry-level military.

1764 (b) The student progression model toward a chosen
 1765 destination shall include:

- 1766 1. A "path" of core courses leading to each of the
 1767 destinations provided in paragraph (a).
 1768 2. A recommended group of electives which shall help
 1769 define each path.
 1770 3. Provisions for a teacher, school administrator, other
 1771 school staff member, or community volunteer to be assigned to a
 1772 student as an "academic advocate" if parental ~~or guardian~~
 1773 involvement is lacking.

1774 Section 62. Section 1007.264, Florida Statutes, is
 1775 amended, to read:

1776 1007.264 Impaired and learning disabled persons; admission
 1777 to postsecondary educational institutions; and graduation,
 1778 substitute requirements; rules.--Any person who is hearing
 1779 impaired, visually impaired, or dyslexic, or who has a specific
 1780 learning disability, shall be eligible for reasonable
 1781 substitution for any requirement for admission into a public



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1782 postsecondary educational institution, ~~admission into a program~~
1783 ~~of study, or graduation,~~ where documentation can be provided
1784 that the person's failure to meet the admission requirement is
1785 related to the disability ~~and where the failure to meet the~~
1786 ~~graduation requirement or program admission requirement does not~~
1787 ~~constitute a fundamental alteration in the nature of the~~
1788 ~~program.~~ The State Board of Education shall adopt rules to
1789 implement this section and shall develop substitute admission
1790 requirements where appropriate.

1791 Section 63. Section 1007.265, Florida Statutes, is created
1792 to read:

1793 1007.265 Impaired and learning disabled persons;
1794 graduation, study program admission, and upper-division entry;
1795 substitute requirements; rules.--Any student in a public
1796 postsecondary educational institution who is hearing impaired,
1797 visually impaired, or dyslexic, or who has a specific learning
1798 disability, shall be eligible for reasonable substitution for
1799 any requirement for graduation, for admission into a program of
1800 study, or for entry into the upper division where documentation
1801 can be provided that the person's failure to meet the
1802 requirement is related to the disability and where the failure
1803 to meet the graduation requirement or program admission
1804 requirement does not constitute a fundamental alteration in the
1805 nature of the program. The State Board of Education shall adopt
1806 rules to implement this section and shall develop substitute
1807 requirements where appropriate.

1808 Section 64. Paragraph (c) of subsection (3) of section
1809 1008.22, Florida Statutes, is amended to read:

1810 1008.22 Student assessment program for public schools.--



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1811 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall
1812 design and implement a statewide program of educational
1813 assessment that provides information for the improvement of the
1814 operation and management of the public schools, including
1815 schools operating for the purpose of providing educational
1816 services to youth in Department of Juvenile Justice programs.
1817 Pursuant to the statewide assessment program, the commissioner
1818 shall:

1819 (c) Develop and implement a student achievement testing
1820 program known as the Florida Comprehensive Assessment Test
1821 (FCAT) as part of the statewide assessment program, to be
1822 administered annually in grades 3 through 10 to measure reading,
1823 writing, science, and mathematics. Other content areas may be
1824 included as directed by the commissioner. The testing program
1825 must be designed so that:

1826 1. The tests measure student skills and competencies
1827 adopted by the State Board of Education as specified in
1828 paragraph (a). The tests must measure and report student
1829 proficiency levels in reading, writing, mathematics, and
1830 science. The commissioner shall provide for the tests to be
1831 developed or obtained, as appropriate, through contracts and
1832 project agreements with private vendors, public vendors, public
1833 agencies, postsecondary educational institutions, or school
1834 districts. The commissioner shall obtain input with respect to
1835 the design and implementation of the testing program from state
1836 educators and the public.

1837 2. The testing program will include a combination of norm-
1838 referenced and criterion-referenced tests and include, to the
1839 extent determined by the commissioner, questions that require
1840 the student to produce information or perform tasks in such a



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1841 way that the skills and competencies he or she uses can be
1842 measured.

1843 3. Each testing program, whether at the elementary,
1844 middle, or high school level, includes a test of writing in
1845 which students are required to produce writings that are then
1846 scored by appropriate methods.

1847 4. A score is designated for each subject area tested,
1848 below which score a student's performance is deemed inadequate.
1849 The school districts shall provide appropriate remedial
1850 instruction to students who score below these levels.

1851 5. Students must earn a passing score on the grade 10
1852 assessment test described in this paragraph in reading, writing,
1853 and mathematics to qualify for a regular high school diploma.
1854 The State Board of Education shall designate a passing score for
1855 each part of the grade 10 assessment test. In establishing
1856 passing scores, the state board shall consider any possible
1857 negative impact of the test on minority students. All students
1858 who took the grade 10 FCAT during the 2000-2001 school year
1859 shall be required to earn the passing scores in reading and
1860 mathematics established by the State Board of Education for the
1861 March 2001 test administration. Such students who did not earn
1862 the established passing scores and must repeat the grade 10 FCAT
1863 are required to earn the passing scores established for the
1864 March 2001 test administration. ~~All students who take the grade
1865 10 FCAT for the first time in March 2002 and thereafter shall be
1866 required to earn the passing scores in reading and mathematics
1867 established by the State Board of Education for the March 2002
1868 test administration.~~ The State Board of Education shall adopt
1869 rules which specify the passing scores for the grade 10 FCAT.
1870 Any such rules, which have the effect of raising the required



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1871 passing scores, shall only apply to students taking the grade 10
 1872 FCAT for the first time after such rules are adopted by the
 1873 State Board of Education.

1874 6. Participation in the testing program is mandatory for
 1875 all students attending public school, including students served
 1876 in Department of Juvenile Justice programs, except as otherwise
 1877 prescribed by the commissioner. If a student does not
 1878 participate in the statewide assessment, the district must
 1879 notify the student's parent and provide the parent with
 1880 information regarding the implications of such nonparticipation.
 1881 If modifications are made in the student's instruction to
 1882 provide accommodations that would not be permitted on the
 1883 statewide assessment tests, the district must notify the
 1884 student's parent of the implications of such instructional
 1885 modifications. A parent must provide signed consent for a
 1886 student to receive instructional modifications that would not be
 1887 permitted on the statewide assessments and must acknowledge in
 1888 writing that he or she understands the implications of such
 1889 accommodations. The State Board of Education shall adopt rules,
 1890 based upon recommendations of the commissioner, for the
 1891 provision of test accommodations and modifications of procedures
 1892 as necessary for students in exceptional education programs and
 1893 for students who have limited English proficiency.
 1894 Accommodations that negate the validity of a statewide
 1895 assessment are not allowable.

1896 7. A student seeking an adult high school diploma must
 1897 meet the same testing requirements that a regular high school
 1898 student must meet.

1899 8. District school boards must provide instruction to
 1900 prepare students to demonstrate proficiency in the skills and



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1901 competencies necessary for successful grade-to-grade progression
1902 and high school graduation. If a student is provided with
1903 accommodations or modifications that are not allowable in the
1904 statewide assessment program, as described in the test manuals,
1905 the district must inform the parent in writing and must provide
1906 the parent with information regarding the impact on the
1907 student's ability to meet expected proficiency levels in
1908 reading, writing, and math. The commissioner shall conduct
1909 studies as necessary to verify that the required skills and
1910 competencies are part of the district instructional programs.

1911 9. The Department of Education must develop, or select,
1912 and implement a common battery of assessment tools that will be
1913 used in all juvenile justice programs in the state. These tools
1914 must accurately measure the skills and competencies established
1915 in the Florida Sunshine State Standards.

1916

1917 The commissioner may design and implement student testing
1918 programs, for any grade level and subject area, necessary to
1919 effectively monitor educational achievement in the state.

