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1 A bill to be entitled
2 An act relating to class size reduction; providing a
3 popular name; amending s. 1003.01, F.S.; defining the
4 terms "core-curricula courses" and "extracurricular
5 courses"; amending s. 1003.03, F.S.; establishing
6 constitutional class size caps; providing exemptions;
7 providing for districtwide averages; providing for the
8 Department of Education to calculate the district average
9 based on student membership surveys; providing a toolbox
10 of implementation options for school districts; providing
11 accountability for class size reduction measures; creating
12 s. 1011.685, F.S.; establishing the Class Size Reduction
13 operating categorical; providing for the use of funds by
14 school districts; creating s. 1013.735, F.S.; establishing
15 the Classrooms for Kids Program; providing for the
16 allocation of funds; providing requirements for school
17 district participation; providing for the use of funds;
18 providing for pledges and bond validation of the funds;
19 providing for cash payment in the use of the funds;
20 creating the Class Size Reduction Small County Assistance
21 Program for fiscal year 2004-2005; providing
22 appropriations; creating s. 1013.736, F.S.; establishing
23 the District Equity Recognition Program; providing an
24 appropriation; providing for allocation of the
25 appropriation on a 5-year basis; providing for school
26 district eligibility; establishing a district equity ratio
27 for purposes of calculating the allocation for the
28 program; providing for the use of funds; creating s.
29 1013.737, F.S.; establishing the Class Size Reduction
30 Lottery Revenue Bond Program; authorizing issuance of



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31 revenue bonds to finance or refinance the construction,
32 acquisition, reconstruction, or renovation of educational
33 facilities; specifying that said bonds are payable from
34 first proceeds of lottery revenues transferred to the
35 Educational Enhancement Trust Fund; establishing a
36 covenant with bondholders to not materially and adversely
37 affect their rights; providing for issuance of the bonds
38 by the Division of Bond Finance on behalf of the
39 Department of Education; limiting the total amount of such
40 bonds issued; providing for deposit of bond proceeds in
41 the Lottery Capital Outlay and Debt Service Trust Fund;
42 providing for the filing of complaints for validation;
43 providing for timely encumbrances of authorized projects;
44 amending s. 203.01, F.S.; increasing the rate of the tax
45 on gross receipts of communications services; amending s.
46 202.12, F.S.; reducing the rate of the tax on the sales of
47 communications services; amending s. 202.18, F.S.;
48 revising the distributions of the tax on the sales of
49 communications services; amending s. 212.20, F.S.;
50 revising the distributions of sales tax to local
51 governments; amending s. 215.61, F.S.; revising the
52 determination of the amount of bonds that can be serviced
53 by the gross receipts tax levied and collected pursuant to
54 chapter 203, F.S.; amending s. 24.121, F.S.; removing
55 limitations on lottery revenues that may be pledged to the
56 payment of debt service; amending s. 121.091, F.S.;
57 authorizing certain instructional personnel and school
58 administrators who receive authorization to extend
59 participation in the DROP; amending s. 1001.42, F.S.;
60 eliminating a cross reference relating to small schools;



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61 amending s. 1002.33, F.S.; removing the cap on the number
62 of charter schools authorized in school districts;
63 correcting cross references; amending s. 1002.37, F.S.;
64 providing for funding of the Florida Virtual School within
65 the Florida Education Finance Program; providing for the
66 determination of a credit; deleting obsolete language;
67 creating s. 1002.395, F.S.; creating Florida Learning
68 Access Grants; providing for school district
69 participation; providing parental choice options;
70 providing obligations of participating school districts;
71 providing for parental obligations; providing requirements
72 for private school eligibility; providing for an initial
73 number of grants; providing for grant renewal; providing
74 for disbursement of grants; limiting state liability;
75 providing obligations of the Department of Education;
76 amending s. 1003.02, F.S.; requiring school districts to
77 notify parents of acceleration mechanism options;
78 eliminating a cross reference; amending s. 1003.43, F.S.;
79 removing requirement for life management course to be
80 taken in certain grades; amending s. 1003.436, F.S.;
81 reducing the number of hours required for one full credit;
82 amending s. 1011.24, F.S.; providing that the Florida
83 Virtual School is a special school district; amending s.
84 1011.61, F.S.; revising the definition of a full-time
85 equivalent student to include a Florida Virtual School
86 student; amending s. 1011.62, F.S.; revising categorical
87 funds and removing date limitation for categorical
88 flexibility; amending s. 1011.68, F.S.; correcting a cross
89 reference; amending s. 1011.69, F.S.; deleting obsolete
90 language; providing that Class Size Reduction operating



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91 categorical funds are not subject to the Equity in School-
92 Level Funding Act; amending s. 1012.56, F.S.; revising the
93 time period for an official statement of status of
94 eligibility for certification; revising requirements for
95 mastery of general knowledge, mastery of subject area
96 knowledge, and mastery of professional preparation and
97 education competence; amending s. 1012.57, F.S.; requiring
98 district school boards to adopt rules to allow for the
99 issuance of adjunct educator certificates; revising
100 provisions relating to the determination of expertise in
101 the subject area to be taught; amending s. 1013.03, F.S.;
102 requiring the Department of Education to review rules
103 relating to school construction and make recommendations
104 for amendment; amending s. 1013.31, F.S.; requiring school
105 districts to periodically update the inventory of
106 educational facilities; amending s. 1013.35, F.S.;
107 eliminating a cross reference; creating s. 1013.368, F.S.;
108 requiring all new schools constructed by a date certain to
109 meet cost per student station limits; providing an
110 exception; amending s. 1013.64, F.S.; deleting exception
111 from cost per student station limits on projects funded
112 with certain sources of revenue; repealing s. 1012.41,
113 F.S., relating to employment of directors of career and
114 technical education; repealing s. 1013.21, F.S., relating
115 to reduction of relocatable facilities in use; repealing
116 s. 1013.43, F.S., relating to small school requirement;
117 providing severability; providing an effective date.

118
119 WHEREAS, in 1998, the voters of Florida approved an
120 amendment to Section 1 of Article IX of the Constitution of the



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121 State of Florida that required the Legislature to establish, by
122 law, a uniform, efficient, safe, secure, and high-quality system
123 of free public schools that allows students to obtain a high-
124 quality education, and

125 WHEREAS, in 2002, the voters of Florida approved a further
126 amendment to Section 1 of Article IX of the Florida Constitution
127 to ensure that students obtain a high-quality education, and

128 WHEREAS, the voters defined a high-quality education as, by
129 2010, a prekindergarten through grade 3 core-curricula class
130 size of no more than 18 students assigned to a teacher, a grade
131 4 through grade 8 core-curricula class size of no more than 22
132 students assigned to a teacher, and a grade 9 through grade 12
133 core-curricula class size of no more than 25 students assigned to a
134 teacher, and

135 WHEREAS, Section 1 of Article IX of the Florida
136 Constitution further requires that such reduced class sizes be
137 accomplished through a system that is both efficient and
138 uniform, and

139 WHEREAS, there are a number of ways in which the
140 Legislature could implement the provisions of amendment 9 to the
141 Florida Constitution that was approved by the voters in 2002,
142 and

143 WHEREAS, the Legislature has chosen to focus on student
144 achievement, provide clarity of goals, allow flexibility to
145 reach those goals, recognize issues relating to equity of
146 implementation, and require accountability to meet the standards
147 set forth in the Florida Constitution, NOW, THEREFORE,

148
149 Be It Enacted by the Legislature of the State of Florida:

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151 Section 1. This act shall be known by the popular name
152 "The 2003 Class Size Reduction Act."

153 Section 2. Subsections (14) and (15) are added to section
154 1003.01, Florida Statutes, to read:

155 1003.01 Definitions.--As used in this chapter, the term:

156 (14) "Core-curricula courses" means traditional self-
157 contained elementary school classroom instruction and courses
158 that are defined by the Department of Education as mathematics,
159 language arts/reading, science, social studies, foreign
160 language, English for Speakers of Other Languages, and
161 exceptional student education.

162 (15) "Extracurricular courses" means all courses that are
163 not defined as core-curricula courses, which may include, but
164 are not limited to, physical education, fine arts, performing
165 fine arts, vocational education, and career and technical
166 education.

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

169 1003.03 Maximum class size ~~goals~~.--

170 (1) CONSTITUTIONAL CLASS SIZE CAPS.--Pursuant to s. 1,
171 Art. IX of the State Constitution, beginning in the 2010-2011
172 school year:

173 (a) The maximum number of students assigned to each
174 teacher who is teaching core-curricula courses in public school
175 classrooms for prekindergarten through grade 3 shall not exceed
176 18 students.

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



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180 (c) The maximum number of students assigned to each
181 teacher who is teaching core curricula courses in public school
182 classrooms for grades 9 through 12 shall not exceed 25 students.

183
184 As alternatives to traditional public schools, charter schools,
185 the Florida Virtual School, and Advanced Placement,
186 International Baccalaureate, Advanced International Certificate
187 of Education, and dual enrollment classes are not encompassed
188 within the definition of core-curricula courses in public school
189 classrooms.

190 (2) IMPLEMENTATION.--

191 (a) Beginning with the 2003-2004 fiscal year, school
192 districts shall reduce the districtwide average number of
193 students per classroom in prekindergarten through grade 3,
194 grades 4 through 8, and grades 9 through 12 by at least two
195 students per year until the maximum number of students per
196 classroom does not exceed the constitutional class size caps
197 described in subsection (1).

198 (b) The Department of Education shall annually calculate
199 each of the three school district average class size measures
200 defined in paragraph (a) based upon the October and February
201 student membership surveys. For purposes of determining the
202 baseline from which each school district's average class size
203 must be reduced for the 2003-2004 school year, the department
204 shall utilize data from the February 2003 student membership
205 survey.

206 (c) Prior to the adoption of the district school budget
207 for 2003-2004, each district school board shall hold public
208 hearings to review school attendance zones in order to maximize
209 use of facilities while minimizing the additional use of



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210 transportation in order to comply with the two-student-per-year
211 reduction required in paragraph (a). School districts that meet
212 the constitutional class size caps described in subsection (1)
213 are exempt from this requirement.

214 (3) TOOLBOX OF IMPLEMENTATION OPTIONS.--District school
215 boards must consider, but are not limited to, implementing the
216 following items in order to meet the constitutional class size
217 caps described in subsection (1) and the two-student-per-year
218 reduction required in subsection (2):

219 (a) Adoption of policies that encourage qualified students
220 to take dual enrollment courses.

221 (b) Adoption of policies that encourage students to take
222 courses from the Florida Virtual School.

223 (c) Repeal of district school board policies that require
224 students to have more than 24 credits to graduate from high
225 school.

226 (d) Use of methods to maximize use of instructional staff,
227 such as changing required teaching loads and scheduling of
228 planning periods, deploying school district employees who have
229 professional certification to the classroom, using adjunct
230 educators, or using any other method not prohibited by law.

231 (e) Use of innovative methods to reduce the cost of school
232 construction by using prototype school designs, using SMART
233 Schools designs, participating in the School Infrastructure
234 Thrift (SIT) Program, or using any other method not prohibited
235 by law.

236 (f) Use of joint-use facilities through partnerships with
237 community colleges, state universities, and private colleges and
238 universities.



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239 (g) Adoption of alternative methods of class scheduling
240 such as block scheduling.

241 (h) Redrawing of school attendance zones to maximize use
242 of facilities while minimizing the additional use of
243 transportation.

244 (i) Operation of schools beyond the normal operating hours
245 to provide classes in the evening or running more than one
246 session of school during the day.

247 (j) Utilization of year-round schools and other
248 nontraditional calendars that do not adversely impact annual
249 assessment of student achievement.

250 (k) Implementation of Florida Learning Access Grants as
251 provided in s. 1002.395.

252 (l) Review and consideration of amending any collective
253 bargaining contracts that hinder the implementation of class
254 size reduction.

255 (m) Any other approach not prohibited by law.

256 (4) ACCOUNTABILITY.--

257 (a) Beginning in 2004 and until 2008, the Department of
258 Education shall determine by January 15 of each year which
259 school districts have not met the two-student-per-year reduction
260 required in subsection (2) for the current year based upon a
261 comparison of the school district's October student membership
262 survey for the current school year and the October student
263 membership survey for the prior school year. The department
264 shall report such school districts to the Legislature. Each
265 school district that has not met the two-student-per-year
266 reduction as identified by the department shall be required to
267 implement one of the following policies in the subsequent school
268 year unless the department finds that the school district comes



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269 into compliance based upon the February student membership
270 survey:

- 271 1. Rezoning;
- 272 2. Year-round schools;
- 273 3. Double sessions; or
- 274 4. Florida Learning Access Grants as provided in s.
275 1002.395.

