



CHAMBER ACTION

The Committee on Education K-20 recommends the following:

Committee Substitute

Remove the entire bill and insert:

A bill to be entitled

An act relating to class size reduction; providing a popular name; amending s. 1003.01, F.S.; defining the terms "core-curricula courses" and "extracurricular courses"; amending s. 1003.03, F.S.; providing legislative intent; establishing the constitutional class size maximums; providing for the determination of averages; requiring the Department of Education to calculate averages based upon student membership surveys; providing implementation options for school districts; providing accountability for the class size reduction measures; creating s. 1011.685, F.S.; establishing an operating categorical fund for implementing class size reduction; providing for the use of the funds by school districts; creating s. 1013.735, F.S.; establishing the Class Size Reduction Infrastructure Program; providing for the allocation of funds; providing requirements for district participation; providing for the use of the funds; creating s. 1013.736, F.S.; establishing the District



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29 Effort Recognition Program; providing eligibility for
30 school district participation; providing for calculation
31 of a district effort amount for each school district;
32 providing for allocation, distribution, and use of the
33 funds; amending s. 121.091, F.S.; authorizing
34 instructional and administrative personnel who receive
35 authorization to extend participation in the Deferred
36 Retirement Option Program; requiring the Department of
37 Management Services to request a determination from the
38 United States Internal Revenue Service; providing that the
39 changes effected by this act to the Deferred Retirement
40 Option Program are contingent upon such determination or
41 other favorable opinion; amending s. 1001.42, F.S.;
42 eliminating a cross reference to small schools; creating
43 s. 1002.395, F.S.; providing for Florida Learning Access
44 Grants; providing obligations of school districts,
45 parents, and the Department of Education; providing
46 private school eligibility requirements; creating s.
47 1002.396, F.S.; providing for kindergarten grants;
48 providing obligations of parents and the Department of
49 Education; providing private kindergarten eligibility
50 requirements; creating s. 1002.397, F.S.; providing for K-
51 8 virtual school grants; providing obligations of
52 students, parents, and the Department of Education;
53 providing K-8 virtual school eligibility requirements;
54 amending s. 220.187, F.S.; expanding and revising the
55 corporate income tax credit scholarship program; amending
56 s. 1002.20, F.S., relating to parent and student rights,



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57 | to conform to changes made by the act; amending s.
58 | 1002.33, F.S.; removing the cap on the number of charter
59 | schools authorized in school districts; correcting cross
60 | references; amending s. 1002.41, F.S.; correcting a cross
61 | reference; amending s. 1003.02, F.S.; requiring school
62 | districts to notify parents of acceleration mechanisms;
63 | eliminating a cross reference to conform to changes made
64 | by the act; creating s. 1003.429, F.S.; providing options
65 | for accelerated high school graduation; providing for a 3-
66 | year standard college preparatory program and a 3-year
67 | career preparatory program; amending s. 1003.43, F.S.;
68 | including parenting skills in the life management skills
69 | course; removing requirement that the life management
70 | skills course be taken in certain grades; amending s.
71 | 1003.436, F.S.; reducing the number of hours required for
72 | one full credit; amending s. 1007.261, F.S.; revising
73 | credit requirements for admission to state universities;
74 | amending s. 1007.27, F.S.; requiring notification to
75 | students and parents of acceleration opportunities;
76 | authorizing the State Board of Education to adopt rules
77 | concerning articulated acceleration mechanisms; requiring
78 | the State Board of Education to review and report on the
79 | use of acceleration mechanisms and grading practices,
80 | including the weighting of courses, for credit and
81 | admission; amending s. 1003.62, F.S.; deleting provisions
82 | relating to the charter school district pilot program;
83 | providing for establishment of academic performance-based
84 | charter school districts; providing for eligibility and



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85 exemption from statutes and rules; amending s. 1011.62,
86 F.S.; removing a date limitation to provide for
87 categorical flexibility; providing for advertisement and
88 reporting; amending s. 1011.68, F.S.; correcting a cross
89 reference; amending s. 1011.69, F.S.; deleting obsolete
90 provisions; revising equity in school-level funding
91 provisions; providing that class size reduction operating
92 categorical funds are not subject to provisions requiring
93 equity in school-level funding; amending s. 1013.03, F.S.;
94 requiring the Department of Education to review rules
95 relating to school construction and make recommendations
96 to the State Board of Education; amending s. 1013.31,
97 F.S.; requiring school districts to periodically update
98 the inventory of educational facilities; amending s.
99 1002.37, F.S.; revising priorities of the Florida Virtual
100 School; providing that certain funds are internal funds;
101 authorizing supplemental support organizations; revising
102 administrative responsibilities regarding funding and
103 reporting requirements for the board of trustees of the
104 Florida Virtual School; providing for funding the Florida
105 Virtual School within the Florida Education Finance
106 Program; providing for funding based on credit completion;
107 providing a calculation; eliminating obsolete provisions;
108 amending s. 1011.61, F.S.; revising definition of "full-
109 time equivalent student" to include a Florida Virtual
110 School student; providing for membership to exceed certain
111 maximum days of instruction; amending s. 1013.64, F.S.;
112 revising provisions relating to determination of



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113 | allocations to school districts from the Public Education
114 | Capital Outlay and Debt Service Trust Fund; revising
115 | provisions relating to the costs per student station;
116 | repealing ss. 1007.261(2), 1012.41, and 1013.43, F.S.,
117 | relating to credit requirements, employment of directors
118 | of career and technical education, and the small school
119 | requirement; amending s. 216.292, F.S.; requiring the
120 | Executive Office of the Governor to transfer funds for
121 | class size reduction based on recommendations of the
122 | Florida Education Finance Program Appropriation Allocation
123 | Conference; requiring notice and review; providing for
124 | severability; providing effective dates.