1920 Section 65. Paragraph (b) of subsection (6) and paragraph
1921 (b) subsection (7) of section 1008.25, Florida Statutes, are
1922 amended to read:

1923 1008.25 Public school student progression; remedial
1924 instruction; reporting requirements.--

1925 (6) ELIMINATION OF SOCIAL PROMOTION.--

1926 (b) The district school board may only exempt students
1927 from mandatory retention, as provided in paragraph (5)(b), for
1928 good cause. Good cause exemptions shall be limited to the
1929 following:



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- 1930 1. Limited English proficient students who have had less
 1931 than 2 years of instruction in an English for Speakers of Other
 1932 Languages program.
- 1933 2. Students with disabilities whose individual education
 1934 plan indicates that participation in the statewide assessment
 1935 program is not appropriate, consistent with the requirements of
 1936 State Board of Education rule.
- 1937 3. Students who demonstrate an acceptable level of
 1938 performance on an alternative standardized reading assessment
 1939 approved by the State Board of Education.
- 1940 4. Students who demonstrate, through a student portfolio,
 1941 that the student is reading on grade level as evidenced by
 1942 demonstration of mastery of the Sunshine State Standards in
 1943 reading equal to at least a Level 2 performance on the FCAT.
- 1944 5. Students with disabilities who participate in the FCAT
 1945 and who have an individual education plan or a Section 504 plan
 1946 that reflects that the student has received the intensive
 1947 remediation in reading, as required by paragraph (4)(b), for
 1948 more than 2 years but still demonstrates a deficiency in reading
 1949 and was previously retained in kindergarten, grade 1, ~~or~~ grade
 1950 2, or grade 3.
- 1951 6. Students who have received the intensive remediation in
 1952 reading as required by paragraph (4)(b) for 2 or more years but
 1953 still demonstrate a deficiency in reading and who were
 1954 previously retained in kindergarten, grade 1, or grade 2 for a
 1955 total of 2 years. Intensive reading instruction for students so
 1956 promoted must include an altered instructional day based upon an
 1957 academic improvement plan that includes specialized diagnostic
 1958 information and specific reading strategies for each student.
 1959 The district school board shall assist schools and teachers to



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1960 implement reading strategies that research has shown to be
 1961 successful in improving reading among low performing readers.

1962 (7) ANNUAL REPORT.--

1963 (b) Beginning with the 2001-2002 school year, each
 1964 district school board must annually publish in the local
 1965 newspaper, and report in writing to the State Board of Education
 1966 by October 1 ~~September 1~~ of each year, the following information
 1967 on the prior school year:

1968 1. The provisions of this section relating to public
 1969 school student progression and the district school board's
 1970 policies and procedures on student retention and promotion.

1971 2. By grade, the number and percentage of all students in
 1972 grades 3 through 10 performing at Levels 1 and 2 on the reading
 1973 portion of the FCAT.

1974 3. By grade, the number and percentage of all students
 1975 retained in grades 3 through 10.

1976 4. Information on the total number of students who were
 1977 promoted for good cause, by each category of good cause as
 1978 specified in paragraph (6)(b).

1979 5. Any revisions to the district school board's policy on
 1980 student retention and promotion from the prior year.

1981 Section 66. Subsection (1) of section 1008.29, Florida
 1982 Statutes, is amended to read:

1983 1008.29 College-level communication and mathematics skills
 1984 examination (CLAST).--

1985 (1) It is the intent of the Legislature that the
 1986 examination of college-level communication and mathematics
 1987 skills ~~provided in s. 1008.345(3)~~ serve as a mechanism for
 1988 students to demonstrate that they have mastered the academic
 1989 competencies prerequisite to upper-division undergraduate



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1990 instruction. It is further intended that the examination serve
 1991 as both a summative evaluation instrument prior to student
 1992 enrollment in upper-division programs and as a source of
 1993 information for student advisers. It is not intended that
 1994 student passage of the examination supplant the need for a
 1995 student to complete the general education curriculum prescribed
 1996 by an institution.

1997 Section 67. Subsection (2) of section 1008.32, Florida
 1998 Statutes, is amended to read:

1999 1008.32 State Board of Education oversight enforcement
 2000 authority.--The State Board of Education shall oversee the
 2001 performance of district school boards and public postsecondary
 2002 educational institution boards in enforcement of all laws and
 2003 rules. District school boards and public postsecondary
 2004 educational institution boards shall be primarily responsible
 2005 for compliance with law and state board rule.

2006 (2) The Commissioner of Education may investigate
 2007 allegations of noncompliance with law or state board rule and
 2008 determine probable cause.7 The commissioner shall report
 2009 determinations of probable cause to the State Board of Education
 2010 which shall require the district school board or public
 2011 postsecondary educational institution board to document
 2012 compliance with law or state board rule.

2013 Section 68. Subsection (2) of section 1008.37, Florida
 2014 Statutes, is amended to read:

2015 1008.37 Postsecondary feedback of information to high
 2016 schools.--

2017 (2) The Commissioner of Education shall report, by high
 2018 school, to the State Board of Education and the Legislature, no
 2019 later than November 30 ~~31~~ of each year, on the number of prior



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2020 year Florida high school graduates who enrolled for the first
2021 time in public postsecondary education in this state during the
2022 previous summer, fall, or spring term, indicating the number of
2023 students whose scores on the common placement test indicated the
2024 need for remediation through college-preparatory or vocational-
2025 preparatory instruction pursuant to s. 1004.91 or s. 1008.30.

2026 Section 69. Subsection (3) of section 1009.24, Florida
2027 Statutes, is amended to read:

2028 1009.24 State university student fees.--

2029 (3) Within proviso in the General Appropriations Act and
2030 law, each board of trustees shall set university tuition and
2031 fees. The sum of the activity and service, health, and athletic
2032 fees a student is required to pay to register for a course shall
2033 not exceed 40 percent of the tuition established in law or in
2034 the General Appropriations Act. No university shall be required
2035 to lower any fee in effect on the effective date of this act in
2036 order to comply with this subsection. Within the 40 percent cap,
2037 universities may not increase the aggregate sum of activity and
2038 service, health, and athletic fees more than 5 percent per year
2039 unless specifically authorized in law or in the General
2040 Appropriations Act. This subsection does not prohibit a
2041 university from increasing or assessing optional fees related to
2042 specific activities if payment of such fees is not required as a
2043 part of registration for courses. Except as otherwise provided
2044 by law, the sum of nonresident tuition and out-of-state fees
2045 charged to undergraduates shall be sufficient to defray the full
2046 cost of undergraduate education.

2047 Section 70. Paragraph (b) of subsection (2) of section
2048 1009.25, Florida Statutes, is amended, and subsection (4) is
2049 added to said section, to read:



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2050 1009.25 Fee exemptions.--

2051 (2) The following students are exempt from the payment of
 2052 tuition and fees, including lab fees, at a school district that
 2053 provides postsecondary career and technical programs, community
 2054 college, or state university:

2055 (b) A student enrolled in an approved apprenticeship
 2056 program, as defined in s. 446.021, but only with respect to such
 2057 apprenticeship program.

2058 (4) For purposes of this section, the term "fees" includes
 2059 the following fees, unless otherwise specified: financial aid
 2060 fee; technology fee; capital improvement fee; building fee;
 2061 Capital Improvement Trust Fund Fee; activity and service fee;
 2062 health fee; athletic fee; and lab fees.

2063 Section 71. Subsection (1) of section 1009.29, Florida
 2064 Statutes, is amended to read:

2065 1009.29 Increased fees for funding financial aid
 2066 program.--

2067 (1) Student tuition and registration fees at each state
 2068 university and community college shall include up to \$4.68 per
 2069 quarter, or \$7.02 per semester, per full-time student, or the
 2070 per-student credit hour equivalents of such amounts. The fees
 2071 provided for by this section shall be adjusted from time to
 2072 time, as necessary, to comply with the debt service coverage
 2073 requirements of the student loan revenue bonds issued pursuant
 2074 to s. 1009.79. If the Division of Bond Finance of the State
 2075 Board of Education and the Commissioner of Education determine
 2076 that such fees are no longer required as security for revenue
 2077 bonds issued pursuant to ss. 1009.78-1009.88, moneys previously
 2078 collected pursuant to this section which are held in escrow,
 2079 after administrative expenses have been met and up to \$150,000



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2080 has been used to establish a financial aid data processing
 2081 system for the state universities incorporating the necessary
 2082 features to meet the needs of all 11 ~~nine~~ universities for
 2083 application through disbursement processing, shall be
 2084 reallocated to the generating institutions to be used for
 2085 student financial aid programs, including, but not limited to,
 2086 scholarships and grants for educational purposes. Upon such
 2087 determination, such fees shall no longer be assessed and
 2088 collected.