276
277 Required school districts shall implement the policies outlined
278 in subparagraphs 1. through 4. in such a way as to, in the year
279 of implementation, make up for any past deficiencies and bring
280 the school district into compliance with the two-student-per-
281 year reduction goals established for the school district by the
282 department pursuant to subsection (2). School districts may
283 choose to implement more than one of these policies. District
284 school superintendents shall report to the Commissioner of
285 Education on the extent to which the school district implemented
286 any of the policies outlined in subparagraphs 1. through 4. in a
287 format to be specified by the commissioner. The department shall
288 utilize the enforcement authority provided in s. 1008.32 to
289 ensure that districts comply with the provisions of this
290 paragraph.

291 (b) Beginning in 2008, the Department of Education shall
292 annually determine which school districts do not meet the
293 constitutional class size caps described in subsection (1). In
294 addition to enforcement authority provided in s. 1008.32, the
295 department shall develop a constitutional compliance plan for
296 each such school district which shall consist of, but is not
297 limited to, the accountability policies listed in paragraph (a).
298 District school boards shall implement the constitutional



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299 compliance plan developed by the department until the school
300 district comes into compliance with the constitutional class
301 size caps. ~~It is the goal of the Legislature and each district~~
302 ~~school board that each elementary school in the school district~~
303 ~~beginning with kindergarten through grade three class sizes not~~
304 ~~exceed 20 students, with a ratio of one full-time equivalent~~
305 ~~teacher per 20 students; except that only in the case of "D" and~~
306 ~~"F" schools as identified by the commissioner, the goal in~~
307 ~~kindergarten through grade three shall be a ratio of one full-~~
308 ~~time equivalent teacher per 15 students. For purposes of any~~
309 ~~funding in the General Appropriations Act to meet these goals,~~
310 ~~the district school board shall give priority to identified "D"~~
311 ~~and "F" schools in the school district. Second priority for the~~
312 ~~use of any funds designated for meeting these goals shall be for~~
313 ~~kindergarten through grade one. Third priority for the use of~~
314 ~~any funds designated for meeting these goals shall be for grades~~
315 ~~two and three.~~

316 Section 4. Section 1011.685, Florida Statutes, is created
317 to read:

318 1011.685 Class Size Reduction operating categorical.--

319 (1) ALLOCATION.--The Department of Education shall
320 allocate to each school district an amount prescribed by the
321 Legislature for implementation of the class size reduction
322 provisions of s. 1, Art. IX of the State Constitution. The funds
323 appropriated in this categorical shall be prorated among all
324 school districts based upon each school district's proportion of
325 the Florida Education Finance Program base funding.

326 (2) USE OF FUNDS.--Class Size Reduction operating
327 categorical funds shall be used as follows:



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328 (a) School districts that do not meet the constitutional
329 class size caps described in s. 1003.03(1) or the two-student-
330 per-year reduction goals established for the school district by
331 the Department of Education pursuant to s. 1003.03(2) may use
332 the funds in any lawful manner to reduce class size, but should
333 give priority in the use of the funds to hire or compensate
334 classroom teachers as defined in s. 1012.01(2)(a).

335 (b) School districts that meet the constitutional class
336 size caps described in s. 1003.03(1) or the two-student-per-year
337 reduction goals established for the school district by the
338 department pursuant to s. 1003.03(2) may use the funds for any
339 lawful operating expenditure, but should give priority in the
340 use of the funds to increase the salaries of classroom teachers
341 as defined in s. 1012.01(2)(a).

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

344 1013.735 Classrooms for Kids Program.--

345 (1) ALLOCATION.--The Department of Education shall
346 allocate funds appropriated for the Classrooms for Kids Program
347 which is hereby established. It is the intent of the Legislature
348 that this program be administered as nearly as practicable in
349 the same manner as the capital outlay program authorized under
350 s. 9(d), Art. XII of the State Constitution. Each district
351 school board's share of the annual appropriation for the
352 Classrooms for Kids Program must be calculated according to the
353 following formula, but the share of each school district shall,
354 at a minimum, be at least equal to the amount required for all
355 payments of the school district relating to bonds issued by the
356 state on its behalf:

357 (a) Twenty-five percent of the appropriation shall be



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358 prorated to the school districts based on each school district's
 359 percentage of base capital outlay full-time equivalent
 360 membership, and 65 percent shall be based on each school
 361 district's percentage of growth capital outlay full-time
 362 equivalent membership as specified for the allocation of funds
 363 from the Public Education Capital Outlay and Debt Service Trust
 364 Fund by s. 1013.64(3).

365 (b) Ten percent of the appropriation shall be allocated
 366 among district school boards according to the allocation formula
 367 in s. 1013.64(1)(a).

368 (2) DISTRICT PARTICIPATION.--In order to receive
 369 Classrooms for Kids Program funds, a district school board
 370 shall:

371 (a) Enter into an interlocal agreement pursuant to s.
 372 1013.33.

373 (b) Certify that the school district's inventory of
 374 facilities listed in the Florida Inventory of School Houses is
 375 accurate and up to date pursuant to s. 1013.31.

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

379 (a) Construct, renovate, remodel, repair, or maintain
 380 educational facilities that are in excess of projects identified
 381 in the school district's 5-year work program;

382 (b) Purchase or lease-purchase relocatable facilities that
 383 are in excess of relocatables identified in the school
 384 district's 5-year work program;

385 (c) Pay debt service on bonds issued pursuant to this
 386 section, the proceeds of which must be expended for new
 387 construction, remodeling, renovation, and major repairs that are



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388 in excess of projects identified in the school district's 5-year
389 work program; or

390 (d) Hire or supplement the salaries of classroom teachers
391 as defined in s. 1012.01(2)(a) pursuant to subsection (6).

392 (4) PLEDGES.--Each district school board that pledges
393 moneys under paragraph (3)(c) shall notify the Department of
394 Education of its election at a time set by the department;
395 however, the initial notification shall be by September 2003.
396 The department shall review the proposal of each district school
397 board for compliance with this section and shall forward all
398 approved proposals to the Division of Bond Finance with a
399 request to issue bonds on behalf of the approved school
400 districts. The Division of Bond Finance shall pool the pledges
401 from all school districts making the election in that year and
402 shall issue the bonds on behalf of the school districts for a
403 period not to exceed the distributions to be received under s.
404 24.121(2). The bonds must be issued in accordance with s. 11(d),
405 Art. VII of the State Constitution, and each project to be
406 constructed with the proceeds of bonds is hereby approved as
407 provided in s. 11(f), Art. VII of the State Constitution. The
408 bonds shall be issued pursuant to the State Bond Act to the
409 extent not inconsistent with this section.

410 (5) BOND VALIDATION.--Bonds issued under this section must
411 be validated as prescribed by chapter 75. The complaint for the
412 validation must be filed in the circuit court of the county
413 where the seat of state government is situated; the notice
414 required to be published by s. 75.06 must be published only in
415 the county where the complaint is filed; and the complaint and
416 order of the circuit court must be served only on the state
417 attorney of the circuit in which the action is pending. The



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418 state covenants with holders of bonds issued under this section
419 that it will not take any action that will materially and
420 adversely affect the rights of such holders so long as such
421 bonds are outstanding.

422 (6) CRITERIA FOR CASH PAYMENT.--A school district may only
423 receive a cash distribution of non-PECO dollars for use pursuant
424 to paragraph (3)(d) if the district school board certifies to
425 the Commissioner of Education that the school district has met
426 the constitutional class size caps described in s. 1003.03(1).

427 Section 6. Class Size Reduction Small County Assistance
428 Program for fiscal year 2004-2005.--There is established the
429 Class Size Reduction Small County Assistance Program for fiscal
430 year 2004-2005.

431 (1) The purpose of the program is to provide funds to
432 school districts in small counties to assist with implementation
433 of class size reduction. The program is intended to supplement
434 the Special Facility Construction Account authorized in s.
435 1013.64(2)(a), Florida Statutes, and does not affect any award
436 under that account. However, a school district may not receive
437 an award from this program and the Special Facility Construction
438 Account in the same fiscal year.

439 (2) The program shall be administered by the Department of
440 Education and shall use the procedures established in s.
441 1013.64(2)(a), Florida Statutes, relating to the Special
442 Facility Construction Account.

443 (3) There is hereby appropriated from the Public Education
444 Capital Outlay and Debt Service Trust Fund to the Department of
445 Education for fiscal year 2004-2005 the sum of \$30 million to
446 implement this program.

447 (4) For purposes of this section, "small county" means any



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448 county that has an unincarcerated population of 75,000 or less
 449 according to the most recent decennial census.

450 Section 7. There is hereby appropriated from the Public
 451 Education Capital Outlay and Debt Service Trust Fund to the
 452 Department of Education for fiscal year 2003-2004 the sum of
 453 \$100 million. The purpose of this appropriation is to fund
 454 School Infrastructure Thrift (SIT) Program awards pursuant to
 455 the provisions of ss. 1013.42 and 1013.72, Florida Statutes. The
 456 funds appropriated in this section shall not be subject to the
 457 provisions of s. 216.301, Florida Statutes.

458 Section 8. Section 1013.736, Florida Statutes, is created
 459 to read:

460 1013.736 District Equity Recognition Program.--There is
 461 established the District Equity Recognition Program.

462 (1) RECOGNITION FUNDS.--There is hereby appropriated for
 463 district equity recognition grants the sum of \$500 million from
 464 the Public Education Capital Outlay and Debt Service Trust Fund.
 465 The amount of funds authorized for district equity recognition
 466 grant awards is \$50 million, \$75 million, \$100 million, \$125
 467 million, and \$150 million in years 1, 2, 3, 4, and 5,
 468 respectively. The funds appropriated in this section shall not
 469 be subject to the provisions of s. 216.301.

470 (2) ELIGIBILITY.--Annually, the Department of Education
 471 shall determine each school district's compliance with the
 472 provisions of s. 1003.03 and determine the school district's
 473 eligibility to receive a district equity recognition grant for
 474 local school facilities projects pursuant to this section.
 475 School districts shall be eligible for a district equity
 476 recognition grant if any of the following conditions is met:

477 (a) The school district levies a half-cent local option



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478 school sales surtax authorized in s. 212.055(6).

479 (b) The school district participates in the levy of the
480 local government infrastructure sales surtax authorized in s.
481 212.055(2).

482 (c) The school district levies voted millage for capital
483 outlay purposes as authorized in s. 9, Art. VII of the State
484 Constitution.

485 (3) DISTRICT EQUITY RATIO.--The Department of Education
486 shall annually calculate a district equity ratio for each school
487 district by September 1 after each fiscal year. The ratio shall
488 be defined as the sum of three products. Each product represents
489 the prior year amount of revenue from each revenue levied as
490 described in subsection (2) divided by 12, multiplied by the
491 number of authorized months remaining in each voter referendum.
492 The number of months remaining shall be calculated as complete
493 months after the last day of the prior fiscal year. The
494 Department of Revenue shall report the amount of voter-approved
495 revenue described in subsection (2). Only the amount of voter-
496 approved revenue described in paragraph (2)(b) that has been
497 identified for school district fixed capital outlay from the
498 prior fiscal year shall be used in the calculation of the
499 district equity ratio.

500 (4) ALLOCATION AND DISTRIBUTION OF FUNDS.--The Department
501 of Education shall allocate the annual amount of funds provided
502 among all eligible school districts based upon the school
503 district's proportion of the funds as determined by the
504 district's equity ratio. Funds shall be distributed once a
505 school district has encumbered the funds.

506 (5) USE OF FUNDS.--School districts that do not meet the
507 constitutional class size caps described in s. 1003.03(1) must



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508 use the funds for capital outlay to reduce class size. School
509 districts that meet the constitutional class size caps may use
510 the funds for any lawful capital outlay purpose.

511 Section 9. Section 1013.737, Florida Statutes, is created
512 to read:

513 1013.737 Class Size Reduction Lottery Revenue Bond
514 Program.--There is established the Class Size Reduction Lottery
515 Revenue Bond Program.

516 (1) The issuance of revenue bonds is authorized to finance
517 or refinance the construction, acquisition, reconstruction, or
518 renovation of educational facilities. Such bonds shall be issued
519 pursuant to, and in compliance with, the provisions of s. 11(d),
520 Art. VII of the State Constitution, the provisions of the State
521 Bond Act, ss. 215.57-215.83, as amended, and the provisions of
522 this section.

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

528 (3) The state hereby covenants with the holders of such
529 revenue bonds that it will not take any action which will
530 materially and adversely affect the rights of such holders so
531 long as bonds authorized by this section are outstanding. The
532 state does hereby additionally authorize the establishment of a
533 covenant in connection with the bonds which provides that any
534 additional funds received by the state from new or enhanced
535 lottery programs, video gaming, or other similar activities will
536 first be available for payments relating to bonds pledging
537 revenues available pursuant to s. 24.121(2) prior to use for any



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538 other purpose.