125 |
126 | WHEREAS, in 1998, the voters approved an amendment to
127 | Section 1, Article IX of the State Constitution that required
128 | the Legislature to establish by law a uniform, efficient, safe,
129 | secure, and high-quality system of free public schools that
130 | allows students to obtain a high-quality education, and

131 | WHEREAS, in 2002, the voters of Florida approved a further
132 | amendment to Section 1, Article IX of the State Constitution to
133 | assure that students obtain a high-quality education, and

134 | WHEREAS, the voters defined a high-quality education as, by
135 | 2010, a prekindergarten through grade 3 core-curricula class
136 | size of no more than 18 students assigned to a teacher, a grade
137 | 4 through grade 8 core-curricula class size of no more than 22
138 | students assigned to a teacher, and a grade 9 through grade 12
139 | core-curricula class size of no more than 25 students assigned
140 | to a teacher, and



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141 WHEREAS, Section 1, Article IX of the State Constitution
142 requires that such reduced class sizes be accomplished through a
143 system that is both efficient and uniform, and

144 WHEREAS, the constitutional principle of efficiency
145 includes the school districts' use of their facilities,
146 teachers, and other resources in the most efficient manner, and

147 WHEREAS, the Florida Supreme Court, in considering the
148 provisions of Amendment 9 to Section 1, Article IX of the State
149 Constitution, found that "rather than restricting the
150 Legislature, the proposed amendment gives the Legislature
151 latitude in designing ways to reach the class size goal
152 articulated in the ballot initiative, and places the obligation
153 to ensure compliance on the Legislature," and

154 WHEREAS, the Legislature has chosen to focus on student
155 achievement, provide clarity of goals, safeguard the efficient
156 use of public funds, allow flexibility to reach those goals,
157 recognize issues relating to both efficiency and equity of
158 implementation, and require accountability to meet the standards
159 set forth in the State Constitution, NOW, THEREFORE,

160

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

162

163 Section 1. This act shall be known by the popular name the
164 "Class Size Reduction Act."

165 Section 2. Subsections (14) and (15) are added to section
166 1003.01, Florida Statutes, to read:

167 1003.01 Definitions.--As used in this chapter, the term:



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168 (14) "Core-curricula courses" means courses defined by the
169 State Board of Education as mathematics, language arts/reading,
170 science, social studies, foreign language, English for Speakers
171 of Other Languages, or exceptional student education and courses
172 taught in traditional, self-contained elementary school
173 classrooms.

174 (15) "Extracurricular courses" means all courses that are
175 not defined as core-curricula courses. The term is limited in
176 meaning and used for the sole purpose of designating classes
177 that are not subject to the maximum class size requirements
178 established in s. 1, Art. IX of the State Constitution.

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

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

183 1003.03 Maximum class size.--

184 (1) LEGISLATIVE INTENT.--It is the intent of the
185 Legislature that s. 1, Art. IX of the State Constitution be
186 implemented in an efficient manner that preserves the choice
187 options available to parents and students. Accordingly, the
188 Legislature finds that lab schools, charter schools, the Florida
189 Virtual School, eligible K-8 virtual schools, and the Florida
190 School for the Deaf and the Blind, as well as other alternatives
191 to traditional delivery of instruction in the public schools,
192 including, but not limited to, Advanced Placement, International
193 Baccalaureate, Advanced International Certificate of Education,
194 and dual enrollment courses, are not encompassed in the



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195 definition of core-curricula courses for purposes of
196 implementing s. 1, Art. IX of the State Constitution.

197 (2) CONSTITUTIONAL CLASS SIZE MAXIMUMS.--Pursuant to s. 1,
198 Art. IX of the State Constitution, beginning in the 2010-2011
199 school year:

200 (a) The maximum number of students assigned to each
201 teacher who is teaching a core-curricula course in public school
202 classrooms for prekindergarten through grade 3 may not exceed 18
203 students.

204 (b) The maximum number of students assigned to each
205 teacher who is teaching a core-curricula course in public school
206 classrooms for grades 4 through 8 may not exceed 22 students.

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

210 (3) IMPLEMENTATION.--

211 (a) Beginning with the 2003-2004 fiscal year, each school
212 district that is not in compliance with the maximums described
213 in subsection (2) shall reduce the average number of students
214 per classroom in each of the following grade groupings:

215 prekindergarten through grade 3, grade 4 through grade 8, and
216 grade 9 through grade 12, by at least two students each year.

217 (b) Determination of the average number of students per
218 classroom as described in paragraph (a) shall be calculated as
219 follows:

220 1. For fiscal years 2003-2004 through 2005-2006, the
221 calculation for compliance for each of the three grade groupings
222 shall be the average at the school district level.



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223 2. For fiscal years 2006-2007 and 2007-2008, the
224 calculation for compliance for each of the three grade groupings
225 shall be the average at the school level.

226 3. For fiscal years 2008-2009, 2009-2010, and thereafter,
227 the calculation for compliance for each of the three grade
228 groupings shall be at the individual classroom level.

229 (c) The Department of Education shall annually calculate
230 each of the three average class size measures described in
231 paragraphs (a) and (b) based upon the October student membership
232 survey. For purposes of determining the baseline from which each
233 school district's average class size must be reduced for the
234 2003-2004 school year, the department shall use data from the
235 March 2003 student membership survey updated to include
236 classroom identification numbers as required by the department.

237 (d) Prior to the adoption of the school district budget
238 for 2003-2004, each district school board shall hold public
239 hearings to review school attendance zones in order to ensure
240 maximum use of facilities while minimizing the additional use of
241 transportation in order to comply with the two-student-per-year
242 reduction required in paragraph (a). School districts that meet
243 the constitutional class size maximums described in subsection
244 (2) are exempt from this requirement.

245
246 As alternatives to instruction in traditional public schools,
247 lab schools, charter schools, the Florida Virtual School,
248 eligible K-8 virtual schools, the Florida School for the Deaf
249 and the Blind, and Advanced Placement, International
250 Baccalaureate, Advanced International Certificate of Education,



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251 and dual enrollment courses are not encompassed within the
252 definition of core-curricula courses in public school
253 classrooms. School districts shall make every effort to further
254 reduce exceptional student education and English for Speakers of
255 Other Languages class sizes below the class size maximums as
256 necessary to provide high-quality instruction for these special
257 needs students.

258 (4) IMPLEMENTATION OPTIONS.--District school boards must
259 consider, but are not limited to, implementing the following
260 items in order to meet the constitutional class size maximums
261 described in subsection (2) and the two-student-per-year
262 reduction required in subsection (3):

263 (a) Adopt policies to encourage qualified students to take
264 dual enrollment courses.