2089 Section 72. Paragraph (e) of subsection (1) and paragraph
 2090 (a) of subsection (3) of section 1009.531, Florida Statutes, are
 2091 amended to read:

2092 1009.531 Florida Bright Futures Scholarship Program;
 2093 student eligibility requirements for initial awards.--

2094 (1) To be eligible for an initial award from any of the
 2095 three types of scholarships under the Florida Bright Futures
 2096 Scholarship Program, a student must:

2097 (e) Not have been found guilty of, or pled ~~plead~~ nolo
 2098 contendere to, a felony charge, unless the student has been
 2099 granted clemency by the Governor and Cabinet sitting as the
 2100 Executive Office of Clemency.

2101 (3) For purposes of calculating the grade point average to
 2102 be used in determining initial eligibility for a Florida Bright
 2103 Futures Scholarship, the department shall assign additional
 2104 weights to grades earned in the following courses:

2105 (a) Courses identified in the course code directory as
 2106 Advanced Placement, pre-International Baccalaureate, ~~or~~
 2107 International Baccalaureate, International General Certificate
 2108 of Secondary Education, or Advanced International Certificate of
 2109 Education.



2110
 2111 The department may assign additional weights to courses, other
 2112 than those described in paragraphs (a) and (b), that are
 2113 identified by the Department of Education as containing rigorous
 2114 academic curriculum and performance standards. The additional
 2115 weight assigned to a course pursuant to this subsection shall
 2116 not exceed 0.5 per course. The weighted system shall be
 2117 developed and distributed to all high schools in the state prior
 2118 to January 1, 1998. The department may determine a student's
 2119 eligibility status during the senior year before graduation and
 2120 may inform the student of the award at that time.

2121 Section 73. Paragraph (b) of subsection (1) of section
 2122 1009.532, Florida Statutes, is amended to read:

2123 1009.532 Florida Bright Futures Scholarship Program;
 2124 student eligibility requirements for renewal awards.--

2125 (1) To be eligible to renew a scholarship from any of the
 2126 three types of scholarships under the Florida Bright Futures
 2127 Scholarship Program, a student must:

2128 (b) Maintain the cumulative grade point average required
 2129 by the scholarship program, except that:

2130 1. If a recipient's grades fall beneath the average
 2131 required to renew a Florida Academic Scholarship, but are
 2132 sufficient to renew a Florida Medallion Scholarship or a Florida
 2133 Gold Seal Vocational Scholarship, the Department of Education
 2134 may grant a renewal from one of those other scholarship
 2135 programs, if the student meets the renewal eligibility
 2136 requirements; or

2137 2. If, at any time during the eligibility period, a
 2138 student's grades are insufficient to renew the scholarship, the
 2139 student may restore eligibility by improving the grade point



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2140 average to the required level. A student is eligible for such a
2141 restoration one time ~~reinstatement only once~~. The Legislature
2142 encourages education institutions to assist students to
2143 calculate whether or not it is possible to raise the grade point
2144 average during the summer term. If the institution determines
2145 that it is possible, the education institution may so inform the
2146 department, which may reserve the student's award if funds are
2147 available. The renewal, however, must not be granted until the
2148 student achieves the required cumulative grade point average. If
2149 the summer term is not sufficient to raise the grade point
2150 average to the required renewal level, the student's next
2151 opportunity for renewal is the fall semester of the following
2152 academic year.

2153 Section 74. Paragraphs (b), (c), and (e) of subsection (1)
2154 of section 1009.534, Florida Statutes, are amended, paragraph
2155 (f) is added to said subsection, and subsection (3) of said
2156 section is amended, to read:

2157 1009.534 Florida Academic Scholars award.--

2158 (1) A student is eligible for a Florida Academic Scholars
2159 award if the student meets the general eligibility requirements
2160 for the Florida Bright Futures Scholarship Program and the
2161 student:

2162 (b) Has attended a home education program according to s.
2163 1002.41 during grades 11 and 12 or has completed the
2164 International Baccalaureate curriculum but failed to earn the
2165 International Baccalaureate Diploma or has completed the
2166 Advanced International Certificate of Education curriculum but
2167 failed to earn the Advanced International Certificate of
2168 Education Diploma, and has attained at least the score
2169 identified by rules of the State Board ~~Department~~ of Education



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2170 on the combined verbal and quantitative parts of the Scholastic
 2171 Aptitude Test, the Scholastic Assessment Test, or the recentered
 2172 Scholastic Assessment Test of the College Entrance Examination,
 2173 or an equivalent score on the ACT Assessment Program; or

2174 (c) Has been awarded an International Baccalaureate
 2175 Diploma from the International Baccalaureate Organization
 2176 ~~Office~~; or

2177 (e) Has been recognized by the National Hispanic
 2178 Recognition Program as a scholar recipient; or

2179 (f) Has been awarded an Advanced International Certificate
 2180 of Education Diploma from the University of Cambridge
 2181 International Examinations Office.

2182
 2183 A student must complete a program of community service work, as
 2184 approved by the district school board or the administrators of a
 2185 nonpublic school, which shall include a minimum of 75 hours of
 2186 service work and require the student to identify a social
 2187 problem that interests him or her, develop a plan for his or her
 2188 personal involvement in addressing the problem, and, through
 2189 papers or other presentations, evaluate and reflect upon his or
 2190 her experience.

2191 (3) To be eligible for a renewal award as a Florida
 2192 Academic Scholar, a student must maintain the equivalent of a
 2193 cumulative grade point average of 3.0 on a 4.0 scale with an
 2194 opportunity for restoration one time ~~one reinstatement~~ as
 2195 provided in this chapter.

2196 Section 75. Paragraph (b) of subsection (1) and subsection
 2197 (3) of section 1009.535, Florida Statutes, are amended to read:
 2198 1009.535 Florida Medallion Scholars award.--



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2199 (1) A student is eligible for a Florida Medallion Scholars
 2200 award if the student meets the general eligibility requirements
 2201 for the Florida Bright Futures Scholarship Program and the
 2202 student:

2203 (b) Has attended a home education program according to s.
 2204 1002.41 during grades 11 and 12 or has completed the
 2205 International Baccalaureate curriculum but failed to earn the
 2206 International Baccalaureate Diploma or has completed the
 2207 Advanced International Certificate of Education curriculum but
 2208 failed to earn the Advanced International Certificate of
 2209 Education Diploma, and has attained at least the score
 2210 identified by rules of the State Board ~~Department~~ of Education
 2211 on the combined verbal and quantitative parts of the Scholastic
 2212 Aptitude Test, the Scholastic Assessment Test, or the recentered
 2213 Scholastic Assessment Test of the College Entrance Examination,
 2214 or an equivalent score on the ACT Assessment Program; or

2215 (3) To be eligible for a renewal award as a Florida
 2216 Medallion Scholar, a student must maintain the equivalent of a
 2217 cumulative grade point average of 2.75 on a 4.0 scale with an
 2218 opportunity for restoration ~~reinstatement~~ one time as provided
 2219 in this chapter.

2220 Section 76. Subsection (3) of section 1009.536, Florida
 2221 Statutes, is amended to read:

2222 1009.536 Florida Gold Seal Vocational Scholars award.--The
 2223 Florida Gold Seal Vocational Scholars award is created within
 2224 the Florida Bright Futures Scholarship Program to recognize and
 2225 reward academic achievement and career and technical preparation
 2226 by high school students who wish to continue their education.

2227 (3) To be eligible for a renewal award as a Florida Gold
 2228 Seal Vocational Scholar, a student must maintain the equivalent



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2229 of a cumulative grade point average of 2.75 on a 4.0 scale with
 2230 an opportunity for restoration ~~reinstatement~~ one time as
 2231 provided in this chapter.

2232 Section 77. Subsection (2) of section 1009.58, Florida
 2233 Statutes, is amended to read:

2234 1009.58 Critical teacher shortage tuition reimbursement
 2235 program.--

2236 (2) The State Board of Education shall adopt rules to
 2237 implement the critical teacher shortage tuition reimbursement
 2238 program. Any full-time public school employee or lab
 2239 ~~developmental-research~~ school employee certified to teach in
 2240 this state is eligible for the program. For the purposes of this
 2241 program, tuition reimbursement shall be limited to courses in
 2242 critical teacher shortage areas as determined by the State Board
 2243 of Education. Such courses shall be:

2244 (a) Graduate-level courses leading to a master's,
 2245 specialist, or doctoral degree;

2246 (b) Graduate-level courses leading to a new certification
 2247 area; or

2248 (c) State-approved undergraduate courses leading to an
 2249 advanced degree or new certification area.