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

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

548 (6) The facilities to be financed with the proceeds of
549 such bonds are designated as state fixed capital outlay projects
550 for purposes of s. 11(d), Art. VII of the State Constitution,
551 and the specific facilities to be financed shall be identified
552 by each school district. Projects shall be funded from the
553 Lottery Capital Outlay and Debt Service Trust Fund. Each
554 educational facility to be financed with the proceeds of the
555 bonds issued pursuant to this section is hereby approved as
556 required by s. 11(f), Art. VII of the State Constitution.

557 (7) Any complaint for validation of such bonds is required
558 to be filed only in the circuit court of the county where the
559 seat of state government is situated. The notice required to be
560 published by s. 75.06 is required to be published only in the
561 county where the complaint is filed, and the complaint and order
562 of the circuit court need be served only on the state attorney
563 of the circuit in which the action is pending.

564 Section 10. The Commissioner of Education shall provide
565 for timely encumbrances of funds for duly authorized projects.
566 Encumbrances may include proceeds to be received under a
567 resolution approved by the State Board of Education authorizing



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568 issuance of class size reduction lottery bonds pursuant to s.
569 11(d), Art. VII of the State Constitution, s. 1013.737, Florida
570 Statutes, and other applicable law.

571 Section 11. Paragraph (b) of subsection (1) of section
572 203.01, Florida Statutes, is amended to read:

573 203.01 Tax on gross receipts for utility and
574 communications services.--

575 (1)

576 (b) The rate applied to utility services shall be 2.5
577 percent. The rate applied to communications services shall be
578 as follows:

579 1. Prior to January 1, 2004, 2.37 percent.

580 2. Beginning January 1, 2004, 2.749 percent.

581 3. Beginning June 1, 2004, 2.722 percent.

582
583 However, notwithstanding subparagraphs 2. and 3., the rate
584 applied to communications services that are subject to the
585 exemption provided in s. 202.125(1) shall be 2.37 percent.

586 Section 12. Paragraphs (a) and (c) of subsection (1) of
587 section 202.12, Florida Statutes, are amended to read:

588 202.12 Sales of communications services.--The Legislature
589 finds that every person who engages in the business of selling
590 communications services at retail in this state is exercising a
591 taxable privilege. It is the intent of the Legislature that the
592 tax imposed by chapter 203 be administered as provided in this
593 chapter.

594 (1) For the exercise of such privilege, a tax is levied on
595 each taxable transaction, and the tax is due and payable as
596 follows:

597 (a) Except as otherwise provided in this subsection, at a



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598 rate of 6.8 percent applied to the sales price of the
599 communications service which:

- 600 1. Originates and terminates in this state, or
- 601 2. Originates or terminates in this state and is charged
602 to a service address in this state,

603

604 when sold at retail, computed on each taxable sale for the
605 purpose of remitting the tax due. Beginning January 1, 2004, the
606 tax rate applied to the sales price of the communications
607 service shall be 6.421 percent. Beginning June 1, 2004, the tax
608 rate applied to the sales price of the communications service
609 shall be 6.448 percent. The gross receipts tax imposed by
610 chapter 203 shall be collected on the same taxable transactions
611 and remitted with the tax imposed by this paragraph. If no tax
612 is imposed by this paragraph by reason of s. 202.125(1), the tax
613 imposed by chapter 203 shall nevertheless be collected and
614 remitted in the manner and at the time prescribed for tax
615 collections and remittances under this chapter.

616 (c) At the rate of 10.8 percent on the retail sales price
617 of any direct-to-home satellite service received in this state.
618 Beginning January 1, 2004, the tax rate of 10.421 percent shall
619 be imposed on the retail sales price of any direct-to-home
620 satellite service received in this state. Beginning June 1,
621 2004, the tax rate of 10.448 percent shall be imposed on the
622 retail sales price of any direct-to-home satellite service
623 received in this state. The proceeds of the tax imposed under
624 this paragraph shall be accounted for and distributed in
625 accordance with s. 202.18(2). The gross receipts tax imposed by
626 chapter 203 shall be collected on the same taxable transactions
627 and remitted with the tax imposed by this paragraph.



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628 Section 13. Paragraph (b) of subsection (2) of section
629 202.18, Florida Statutes, is amended to read:

630 202.18 Allocation and disposition of tax proceeds.--The
631 proceeds of the communications services taxes remitted under
632 this chapter shall be treated as follows:

633 (2) The proceeds of the taxes remitted under s.
634 202.12(1)(c) shall be divided as follows:

635 (b) The following portion of the remaining proceeds ~~Sixty~~
636 ~~three percent of the remainder~~ shall be allocated to the state:

- 637 1. Prior to January 1, 2004, 63 percent.
- 638 2. Beginning February 1, 2004, 61.617 percent.
- 639 3. Beginning July 1, 2004, 61.712 percent.

640
641 The proceeds of this paragraph shall be ~~and~~ distributed pursuant
642 to s. 212.20(6), except that the proceeds allocated pursuant to
643 s. 212.20(6)(d)3. shall be prorated to the participating
644 counties in the same proportion as that month's collection of
645 the taxes and fees imposed pursuant to chapter 212 and paragraph
646 (1)(b).

647 Section 14. Paragraph (d) of subsection (6) of section
648 212.20, Florida Statutes, is amended to read:

649 212.20 Funds collected, disposition; additional powers of
650 department; operational expense; refund of taxes adjudicated
651 unconstitutionally collected.--

652 (6) Distribution of all proceeds under this chapter and s.
653 202.18(1)(b) and (2)(b) shall be as follows:

654 (d) The proceeds of all other taxes and fees imposed
655 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
656 and (2)(b) shall be distributed as follows:



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657 1. In any fiscal year, the greater of \$500 million, minus
 658 an amount equal to 4.6 percent of the proceeds of the taxes
 659 collected pursuant to chapter 201, or 5 percent of all other
 660 taxes and fees imposed pursuant to this chapter or remitted
 661 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
 662 monthly installments into the General Revenue Fund.

663 2. Two-tenths of one percent shall be transferred to the
 664 Ecosystem Management and Restoration Trust Fund to be used for
 665 water quality improvement and water restoration projects.

666 3. After the distribution under subparagraphs 1. and 2.,
 667 ~~9.653 percent~~ of the amount remitted by a sales tax dealer
 668 located within a participating county pursuant to s. 218.61, the
 669 following share shall be transferred into the Local Government
 670 Half-cent Sales Tax Clearing Trust Fund:

671 a. Prior to February 1, 2004, 9.653 percent.

672 b. Beginning February 1, 2004, 9.678 percent.

673 c. Beginning July 1, 2004, 9.700 percent.

674 4. After the distribution under subparagraphs 1., 2., and
 675 3., of the remaining proceeds, the following share ~~0.065 percent~~
 676 shall be transferred to the Local Government Half-cent Sales Tax
 677 Clearing Trust Fund:

678 a. Prior to February 1, 2004, 0.065 percent.

679 b. Beginning February 1, 2004, 0.0653 percent.

680 c. Beginning July 1, 2004, 0.0654 percent.

681
 682 The transfer pursuant to this subparagraph shall be and
 683 distributed pursuant to s. 218.65.

684 5. For proceeds received after July 1, 2000, and after the
 685 distributions under subparagraphs 1., 2., 3., and 4., ~~2.25~~
 686 ~~percent~~ of the available proceeds pursuant to this paragraph,



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687 the following share shall be transferred monthly to the Revenue
 688 Sharing Trust Fund for Counties pursuant to s. 218.215:

- 689 a. Prior to February 1, 2004, 2.25 percent.
- 690 b. Beginning February 1, 2004, 2.263 percent.
- 691 c. Beginning July 1, 2004, 2.264 percent.

692 6. For proceeds received after July 1, 2000, and after the
 693 distributions under subparagraphs 1., 2., 3., and 4., ~~1.0715~~
 694 ~~percent~~ of the available proceeds pursuant to this paragraph,
 695 the following share shall be transferred monthly to the Revenue
 696 Sharing Trust Fund for Municipalities pursuant to s. 218.215:

- 697 a. Prior to February 1, 2004, 1.0715 percent.
- 698 b. Beginning February 1, 2004, 1.0776 percent.
- 699 c. Beginning July 1, 2004, 1.078 percent.

700

701 If the total revenue to be distributed pursuant to this
 702 subparagraph is at least as great as the amount due from the
 703 Revenue Sharing Trust Fund for Municipalities and the Municipal
 704 Financial Assistance Trust Fund in state fiscal year 1999-2000,
 705 no municipality shall receive less than the amount due from the
 706 Revenue Sharing Trust Fund for Municipalities and the Municipal
 707 Financial Assistance Trust Fund in state fiscal year 1999-2000.
 708 If the total proceeds to be distributed are less than the amount
 709 received in combination from the Revenue Sharing Trust Fund for
 710 Municipalities and the Municipal Financial Assistance Trust Fund
 711 in state fiscal year 1999-2000, each municipality shall receive
 712 an amount proportionate to the amount it was due in state fiscal
 713 year 1999-2000.

714 7. Of the remaining proceeds:
 715 a. Beginning July 1, 2000, and in each fiscal year
 716 thereafter, the sum of \$29,915,500 shall be divided into as many



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717 equal parts as there are counties in the state, and one part
 718 shall be distributed to each county. The distribution among the
 719 several counties shall begin each fiscal year on or before
 720 January 5th and shall continue monthly for a total of 4 months.
 721 If a local or special law required that any moneys accruing to a
 722 county in fiscal year 1999-2000 under the then-existing
 723 provisions of s. 550.135 be paid directly to the district school
 724 board, special district, or a municipal government, such payment
 725 shall continue until such time that the local or special law is
 726 amended or repealed. The state covenants with holders of bonds
 727 or other instruments of indebtedness issued by local
 728 governments, special districts, or district school boards prior
 729 to July 1, 2000, that it is not the intent of this subparagraph
 730 to adversely affect the rights of those holders or relieve local
 731 governments, special districts, or district school boards of the
 732 duty to meet their obligations as a result of previous pledges
 733 or assignments or trusts entered into which obligated funds
 734 received from the distribution to county governments under then-
 735 existing s. 550.135. This distribution specifically is in lieu
 736 of funds distributed under s. 550.135 prior to July 1, 2000.

737 b. The department shall distribute \$166,667 monthly
 738 pursuant to s. 288.1162 to each applicant that has been
 739 certified as a "facility for a new professional sports
 740 franchise" or a "facility for a retained professional sports
 741 franchise" pursuant to s. 288.1162. Up to \$41,667 shall be
 742 distributed monthly by the department to each applicant that has
 743 been certified as a "facility for a retained spring training
 744 franchise" pursuant to s. 288.1162; however, not more than
 745 \$208,335 may be distributed monthly in the aggregate to all
 746 certified facilities for a retained spring training franchise.



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747 Distributions shall begin 60 days following such certification
748 and shall continue for not more than 30 years. Nothing contained
749 in this paragraph shall be construed to allow an applicant
750 certified pursuant to s. 288.1162 to receive more in
751 distributions than actually expended by the applicant for the
752 public purposes provided for in s. 288.1162(6). However, a
753 certified applicant is entitled to receive distributions up to
754 the maximum amount allowable and undistributed under this
755 section for additional renovations and improvements to the
756 facility for the franchise without additional certification.

757 c. Beginning 30 days after notice by the Office of
758 Tourism, Trade, and Economic Development to the Department of
759 Revenue that an applicant has been certified as the professional
760 golf hall of fame pursuant to s. 288.1168 and is open to the
761 public, \$166,667 shall be distributed monthly, for up to 300
762 months, to the applicant.

763 d. Beginning 30 days after notice by the Office of
764 Tourism, Trade, and Economic Development to the Department of
765 Revenue that the applicant has been certified as the
766 International Game Fish Association World Center facility
767 pursuant to s. 288.1169, and the facility is open to the public,
768 \$83,333 shall be distributed monthly, for up to 168 months, to
769 the applicant. This distribution is subject to reduction
770 pursuant to s. 288.1169. A lump sum payment of \$999,996 shall be
771 made, after certification and before July 1, 2000.

772 8. All other proceeds shall remain with the General
773 Revenue Fund.