265 (b) Adopt policies to encourage students to take courses
266 from the Florida Virtual School and eligible K-8 virtual
267 schools.

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

271 2. Adopt policies to allow students to graduate from high
272 school as soon as they pass the grade 10 FCAT and complete the
273 courses required for high school graduation.

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



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279 (e) Use innovative methods to reduce the cost of school
280 construction by using prototype school designs, using SMART
281 Schools designs, participating in the School Infrastructure
282 Thrift (SIT) Program, or using any other method not prohibited
283 by law.

284 (f) Use joint-use facilities through partnerships with
285 community colleges, state universities, and private colleges and
286 universities.

287 (g) Adopt alternative methods of class scheduling, such as
288 block scheduling.

289 (h) Redraw school attendance zones to maximize use of
290 facilities while minimizing the additional use of
291 transportation.

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

295 (j) Use year-round schools and other nontraditional
296 calendars that do not adversely impact annual assessment of
297 student achievement.

298 (k) Review and consider amending any collective bargaining
299 contracts that hinder the implementation of class size
300 reduction.

301 (l) Provide Florida Learning Access Grants in accordance
302 with s. 1002.395.

303 (m) Use any other approach not prohibited by law.

304 (5) ACCOUNTABILITY.--

305 (a) Beginning in the 2004-2005 fiscal year, if the
306 Commissioner of Education determines for any year that a school



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307 | district has not reduced average class size as required in
308 | subsection (3) at the time of the third FEFP calculation, the
309 | department shall calculate an amount from the class size
310 | reduction operating categorical that is proportionate to the
311 | amount of class size reduction not accomplished. Upon
312 | verification of the department's calculation by the Florida
313 | Education Finance Program Appropriation Allocation Conference,
314 | the Executive Office of the Governor shall transfer unencumbered
315 | funds equivalent to the calculated amount from the school
316 | district's class size reduction operating categorical to an
317 | approved fixed capital outlay appropriation for class size
318 | reduction in the affected school district pursuant to s.
319 | 216.292(13). The amount of unencumbered funds transferred shall
320 | be the lesser of the amount verified by the Florida Education
321 | Finance Program Appropriation Allocation Conference or the
322 | unencumbered balance of the school district's class size
323 | reduction operating categorical.

324 | (b) Beginning in the 2006-2007 school year, the
325 | Commissioner of Education shall determine by January 15 of each
326 | year which school districts have not met the two-student-per-
327 | year reduction required in subsection (3) based upon a
328 | comparison of the school district's October student membership
329 | survey for the current school year and the March 2003 baseline
330 | student membership survey. The commissioner shall report such
331 | school districts to the Legislature. Each school district that
332 | has not met the two-student-per-year reduction shall be required
333 | to implement one of the following policies in the subsequent
334 | school year unless the commissioner finds that the school



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335 district comes into compliance based upon the February student
336 membership survey:

337 1. Year-round schools;

338 2. Double sessions;

339 3. Florida Learning Access Grants, pursuant to s.

340 1002.395;

341 4. Rezoning; or

342 5. Maximizing use of instructional staff by changing
343 required teacher loads and scheduling of planning periods,
344 deploying school district employees who have professional
345 certification to the classroom, using adjunct educators,
346 operating schools beyond the normal operating hours to provide
347 classes in the evening, or operating more than one session of
348 school during the day.

349 A school district that is required to implement one of the
350 policies outlined in subparagraphs 1.-5. shall correct in the
351 year of implementation any past deficiencies and bring the
352 school district into compliance with the two-student-per-year
353 reduction requirements pursuant to subsection (3). A school
354 district may choose to implement more than one of these
355 policies. The district school superintendent shall report to the
356 Commissioner of Education the extent to which the school
357 district implemented any of the policies outlined in
358 subparagraphs 1.-5. in a format to be specified by the
359 commissioner. The commissioner shall use the enforcement
360 authority provided in s. 1008.32 to ensure that school districts
361 comply with the provisions of this paragraph.



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362 (c) Beginning in the 2007-2008 school year, the
363 Commissioner of Education shall annually determine which school
364 districts do not meet the requirements described in subsection
365 (3). In addition to enforcement authority provided in s.
366 1008.32, the commissioner shall develop a constitutional
367 compliance plan for each such school district that includes, but
368 is not limited to, redrawing school attendance zones to maximize
369 use of facilities while minimizing the additional use of
370 transportation, unless the commissioner finds that the school
371 district comes into compliance based upon the February student
372 membership survey and the other accountability policies listed
373 in paragraph (b). Each district school board shall implement
374 its constitutional compliance plan developed by the commissioner
375 until the school district complies with the constitutional class
376 size maximums.

377 Section 4. Section 1011.685, Florida Statutes, is created
378 to read:

379 1011.685 Class size reduction; operating categorical
380 fund.--

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

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

388 (a) To reduce class size in any lawful manner if the
389 school district has not met the constitutional maximums



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390 identified in s. 1003.03(2) or the two-student-per-year
391 reduction required by s. 1003.03(3); however, priority should be
392 given to hiring classroom teachers as defined in s.
393 1012.01(2)(a).

394 (b) For any lawful operating expenditure if the school
395 district has met the constitutional maximums identified in s.
396 1003.03(2); however, priority should be given to increasing the
397 salary of classroom teachers as defined in s. 1012.01(2)(a).

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

400 1013.735 Class Size Reduction Infrastructure Program.--

401 (1) ALLOCATION.--The Department of Education shall
402 allocate funds appropriated for the Class Size Reduction
403 Infrastructure Program in the amount prescribed by the
404 Legislature in the General Appropriations Act. It is the intent
405 of the Legislature that this program be administered as nearly
406 as practicable in the same manner as the capital outlay program
407 authorized under s. 9(a), Art. XII of the State Constitution.
408 Each district school board's share of the annual appropriation
409 for the Class Size Reduction Infrastructure Program must be
410 calculated according to the following formula:

411 (a) Twenty-five percent of the appropriation shall be
412 prorated to the school districts based on each school district's
413 percentage of base capital outlay full-time equivalent
414 membership, and 65 percent shall be based on each school
415 district's percentage of growth capital outlay full-time
416 equivalent membership as specified for the allocation of funds



417 from the Public Education Capital Outlay and Debt Service Trust
418 Fund in s. 1013.64(3).