2250 Section 78. Section 1009.61, Florida Statutes, is amended
 2251 to read:

2252 1009.61 Teacher/Quest Scholarship Program.--The
 2253 Teacher/Quest Scholarship Program is created for the purpose of
 2254 providing teachers with the opportunity to enhance their
 2255 knowledge of science, mathematics, and computer applications in
 2256 business, industry, and government. A school district or lab
 2257 ~~developmental-research~~ school may propose that one or more



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2258 teachers be granted a Teacher/Quest Scholarship by submitting to
 2259 the Department of Education:

2260 (1) A project proposal specifying activities a teacher
 2261 will carry out to improve his or her:

2262 (a) Understanding of mathematical, scientific, or
 2263 computing concepts;

2264 (b) Ability to apply and demonstrate such concepts through
 2265 instruction;

2266 (c) Knowledge of career and technical requirements for
 2267 competency in mathematics, science, and computing; and

2268 (d) Ability to integrate and apply technological concepts
 2269 from all three fields; and

2270 (2) A contractual agreement with a private corporation or
 2271 governmental agency that implements the project proposal and
 2272 guarantees employment to the teacher during a summer or other
 2273 period when schools are out of session. The agreement must
 2274 stipulate a salary rate that does not exceed regular rates of
 2275 pay and a gross salary amount consistent with applicable
 2276 statutory and contractual provisions for the teacher's
 2277 employment. The teacher's compensation shall be provided for on
 2278 an equally matched basis by funds from the employing corporation
 2279 or agency.

2280 Section 79. Section 1009.765, Florida Statutes, is amended
 2281 to read:

2282 1009.765 Ethics in Business scholarships for community
 2283 colleges and independent postsecondary educational
 2284 institutions.--When the Department of Insurance receives a \$6
 2285 million settlement as specified in the Consent Order of the
 2286 Treasurer and Insurance Commissioner, case number 18900-96-c,
 2287 that portion of the \$6 million not used to satisfy the



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2288 requirements of section 18 of the Consent Order must be
 2289 transferred from the Insurance Commissioner's Regulatory Trust
 2290 Fund to the State Student Financial Assistance Trust Fund is
 2291 appropriated from the State Student Financial Assistance Trust
 2292 Fund to provide Ethics in Business scholarships to students
 2293 enrolled in public community colleges and independent
 2294 postsecondary educational institutions eligible to participate
 2295 in the William L. Boyd, IV, Florida Resident Access Grant
 2296 Program under s. 1009.89. The funds shall be allocated to
 2297 institutions for scholarships in the following ratio: Two-thirds
 2298 for community colleges and one-third for eligible independent
 2299 institutions. The Department of Education shall administer the
 2300 scholarship program for students attending community colleges
 2301 and independent institutions. These funds must be allocated to
 2302 institutions that provide an equal amount of matching funds
 2303 generated by private donors for the purpose of providing Ethics
 2304 in Business scholarships. Public funds may not be used to
 2305 provide the match, nor may funds collected for other purposes.
 2306 Notwithstanding any other provision of law, the State Board of
 2307 Administration shall have the authority to invest the funds
 2308 appropriated under this section. The State Board ~~Department~~ of
 2309 Education may adopt rules for administration of the program.

2310 Section 80. Subsection (7) of section 1009.77, Florida
 2311 Statutes, is amended to read:

2312 1009.77 Florida Work Experience Program.--

2313 (7) The State Board ~~Department~~ of Education shall
 2314 prescribe such rules for the program as are necessary for its
 2315 administration, for the determination of eligibility and
 2316 selection of institutions to receive funds for students, to
 2317 ensure the proper expenditure of funds, and to provide an



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2318 equitable distribution of funds between students at public and
 2319 independent colleges and universities.

2320 Section 81. Subsection (5) of section 1010.215, Florida
 2321 Statutes, is amended to read:

2322 1010.215 Educational funding accountability.--

2323 (5) The annual school public accountability report
 2324 required by ss. 1001.42(16) and 1008.345 must include a school
 2325 financial report. The purpose of the school financial report is
 2326 to better inform parents and the public concerning how funds
 2327 ~~revenues~~ were spent to operate the school during the prior
 2328 fiscal year. Each school's financial report must follow a
 2329 uniform, districtwide format that is easy to read and
 2330 understand.

2331 (a) Total revenue must be reported at the school,
 2332 district, and state levels. The revenue sources that must be
 2333 addressed are state and local funds, other than lottery funds;
 2334 lottery funds; federal funds; and private donations.

2335 (b) Expenditures must be reported as the total
 2336 expenditures per unweighted full-time equivalent student at the
 2337 school level and the average expenditures per full-time
 2338 equivalent student at the district and state levels in each of
 2339 the following categories and subcategories:

2340 1. Teachers, excluding substitute teachers, and education
 2341 paraprofessionals who provide direct classroom instruction to
 2342 students enrolled in programs classified by s. 1011.62 as:

- 2343 a. Basic programs;
- 2344 b. Students-at-risk programs;
- 2345 c. Special programs for exceptional students;
- 2346 d. Career education programs; and
- 2347 e. Adult programs.



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- 2348 2. Substitute teachers.
- 2349 3. Other instructional personnel, including school-based
- 2350 instructional specialists and their assistants.
- 2351 4. Contracted instructional services, including training
- 2352 for instructional staff and other contracted instructional
- 2353 services.
- 2354 5. School administration, including school-based
- 2355 administrative personnel and school-based education support
- 2356 personnel.
- 2357 6. The following materials, supplies, and operating
- 2358 capital outlay:
 - 2359 a. Textbooks;
 - 2360 b. Computer hardware and software;
 - 2361 c. Other instructional materials;
 - 2362 d. Other materials and supplies; and
 - 2363 e. Library media materials.
- 2364 7. Food services.
- 2365 8. Other support services.
- 2366 9. Operation and maintenance of the school plant.

2367 (c) The school financial report must also identify the
 2368 types of district-level expenditures that support the school's
 2369 operations. The total amount of these district-level
 2370 expenditures must be reported and expressed as total
 2371 expenditures per full-time equivalent student.

2372 Section 82. Section 1010.75, Florida Statutes, is amended
 2373 to read:

2374 1010.75 Teacher Certification Examination Trust Fund.--The
 2375 proceeds for the certification examination fee levied pursuant
 2376 to s. 1012.59 shall be remitted by the Department of Education
 2377 to the Treasurer for deposit into and disbursed from ~~for~~ the



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2378 "Teacher Certification Examination Trust Fund" as re-created by
 2379 chapter 99-28, Laws of Florida.

2380 Section 83. Section 1011.24, Florida Statutes, is amended
 2381 to read:

2382 1011.24 Special district units.--For the purposes of
 2383 funding through this chapter and chapter 1013, lab developmental
 2384 ~~research~~ schools shall be designated as special school
 2385 districts. Such districts shall be accountable to the Department
 2386 of Education for budget requests and reports on expenditures.

2387 Section 84. Subsection (2) of section 1011.47, Florida
 2388 Statutes, is amended to read:

2389 1011.47 Auxiliary enterprises; contracts, grants, and
 2390 donations.--As used in s. 19(f)(3), Art. III of the State
 2391 Constitution, the term:

2392 (2) "Contracts, grants, and donations" includes
 2393 noneducational and general funding sources in support of
 2394 research, public services, and training. The term includes
 2395 grants and donations, sponsored-research contracts, and
 2396 Department of Education funding for lab developmental~~research~~
 2397 schools and other activities for which the funds are deposited
 2398 outside the State Treasury.