774 Section 15. Subsection (3) of section 215.61, Florida
775 Statutes, is amended to read:



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776 215.61 State system of public education capital outlay
777 bonds.--

778 (3) No bonds authorized by s. 9(a)(2), Art. XII of the
779 State Constitution shall be issued in an amount exceeding 90
780 percent of the amount which the State Board of Education
781 determines can be serviced by the revenues derived from the
782 gross receipts tax levied and collected pursuant to chapter 203.
783 In determining the amount which can be serviced by the gross
784 receipts tax, the State Board of Education shall utilize the
785 average annual amount of revenue collected for the tax periods
786 during the 24 months immediately preceding the most recent
787 collection date prior to the date of issuance of any such bonds,
788 adjusted to reflect revenues which would have been collected had
789 legislation enacted into law prior to the date of determination
790 been in effect during the 24-month period. The aforementioned
791 adjustment shall be based on the assumption that the provisions
792 of the enacted legislation had taken effect 24 months prior to
793 the dates contemplated in said legislation. For purpose of the
794 approval required by s. 215.73, official estimates of future
795 collections furnished by the State Board of Education prior to
796 the estimated date of issuance shall be used to determine fiscal
797 sufficiency. ~~However, 100 percent of the amount required to~~
798 ~~provide for the debt service for the current fiscal year of the~~
799 ~~bonds issued prior to July 1, 1975, under the provisions of s.~~
800 ~~9(a)(2), Art. XII of the State Constitution shall be deducted in~~
801 ~~making the determination.~~

802 Section 16. Subsection (2) of section 24.121, Florida
803 Statutes, is amended to read:

804 24.121 Allocation of revenues and expenditure of funds for
805 public education.--



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806 (2) Each fiscal year, at least 38 percent of the gross
 807 revenue from the sale of on-line lottery tickets, variable
 808 percentages of the gross revenue from the sale of instant
 809 lottery tickets as determined by the department consistent with
 810 subsection (1), and other earned revenue, excluding application
 811 processing fees, shall be deposited in the Educational
 812 Enhancement Trust Fund, which is hereby created in the State
 813 Treasury to be administered by the Department of Education. The
 814 Department of the Lottery shall transfer moneys to the
 815 Educational Enhancement Trust Fund at least once each quarter.
 816 Funds in the Educational Enhancement Trust Fund shall be used to
 817 the benefit of public education in accordance with the
 818 provisions of this act. Notwithstanding any other provision of
 819 law, ~~a maximum of \$180 million of~~ lottery revenues transferred
 820 to the Educational Enhancement Trust Fund ~~in fiscal year 1997-~~
 821 ~~1998 and for 30 years thereafter~~ shall be reserved as needed and
 822 used to meet the requirements of the documents authorizing the
 823 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,
 824 s. 1013.735, or s. 1013.737 or distributed to school districts
 825 for the Classrooms First Program as provided in s. 1013.68. Such
 826 lottery revenues are hereby pledged to the payment of debt
 827 service on bonds issued by the state pursuant to s. 1013.68, ~~or~~
 828 s. 1013.70, s. 1013.735, or s. 1013.737. Debt service payable on
 829 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,
 830 s. 1013.735, or s. 1013.737 shall be payable from, and are
 831 secured by a first lien on, the first lottery revenues
 832 transferred to the Educational Enhancement Trust Fund in each
 833 fiscal year. Amounts distributable to school districts that
 834 request the issuance of bonds pursuant to s. 1013.68(3) are
 835 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of



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836 the State Constitution. The amounts distributed through the
837 Classrooms First Program shall equal \$145 million in each fiscal
838 year. ~~These funds are intended to provide up to \$2.5 billion for~~
839 ~~public school facilities.~~

840 Section 17. Paragraphs (a) and (b) of subsection (13) of
841 section 121.091, Florida Statutes, are amended to read:

842 121.091 Benefits payable under the system.--Benefits may
843 not be paid under this section unless the member has terminated
844 employment as provided in s. 121.021(39)(a) or begun
845 participation in the Deferred Retirement Option Program as
846 provided in subsection (13), and a proper application has been
847 filed in the manner prescribed by the department. The
848 department may cancel an application for retirement benefits
849 when the member or beneficiary fails to timely provide the
850 information and documents required by this chapter and the
851 department's rules. The department shall adopt rules
852 establishing procedures for application for retirement benefits
853 and for the cancellation of such application when the required
854 information or documents are not received.

855 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
856 subject to the provisions of this section, the Deferred
857 Retirement Option Program, hereinafter referred to as the DROP,
858 is a program under which an eligible member of the Florida
859 Retirement System may elect to participate, deferring receipt of
860 retirement benefits while continuing employment with his or her
861 Florida Retirement System employer. The deferred monthly
862 benefits shall accrue in the System Trust Fund on behalf of the
863 participant, plus interest compounded monthly, for the specified
864 period of the DROP participation, as provided in paragraph (c).
865 Upon termination of employment, the participant shall receive the



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866 total DROP benefits and begin to receive the previously
867 determined normal retirement benefits. Participation in the DROP
868 does not guarantee employment for the specified period of DROP.

869 (a) Eligibility of member to participate in the DROP.--All
870 active Florida Retirement System members in a regularly
871 established position, and all active members of either the
872 Teachers' Retirement System established in chapter 238 or the
873 State and County Officers' and Employees' Retirement System
874 established in chapter 122 which systems are consolidated within
875 the Florida Retirement System under s. 121.011, are eligible to
876 elect participation in the DROP provided that:

877 1. The member is not a renewed member of the Florida
878 Retirement System under s. 121.122, or a member of the State
879 Community College System Optional Retirement Program under s.
880 121.051, the Senior Management Service Optional Annuity Program
881 under s. 121.055, or the optional retirement program for the
882 State University System under s. 121.35.

883 2. Except as provided in subparagraph 6., election to
884 participate is made within 12 months immediately following the
885 date on which the member first reaches normal retirement date,
886 or, for a member who reaches normal retirement date based on
887 service before he or she reaches age 62, or age 55 for Special
888 Risk Class members, election to participate may be deferred to
889 the 12 months immediately following the date the member attains
890 57, or age 52 for Special Risk Class members. For a member who
891 first reached normal retirement date or the deferred eligibility
892 date described above prior to the effective date of this section,
893 election to participate shall be made within 12 months after the
894 effective date of this section. A member who fails to make an
895 election within such 12-month limitation period shall forfeit all



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896 rights to participate in the DROP. The member shall advise his or
897 her employer and the division in writing of the date on which the
898 DROP shall begin. Such beginning date may be subsequent to the
899 12-month election period, but must be within the 60-month or,
900 with respect to members who are instructional personnel as
901 defined in s. 1012.01(2)(a)-(d) in grades K-12 or school
902 administrators as defined in s. 1012.01(3)(c) and who have
903 received authorization by the district school superintendent to
904 participate in the DROP for more than 60 months, the 96-month
905 limitation period as provided in subparagraph (b)1. When
906 establishing eligibility of the member to participate in the DROP
907 for the 60-month or, with respect to members who are
908 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
909 grades K-12 or school administrators as defined in s.
910 1012.01(3)(c) and who have received authorization by the district
911 school superintendent to participate in the DROP for more than 60
912 months, the 96-month maximum participation period, the member may
913 elect to include or exclude any optional service credit purchased
914 by the member from the total service used to establish the normal
915 retirement date. A member with dual normal retirement dates
916 shall be eligible to elect to participate in DROP within 12
917 months after attaining normal retirement date in either class.

918 3. The employer of a member electing to participate in the
919 DROP, or employers if dually employed, shall acknowledge in
920 writing to the division the date the member's participation in
921 the DROP begins and the date the member's employment and DROP
922 participation will terminate.

923 4. Simultaneous employment of a participant by additional
924 Florida Retirement System employers subsequent to the
925 commencement of participation in the DROP shall be permissible



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926 provided such employers acknowledge in writing a DROP termination
927 date no later than the participant's existing termination date or
928 the 60-month limitation period as provided in subparagraph (b)1.

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

931 a. A change of employment must take place without a break
932 in service so that the member receives salary for each month of
933 continuous DROP participation. If a member receives no salary
934 during a month, DROP participation shall cease unless the
935 employer verifies a continuation of the employment relationship
936 for such participant pursuant to s. 121.021(39)(b).

937 b. Such participant and new employer shall notify the
938 division on forms required by the division as to the identity of
939 the new employer.

940 c. The new employer shall acknowledge, in writing, the
941 participant's DROP termination date, which may be extended but
942 not beyond the original 60-month or, with respect to members who
943 are instructional personnel as defined in s. 1012.01(2)(a)-(d) in
944 grades K-12 or school administrators as defined in s.
945 1012.01(3)(c) and who have received authorization by the district
946 school superintendent to participate in the DROP for more than 60
947 months, the 96-month period provided in subparagraph (b)1., shall
948 acknowledge liability for any additional retirement contributions
949 and interest required if the participant fails to timely
950 terminate employment, and shall be subject to the adjustment
951 required in sub-subparagraph (c)5.d.

952 6. Effective July 1, 2001, for instructional personnel as
953 defined in s. 1012.01(2), election to participate in the DROP
954 shall be made at any time following the date on which the member
955 first reaches normal retirement date. The member shall advise his



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956 or her employer and the division in writing of the date on which
957 the Deferred Retirement Option Program shall begin. When
958 establishing eligibility of the member to participate in the DROP
959 for the 60-month or, with respect to members who are
960 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
961 grades K-12 or school administrators as defined in s.
962 1012.01(3)(c) and who have received authorization by the district
963 school superintendent to participate in the DROP for more than 60
964 months, the 96-month maximum participation period, as provided in
965 subparagraph (b)1., the member may elect to include or exclude
966 any optional service credit purchased by the member from the
967 total service used to establish the normal retirement date. A
968 member with dual normal retirement dates shall be eligible to
969 elect to participate in either class.

970 (b) Participation in the DROP.--

971 1. An eligible member may elect to participate in the DROP
972 for a period not to exceed a maximum of 60 calendar months or,
973 with respect to members who are instructional personnel as
974 defined in s. 1012.01(2)(a)-(d) in grades K-12 or school
975 administrators as defined in s. 1012.01(3)(c) and who have
976 received authorization by the district school superintendent to
977 participate in the DROP for more than 60 months, a maximum of 96
978 calendar months immediately following the date on which the
979 member first reaches his or her normal retirement date or the
980 date to which he or she is eligible to defer his or her election
981 to participate as provided in subparagraph (a)2. However, a
982 member who has reached normal retirement date prior to the
983 effective date of the DROP shall be eligible to participate in
984 the DROP for a period of time not to exceed 60 calendar months
985 or, with respect to members who are instructional personnel as



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986 defined in s. 1012.01(2)(a)-(d) in grades K-12 or school
987 administrators as defined in s. 1012.01(3)(c) and who have
988 received authorization by the district school superintendent to
989 participate in the DROP for more than 60 months, 96 calendar
990 months immediately following the effective date of the DROP,
991 except a member of the Special Risk Class who has reached normal
992 retirement date prior to the effective date of the DROP and whose
993 total accrued value exceeds 75 percent of average final
994 compensation as of his or her effective date of retirement shall
995 be eligible to participate in the DROP for no more than 36
996 calendar months immediately following the effective date of the
997 DROP.

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

1000 a. A written election to participate in the DROP;

1001 b. Selection of the DROP participation and termination
1002 dates, which satisfy the limitations stated in paragraph (a) and
1003 subparagraph 1. Such termination date shall be in a binding
1004 letter of resignation with the employer, establishing a deferred
1005 termination date. The member may change the termination date
1006 within the limitations of subparagraph 1., but only with the
1007 written approval of his or her employer;

1008 c. A properly completed DROP application for service
1009 retirement as provided in this section; and

1010 d. Any other information required by the division.

1011 3. The DROP participant shall be a retiree under the
1012 Florida Retirement System for all purposes, except for paragraph
1013 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053, and
1014 121.122. However, participation in the DROP does not alter the
1015 participant's employment status and such employee shall not be



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1016 deemed retired from employment until his or her deferred
 1017 resignation is effective and termination occurs as provided in s.
 1018 121.021(39).

1019 4. Elected officers shall be eligible to participate in the
 1020 DROP subject to the following:

1021 a. An elected officer who reaches normal retirement date
 1022 during a term of office may defer the election to participate in
 1023 the DROP until the next succeeding term in that office. Such
 1024 elected officer who exercises this option may participate in the
 1025 DROP for up to 60 calendar months or a period of no longer than
 1026 such succeeding term of office, whichever is less.

1027 b. An elected or a nonelected participant may run for a
 1028 term of office while participating in DROP and, if elected,
 1029 extend the DROP termination date accordingly, except, however, if
 1030 such additional term of office exceeds the 60-month limitation
 1031 established in subparagraph 1., and the officer does not resign
 1032 from office within such 60-month limitation, the retirement and
 1033 the participant's DROP shall be null and void as provided in sub-
 1034 subparagraph (c)5.d.

1035 c. An elected officer who is dually employed and elects to
 1036 participate in DROP shall be required to satisfy the definition
 1037 of termination within the 60-month or, with respect to members
 1038 who are instructional personnel as defined in s. 1012.01(2)(a)-
 1039 (d) in grades K-12 or school administrators as defined in s.
 1040 1012.01(3)(c) and who have received authorization by the district
 1041 school superintendent to participate in the DROP for more than 60
 1042 months, the 96-month limitation period as provided in
 1043 subparagraph 1. for the nonelected position and may continue
 1044 employment as an elected officer as provided in s. 121.053. The
 1045 elected officer will be enrolled as a renewed member in the



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1046 Elected Officers' Class or the Regular Class, as provided in ss.
 1047 121.053 and 121.22, on the first day of the month after
 1048 termination of employment in the nonelected position and
 1049 termination of DROP. Distribution of the DROP benefits shall be
 1050 made as provided in paragraph (c).