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

422 (2) DISTRICT PARTICIPATION.--In order to participate in
423 the Class Size Reduction Infrastructure Program, a district
424 school board shall:

425 (a) Enter into an interlocal agreement pursuant to s.
426 1013.33.

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

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

433 (a) Construct, renovate, remodel, or repair educational
434 facilities that reduce class size and are in excess of funded
435 projects identified in the school district's 5-year work program
436 adopted prior to March 15, 2003; or

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

440 Section 6. Effective upon this act becoming a law, section
441 1013.736, Florida Statutes, is created to read:

442 1013.736 District Effort Recognition Program.--

443 (1) RECOGNITION FUNDS.--From funds appropriated by the
444 Legislature, district effort recognition capital outlay grants



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445 shall be made to eligible school districts in accordance with
446 the provisions of this section and the General Appropriations
447 Act. The funds appropriated in this section are not subject to
448 the provisions of s. 216.301.

449 (2) ELIGIBILITY.--Annually, the Department of Education
450 shall determine each school district's compliance with the
451 provisions of s. 1003.03 and determine the school district's
452 eligibility to receive a district effort recognition grant for
453 local school facilities projects pursuant to this section.
454 School districts shall be eligible for a district effort
455 recognition grant based upon participation in any of the
456 following:

457 (a) The school district levies a half-cent school capital
458 outlay sales surtax authorized in s. 212.055(6).

459 (b) The school district participates in the levy of the
460 local government infrastructure sales surtax authorized in s.
461 212.055(2).

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

465 (3) CALCULATION OF DISTRICT EFFORT AMOUNT.--The department
466 shall annually calculate a district effort amount for each
467 school district by September 1 after each fiscal year. The total
468 amount of revenue for the prior year from each revenue levied as
469 described in subsection (2) shall be divided by the number of
470 months for which revenue was received and multiplied by the
471 number of authorized months remaining in each voter referendum.
472 The amount so determined for each revenue levied shall be



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473 totalled. The Department of Revenue shall report the amount of
474 voter-approved revenue described in paragraphs (2)(a) and
475 (2)(b). The school district shall report the amount of revenue
476 described in paragraph (2)(b) identified for school district
477 fixed capital outlay in the prior fiscal year. To determine the
478 amount of revenue levied pursuant to paragraph (2)(c), the
479 school district shall annually report to the department the
480 outstanding debt service by bond series and date of maturity.
481 The total of annual debt service to maturity remaining as of
482 July 1 of each year shall be added to the other revenues levied
483 pursuant to paragraphs (2)(a) and (2)(b) in determining the
484 total district effort amount. Only the amount of voter-approved
485 revenue described in paragraph (2)(b) that has been identified
486 for school district fixed capital outlay in the prior fiscal
487 year shall be used in the calculation.

488 (4) ALLOCATION AND DISTRIBUTION OF FUNDS.--The department
489 shall allocate the annual amount of funds provided among all
490 eligible school districts based upon the school district's
491 proportion of the funds as determined pursuant to subsection
492 (3). Funds shall be distributed once a school district has
493 encumbered the funds.

494 (5) USE OF FUNDS.--School districts that do not meet the
495 constitutional class size maximums described in s. 1003.03(2)
496 must use the funds for capital outlay to reduce class size.
497 School districts that meet the constitutional class size
498 maximums may use the funds for any lawful capital outlay
499 purpose.



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500 Section 7. Effective upon this act becoming a law,
501 paragraphs (a) and (b) of subsection (13) of section 121.091,
502 Florida Statutes, are amended to read:

503 121.091 Benefits payable under the system.--Benefits may
504 not be paid under this section unless the member has terminated
505 employment as provided in s. 121.021(39)(a) or begun
506 participation in the Deferred Retirement Option Program as
507 provided in subsection (13), and a proper application has been
508 filed in the manner prescribed by the department. The department
509 may cancel an application for retirement benefits when the
510 member or beneficiary fails to timely provide the information
511 and documents required by this chapter and the department's
512 rules. The department shall adopt rules establishing procedures
513 for application for retirement benefits and for the cancellation
514 of such application when the required information or documents
515 are not received.

516 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and
517 subject to the provisions of this section, the Deferred
518 Retirement Option Program, hereinafter referred to as the DROP,
519 is a program under which an eligible member of the Florida
520 Retirement System may elect to participate, deferring receipt of
521 retirement benefits while continuing employment with his or her
522 Florida Retirement System employer. The deferred monthly
523 benefits shall accrue in the System Trust Fund on behalf of the
524 participant, plus interest compounded monthly, for the specified
525 period of the DROP participation, as provided in paragraph (c).
526 Upon termination of employment, the participant shall receive
527 the total DROP benefits and begin to receive the previously



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528 determined normal retirement benefits. Participation in the DROP
529 does not guarantee employment for the specified period of DROP.

530 (a) Eligibility of member to participate in the DROP.--All
531 active Florida Retirement System members in a regularly
532 established position, and all active members of either the
533 Teachers' Retirement System established in chapter 238 or the
534 State and County Officers' and Employees' Retirement System
535 established in chapter 122 which systems are consolidated within
536 the Florida Retirement System under s. 121.011, are eligible to
537 elect participation in the DROP provided that:

538 1. The member is not a renewed member of the Florida
539 Retirement System under s. 121.122, or a member of the State
540 Community College System Optional Retirement Program under s.
541 121.051, the Senior Management Service Optional Annuity Program
542 under s. 121.055, or the optional retirement program for the
543 State University System under s. 121.35.