2399 Section 85. Subsection (2) of section 1011.60, Florida
 2400 Statutes, is amended to read:

2401 1011.60 Minimum requirements of the Florida Education
 2402 Finance Program.--Each district which participates in the state
 2403 appropriations for the Florida Education Finance Program shall
 2404 provide evidence of its effort to maintain an adequate school
 2405 program throughout the district and shall meet at least the
 2406 following requirements:



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2407 (2) MINIMUM TERM.--Operate all schools for a term of at
 2408 least 180 actual teaching days ~~as prescribed in s. 1003.01(14)~~
 2409 or the equivalent on an hourly basis as specified by rules of
 2410 the State Board of Education each school year. The State Board
 2411 of Education may prescribe procedures for altering, and, upon
 2412 written application, may alter, this requirement during a
 2413 national, state, or local emergency as it may apply to an
 2414 individual school or schools in any district or districts if, in
 2415 the opinion of the board, it is not feasible to make up lost
 2416 days, and the apportionment may, at the discretion of the
 2417 Commissioner of Education and if the board determines that the
 2418 reduction of school days is caused by the existence of a bona
 2419 fide emergency, be reduced for such district or districts in
 2420 proportion to the decrease in the length of term in any such
 2421 school or schools. A strike, as defined in s. 447.203(6), by
 2422 employees of the school district may not be considered an
 2423 emergency. The State Board of Education may authorize a decrease
 2424 in the minimum number of days of instruction by up to 4 days for
 2425 grade 12 students for purposes of graduation without
 2426 proportionate reduction in funding.

2427 Section 86. Paragraphs (f) and (h) of subsection (1) of
 2428 section 1011.62, Florida Statutes, are amended to read:

2429 1011.62 Funds for operation of schools.--If the annual
 2430 allocation from the Florida Education Finance Program to each
 2431 district for operation of schools is not determined in the
 2432 annual appropriations act or the substantive bill implementing
 2433 the annual appropriations act, it shall be determined as
 2434 follows:

2435 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR
 2436 OPERATION.--The following procedure shall be followed in



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2437 determining the annual allocation to each district for
2438 operation:

2439 (f) *Supplemental academic instruction; categorical fund.--*

2440 1. There is created a categorical fund to provide
2441 supplemental academic instruction to students in kindergarten
2442 through grade 12. This paragraph may be cited as the
2443 "Supplemental Academic Instruction Categorical Fund."

2444 2. Categorical funds for supplemental academic instruction
2445 shall be allocated annually to each school district in the
2446 amount provided in the General Appropriations Act. These funds
2447 shall be in addition to the funds appropriated on the basis of
2448 FTE student membership in the Florida Education Finance Program
2449 and shall be included in the total potential funds of each
2450 district. These funds shall be used to provide supplemental
2451 academic instruction to students enrolled in the K-12 program.
2452 Supplemental instruction strategies may include, but are not
2453 limited to: modified curriculum, reading instruction, after-
2454 school instruction, tutoring, mentoring, class size reduction,
2455 extended school year, intensive skills development in summer
2456 school, and other methods for improving student achievement.
2457 Supplemental instruction may be provided to a student in any
2458 manner and at any time during or beyond the regular 180-day term
2459 identified by the school as being the most effective and
2460 efficient way to best help that student progress from grade to
2461 grade and to graduate.

2462 3. Effective with the 1999-2000 fiscal year, funding on
2463 the basis of FTE membership beyond the 180-day regular term
2464 shall be provided in the FEFP only for students enrolled in
2465 juvenile justice education programs. Funding for instruction
2466 beyond the regular 180-day school year for all other K-12



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2467 students shall be provided through the supplemental academic
 2468 instruction categorical fund and other state, federal, and local
 2469 fund sources with ample flexibility for schools to provide
 2470 supplemental instruction to assist students in progressing from
 2471 grade to grade and graduating.

2472 4. The Florida State University School, as a lab
 2473 ~~developmental research~~ school, is authorized to expend from its
 2474 FEFP or Lottery Enhancement Trust Fund allocation the cost to
 2475 the student of remediation in reading, writing, or mathematics
 2476 for any graduate who requires remediation at a postsecondary
 2477 educational institution.

2478 5. Beginning in the 1999-2000 school year, dropout
 2479 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),
 2480 (b), and (c), and 1003.54 shall be included in group 1 programs
 2481 under subparagraph (d)3.

2482 (h) *Small, isolated high schools.*--Districts which levy
 2483 the maximum nonvoted discretionary millage, exclusive of millage
 2484 for capital outlay purposes levied pursuant to s. 1011.71(2),
 2485 may calculate full-time equivalent students for small, isolated
 2486 high schools by multiplying the number of unweighted full-time
 2487 equivalent students times 2.75; provided the school has attained
 2488 a performance grade category "C" or better, pursuant to s.
 2489 1008.34, for the previous year percentage of students at such
 2490 ~~school passing both parts of the high school competency test, as~~
 2491 ~~defined by law and rule, has been equal to or higher than such~~
 2492 ~~percentage for the state or district, whichever is greater.~~ For
 2493 the purpose of this section, the term "small, isolated high
 2494 school" means any high school which is located no less than 28
 2495 miles by the shortest route from another high school; which has
 2496 been serving students primarily in basic studies provided by



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2497 sub-subparagraphs (c)1.b. and c. and may include subparagraph
 2498 (c)4.; and which has a membership of no more than 100 students,
 2499 but no fewer than 28 students, in grades 9 through 12.

2500 Section 87. Subsections (2) and (5) of section 1011.70,
 2501 Florida Statutes, are amended to read:

2502 1011.70 Medicaid certified school funding maximization.--

2503 (2) The Agency for Health Care Administration ~~Department~~
 2504 ~~of Education~~ shall monitor compliance of each participating
 2505 school district with the Medicaid provider agreements. In
 2506 addition, the Agency for Health Care Administration ~~department~~
 2507 shall develop standardized recordkeeping procedures for the
 2508 school districts that meet Medicaid requirements for audit
 2509 purposes.

2510 (5) Lab Developmental research ~~research~~ schools, as authorized
 2511 under s. 1002.32, shall be authorized to participate in the
 2512 Medicaid certified school match program on the same basis as
 2513 school districts subject to the provisions of subsections (1)-
 2514 (4) and ss. 409.9071 and 409.908(21).

2515 Section 88. Paragraphs (a) and (c) of subsection (2) and
 2516 paragraph (a) of subsection (3) of section 1011.765, Florida
 2517 Statutes, are amended to read:

2518 1011.765 Florida Academic Improvement Trust Fund matching
 2519 grants.--

2520 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to
 2521 the Florida Academic Improvement Trust Fund shall be allocated
 2522 by the Consortium of Florida Education Foundations ~~Department of~~
 2523 ~~Education~~ in the following manner:

2524 (a) For every year in which there is a legislative
 2525 appropriation to the trust fund, an equal amount of the annual
 2526 appropriation, to be determined by dividing the total



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2527 legislative appropriation by the number of local education
 2528 foundations as well as the Florida School for the Deaf and the
 2529 Blind, must be reserved for each public school district
 2530 education foundation and the Florida School for the Deaf and the
 2531 Blind Endowment Fund to provide each foundation and the Florida
 2532 School for the Deaf and the Blind with an opportunity to receive
 2533 and match appropriated funds. Trust funds that remain unmatched
 2534 by contribution on January 15 ~~April 1~~ of any year shall be made
 2535 available for matching by any public school district education
 2536 foundation and by the Florida School for the Deaf and the Blind
 2537 which shall have an opportunity to apply for excess trust funds
 2538 prior to the award of such funds.

2539 (c) Funds sufficient to provide the match shall be
 2540 transferred from the state trust fund to the Consortium of
 2541 Florida Education Foundations ~~public school education foundation~~
 2542 ~~or to the Florida School for the Deaf and the Blind Endowment~~
 2543 ~~Fund~~ upon certification ~~notification~~ that a proportionate amount
 2544 has been received and deposited by the individual foundation or
 2545 the Florida School for the Deaf and the Blind ~~school into its~~
 2546 ~~own trust fund.~~

2547 (3) GRANT ADMINISTRATION.--

2548 (a) Each public school district education foundation and
 2549 the Florida School for the Deaf and the Blind participating in
 2550 the Florida Academic Improvement Trust Fund shall separately
 2551 account for all funds received pursuant to this section, and may
 2552 establish its own academic improvement trust fund as a
 2553 depository for the private contributions, state matching funds,
 2554 and earnings on investments of such funds. State matching funds
 2555 shall be administered by the Consortium of Florida Education
 2556 Foundations and transferred to the public school district



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2557 education foundation or to the Florida School for the Deaf and
 2558 the Blind Endowment Fund upon certification ~~notification~~ that
 2559 the foundation or school has received and deposited private
 2560 contributions that meet the criteria for matching as provided in
 2561 this section. The public school district education foundations
 2562 and the Florida School for the Deaf and the Blind are
 2563 responsible for the maintenance, investment, and administration
 2564 of their academic improvement trust funds.