1051 Section 18. Subsection (20) of section 1001.42, Florida
 1052 Statutes, is amended to read:

1053 1001.42 Powers and duties of district school board.--The
 1054 district school board, acting as a board, shall exercise all
 1055 powers and perform all duties listed below:

1056 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
 1057 anonymity of students in large schools, adopt policies to
 1058 encourage any large school ~~that does not meet the definition of~~
 1059 ~~a small school, as established by s. 1013.43(2),~~ to subdivide
 1060 into schools-within-a-school that shall operate within existing
 1061 resources in accordance with the provisions of chapter 1003.

1062 Section 19. Subsection (13) of section 1002.33, Florida
 1063 Statutes, is repealed, subsections (14) through (26) are
 1064 renumbered as subsections (13) through (25), respectively, and
 1065 paragraph (e) of subsection (10) and paragraph (a) of present
 1066 subsection (21) of said section are amended to read:

1067 1002.33 Charter schools.--

1068 (10) ELIGIBLE STUDENTS.--

1069 (e) A charter school may limit the enrollment process only
 1070 to target the following student populations:

1071 1. Students within specific age groups or grade levels.

1072 2. Students considered at risk of dropping out of school
 1073 or academic failure. Such students shall include exceptional
 1074 education students.



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1075 3. Students enrolling in a charter school-in-the-workplace
1076 or charter school-in-a-municipality established pursuant to
1077 subsection (15)~~(16)~~.

1078 4. Students residing within a reasonable distance of the
1079 charter school, as described in paragraph (20)(c)~~(21)(e)~~. Such
1080 students shall be subject to a random lottery and to the
1081 racial/ethnic balance provisions described in subparagraph
1082 (7)(a)8. or any federal provisions that require a school to
1083 achieve a racial/ethnic balance reflective of the community it
1084 serves or within the racial/ethnic range of other public schools
1085 in the same school district.

1086 5. Students who meet reasonable academic, artistic, or
1087 other eligibility standards established by the charter school
1088 and included in the charter school application and charter or,
1089 in the case of existing charter schools, standards that are
1090 consistent with the school's mission and purpose. Such standards
1091 shall be in accordance with current state law and practice in
1092 public schools and may not discriminate against otherwise
1093 qualified individuals.

1094 6. Students articulating from one charter school to
1095 another pursuant to an articulation agreement between the
1096 charter schools that has been approved by the sponsor.

1097 ~~(13) NUMBER OF SCHOOLS.~~

1098 ~~(a) The number of newly created charter schools is limited~~
1099 ~~to no more than 28 in each school district that has 100,000 or~~
1100 ~~more students, no more than 20 in each school district that has~~
1101 ~~50,000 to 99,999 students, and no more than 12 in each school~~
1102 ~~district with fewer than 50,000 students.~~



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1103 ~~(b) An existing public school which converts to a charter~~
 1104 ~~school shall not be counted toward the limit established by~~
 1105 ~~paragraph (a).~~

1106 ~~(c) Notwithstanding any limit established by this~~
 1107 ~~subsection, a district school board or a charter school~~
 1108 ~~applicant shall have the right to request an increase of the~~
 1109 ~~limit on the number of charter schools authorized to be~~
 1110 ~~established within the district from the State Board of~~
 1111 ~~Education.~~

1112 ~~(d) Whenever a municipality has submitted charter~~
 1113 ~~applications for the establishment of a charter school feeder~~
 1114 ~~pattern (elementary, middle, and senior high schools), and upon~~
 1115 ~~approval of each individual charter application by the district~~
 1116 ~~school board, such applications shall then be designated as one~~
 1117 ~~charter school for all purposes listed pursuant to this section.~~

1118 (20)~~(21)~~ SERVICES.--

1119 (a) A sponsor shall provide certain administrative and
 1120 educational services to charter schools. These services shall
 1121 include contract management services, full-time equivalent and
 1122 data reporting services, exceptional student education
 1123 administration services, test administration services,
 1124 processing of teacher certificate data services, and information
 1125 services. Any administrative fee charged by the sponsor for the
 1126 provision of services shall be limited to 5 percent of the
 1127 available funds defined in paragraph (17)(b)~~(18)(b)~~.

1128 Section 20. Paragraph (h) of subsection (2) and subsection
 1129 (3) of section 1002.37, Florida Statutes, are amended to read:

1130 1002.37 The Florida Virtual School.--

1131 (2) The Florida Virtual School shall be governed by a
 1132 board of trustees comprised of seven members appointed by the



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1133 Governor to 4-year staggered terms. The board of trustees shall
 1134 be a public agency entitled to sovereign immunity pursuant to s.
 1135 768.28, and board members shall be public officers who shall
 1136 bear fiduciary responsibility for the Florida Virtual School.
 1137 The board of trustees shall have the following powers and
 1138 duties:

1139 (h) The board of trustees shall ~~annually~~ submit to the
 1140 State Board of Education both forecasted and actual enrollments
 1141 and credit completions for the Florida Virtual School, according
 1142 to procedures established by the State Board of Education. At a
 1143 minimum, such procedures must include the number of public,
 1144 private, and home education students served by program and by
 1145 county of residence ~~district~~.

1146
 1147 The Governor shall designate the initial chair of the board of
 1148 trustees to serve a term of 4 years. Members of the board of
 1149 trustees shall serve without compensation, but may be reimbursed
 1150 for per diem and travel expenses pursuant to s. 112.061. The
 1151 board of trustees shall be a body corporate with all the powers
 1152 of a body corporate and such authority as is needed for the
 1153 proper operation and improvement of the Florida Virtual School.

1154 The board of trustees is specifically authorized to adopt
 1155 rules, policies, and procedures, consistent with law and rules
 1156 of the State Board of Education related to governance,
 1157 personnel, budget and finance, administration, programs,
 1158 curriculum and instruction, travel and purchasing, technology,
 1159 students, contracts and grants, and property as necessary for
 1160 optimal, efficient operation of the Florida Virtual School.

1161 Tangible personal property owned by the board of trustees shall
 1162 be subject to the provisions of chapter 273.



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1163 (3) Funding for the Florida Virtual School shall be
1164 provided as follows:

1165 (a) A "full-time equivalent student" for the Florida
1166 Virtual School is one student who has successfully completed six
1167 credits which shall count toward the minimum number of credits
1168 required for high school graduation. A student who completes
1169 less than six credits shall be a fraction of a full-time
1170 equivalent student. Half-credit completions shall be included in
1171 determining a full-time equivalent student. Credit completed by
1172 a student in excess of the minimum required for that student for
1173 high school graduation shall not be eligible for funding.

1174 (b) Full-time equivalent student credit completed through
1175 the Florida Virtual School, including credits completed during
1176 the summer, shall be reported to the Department of Education in
1177 the manner prescribed by the department and shall be funded
1178 through the Florida Education Finance Program.

1179 (c) School districts shall not limit student access to
1180 courses offered through the Florida Virtual School.

1181 (d) Full-time equivalent student credit completion for
1182 courses offered through the Florida Virtual School shall be
1183 reported only by the Florida Virtual School. School districts
1184 shall report full-time equivalent student membership only for
1185 courses for which the school district provides the instruction.

1186 (e) The district cost differential as provided in s.
1187 1011.62(2) shall be established as 1.00.

1188 (f) The Florida Virtual School shall receive funds for
1189 operating purposes in an amount determined as follows: multiply
1190 the maximum allowable nonvoted discretionary millage for
1191 operations pursuant to s. 1011.71(1) by the value of 95 percent
1192 of the current year's taxable value for school purposes for the



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1193 state; divide the result by the total full-time equivalent
 1194 membership of the state; and multiply the result by the full-
 1195 time equivalent membership of the school. The amount thus
 1196 obtained shall be discretionary operating funds and shall be
 1197 appropriated from state funds in the General Appropriations Act.

1198 (g) Additional state funds may be provided in the General
 1199 Appropriations Act.

1200 (h) In addition to the funds provided in the General
 1201 Appropriations Act, the Florida Virtual School may receive other
 1202 funds from grants and donations.

1203 ~~(a) Until fiscal year 2003-2004, the Commissioner of~~
 1204 ~~Education shall include the Florida Virtual School as a grant-~~
 1205 ~~in-aid appropriation in the department's legislative budget~~
 1206 ~~request to the State Board of Education, the Governor, and the~~
 1207 ~~Legislature, subject to any guidelines imposed in the General~~
 1208 ~~Appropriations Act.~~

1209 ~~(b) The Orange County District School Board shall be the~~
 1210 ~~temporary fiscal agent of the Florida Virtual School.~~

1211 Section 21. Section 1002.395, Florida Statutes, is created
 1212 to read:

1002.395 Florida Learning Access Grants.--

1213 (1) POPULAR NAME.--This section shall be known by the
 1214 popular name "The Florida Learning Access Grant Act."

1215 (2) DISTRICT PARTICIPATION.--School districts may choose
 1216 to implement the Florida Learning Access Grants program as a
 1217 strategy to reduce class size in their local school districts
 1218 pursuant to s. 1003.03(3). School districts may be required to
 1219 participate in this program to reduce class size if the
 1220 Department of Education so determines pursuant to s.

1221 1003.03(4)(b).



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1222 (3) PARENTAL CHOICE.--The parent of any K-12 student in a
1223 school district participating in the program pursuant to
1224 subsection (2) who is enrolled and in attendance during the
1225 October and February FTE enrollment counts in a Florida public
1226 school may, for the following school year:

1227 (a) Opt to have the student remain in the school in which
1228 the student is enrolled; or

1229 (b) Opt to request, on an annual basis, a Florida Learning
1230 Access Grant of \$3,500 to assist the parent in paying for the
1231 student's attendance at an eligible private school of the
1232 parent's choice.

1233 (4) PARTICIPATING SCHOOL DISTRICT OBLIGATIONS.--Each
1234 school district participating in this program shall annually by
1235 February 22, for each K-12 student eligible under subsection
1236 (3), notify the parent that the school district has chosen to
1237 offer Florida Learning Access Grants and provide the parent with
1238 the parental choice options for the following school year as
1239 provided in subsection (3).

1240 (5) PARENT OBLIGATIONS.--

1241 (a) The parent shall notify the school district as to
1242 which of the options provided in subsection (3) the parent
1243 wishes to choose.

1244 1. Failure of the parent to provide notification shall
1245 constitute the choice of the option provided by paragraph
1246 (3)(a).

1247 2. If the parent chooses the option provided by paragraph
1248 (3)(b), the parent must:

1249 a. Obtain acceptance for admission of the student to a
1250 private school eligible under subsection (6) as soon as possible
1251 and inform the private school that the student will be using a



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1252 Florida Learning Access Grant.

1253 b. Notify the Department of Education of the parent's
 1254 request for a Florida Learning Access Grant and the name and
 1255 address of the selected private school.

1256 c. Agree to provide transportation for the student to the
 1257 private school, if necessary.

1258 d. Agree to pay any costs associated with the student's
 1259 attendance at the private school that exceed the annual amount
 1260 of the Florida Learning Access Grant.

1261 e. Agree that the education provided by the private school
 1262 selected shall satisfy the student's full need for educational
 1263 services from the student's school.

1264 (b) After the first year of the student's attending a
 1265 private school under the Florida Learning Access Grants program,
 1266 the parent must annually notify the Department of Education if
 1267 the parent intends to renew the grant according to the
 1268 provisions of subsection (8) in order for the student to
 1269 continue in the program, together with the name and address of
 1270 the private school selected for the student for the following
 1271 year.

1272 (6) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a private
 1273 school shall be determined by the parental oversight and
 1274 accountability requirements that, coupled with the exercise of
 1275 parental choice, are reasonably necessary to secure the
 1276 educational public purpose. To be eligible to participate in the
 1277 Florida Learning Access Grants program, a private school must be
 1278 a Florida private school, may be sectarian or nonsectarian, and
 1279 must:

1280 (a) Demonstrate fiscal soundness by being in operation for
 1281 1 school year or provide the Department of Education with a



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1282 statement by a certified public accountant confirming that the
 1283 private school desiring to participate is insured and the owner
 1284 or owners have sufficient capital or credit to operate the
 1285 school for the upcoming year serving the number of students
 1286 anticipated with expected revenues from tuition and other
 1287 sources that may be reasonably expected. In lieu of such a
 1288 statement, a surety bond or letter of credit for the amount
 1289 equal to the Florida Learning Access Grant funds for any school
 1290 year may be filed with the department.