544 2. Except as provided in subparagraph 6., election to
545 participate is made within 12 months immediately following the
546 date on which the member first reaches normal retirement date,
547 or, for a member who reaches normal retirement date based on
548 service before he or she reaches age 62, or age 55 for Special
549 Risk Class members, election to participate may be deferred to
550 the 12 months immediately following the date the member attains
551 57, or age 52 for Special Risk Class members. For a member who
552 first reached normal retirement date or the deferred eligibility
553 date described above prior to the effective date of this
554 section, election to participate shall be made within 12 months
555 after the effective date of this section. A member who fails to



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556 make an election within such 12-month limitation period shall
557 forfeit all rights to participate in the DROP. The member shall
558 advise his or her employer and the division in writing of the
559 date on which the DROP shall begin. Such beginning date may be
560 subsequent to the 12-month election period, but must be within
561 the 60-month or, with respect to members who are either
562 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
563 grades K-12 or administrative personnel as defined in s.
564 1012.01(3) in grades K-12 and who have received authorization by
565 the district school superintendent to participate in the DROP
566 for more than 60 months, the 96-month limitation period as
567 provided in subparagraph (b)1. When establishing eligibility of
568 the member to participate in the DROP for the 60-month or, with
569 respect to members who are either instructional personnel as
570 defined in s. 1012.01(2)(a)-(d) in grades K-12 or administrative
571 personnel as defined in s. 1012.01(3) in grades K-12 and who
572 have received authorization by the district school
573 superintendent to participate in the DROP for more than 60
574 months, the 96-month maximum participation period, the member
575 may elect to include or exclude any optional service credit
576 purchased by the member from the total service used to establish
577 the normal retirement date. A member with dual normal retirement
578 dates shall be eligible to elect to participate in DROP within
579 12 months after attaining normal retirement date in either
580 class.

581 3. The employer of a member electing to participate in the
582 DROP, or employers if dually employed, shall acknowledge in
583 writing to the division the date the member's participation in



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584 the DROP begins and the date the member's employment and DROP
585 participation will terminate.

586 4. Simultaneous employment of a participant by additional
587 Florida Retirement System employers subsequent to the
588 commencement of participation in the DROP shall be permissible
589 provided such employers acknowledge in writing a DROP
590 termination date no later than the participant's existing
591 termination date or the 60-month limitation period as provided
592 in subparagraph (b)1.

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

595 a. A change of employment must take place without a break
596 in service so that the member receives salary for each month of
597 continuous DROP participation. If a member receives no salary
598 during a month, DROP participation shall cease unless the
599 employer verifies a continuation of the employment relationship
600 for such participant pursuant to s. 121.021(39)(b).

601 b. Such participant and new employer shall notify the
602 division on forms required by the division as to the identity of
603 the new employer.

604 c. The new employer shall acknowledge, in writing, the
605 participant's DROP termination date, which may be extended but
606 not beyond the original 60-month or, with respect to members who
607 are either instructional personnel as defined in s.
608 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as
609 defined in s. 1012.01(3) in grades K-12 and who have received
610 authorization by the district school superintendent to
611 participate in the DROP for more than 60 months, the 96-month



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612 period provided in subparagraph (b)1., shall acknowledge
613 liability for any additional retirement contributions and
614 interest required if the participant fails to timely terminate
615 employment, and shall be subject to the adjustment required in
616 sub-subparagraph (c)5.d.

617 6. Effective July 1, 2001, for instructional personnel as
618 defined in s. 1012.01(2), election to participate in the DROP
619 shall be made at any time following the date on which the member
620 first reaches normal retirement date. The member shall advise
621 his or her employer and the division in writing of the date on
622 which the Deferred Retirement Option Program shall begin. When
623 establishing eligibility of the member to participate in the
624 DROP for the 60-month or, with respect to members who are either
625 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
626 grades K-12 or administrative personnel as defined in s.
627 1012.01(3) in grades K-12 and who have received authorization by
628 the district school superintendent to participate in the DROP
629 for more than 60 months, the 96-month maximum participation
630 period, as provided in subparagraph (b)1., the member may elect
631 to include or exclude any optional service credit purchased by
632 the member from the total service used to establish the normal
633 retirement date. A member with dual normal retirement dates
634 shall be eligible to elect to participate in either class.

635 (b) Participation in the DROP.--

636 1. An eligible member may elect to participate in the DROP
637 for a period not to exceed a maximum of 60 calendar months or,
638 with respect to members who are either instructional personnel
639 as defined in s. 1012.01(2)(a)-(d) in grades K-12 or



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640 administrative personnel as defined in s. 1012.01(3) in grades
641 K-12 and who have received authorization by the district school
642 superintendent to participate in the DROP for more than 60
643 calendar months, a maximum of 96 calendar months immediately
644 following the date on which the member first reaches his or her
645 normal retirement date or the date to which he or she is
646 eligible to defer his or her election to participate as provided
647 in subparagraph (a)2. However, a member who has reached normal
648 retirement date prior to the effective date of the DROP shall be
649 eligible to participate in the DROP for a period of time not to
650 exceed 60 calendar months or, with respect to members who are
651 either instructional personnel as defined in s. 1012.01(2)(a)-
652 (d) in grades K-12 or administrative personnel as defined in s.
653 1012.01(3) in grades K-12 and who have received authorization by
654 the district school superintendent to participate in the DROP
655 for more than 60 calendar months, 96 calendar months immediately
656 following the effective date of the DROP, except a member of the
657 Special Risk Class who has reached normal retirement date prior
658 to the effective date of the DROP and whose total accrued value
659 exceeds 75 percent of average final compensation as of his or
660 her effective date of retirement shall be eligible to
661 participate in the DROP for no more than 36 calendar months
662 immediately following the effective date of the DROP.

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

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

666 b. Selection of the DROP participation and termination
667 dates, which satisfy the limitations stated in paragraph (a) and



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668 subparagraph 1. Such termination date shall be in a binding
669 letter of resignation with the employer, establishing a deferred
670 termination date. The member may change the termination date
671 within the limitations of subparagraph 1., but only with the
672 written approval of his or her employer;

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

675 d. Any other information required by the division.

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

684 4. Elected officers shall be eligible to participate in
685 the DROP subject to the following:

686 a. An elected officer who reaches normal retirement date
687 during a term of office may defer the election to participate in
688 the DROP until the next succeeding term in that office. Such
689 elected officer who exercises this option may participate in the
690 DROP for up to 60 calendar months or a period of no longer than
691 such succeeding term of office, whichever is less.