2565 Section 89. Subsections (1) and (3) of section 1012.21,
 2566 Florida Statutes, are amended to read:

2567 1012.21 Department of Education duties; K-12 personnel.--

2568 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In
 2569 cooperation with the Florida Department of Law Enforcement, the
 2570 department ~~of Education~~ may periodically perform criminal
 2571 history record checks on individuals who hold a certificate
 2572 pursuant to s. 1012.56 or s. 1012.57.

2573 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO
 2574 CHILD SUPPORT DELINQUENCY.--The department ~~of Education~~ shall
 2575 allow applicants for new or renewal certificates and renewal
 2576 certificate holders to be screened by the Title IV-D child
 2577 support agency pursuant to s. 409.2598 to assure compliance with
 2578 an obligation for support, as defined in s. 409.2554. The
 2579 purpose of this section is to promote the public policy of this
 2580 state as established in s. 409.2551. The department shall, when
 2581 directed by the court, deny the application of any applicant
 2582 found to have a delinquent support obligation. The department
 2583 shall issue or reinstate the certificate without additional
 2584 charge to the certificate holder when notified by the court that
 2585 the certificate holder has complied with the terms of the court
 2586 order. The department shall not be held liable for any



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2587 certificate denial or suspension resulting from the discharge of
 2588 its duties under this section.

2589 Section 90. Paragraph (a) of subsection (1) and paragraph
 2590 (a) of subsection (3) of section 1012.585, Florida Statutes, are
 2591 amended to read:

2592 1012.585 Process for renewal of professional
 2593 certificates.--

2594 (1)(a) District school boards in this state shall renew
 2595 state-issued professional certificates as follows:

2596 1. Each district school board shall renew state-issued
 2597 professional certificates for individuals who hold a
 2598 professional certificate by this state and are employed by that
 2599 district pursuant to criteria established in subsections (2),
 2600 (3), and (4) and rules of the State Board of Education.

2601 2. The employing school district may charge the individual
 2602 an application fee not to exceed the amount charged by the
 2603 Department of Education for such services, including associated
 2604 late renewal fees. Each district school board shall transmit
 2605 monthly to the department a fee in an amount established by the
 2606 State Board of Education for each renewed certificate. The fee
 2607 shall not exceed the actual cost for maintenance and operation
 2608 of the statewide certification database and for the actual costs
 2609 incurred in printing and mailing such renewed certificates. As
 2610 defined in current rules of the state board, the department
 2611 shall contribute a portion of such fee for purposes of funding
 2612 the Educator Recovery Network established in s. 1012.798. The
 2613 department shall deposit all funds into the Educational
 2614 Certification and Service Trust Fund for use as specified in s.
 2615 1012.59.



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2616 (3) For the renewal of a professional certificate, the
2617 following requirements must be met:

2618 (a) The applicant must earn a minimum of 6 college credits
2619 or 120 inservice points or a combination thereof. For each area
2620 of specialization to be retained on a certificate, the applicant
2621 must earn at least 3 of the required credit hours or equivalent
2622 inservice points in the specialization area. Education in
2623 "clinical educator" training pursuant to s. 1004.04(5)(b) and
2624 credits or points that provide training in the area of
2625 exceptional student education, normal child development, and the
2626 disorders of development may be applied toward any
2627 specialization area. Credits or points that provide training in
2628 the areas of drug abuse, child abuse and neglect, strategies in
2629 teaching students having limited proficiency in English, or
2630 dropout prevention, or training in areas identified in the
2631 educational goals and performance standards adopted pursuant to
2632 ss. 1000.03(5) and 1008.345 ~~1001.23~~ may be applied toward any
2633 specialization area. Credits or points earned through approved
2634 summer institutes may be applied toward the fulfillment of these
2635 requirements. Inservice points may also be earned by
2636 participation in professional growth components approved by the
2637 State Board of Education and specified pursuant to s. 1012.98 in
2638 the district's approved master plan for inservice educational
2639 training, including, but not limited to, serving as a trainer in
2640 an approved teacher training activity, serving on an
2641 instructional materials committee or a state board or commission
2642 that deals with educational issues, or serving on an advisory
2643 council created pursuant to s. 1001.452.

2644 Section 91. Paragraph (a) of subsection (2) of section
2645 1012.61, Florida Statutes, is amended to read:



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2646 1012.61 Sick leave.--

2647 (2) PROVISIONS GOVERNING SICK LEAVE.--The following
2648 provisions shall govern sick leave:

2649 (a) *Extent of leave*.--

2650 1. Each member of the instructional staff employed on a
2651 full-time basis is entitled to 4 days of sick leave as of the
2652 first day of employment of each contract year and shall
2653 thereafter earn 1 day of sick leave for each month of
2654 employment, which shall be credited to the member at the end of
2655 that month and which may not be used before it is earned and
2656 credited to the member. Each other employee shall be credited
2657 with 4 days of sick leave at the end of the first month of
2658 employment of each contract year and shall thereafter be
2659 credited for 1 day of sick leave for each month of employment,
2660 which shall be credited to the employee at the end of the month
2661 and which may not be used before it is earned and credited to
2662 the employee. However, each member of the instructional staff
2663 and each other employee is entitled to earn no more than 1 day
2664 of sick leave times the number of months of employment during
2665 the year of employment. If the employee terminates his or her
2666 employment and has not accrued the 4 days of sick leave
2667 available to him or her, the district school board may withhold
2668 the average daily amount for the days of sick leave used but
2669 unearned by the employee. Such leave may be taken only when
2670 necessary because of sickness as prescribed in this section. The
2671 sick leave shall be cumulative from year to year. There shall be
2672 no limit on the number of days of sick leave which a member of
2673 the instructional staff or an educational support employee may
2674 accrue, except that at least one-half of this cumulative leave
2675 must be established within the district granting such leave.



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2676 2. A district school board may establish policies and
2677 prescribe standards to permit an employee to be absent 6 days
2678 each school year for personal reasons. However, such absences
2679 for personal reasons must be charged only to accrued sick leave,
2680 and leave for personal reasons is noncumulative.

2681 3. District school boards may adopt rules permitting the
2682 annual payment for accumulated sick leave that is earned for
2683 that year and that is unused at the end of the school year,
2684 based on the daily rate of pay of the employee multiplied by up
2685 to 80 percent. Days for which such payment is received shall be
2686 deducted from the accumulated leave balance. Such annual payment
2687 may apply only to instructional staff and educational support
2688 employees.

2689 4. A district school board may establish policies to
2690 provide terminal pay for accumulated sick leave to instructional
2691 staff and educational support employees of the district school
2692 board. If termination of employment is by death of the employee,
2693 any terminal pay to which the employee may have been entitled
2694 may be made to his or her beneficiary. However, such terminal
2695 pay may not exceed an amount determined as follows:

2696 a. During the first 3 years of service, the daily rate of
2697 pay multiplied by 35 percent times the number of days of
2698 accumulated sick leave.

2699 b. During the next 3 years of service, the daily rate of
2700 pay multiplied by 40 percent times the number of days of
2701 accumulated sick leave.

2702 c. During the next 3 years of service, the daily rate of
2703 pay multiplied by 45 percent times the number of days of
2704 accumulated sick leave.



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2705 d. During the next 3 years of service, the daily rate of
2706 pay multiplied by 50 percent times the number of days of
2707 accumulated sick leave.

2708 e. During and after the 13th year of service, the daily
2709 rate of pay multiplied by 100 percent times the number of days
2710 of accumulated sick leave.

2711 5. A district school board may establish policies to
2712 provide terminal pay for accumulated sick leave to any full-time
2713 employee of the district school board other than instructional
2714 staff or educational support employees ~~as defined in this~~
2715 ~~section~~. If termination of the employee is by death of the
2716 employee, any terminal pay to which the employee may have been
2717 entitled may be made to the employee's beneficiary.