1291 (b) Notify the Department of Education and the school
 1292 district in the service areas in which the school is located of
 1293 its intent to participate in the program under this section as
 1294 early as possible, but no later than July 1 preceding the school
 1295 year in which it intends to participate. The notice shall
 1296 specify the grade levels and services that the private school
 1297 has available for the Florida Learning Access Grants program.

1298 (c) Comply with the antidiscrimination provisions of 42
 1299 U.S.C. s. 2002d.

1300 (d) Meet state and local health and safety laws and codes.

1301 (e) Comply with all state statutes applicable to the
 1302 general regulation of private schools.

1303 (f) If a Florida Learning Access Grant student's parent so
 1304 requests, coordinate with the school district the locations and
 1305 times for the student to take all statewide assessments pursuant
 1306 to s. 1008.22.

1307 (7) INITIAL FLORIDA LEARNING ACCESS GRANTS.--

1308 (a) Initial Florida Learning Access Grants shall be
 1309 offered on a first-come, first-served basis.

1310 (b) The number of initial Florida Learning Access Grants
 1311 to be awarded shall be determined annually by the Department of



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1312 Education based upon the department's determination of the
1313 number that would be necessary to reduce class size to meet the
1314 school district's two-student-per-year reduction goals
1315 established by the department pursuant to s. 1003.03(2) or to
1316 meet the constitutional class size caps described in s.
1317 1003.03(1). However, district school boards may authorize more
1318 Florida Learning Access Grants than the number established by
1319 the department.

1320 (8) FLORIDA LEARNING ACCESS GRANT RENEWAL.--For purposes
1321 of educational continuity and parental choice, a Florida
1322 Learning Access Grant, once awarded, shall be renewable for as
1323 long as the parent is a Florida resident who opts for
1324 continuation of the grant for the student and the student
1325 lawfully attends an eligible private school through grade 12.
1326 The Florida Learning Access Grant may be transferred from one
1327 eligible private school to another upon the school's acceptance
1328 of the student and the parent's provision of adequate notice to
1329 the Department of Education. A parent may, however, at any time
1330 opt to return the student to the public school.

1331 (9) FLORIDA LEARNING ACCESS GRANT DISBURSEMENT.--Upon
1332 proper documentation reviewed and approved by the Department of
1333 Education, the Chief Financial Officer shall make Florida
1334 Learning Access Grant payments in four equal amounts no later
1335 than September 1, November 1, February 1, and April 1 of each
1336 academic year. The initial payment shall be made after
1337 Department of Education verification of admission acceptance,
1338 and subsequent payments shall be made upon verification of the
1339 student's continued enrollment and attendance at the private
1340 school. Payment must be by individual warrant made payable to
1341 the student's parent and mailed by the Department of Education



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1342 to the private school of the parent's choice, and the parent
 1343 shall restrictively endorse the warrant to the private school.

1344 (10) LIABILITY.--No liability shall arise on the part of
 1345 the state based on the award or use of any Florida Learning
 1346 Access Grant.

1347 (11) DEPARTMENT OF EDUCATION OBLIGATIONS.--

1348 (a)1. Upon notification of the number of students whose
 1349 parents have opted to request initial Florida Learning Access
 1350 Grants, the Department of Education shall transfer from general
 1351 revenue funds appropriated to the school district the total
 1352 amount of annual \$3,500 grants for the school district's
 1353 students from the Florida Education Finance Program to a
 1354 separate account for the disbursement of the initial Florida
 1355 Learning Access Grants.

1356 2. The Department of Education shall, in its annual
 1357 budget, provide for Florida Learning Access Grants for parents
 1358 who wish their children to continue participation in the Florida
 1359 Learning Access Grants program beyond the initial year of
 1360 participation.

1361 (b) The Department of Education shall administer the
 1362 Florida Learning Access Grants program and the State Board of
 1363 Education may adopt rules pursuant ss. 120.536(1) and 120.54 to
 1364 implement the provisions of this section. However, the inclusion
 1365 of eligible private schools within options available to Florida
 1366 public school students does not expand the regulatory authority
 1367 of the state, its officers, or any school district to impose any
 1368 additional regulation of private schools beyond those reasonably
 1369 necessary to enforce requirements expressly set forth in this
 1370 section.

1371 Section 22. Paragraph (i) is added to subsection (1) of



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1372 section 1003.02, Florida Statutes, and subsection (4) of said
 1373 section is amended, to read:

1374 1003.02 District school board operation and control of
 1375 public K-12 education within the school district.--As provided
 1376 in part II of chapter 1001, district school boards are
 1377 constitutionally and statutorily charged with the operation and
 1378 control of public K-12 education within their school district.
 1379 The district school boards must establish, organize, and operate
 1380 their public K-12 schools and educational programs, employees,
 1381 and facilities. Their responsibilities include staff
 1382 development, public K-12 school student education including
 1383 education for exceptional students and students in juvenile
 1384 justice programs, special programs, adult education programs,
 1385 and career and technical education programs. Additionally,
 1386 district school boards must:

1387 (1) Provide for the proper accounting for all students of
 1388 school age, for the attendance and control of students at
 1389 school, and for proper attention to health, safety, and other
 1390 matters relating to the welfare of students in the following
 1391 fields:

1392 (i) Parental notification of acceleration mechanisms.--At
 1393 the beginning of each school year, notify parents of students in
 1394 or entering high school of the opportunity and benefits of
 1395 Advanced Placement, International Baccalaureate, Advanced
 1396 International Certificate of Education, dual enrollment, and
 1397 Florida Virtual School courses.

1398 ~~(4) For any school within the district that is not in~~
 1399 ~~compliance with the small school size requirements of chapter~~
 1400 ~~1013,~~ In order to reduce the anonymity of students in large
 1401 schools, adopt policies that encourage subdivision of the school



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1402 into schools-within-a-school, which shall operate within
1403 existing resources. A "school-within-a-school" means an
1404 operational program that uses flexible scheduling, team
1405 planning, and curricular and instructional innovation to
1406 organize groups of students with groups of teachers as smaller
1407 units, so as to functionally operate as a smaller school.
1408 Examples of this include, but are not limited to:

1409 (a) An organizational arrangement assigning both students
1410 and teachers to smaller units in which the students take some or
1411 all of their coursework with their fellow grouped students and
1412 from the teachers assigned to the smaller unit. A unit may be
1413 grouped together for 1 year or on a vertical, multiyear basis.

1414 (b) An organizational arrangement similar to that
1415 described in paragraph (a) with additional variations in
1416 instruction and curriculum. The smaller unit usually seeks to
1417 maintain a program different from that of the larger school, or
1418 of other smaller units. It may be vertically organized, but is
1419 dependent upon the school principal for its existence, budget,
1420 and staff.

1421 (c) A separate and autonomous smaller unit formally
1422 authorized by the district school board or district school
1423 superintendent. The smaller unit plans and runs its own program,
1424 has its own staff and students, and receives its own separate
1425 budget. The smaller unit must negotiate the use of common space
1426 with the larger school and defer to the building principal on
1427 matters of safety and building operation.

1428 Section 23. Paragraph (i) of subsection (1) of section
1429 1003.43, Florida Statutes, is amended to read:

1430 1003.43 General requirements for high school graduation.--



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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 (i) One-half credit in life management skills to include
1436 consumer education, positive emotional development, marriage and
1437 relationship skill-based education, nutrition, prevention of
1438 human immunodeficiency virus infection and acquired immune
1439 deficiency syndrome and other sexually transmissible diseases,
1440 benefits of sexual abstinence and consequences of teenage
1441 pregnancy, information and instruction on breast cancer
1442 detection and breast self-examination, cardiopulmonary
1443 resuscitation, drug education, and the hazards of smoking. ~~Such~~
1444 ~~credit shall be given for a course to be taken by all students~~
1445 ~~in either the 9th or 10th grade.~~

1446
1447 District school boards may award a maximum of one-half credit in
1448 social studies and one-half elective credit for student
1449 completion of nonpaid voluntary community or school service
1450 work. Students choosing this option must complete a minimum of
1451 75 hours of service in order to earn the one-half credit in
1452 either category of instruction. Credit may not be earned for
1453 service provided as a result of court action. District school
1454 boards that approve the award of credit for student volunteer
1455 service shall develop guidelines regarding the award of the
1456 credit, and school principals are responsible for approving
1457 specific volunteer activities. A course designated in the Course
1458 Code Directory as grade 9 through grade 12 that is taken below
1459 the 9th grade may be used to satisfy high school graduation
1460 requirements or Florida Academic Scholars award requirements as



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1461 specified in a district school board's student progression plan.
 1462 A student shall be granted credit toward meeting the
 1463 requirements of this subsection for equivalent courses, as
 1464 identified pursuant to s. 1007.271(6), taken through dual
 1465 enrollment.

1466 Section 24. Paragraph (a) of subsection (1) of section
 1467 1003.436, Florida Statutes, is amended to read:

1468 1003.436 Definition of "credit".--

1469 (1)(a) For the purposes of requirements for high school
 1470 graduation, one full credit means a minimum of 120 ~~135~~ hours of
 1471 bona fide instruction in a designated course of study that
 1472 contains student performance standards. The State Board of
 1473 Education shall determine the number of postsecondary credit
 1474 hours earned through dual enrollment pursuant to s. 1007.271
 1475 that satisfy the requirements of a district's interinstitutional
 1476 articulation agreement according to s. 1007.235 and that equal
 1477 one full credit of the equivalent high school course identified
 1478 pursuant to s. 1007.271(6).

1479 Section 25. Section 1011.24, Florida Statutes, is amended
 1480 to read:

1481 1011.24 Special district units.--For the purposes of
 1482 funding through this chapter and chapter 1013, developmental
 1483 research schools and the Florida Virtual School shall be
 1484 designated as special school districts. Such districts shall be
 1485 accountable to the Department of Education for budget requests
 1486 and reports on expenditures.

1487 Section 26. Paragraph (c) of subsection (1) of section
 1488 1011.61, Florida Statutes, is amended to read:



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1489 1011.61 Definitions.--Notwithstanding the provisions of s.
1490 1000.21, the following terms are defined as follows for the
1491 purposes of the Florida Education Finance Program:

1492 (1) A "full-time equivalent student" in each program of
1493 the district is defined in terms of full-time students and part-
1494 time students as follows:

1495 (c)1. A "full-time equivalent student" is:

1496 a. A full-time student in any one of the programs listed
1497 in s. 1011.62(1)(c); or

1498 b. A combination of full-time or part-time students in any
1499 one of the programs listed in s. 1011.62(1)(c) which is the
1500 equivalent of one full-time student based on the following
1501 calculations:

1502 (I) A full-time student, except a postsecondary or adult
1503 student or a senior high school student enrolled in adult
1504 education when such courses are required for high school
1505 graduation, in a combination of programs listed in s.
1506 1011.62(1)(c) shall be a fraction of a full-time equivalent
1507 membership in each special program equal to the number of net
1508 hours per school year for which he or she is a member, divided
1509 by the appropriate number of hours set forth in subparagraph
1510 (a)1. or subparagraph (a)2. The difference between that fraction
1511 or sum of fractions and the maximum value as set forth in
1512 subsection (4) for each full-time student is presumed to be the
1513 balance of the student's time not spent in such special
1514 education programs and shall be recorded as time in the
1515 appropriate basic program.

1516 (II) A prekindergarten handicapped student shall meet the
1517 requirements specified for kindergarten students.



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1518 (III) A Florida Virtual School full-time student shall
1519 consist of six full credit completions in the programs listed in
1520 s. 1011.62(1)(c)1., 3., and 4. Credit completions can be a
1521 combination of either full credit or half credit.

1522 2. A student in membership in a program scheduled for more
1523 or less than 180 school days is a fraction of a full-time
1524 equivalent membership equal to the number of instructional hours
1525 in membership divided by the appropriate number of hours set
1526 forth in subparagraph (a)1.; however, for the purposes of this
1527 subparagraph, membership in programs scheduled for more than 180
1528 days is limited to students enrolled in juvenile justice
1529 education programs and the Florida Virtual School.

1530
1531 Students enrolled in both a public school and the Florida
1532 Virtual School are authorized to exceed the 180-day maximum;
1533 however, the public school may not offer or report the
1534 equivalent instruction in excess of 180 days or 900 hours. The
1535 department shall determine and implement an equitable method of
1536 equivalent funding for experimental schools and for schools
1537 operating under emergency conditions, which schools have been
1538 approved by the department to operate for less than the minimum
1539 school day.