692 b. An elected or a nonelected participant may run for a
693 term of office while participating in DROP and, if elected,
694 extend the DROP termination date accordingly, except, however,
695 if such additional term of office exceeds the 60-month



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696 limitation established in subparagraph 1., and the officer does
697 not resign from office within such 60-month limitation, the
698 retirement and the participant's DROP shall be null and void as
699 provided in sub-subparagraph (c)5.d.

700 c. An elected officer who is dually employed and elects to
701 participate in DROP shall be required to satisfy the definition
702 of termination within the 60-month or, with respect to members
703 who are either instructional personnel as defined in s.
704 1012.01(2)(a)-(d) in grades K-12 or administrative personnel as
705 defined in 1012.01(3) in grades K-12 and who have received
706 authorization by the district school superintendent to
707 participate in the DROP for more than 60 months, the 96-month
708 limitation period as provided in subparagraph 1. for the
709 nonelected position and may continue employment as an elected
710 officer as provided in s. 121.053. The elected officer will be
711 enrolled as a renewed member in the Elected Officers' Class or
712 the Regular Class, as provided in ss. 121.053 and 121.22, on the
713 first day of the month after termination of employment in the
714 nonelected position and termination of DROP. Distribution of the
715 DROP benefits shall be made as provided in paragraph (c).

716 Section 8. (1) The Department of Management Services
717 shall, as soon as practicable after the effective date of this
718 act, request an expedited opinion from the United States
719 Internal Revenue Service as to the qualified status of the
720 changes to the Deferred Retirement Option Program.

721 (2) The changes effected by this act to the Deferred
722 Retirement Option Program shall be contingent upon the
723 Department of Management Services receiving a favorable



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724 determination letter and a favorable private letter ruling from
725 the Internal Revenue Service. If the Internal Revenue Service
726 refuses to act upon a request for a private letter ruling, then
727 a favorable legal opinion from a qualified tax attorney or firm
728 may be substituted for such private letter ruling.

729 Section 9. Subsection (20) of section 1001.42, Florida
730 Statutes, is amended to read:

731 1001.42 Powers and duties of district school board.—The
732 district school board, acting as a board, shall exercise all
733 powers and perform all duties listed below:

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

740 Section 10. Section 1002.395, Florida Statutes, is created
741 to read:

742 1002.395 Florida Learning Access Grants.--

743 (1) POPULAR NAME.--This section shall be known by the
744 popular name the "Florida Learning Access Grants Act."

745 (2) DISTRICT PARTICIPATION.--District school boards may
746 choose to implement the Florida Learning Access Grants program
747 as a strategy to reduce class size in their local school
748 districts pursuant to s. 1003.03(4). District school boards may
749 be required to participate in this program to reduce class size
750 if the Commissioner of Education so determines pursuant to s.
751 1003.03(5)(b).



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

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

759 (b) Opt to request, on an annual basis, a Florida Learning
760 Access Grant to assist the parent in paying for the student's
761 attendance at an eligible private school of the parent's choice.
762 The grant shall be in the amount of \$3,500 in 2003 dollars,
763 adjusted annually thereafter to reflect increases or decreases
764 in the Consumer Price Index, or the tuition charged by the
765 private school, whichever is less. The parent choosing a Florida
766 Learning Access Grant shall be responsible for the child's
767 transportation.

768 (4) PARTICIPATING SCHOOL DISTRICT OBLIGATIONS.--Each
769 school district participating in this program shall annually by
770 February 22, for each K-12 student eligible under subsection
771 (3), notify the parent that the school district has chosen to
772 offer Florida Learning Access Grants and provide the parent with
773 the parental choice options for the following school year as
774 provided in subsection (3).

775 (5) PARENT OBLIGATIONS.--

776 (a) The parent shall notify the school district as to
777 which of the options provided in subsection (3) the parent
778 wishes to choose.



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- 779 1. Failure of the parent to provide notification shall
780 constitute the choice of the option provided by paragraph
781 (3)(a).
- 782 2. If the parent chooses the option provided by paragraph
783 (3)(b), the parent must:
- 784 a. Obtain acceptance for admission of the student to a
785 private school eligible under subsection (6) as soon as possible
786 and inform the private school that the student will be using a
787 Florida Learning Access Grant.
- 788 b. Notify the Department of Education of the parent's
789 request for a Florida Learning Access Grant and the name and
790 address of the selected private school.
- 791 c. Agree to provide transportation for the student to the
792 private school if necessary.
- 793 d. Agree to pay any costs associated with the student's
794 attendance at the private school that exceed the annual amount
795 of the Florida Learning Access Grant.
- 796 e. Agree that the education provided by the private school
797 selected shall satisfy the student's full need for educational
798 services from the student's school.
- 799 f. Ensure that the student takes a nationally normed
800 examination as determined by the private school for each grade 3
801 through 10. The results of the examination shall be provided to
802 the parent.
- 803 (b) After the first year of the student's attendance at a
804 private school under the Florida Learning Access Grants program,
805 the parent must annually notify the Department of Education if
806 the parent intends to renew the grant according to the



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807 provisions of subsection (8) in order for the student to
808 continue in the program, together with the name and address of
809 the private school selected for the student for the following
810 year.

811 (6) PRIVATE SCHOOL ELIGIBILITY.--Eligibility of a private
812 school shall be determined by the parental oversight and
813 accountability requirements that, coupled with the exercise of
814 parental choice, are reasonably necessary to secure the
815 educational public purpose. To be eligible to participate in the
816 Florida Learning Access Grants program, a private school must be
817 a Florida private school, may be sectarian or nonsectarian, and
818 must:

819 (a) Demonstrate fiscal soundness by being in operation for
820 1 school year or provide the Department of Education with a
821 statement by a certified public accountant confirming that the
822 private school desiring to participate is insured and the owner
823 or owners have sufficient capital or credit to operate the
824 school for the upcoming year serving the number of students
825 anticipated with expected revenues from tuition and other
826 sources that may be reasonably expected. In lieu of such a
827 statement, a surety bond or letter of credit for the amount
828 equal to the Florida Learning Access Grant funds for any school
829 year may be filed with the department.