2718 a. Terminal pay may not exceed one-fourth of all unused
2719 sick leave accumulated on or after July 1, 2001, and may not
2720 exceed a maximum of 60 days of actual payment. This limit does
2721 not impair any contractual agreement established before July 1,
2722 2001; however, a previously established contract renewed on or
2723 after July 1, 2001, constitutes a new contract.

2724 b. For unused sick leave accumulated before July 1, 2001,
2725 terminal payment shall be made pursuant to a district school
2726 board's policies, contracts, or rules that are in effect on June
2727 30, 2001.

2728 c. If an employee has an accumulated sick leave balance of
2729 60 days of actual payment or more prior to July 1, 2001, sick
2730 leave earned after that date may not be accumulated for terminal
2731 pay purposes until the accumulated leave balance for leave
2732 earned before July 1, 2001, is less than 60 days.

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2734 For purposes of this section, an educational support employee
 2735 means any person employed by a district school board as a
 2736 teacher assistant; an education paraprofessional; a member of
 2737 the transportation, operations, maintenance, or food service
 2738 department; a secretary; or a clerical employee.

2739 Section 92. Section 1012.62, Florida Statutes, is amended
 2740 to read:

2741 1012.62 Transfer of sick leave and annual leave.--In
 2742 implementing the provisions of ss. 402.22(1)(d) and
 2743 1001.42(4)(m) ~~1001.42(4)(n)~~, educational personnel in Department
 2744 of Children and Family Services residential care facilities who
 2745 are employed by a district school board may request, and the
 2746 district school board shall accept, a lump-sum transfer of
 2747 accumulated sick leave for such personnel to the maximum allowed
 2748 by policies of the district school board, notwithstanding the
 2749 provisions of s. 110.122. Educational personnel in Department of
 2750 Children and Family Services residential care facilities who are
 2751 employed by a district school board under the provisions of s.
 2752 402.22(1)(d) may request, and the district school board shall
 2753 accept, a lump-sum transfer of accumulated annual leave for each
 2754 person employed by the district school board in a position in
 2755 the district eligible to accrue vacation leave under policies of
 2756 the district school board.

2757 Section 93. Paragraphs (b) and (c) of subsection (2) of
 2758 section 1012.74, Florida Statutes, are amended to read:

2759 1012.74 Florida educators professional liability insurance
 2760 protection.--

2761 (2)

2762 (b) Educator professional liability coverage shall be
 2763 extended at cost to all instructional personnel, as defined by



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2764 s. 1012.01(2) ~~1012.01(3)~~, who are part-time personnel, as
 2765 defined by the district school board policy, and choose to
 2766 participate in the state-provided program.

2767 (c) Educator professional liability coverage shall be
 2768 extended at cost to all administrative personnel, as defined by
 2769 s. 1012.01(3) ~~1012.01(2)~~, who choose to participate in the
 2770 state-provided program.

2771 Section 94. Paragraph (b) of subsection (7) of section
 2772 1012.79, Florida Statutes, is amended to read:

2773 1012.79 Education Practices Commission; organization.--

2774 (7) The duties and responsibilities of the commission are
 2775 to:

2776 (b) Revoke or suspend a certificate or take other
 2777 appropriate action as provided in ss. 1012.795 ~~1012.56~~ and
 2778 1012.796.

2779 Section 95. Subsection (2) of section 1012.795, Florida
 2780 Statutes, is amended to read:

2781 1012.795 Education Practices Commission; authority to
 2782 discipline.--

2783 (2) The plea of guilty in any court, the decision of
 2784 guilty by any court, the forfeiture by the teaching certificate
 2785 holder of a bond in any court of law, or the written
 2786 acknowledgment, duly witnessed, of offenses listed in subsection
 2787 (1) to the district school superintendent or a duly appointed
 2788 representative of such superintendent or to the district school
 2789 board shall be prima facie proof of grounds for revocation of
 2790 the certificate as listed in subsection (1) in the absence of
 2791 proof by the certificate holder that the plea of guilty,
 2792 forfeiture of bond, or admission of guilt was caused by threats,
 2793 coercion, or fraudulent means.



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2794 Section 96. Paragraph (c) of subsection (1) of section
 2795 1012.796, Florida Statutes, amended to read:
 2796 1012.796 Complaints against teachers and administrators;
 2797 procedure; penalties.--
 2798 (1)
 2799 (c) Each school district shall file in writing with the
 2800 department all legally sufficient complaints within 30 days
 2801 after the date on which subject matter of the complaint comes to
 2802 the attention of the school district. The school district shall
 2803 include all information relating to the complaint which is known
 2804 to the school district at the time of filing. Each district
 2805 school board shall develop policies and procedures to comply
 2806 with this reporting requirement. The district school board
 2807 policies and procedures shall include appropriate penalties for
 2808 all personnel of the district school board for nonreporting and
 2809 procedures for promptly informing the district school
 2810 superintendent of each legally sufficient complaint. The
 2811 district school superintendent is charged with knowledge of
 2812 these policies and procedures. If the district school
 2813 superintendent has knowledge of a legally sufficient complaint
 2814 and does not report the complaint, or fails to enforce the
 2815 policies and procedures of the district school board, and fails
 2816 to comply with the requirements of this subsection, in addition
 2817 to other actions against certificate holders authorized by law,
 2818 the district school superintendent shall be subject to penalties
 2819 as specified in s. 1001.51(12) ~~1001.51(13)~~. This paragraph does
 2820 not limit or restrict the power and duty of the department to
 2821 investigate complaints as provided in paragraphs (a) and (b),
 2822 regardless of the school district's untimely filing, or failure
 2823 to file, complaints and followup reports.



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2824 Section 97. Paragraph (b) of subsection (4) of section
2825 1012.98, Florida Statutes, is amended to read:

2826 1012.98 School Community Professional Development Act.--

2827 (4) The Department of Education, school districts,
2828 schools, community colleges, and state universities share the
2829 responsibilities described in this section. These
2830 responsibilities include the following:

2831 (b) Each school district shall develop a professional
2832 development system. The system shall be developed in
2833 consultation with teachers and representatives of community
2834 college and state university faculty, community agencies, and
2835 other interested citizen groups to establish policy and
2836 procedures to guide the operation of the district professional
2837 development program. The professional development system must:

2838 1. Be approved by the department. All substantial
2839 revisions to the system shall be submitted to the department for
2840 review for continued approval.

2841 2. Require the use of student achievement data; school
2842 discipline data; school environment surveys; assessments of
2843 parental satisfaction; performance appraisal data of teachers,
2844 managers, and administrative personnel; and other performance
2845 indicators to identify school and student needs that can be met
2846 by improved professional performance.

2847 3. Provide inservice activities coupled with followup
2848 support that are appropriate to accomplish district-level and
2849 school-level improvement goals and standards. The inservice
2850 activities for instructional personnel shall primarily focus on
2851 subject content and teaching methods, including technology, as
2852 related to the Sunshine State Standards, assessment and data
2853 analysis, classroom management, and school safety.



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2854 4. Include a master plan for inservice activities,
2855 pursuant to rules of the State Board of Education, for all
2856 district employees from all fund sources. The master plan shall
2857 be updated annually by September 1 using criteria for continued
2858 approval as specified by rules of the State Board of Education.
2859 Written verification that the inservice plan meets all
2860 requirements of this section must be submitted annually to the
2861 commissioner by October 1.

2862 5. Require each school principal to establish and maintain
2863 an individual professional development plan for each
2864 instructional employee assigned to the school. The individual
2865 professional development plan must:

2866 a. Be related to specific performance data for the
2867 students to whom the teacher is assigned.

2868 b. Define the inservice objectives and specific measurable
2869 improvements expected in student performance as a result of the
2870 inservice activity.

2871 c. Include an evaluation component that determines the
2872 effectiveness of the professional development plan.

2873 6. Include inservice activities for school administrative
2874 personnel that address updated skills necessary for effective
2875 school management and instructional leadership.

2876 7. Provide for systematic consultation with regional and
2877 state personnel designated to provide technical assistance and
2878 evaluation of local professional development programs.

2879 8. Provide for delivery of professional development by
2880 distance learning and other technology-based delivery systems to
2881 reach more educators at lower costs.