1540 Section 27. Paragraph (b) of subsection (5) of section
1541 1011.62, Florida Statutes, is amended to read:

1542 1011.62 Funds for operation of schools.--If the annual
1543 allocation from the Florida Education Finance Program to each
1544 district for operation of schools is not determined in the
1545 annual appropriations act or the substantive bill implementing
1546 the annual appropriations act, it shall be determined as
1547 follows:



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1548 (5) CATEGORICAL FUNDS.--
 1549 (b) ~~For fiscal year 2002-2003,~~ If a district school board
 1550 finds and declares in a resolution adopted at a regular meeting
 1551 of the school board that the funds received for any of the
 1552 following categorical appropriations are urgently needed to
 1553 maintain school board specified academic classroom instruction,
 1554 the school board may consider and approve an amendment to the
 1555 school district operating budget transferring the identified
 1556 amount of the categorical funds to the appropriate account for
 1557 expenditure:

- 1558 1. Funds for student transportation.
- 1559 2. Funds for in-service educational personnel training.
- 1560 3. Funds for safe schools.
- 1561 4. Funds for public school technology.
- 1562 ~~5. Funds for teacher recruitment and retention.~~
- 1563 5.6- Funds for supplemental academic instruction.

1564 Section 28. Section 1011.68, Florida Statutes, is amended
 1565 to read:

1566 1011.68 Funds for student transportation.--The annual
 1567 allocation to each district for transportation to public school
 1568 programs, including charter schools as provided in s.

1569 1002.33(17)(b) ~~1002.33(18)(b)~~, of students in membership in
 1570 kindergarten through grade 12 and in migrant and exceptional
 1571 student programs below kindergarten shall be determined as
 1572 follows:

1573 (1) Subject to the rules of the State Board of Education,
 1574 each district shall determine the membership of students who are
 1575 transported:

1576 (a) By reason of living 2 miles or more from school.



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1577 (b) By reason of being students with disabilities or
1578 enrolled in a teenage parent program, regardless of distance to
1579 school.

1580 (c) By reason of being in a state prekindergarten program,
1581 regardless of distance from school.

1582 (d) By reason of being career and technical, dual
1583 enrollment, or students with disabilities transported from one
1584 school center to another to participate in an instructional
1585 program or service; or students with disabilities, transported
1586 from one designation to another in the state, provided one
1587 designation is a school center and provided the student's
1588 individual educational plan (IEP) identifies the need for the
1589 instructional program or service and transportation to be
1590 provided by the school district. A "school center" is defined as
1591 a public school center, community college, state university, or
1592 other facility rented, leased, or owned and operated by the
1593 school district or another public agency. A "dual enrollment
1594 student" is defined as a public school student in membership in
1595 both a public secondary school program and a community college
1596 or a state university program under a written agreement to
1597 partially fulfill ss. 1003.435 and 1007.23 and earning full-time
1598 equivalent membership under s. 1011.62(1)(i).

1599 (e) With respect to elementary school students whose grade
1600 level does not exceed grade 6, by reason of being subjected to
1601 hazardous walking conditions en route to or from school as
1602 provided in s. 1006.23. Such rules shall, when appropriate,
1603 provide for the determination of membership under this paragraph
1604 for less than 1 year to accommodate the needs of students who
1605 require transportation only until such hazardous conditions are
1606 corrected.



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1607 (f) By reason of being a pregnant student or student
1608 parent, and the child of a student parent as provided in s.
1609 1003.54, regardless of distance from school.

1610 (2) The allocation for each district shall be calculated
1611 annually in accordance with the following formula:

1612

1613 $T = B + EX$. The elements of this formula are defined as follows:

1614 T is the total dollar allocation for transportation. B is the
1615 base transportation dollar allocation prorated by an adjusted
1616 student membership count. The adjusted membership count shall be
1617 derived from a multiplicative index function in which the base
1618 student membership is adjusted by multiplying it by index
1619 numbers that individually account for the impact of the price
1620 level index, average bus occupancy, and the extent of rural
1621 population in the district. EX is the base transportation dollar
1622 allocation for disabled students prorated by an adjusted
1623 disabled student membership count. The base transportation
1624 dollar allocation for disabled students is the total state base
1625 disabled student membership count weighted for increased costs
1626 associated with transporting disabled students and multiplying
1627 it by the prior year's average per student cost for
1628 transportation. The adjusted disabled student membership count
1629 shall be derived from a multiplicative index function in which
1630 the weighted base disabled student membership is adjusted by
1631 multiplying it by index numbers that individually account for
1632 the impact of the price level index, average bus occupancy, and
1633 the extent of rural population in the district. Each adjustment
1634 factor shall be designed to affect the base allocation by no
1635 more or less than 10 percent.



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1636 (3) The total allocation to each district for
1637 transportation of students shall be the sum of the amounts
1638 determined in subsection (2). If the funds appropriated for the
1639 purpose of implementing this section are not sufficient to pay
1640 the base transportation allocation and the base transportation
1641 allocation for disabled students, the Department of Education
1642 shall prorate the available funds on a percentage basis. If the
1643 funds appropriated for the purpose of implementing this section
1644 exceed the sum of the base transportation allocation and the
1645 base transportation allocation for disabled students, the base
1646 transportation allocation for disabled students shall be limited
1647 to the amount calculated in subsection (2), and the remaining
1648 balance shall be added to the base transportation allocation.

1649 (4) No district shall use funds to purchase transportation
1650 equipment and supplies at prices which exceed those determined
1651 by the department to be the lowest which can be obtained, as
1652 prescribed in s. 1006.27(1).

1653 (5) Funds allocated or apportioned for the payment of
1654 student transportation services may be used to pay for
1655 transportation of students to and from school on local general
1656 purpose transportation systems. Student transportation funds may
1657 also be used to pay for transportation of students to and from
1658 school in private passenger cars and boats when the
1659 transportation is for isolated students, or students with
1660 disabilities as defined by rule. Subject to the rules of the
1661 State Board of Education, each school district shall determine
1662 and report the number of assigned students using general purpose
1663 transportation private passenger cars and boats. The allocation
1664 per student must be equal to the allocation per student riding a
1665 school bus.



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1666 (6) Notwithstanding other provisions of this section, in
1667 no case shall any student or students be counted for
1668 transportation funding more than once per day. This provision
1669 includes counting students for funding pursuant to trips in
1670 school buses, passenger cars, or boats or general purpose
1671 transportation.

1672 (7) Any funds received by a school district under this
1673 section that are not required to transport students may, at the
1674 discretion of the district school board, be transferred to the
1675 district's Florida Education Finance Program.

1676 Section 29. Subsections (2), (4), and (5) of section
1677 1011.69, Florida Statutes, are amended to read:

1678 1011.69 Equity in School-Level Funding Act.--

1679 ~~(2)(a) Beginning in the 2000-2001 fiscal year, district~~
1680 ~~school boards shall allocate to each school within the district~~
1681 ~~at least 50 percent of the funds generated by that school based~~
1682 ~~upon the Florida Education Finance Program as provided in s.~~
1683 ~~1011.62 and the General Appropriations Act, including gross~~
1684 ~~state and local funds, discretionary lottery funds, and funds~~
1685 ~~from the school district's current operating discretionary~~
1686 ~~millage levy.~~

1687 ~~(b) Beginning in the 2001-2002 fiscal year, district~~
1688 ~~school boards shall allocate to each school within the district~~
1689 ~~at least 65 percent of the funds generated by that school based~~
1690 ~~upon the Florida Education Finance Program as provided in s.~~
1691 ~~1011.62 and the General Appropriations Act, including gross~~
1692 ~~state and local funds, discretionary lottery funds, and funds~~
1693 ~~from the school district's current operating discretionary~~
1694 ~~millage levy.~~



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1695 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
1696 ~~school boards shall allocate to each school within the district~~
1697 ~~at least 80 percent of the funds generated by that school based~~
1698 ~~upon the Florida Education Finance Program as provided in s.~~
1699 ~~1011.62 and the General Appropriations Act, including gross~~
1700 ~~state and local funds, discretionary lottery funds, and funds~~
1701 ~~from the school district's current operating discretionary~~
1702 ~~millage levy.~~

1703 ~~(d)~~ Beginning in the 2003-2004 fiscal year, district
1704 school boards shall allocate to each school within the district
1705 at least 90 percent of the funds generated by that school based
1706 upon the Florida Education Finance Program as provided in s.
1707 1011.62 and the General Appropriations Act, including gross
1708 state and local funds, discretionary lottery funds, and funds
1709 from the school district's current operating discretionary
1710 millage levy. Total funding for each school shall be
1711 recalculated during the year to reflect the revised calculations
1712 under the Florida Education Finance Program by the state and the
1713 actual weighted full-time equivalent students reported by the
1714 school during the full-time equivalent student survey periods
1715 designated by the Commissioner of Education. If the district
1716 school board is providing programs or services to students
1717 funded by federal funds, any eligible students enrolled in the
1718 schools in the district shall be provided federal funds. Only
1719 those districts that initially applied for charter school
1720 district status, pursuant to s. 1003.62, and have been approved
1721 by the State Board of Education are exempt from the provisions
1722 of this section.

1723 ~~(4) Recommendations made by the Governor's Equity in~~
1724 ~~Educational Opportunity Task Force shall be reviewed to identify~~



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1725 ~~potential categorical funds to be included in the district~~
 1726 ~~allocation methodology required in subsection (2).~~

1727 (4)(5) The following funds are excluded from the school-
 1728 level allocation under this section:

1729 (a) Funds appropriated in the General Appropriations Act
 1730 for supplemental academic instruction to be used for the
 1731 purposes described in s. 1011.62(1)(f) ~~are excluded from the~~
 1732 ~~school-level allocation under this section.~~

1733 (b) Funds appropriated in the General Appropriations Act
 1734 for the Class Size Reduction operating categorical established
 1735 in s. 1011.685.

1736 Section 30. Subsections (1), (3), (4), and (5) of section
 1737 1012.56, Florida Statutes, are amended to read:

1738 1012.56 Educator certification requirements.--

1739 (1) APPLICATION.--Each person seeking certification
 1740 pursuant to this chapter shall submit a completed application
 1741 containing the applicant's social security number to the
 1742 Department of Education and remit the fee required pursuant to
 1743 s. 1012.59 and rules of the State Board of Education. Pursuant
 1744 to the federal Personal Responsibility and Work Opportunity
 1745 Reconciliation Act of 1996, each party is required to provide
 1746 his or her social security number in accordance with this
 1747 section. Disclosure of social security numbers obtained through
 1748 this requirement shall be limited to the purpose of
 1749 administration of the Title IV-D program of the Social Security
 1750 Act for child support enforcement. Pursuant to s. 120.60, the
 1751 department shall issue within 90 calendar days after the stamped
 1752 receipted date of the completed application:

1753 (a) A certificate covering the classification, level, and
 1754 area for which the applicant is deemed qualified; or



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1755 (b) An official statement of status of eligibility. The
 1756 statement of status of eligibility must advise the applicant of
 1757 any qualifications that must be completed to qualify for
 1758 certification. Each statement of status of eligibility is valid
 1759 for 3 2 years after its date of issuance, except as provided in
 1760 paragraph (2)(d). ~~A statement of status of eligibility may be~~
 1761 ~~reissued for one additional 2-year period if application is made~~
 1762 ~~while the initial statement of status of eligibility is valid or~~
 1763 ~~within 1 year after the initial statement expires, and if the~~
 1764 ~~certification subject area is authorized to be issued by the~~
 1765 ~~state board at the time the application requesting a reissued~~
 1766 ~~statement of status of eligibility is received.~~

1767 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of
 1768 demonstrating mastery of general knowledge are:

1769 (a) Achievement of passing scores on basic skills
 1770 examination required by state board rule;

1771 (b) Achievement of passing scores on the College Level
 1772 Academic Skills Test earned prior to July 1, 2002;

1773 (c) A valid professional standard teaching certificate
 1774 issued by another state ~~that requires an examination of mastery~~
 1775 ~~of general knowledge;~~

1776 (d) A ~~valid standard teaching certificate issued by~~
 1777 ~~another state and~~ valid certificate issued by the National Board
 1778 for Professional Teaching Standards or other such nationally
 1779 recognized organization as determined by the State Board of
 1780 Education; or

1781 (e) Documentation of two semesters of successful teaching
 1782 in a community college, state university, or private college or
 1783 university that awards an associate or higher degree and is an
 1784 accredited institution or an institution of higher education



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1785 identified by the Department of Education as having a quality
 1786 program. ~~A valid standard teaching certificate issued by~~
 1787 ~~another state and documentation of 2 years of continuous~~
 1788 ~~successful full-time teaching or administrative experience~~
 1789 ~~during the 5-year period immediately preceding the date of~~
 1790 ~~application for certification.~~

1791 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means
 1792 of demonstrating mastery of subject area knowledge are:

1793 (a) Achievement of passing scores on subject area
 1794 examinations required by state board rule;

1795 (b) Completion of the subject area specialization
 1796 requirements specified in state board rule and verification of
 1797 the attainment of the essential subject matter competencies by
 1798 the district school superintendent of the employing school
 1799 district or chief administrative officer of the employing state-
 1800 supported or private school for a subject area for which a
 1801 subject area examination has not been developed and required by
 1802 state board rule;