830 (b) Notify the Department of Education and the school
831 district in the service areas in which the school is located of
832 its intent to participate in the program under this section as
833 early as possible, but no later than July 1 preceding the school
834 year in which it intends to participate. The notice shall



835 specify the grade levels and services that the private school
 836 has available for the Florida Learning Access Grants program.

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

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

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

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

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

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

849 (b) The number of initial Florida Learning Access Grants
 850 to be awarded shall be determined annually by the Department of
 851 Education based upon the department's determination of the
 852 number that would be necessary to reduce class size to meet the
 853 school district's two-student-per-year reduction requirements
 854 pursuant to s. 1003.03(3) or to meet the constitutional class
 855 size maximums described in s. 1003.03(2). However, district
 856 school boards may authorize more Florida Learning Access Grants
 857 than the number established by the department.

858 (8) FLORIDA LEARNING ACCESS GRANT RENEWAL.--For purposes
 859 of educational continuity and parental choice, a Florida
 860 Learning Access Grant, once awarded, shall be renewable for as
 861 long as the parent is a Florida resident who opts for
 862 continuation of the grant for the student and the student



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863 lawfully attends an eligible private school through grade 12 or
864 until the student graduates from high school. The Florida
865 Learning Access Grant may be transferred from one eligible
866 private school to another upon the school's acceptance of the
867 student and the parent's provision of adequate notice to the
868 Department of Education. A parent may, however, at any time opt
869 to return the student to the public school.

870 (9) FLORIDA LEARNING ACCESS GRANT DISBURSEMENT.--Upon
871 proper documentation reviewed and approved by the Department of
872 Education, the Chief Financial Officer shall make Florida
873 Learning Access Grant payments in four equal amounts no later
874 than September 1, November 1, February 1, and April 1 of each
875 academic year. The initial payment shall be made after
876 Department of Education verification of admission acceptance,
877 and subsequent payments shall be made upon verification of the
878 student's continued enrollment and attendance at the private
879 school. Payment must be by individual warrant made payable to
880 the student's parent and mailed by the Department of Education
881 to the private school of the parent's choice, and the parent
882 shall restrictively endorse the warrant to the private school.

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

886 (11) DEPARTMENT OF EDUCATION OBLIGATIONS.--

887 (a)1. Upon notification of the number of students whose
888 parents have opted to request initial Florida Learning Access
889 Grants, the Department of Education shall transfer from general
890 revenue funds appropriated to the school district the total



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891 amount of annual \$3,500 grants for the school district's
892 students from the Florida Education Finance Program to a
893 separate account for the disbursement of the initial Florida
894 Learning Access Grants.

895 2. The Department of Education shall, in its annual
896 budget, provide for Florida Learning Access Grants for parents
897 who wish their children to continue participation in the Florida
898 Learning Access Grants program beyond the initial year of
899 participation.

900 (b) The Department of Education shall administer the
901 Florida Learning Access Grants program, and the State Board of
902 Education may adopt rules pursuant ss. 120.536(1) and 120.54 to
903 implement the provisions of this section. However, the inclusion
904 of eligible private schools within options available to Florida
905 public school students does not expand the regulatory authority
906 of the state, its officers, or any school district to impose any
907 additional regulations on private schools beyond those
908 reasonably necessary to enforce requirements expressly set forth
909 in this section.

910 Section 11. Section 1002.396, Florida Statutes, is created
911 to read:

912 1002.396 Kindergarten grants program.--

913 (1) LEGISLATIVE INTENT; KINDERGARTEN GRANTS PROGRAM.--
914 Recognizing the importance of each child having the best
915 possible foundation for his or her success in school, it is the
916 intent of the Legislature that the parents of a child who will
917 have attained the age of 5 years on or before September 1 of the



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918 school year or who is otherwise eligible to attend kindergarten
919 in a Florida public school be given the option:

920 (a) To enroll the child in and transport the child to
921 kindergarten in any public school within the school district
922 other than the school to which the child is assigned; or

923 (b) To receive a kindergarten grant to enroll the child in
924 an eligible private kindergarten of the parent's choice. The
925 grant shall be in the amount of \$3,500 in 2003 dollars, adjusted
926 annually thereafter to reflect increases or decreases in the
927 Consumer Price Index, or the tuition charged by the private
928 kindergarten, whichever is less. The parent choosing a
929 kindergarten grant shall be responsible for the child's
930 transportation.

931 (2) PARENT OBLIGATIONS.--

932 (a) The parent choosing to participate in the kindergarten
933 grants program shall notify the school district as to which of
934 the options provided in subsection (1) the parent wishes to
935 choose.

936 (b) If the parent chooses the option provided in paragraph
937 (1)(a), the parent shall inform the school district by May 1
938 which public school the parent has selected, and the parent
939 shall agree to provide any necessary transportation to the
940 selected public school.

941 (c) If the parent chooses the option provided in paragraph
942 (1)(b), the parent shall:

943 1. Obtain acceptance for admission of the child to a
944 private kindergarten eligible under subsection (3) as soon as



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945 possible and inform the private kindergarten that the child will
946 be using a kindergarten grant.

947 2. Notify the Department of Education by July 1 of the
948 parent's request for a kindergarten grant and the name and
949 address of the selected private kindergarten.

950 3. Agree to provide any necessary transportation for the
951 child to the selected private kindergarten.

952 4. Agree to pay any costs associated with the child's
953 attendance at the private kindergarten that exceed the amount of
954 the kindergarten grant.

955 (3) PRIVATE KINDERGARTEN ELIGIBILITY.--Eligibility of a
956 private kindergarten shall be determined by the parental
957 oversight and accountability requirements that, coupled with the
958 exercise of parental choice, are reasonably necessary to secure
959 the educational public purpose. To be eligible to participate in
960 the kindergarten grants program, a kindergarten must be a
961 Florida private kindergarten, may be sectarian or nonsectarian,
962 and must:

963 (a) Demonstrate fiscal soundness by being in operation for
964 1 school year or provide the Department of Education with a
965 statement by a certified public accountant confirming that the
966 private kindergarten desiring to participate is insured and the
967 owner or owners have sufficient capital or credit to operate the
968 kindergarten for the upcoming year serving the number of
969 students anticipated with expected revenues from tuition and
970 other sources that may be reasonably expected. In lieu of such a
971 statement, a surety bond or letter of credit for the amount



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972 equal to the kindergarten grants funds for any school year may
973 be filed with the department.