2882 9. Provide for the continuous evaluation of the quality
2883 and effectiveness of professional development programs in order



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2884 to eliminate ineffective programs and strategies and to expand
 2885 effective ones. Evaluations must consider the impact of such
 2886 activities on the performance of participating educators and
 2887 their students' achievement and behavior.

2888 Section 98. Paragraph (b) of subsection (1) of section
 2889 1013.31, Florida Statutes, is amended to read:

2890 1013.31 Educational plant survey; localized need
 2891 assessment; PECO project funding.--

2892 (1) At least every 5 years, each board shall arrange for
 2893 an educational plant survey, to aid in formulating plans for
 2894 housing the educational program and student population, faculty,
 2895 administrators, staff, and auxiliary and ancillary services of
 2896 the district or campus, including consideration of the local
 2897 comprehensive plan. The Office of Workforce and Economic
 2898 Development shall document the need for additional career and
 2899 adult education programs and the continuation of existing
 2900 programs before facility construction or renovation related to
 2901 career or adult education may be included in the educational
 2902 plant survey of a school district or community college that
 2903 delivers career or adult education programs. Information used by
 2904 the Office of Workforce and Economic Development to establish
 2905 facility needs must include, but need not be limited to, labor
 2906 market data, needs analysis, and information submitted by the
 2907 school district or community college.

2908 (b) *Required need assessment criteria for district,*
 2909 *community college, ~~college~~ and state university plant*
 2910 *surveys.--*Educational plant surveys must use uniform data
 2911 sources and criteria specified in this paragraph. Each revised
 2912 educational plant survey and each new educational plant survey
 2913 supersedes previous surveys.



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2914 1. The school district's survey must be submitted as a
2915 part of the district educational facilities plan defined in s.
2916 1013.35. To ensure that the data reported to the Department of
2917 Education as required by this section is correct, the department
2918 shall annually conduct an onsite review of 5 percent of the
2919 facilities reported for each school district completing a new
2920 survey that year. If the department's review finds the data
2921 reported by a district is less than 95 percent accurate, within
2922 1 year from the time of notification by the department the
2923 district must submit revised reports correcting its data. If a
2924 district fails to correct its reports, the commissioner may
2925 direct that future fixed capital outlay funds be withheld until
2926 such time as the district has corrected its reports so that they
2927 are not less than 95 percent accurate.

2928 2. Each survey of a special facility, joint-use facility,
2929 or cooperative career and technical education facility must be
2930 based on capital outlay full-time equivalent student enrollment
2931 data prepared by the department for school districts, community
2932 colleges, ~~colleges~~, and universities. A survey of space needs of
2933 a joint-use facility shall be based upon the respective space
2934 needs of the school districts, community colleges, ~~colleges~~, and
2935 universities, as appropriate. Projections of a school district's
2936 facility space needs may not exceed the norm space and occupant
2937 design criteria established by the State Requirements for
2938 Educational Facilities.

2939 3. Each community college's survey must reflect the
2940 capacity of existing facilities as specified in the inventory
2941 maintained by the Department of Education. Projections of
2942 facility space needs must comply with standards for determining
2943 space needs as specified by rule of the State Board of



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2944 Education. The 5-year projection of capital outlay student
 2945 enrollment must be consistent with the annual report of capital
 2946 outlay full-time student enrollment prepared by the Department
 2947 of Education.

2948 4. Each ~~college and~~ state university's survey must reflect
 2949 the capacity of existing facilities as specified in the
 2950 inventory maintained and validated by the Department of
 2951 Education ~~Division of Colleges and Universities~~. Projections of
 2952 facility space needs must be consistent with standards for
 2953 determining space needs approved by the State Board of Education
 2954 ~~Division of Colleges and Universities~~. The projected capital
 2955 outlay full-time equivalent student enrollment must be
 2956 consistent with the 5-year planned enrollment cycle for the
 2957 State University System approved by the State Board of Education
 2958 ~~Division of Colleges and Universities~~.

2959 5. The district educational facilities plan of a school
 2960 district and the educational plant survey of a community
 2961 college, ~~or college~~ or state university may include space needs
 2962 that deviate from approved standards for determining space needs
 2963 if the deviation is justified by the district or institution and
 2964 approved by the department, as necessary for the delivery of an
 2965 approved educational program.

2966 Section 99. Subsection (1) of section 1013.62, Florida
 2967 Statutes, is amended to read:

2968 1013.62 Charter schools capital outlay funding.--

2969 (1) In each year in which funds are appropriated for
 2970 charter school capital outlay purposes, the Commissioner of
 2971 Education shall allocate the funds among eligible charter
 2972 schools. To be eligible for a funding allocation, a charter
 2973 school must meet the provisions of subsection (6), must have



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2974 received final approval from its sponsor pursuant to s. 1002.33
 2975 for operation during that fiscal year, and must serve students
 2976 in facilities other than those ~~that are not~~ provided by the
 2977 charter school's sponsor regardless of whether the facilities
 2978 are provided at no charge or for a nominal fee. Prior to the
 2979 release of capital outlay funds to a school district on behalf
 2980 of the charter school, the Department of Education shall ensure
 2981 that the district school board and the charter school governing
 2982 board enter into a written agreement that includes provisions
 2983 for the reversion of any unencumbered funds and all equipment
 2984 and property purchased with public education funds to the
 2985 ownership of the district school board, as provided for in
 2986 subsection (3), in the event that the school terminates
 2987 operations. Any funds recovered by the state shall be deposited
 2988 in the General Revenue Fund. A charter school is not eligible
 2989 for a funding allocation if it was created by the conversion of
 2990 a public school and operates in facilities provided by the
 2991 charter school's sponsor for a nominal fee or at no charge or if
 2992 it is directly or indirectly operated by the school district.
 2993 Unless otherwise provided in the General Appropriations Act, the
 2994 funding allocation for each eligible charter school shall be
 2995 determined by multiplying the school's projected student
 2996 enrollment by one-fifteenth of the cost-per-student station
 2997 specified in s. 1013.64(6)(b) for an elementary, middle, or high
 2998 school, as appropriate. If the funds appropriated are not
 2999 sufficient, the commissioner shall prorate the available funds
 3000 among eligible charter schools. Funds shall be distributed on
 3001 the basis of the capital outlay full-time equivalent membership
 3002 by grade level, which shall be calculated by averaging the
 3003 results of the second and third enrollment surveys. The



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3004 Department of Education shall distribute capital outlay funds
3005 monthly, beginning in the first quarter of the fiscal year,
3006 based on one-twelfth of the amount the department reasonably
3007 expects the charter school to receive during that fiscal year.
3008 The commissioner shall adjust subsequent distributions as
3009 necessary to reflect each charter school's actual student
3010 enrollment as reflected in the second and third enrollment
3011 surveys. The commissioner shall establish the intervals and
3012 procedures for determining the projected and actual student
3013 enrollment of eligible charter schools.

3014 Section 100. Subsection (6) of section 1013.73, Florida
3015 Statutes, is amended to read:

3016 1013.73 Effort index grants for school district
3017 facilities.--

3018 (6) A school district may receive a distribution for use
3019 pursuant to paragraph (3)(a) only if the district school board
3020 certifies to the Commissioner of Education that the district has
3021 no unmet need for permanent classroom facilities in its 5-year
3022 capital outlay work plan. If the work plan contains such unmet
3023 needs, the district must use its distribution for the payment of
3024 bonds under paragraph (3)(b) ~~(2)(b)~~. If the district does not
3025 require its full bonded distribution to eliminate such unmet
3026 needs, it may bond only that portion of its allocation necessary
3027 to meet the needs.

3028 Section 101. Subsection (1) of section 1013.74, Florida
3029 Statutes, is amended to read:

3030 1013.74 University authorization for fixed capital outlay
3031 projects.--

3032 (1) Notwithstanding the provisions of chapter 216,
3033 including s. 216.351, a university may accomplish fixed capital



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3034 outlay projects consistent with the provisions of this section.
 3035 Projects authorized by this section shall not require
 3036 educational plant survey approval as prescribed in this chapter
 3037 ~~235~~.

3038 Section 102. Paragraphs (g) and (h) of subsection (2) of
 3039 section 445.049, section 1006.57, and subsection(3) of section
 3040 1008.345, Florida Statutes, are repealed.

3041 Section 103. This act shall take effect upon becoming a
 3042 law.