1803 (c) Completion of the ~~graduate level~~ subject area
 1804 specialization requirements specified in state board rule for a
 1805 subject coverage requiring a master's or higher degree and
 1806 achievement of a passing score on the subject area examination
 1807 specified in state board rule;

1808 (d) A valid professional standard teaching certificate
 1809 issued by another state ~~that requires an examination of mastery~~
 1810 ~~of subject area knowledge; or~~

1811 (e) ~~A valid standard teaching certificate issued by~~
 1812 ~~another state and~~ valid certificate issued by the National Board
 1813 for Professional Teaching Standards or other such nationally



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1814 recognized organization as determined by the State Board of
 1815 Education. ~~or~~

1816 ~~(f) A valid standard teaching certificate issued by~~
 1817 ~~another state and documentation of 2 years of continuous~~
 1818 ~~successful full-time teaching or administrative experience~~
 1819 ~~during the 5-year period immediately preceding the date of~~
 1820 ~~application for certification.~~

1821 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION
 1822 COMPETENCE.--Acceptable means of demonstrating mastery of
 1823 professional preparation and education competence are:

1824 (a) Completion of an approved teacher preparation program
 1825 at a postsecondary educational institution within this state and
 1826 achievement of a passing score on the professional education
 1827 competency examination required by state board rule;

1828 (b) Completion of a teacher preparation program at a
 1829 postsecondary educational institution outside Florida and
 1830 achievement of a passing score on the professional education
 1831 competency examination required by state board rule;

1832 (c) A valid professional standard teaching certificate
 1833 issued by another state ~~that requires an examination of mastery~~
 1834 ~~of professional education competence;~~

1835 (d) A ~~valid standard teaching certificate issued by~~
 1836 ~~another state and~~ valid certificate issued by the National Board
 1837 for Professional Teaching Standards or other such nationally
 1838 recognized organization as determined by the State Board of
 1839 Education;

1840 (e) Documentation of two semesters of successful teaching
 1841 in a community college, state university, or private college or
 1842 university that awards an associate or higher degree and is an
 1843 accredited institution or an institution of higher education



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1844 identified by the Department of Education as having a quality
 1845 program ~~A valid standard teaching certificate issued by another~~
 1846 ~~state and documentation of 2 years of continuous successful~~
 1847 ~~full-time teaching or administrative experience during the 5-~~
 1848 ~~year period immediately preceding the date of application for~~
 1849 ~~certification;~~

1850 (f) Completion of professional preparation courses as
 1851 specified in state board rule, successful completion of a
 1852 professional education competence demonstration program pursuant
 1853 to paragraph (7)(b), and achievement of a passing score on the
 1854 professional education competency examination required by state
 1855 board rule; or

1856 (g) Successful completion of a professional preparation
 1857 alternative certification and education competency program,
 1858 outlined in paragraph (7)(a).

1859 Section 31. Subsection (1) of section 1012.57, Florida
 1860 Statutes, is amended to read:

1861 1012.57 Certification of adjunct educators.--

1862 (1) Notwithstanding the provisions of ss. 1012.32,
 1863 1012.55, and 1012.56, or any other provision of law or rule to
 1864 the contrary, district school boards shall adopt rules to allow
 1865 for the issuance of ~~may issue~~ an adjunct teaching certificate to
 1866 any applicant who fulfills the requirements of s. 1012.56(2)(a)-
 1867 (f) and who has expertise in the subject area to be taught. An
 1868 applicant shall be considered to have expertise in the subject
 1869 area to be taught if the applicant has at least a major ~~minor~~ in
 1870 the subject area or demonstrates sufficient subject area mastery
 1871 through passage of a subject area test ~~as determined by district~~
 1872 ~~school board policy~~. The adjunct teaching certificate shall be
 1873 used for part-time teaching positions. The intent of this



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1874 provision is to allow school districts to tap the wealth of
1875 talent and expertise represented in Florida's citizens who may
1876 wish to teach part-time in a Florida public school by permitting
1877 school districts to issue adjunct certificates. Adjunct
1878 certificateholders should be used as a strategy to reduce the
1879 teacher shortage; thus, adjunct certificateholders should
1880 supplement a school's instructional staff, not supplant it. Each
1881 school principal shall assign an experienced peer mentor to
1882 assist the adjunct teaching certificateholder during the
1883 certificateholder's first year of teaching, and an adjunct
1884 certificateholder may participate in a district's new teacher
1885 training program. District school boards shall provide the
1886 adjunct teaching certificateholder an orientation in classroom
1887 management prior to assigning the certificateholder to a school.
1888 Each adjunct teaching certificate is valid for 5 school years
1889 and is renewable if:

1890 (a) The applicant completes a minimum of 60 inservice
1891 points or 3 semester hours of college credit. The earned credits
1892 must include instruction in classroom management, district
1893 school board procedures, school culture, and other activities
1894 that enhance the professional teaching skills of the
1895 certificateholder.

1896 (b) The applicant has received satisfactory performance
1897 evaluations during each year of teaching under adjunct teaching
1898 certification.

1899 Section 32. Subsection (13) is added to section 1013.03,
1900 Florida Statutes, to read:

1901 1013.03 Functions of the department.--The functions of the
1902 Department of Education as it pertains to educational facilities
1903 shall include, but not be limited to, the following:



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1904 (13) By October 1, 2003, review all rules related to
 1905 school construction to identify requirements that are outdated,
 1906 obsolete, unnecessary, or otherwise could be amended in order to
 1907 provide additional flexibility to school districts to comply
 1908 with the constitutional class size caps described in s.
 1909 1003.03(1). The State Board of Education shall act on such
 1910 recommendations by December 31, 2003.

1911 Section 33. Paragraph (d) is added to subsection (1) of
 1912 section 1013.31, Florida Statutes, to read:

1913 1013.31 Educational plant survey; localized need
 1914 assessment; PECO project funding.--

1915 (1) At least every 5 years, each board shall arrange for
 1916 an educational plant survey, to aid in formulating plans for
 1917 housing the educational program and student population, faculty,
 1918 administrators, staff, and auxiliary and ancillary services of
 1919 the district or campus, including consideration of the local
 1920 comprehensive plan. The Office of Workforce and Economic
 1921 Development shall document the need for additional career and
 1922 adult education programs and the continuation of existing
 1923 programs before facility construction or renovation related to
 1924 career or adult education may be included in the educational
 1925 plant survey of a school district or community college that
 1926 delivers career or adult education programs. Information used by
 1927 the Office of Workforce and Economic Development to establish
 1928 facility needs must include, but need not be limited to, labor
 1929 market data, needs analysis, and information submitted by the
 1930 school district or community college.

1931 (d) Periodic update of Florida Inventory of School
 1932 Houses.--School districts shall periodically update their
 1933 inventory of educational facilities as new capacity becomes



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1934 available and as unsatisfactory space is eliminated. The State
 1935 Board of Education shall adopt rules to determine the timeframe
 1936 in which school districts must provide a periodic update.

1937 Section 34. Paragraph (b) of subsection (1) of section
 1938 1013.35, Florida Statutes, is amended to read:

1939 1013.35 School district educational facilities plan;
 1940 definitions; preparation, adoption, and amendment; long-term
 1941 work programs.--

1942 (1) DEFINITIONS.--As used in this section, the term:

1943 (b) "District facilities work program" means the 5-year
 1944 listing of capital outlay projects adopted by the district
 1945 school board as provided in subparagraph (2)(a)2. and paragraph
 1946 (2)(b) as part of the district educational facilities plan,
 1947 which is required in order to:

1948 1. Properly maintain the educational plant and ancillary
 1949 facilities of the district.

1950 2. Provide an adequate number of satisfactory student
 1951 stations for the projected student enrollment of the district in
 1952 K-12 programs ~~in accordance with the goal in s. 1013.21.~~

1953 Section 35. Section 1013.368, Florida Statutes, is created
 1954 to read:

1955 1013.368 Cost per student station requirements for
 1956 educational facilities.--

1957 (1) Beginning July 1, 2004, all new schools constructed,
 1958 including change orders, regardless of the source of funds,
 1959 shall not exceed the following cost per student station amounts:

1960 (a) \$12,755 for an elementary school (January 2002).

1961 (b) \$14,624 for a middle school (January 2002).

1962 (c) \$19,352 for a high school (January 2002).

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1964 The cost per student station limits required by this section
 1965 shall be adjusted annually to reflect increases or decreases in
 1966 the Consumer Price Index.

1967 (2) This section does not apply to plans for new
 1968 educational facilities already under architectural contract on
 1969 July 1, 2004.

1970 (3) Charter districts shall not be exempt from this
 1971 section.

1972 Section 36. Subsection (6) of section 1013.64, Florida
 1973 Statutes, is amended to read:

1974 1013.64 Funds for comprehensive educational plant needs;
 1975 construction cost maximums for school district capital
 1976 projects.--Allocations from the Public Education Capital Outlay
 1977 and Debt Service Trust Fund to the various boards for capital
 1978 outlay projects shall be determined as follows:

1979 (6)(a) Each district school board must meet all
 1980 educational plant space needs of its elementary, middle, and
 1981 high schools before spending funds from the Public Education
 1982 Capital Outlay and Debt Service Trust Fund or the School
 1983 District and Community College District Capital Outlay and Debt
 1984 Service Trust Fund for any ancillary plant or any other new
 1985 construction, renovation, or remodeling of ancillary space.
 1986 Expenditures to meet such space needs may include expenditures
 1987 for site acquisition; new construction of educational plants;
 1988 renovation, remodeling, and maintenance and repair of existing
 1989 educational plants, including auxiliary facilities; and the
 1990 directly related costs of such services of school district
 1991 personnel. It is not the intent of the Legislature to preclude
 1992 the use of capital outlay funding for the labor costs necessary
 1993 to accomplish the authorized uses for the capital outlay



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1994 funding. Day-labor contracts or any other educational facilities
 1995 contracting and construction techniques pursuant to s. 1013.45
 1996 are authorized. Additionally, if a school district has salaried
 1997 maintenance staff whose duties consist solely of performing the
 1998 labor necessary to accomplish the authorized uses for the
 1999 capital outlay funding, such funding may be used for those
 2000 salaries; however, if a school district has salaried staff whose
 2001 duties consist partially of performing the labor necessary to
 2002 accomplish the authorized uses for the capital outlay funding,
 2003 the district shall prorate the portion of salary of each such
 2004 employee that is based on labor for authorized capital outlay
 2005 funding, and such funding may be used to pay that portion.

2006 (b)1. A district school board must not use funds from the
 2007 Public Education Capital Outlay and Debt Service Trust Fund or
 2008 the School District and Community College District Capital
 2009 Outlay and Debt Service Trust Fund for any new construction of
 2010 educational plant space with a total cost per student station,
 2011 including change orders, that equals more than:

- 2012 a. \$11,600 for an elementary school,
- 2013 b. \$13,300 for a middle school, or
- 2014 c. \$17,600 for a high school,

2015
 2016 (1997) as adjusted annually by the Consumer Price Index.

2017 2. A district school board must not use funds from the
 2018 Public Education Capital Outlay and Debt Service Trust Fund or
 2019 the School District and Community College District Capital
 2020 Outlay and Debt Service Trust Fund for any new construction of
 2021 an ancillary plant that exceeds 70 percent of the average cost
 2022 per square foot of new construction for all schools.

2023 (c) Except as otherwise provided, new construction



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2024 initiated by a district school board after June 30, 1997, must
 2025 not exceed the cost per student station as provided in paragraph
 2026 (b).

2027 (d) The department shall compute for each calendar year
 2028 the statewide average construction costs for facilities serving
 2029 each instructional level, for relocatable educational
 2030 facilities, for administrative facilities, and for other
 2031 ancillary and auxiliary facilities. The department shall compute
 2032 the statewide average costs per student station for each
 2033 instructional level. Cost per student station includes contract
 2034 costs, legal and administrative costs, fees of architects and
 2035 engineers, furniture and equipment, and site improvement costs.
 2036 Cost per student station does not include the cost of purchasing
 2037 or leasing the site for the construction or the cost of related
 2038 offsite improvements.

2039 ~~(e) The restrictions of this subsection on the cost per~~
 2040 ~~student station of new construction do not apply to a project~~
 2041 ~~funded entirely from proceeds received by districts through~~
 2042 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
 2043 ~~State Constitution, if the school board approves the project by~~
 2044 ~~majority vote.~~

2045 Section 37. Sections 1012.41, 1013.21, and 1013.43,
 2046 Florida Statutes, are repealed.

2047 Section 38. If any provision of this act or the
 2048 application thereof to any person or circumstance is held
 2049 invalid, the invalidity shall not affect other provisions or
 2050 applications of the act which can be given effect without the
 2051 invalid provision or application, and to this end the provisions
 2052 of this act are declared severable.

2053 Section 39. This act shall take effect July 1, 2003.