974 (b) Notify the Department of Education and the school
975 district in the service area in which the kindergarten is
976 located of its intent to participate in the program under this
977 section as early as possible, but no later than July 1 preceding
978 the school year in which it intends to participate.

979 (c) Comply with the antidiscrimination provisions of 42
980 U.S.C. s. 2000d.

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

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

984 (4) KINDERGARTEN GRANT DISBURSEMENT.--Upon proper
985 documentation reviewed and approved by the Department of
986 Education, the Chief Financial Officer shall make kindergarten
987 grant payments in four equal amounts no later than September 1,
988 November 1, February 1, and April 1 of each academic year. The
989 initial payment shall be made after Department of Education
990 verification of admission acceptance, and subsequent payments
991 shall be made upon verification of the student's continued
992 enrollment and attendance at the private kindergarten. Payment
993 must be by individual warrant made payable to the student's
994 parent and mailed by the Department of Education to the private
995 kindergarten of the parent's choice, and the parent shall
996 restrictively endorse the warrant to the private kindergarten.

997 (5) LIABILITY.--No liability shall arise on the part of
998 the state based on the award or use of any kindergarten grant.



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999 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department
1000 of Education shall administer the kindergarten grants program
1001 and may adopt rules pursuant to ss. 120.536(1) and 120.54 to
1002 implement the provisions of this section. However, the inclusion
1003 of eligible private schools within options available to Florida
1004 public school students does not expand the regulatory authority
1005 of the state, its officers, or any school district to impose any
1006 additional regulations on private schools beyond those
1007 reasonably necessary to enforce requirements expressly set forth
1008 in this section.

1009 Section 12. Section 1002.397, Florida Statutes, is created
1010 to read:

1011 1002.397 K-8 Virtual School Grants Program.--

1012 (1) K-8 VIRTUAL SCHOOL GRANTS PROGRAM.--Parents of a
1013 student who is eligible to attend kindergarten or grade 1, 2, 3,
1014 4, 5, 6, 7, or 8 and was enrolled and in attendance at a Florida
1015 public school during the October and February FTE enrollment
1016 counts or is entering kindergarten or first grade and has been
1017 assigned to a specific Florida public school shall be given the
1018 option to enroll the student in an eligible K-8 virtual school
1019 of the parent's choice. The student shall be enrolled as a full-
1020 time student. The student shall be eligible for a virtual school
1021 grant in the amount of \$3,500 in 2003 dollars, adjusted annually
1022 thereafter to reflect increases or decreases in the Consumer
1023 Price Index, or the tuition charged by the eligible K-8 virtual
1024 school, whichever is less. Students who have scored Level 1 on
1025 the Florida Comprehensive Assessment Test or have been retained
1026 shall be given priority.



1027 (2) STUDENT AND PARENT OBLIGATIONS.--

1028 (a) The parent of an eligible student choosing to

1029 participate in the K-8 Virtual School Grants Program shall

1030 notify the school district of the parent's desire for the

1031 student to participate in the grants program.

1032 (b) The parent shall:

1033 1. Obtain acceptance for admission of the student to an

1034 eligible K-8 virtual school and inform the virtual school that

1035 the child will be using a virtual school grant.

1036 2. Notify the Department of Education by July 1 of the

1037 parent's request for a K-8 virtual school grant and the name and

1038 address of the selected virtual school.

1039 3. Agree to pay any costs, including any transportation,

1040 associated with the child's attendance at the K-8 virtual school

1041 that exceed the amount of the K-8 virtual school grant.

1042 (c) Each parent shall serve as, or provide, an onsite

1043 mentor or facilitator at the site where the student is

1044 physically located.

1045 (d) Each student shall have access to a singular,

1046 consistent curriculum that meets or exceeds the Sunshine State

1047 Standards and that has an interactive program with significant

1048 on-line components. Nothing in this section, however, shall

1049 prohibit a student from working at a different grade level in a

1050 subject within the singular curriculum.

1051 (e) Each student enrolled in an approved K-8 virtual

1052 school shall be a full-time student. Enrolled students must take

1053 all language arts, mathematics, science, history, and required

1054 courses for the grade level in which the student is enrolled.



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1055 (f) Each student enrolled in an approved K-8 virtual
1056 school in grades 3, 4, 5, 6, 7, and 8 shall participate in the
1057 Florida Comprehensive Assessment Test (FCAT) in accordance with
1058 the requirement of s. 1008.22. Students in grades that are not
1059 required to take the FCAT shall participate in local assessments
1060 and in the K-3 state-approved assessment for reading adopted by
1061 Just Read Florida.

1062 (3) K-8 VIRTUAL SCHOOL ELIGIBILITY.--As used in this
1063 section, a "K-8 virtual school" means an independent public
1064 school that uses on-line and distance learning technology in
1065 order to deliver instruction to students in kindergarten and
1066 grades 1 through 8. Eligibility of a K-8 virtual school to
1067 participate in the K-8 Virtual School Grants Program shall be
1068 determined by the State Board of Education. To be eligible to
1069 participate in the program, a K-8 virtual school must:

1070 (a) Demonstrate fiscal soundness by being in operation for
1071 at least 1 school year or provide the Department of Education
1072 with a statement by a certified public accountant confirming
1073 that the K-8 virtual school desiring to participate is insured
1074 and the owner or owners have sufficient capital or credit to
1075 operate the school for the upcoming year serving the number of
1076 students anticipated with expected revenues from tuition and
1077 other sources that may be reasonably expected. In lieu of such a
1078 statement, a surety bond or letter of credit for the amount
1079 equal to the K-8 virtual school grants funds for any school year
1080 may be filed with the department.

1081 (b) Notify the Department of Education of its intent to
1082 participate in the program under this section as early as



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1083 possible, but no later than July 1 preceding the school year in
1084 which it intends to participate.

1085 (c) Comply with the antidiscrimination provisions of 42
1086 U.S.C. s. 2000d.

1087 (d) Submit to the State Board of Education forecasted
1088 enrollment, actual enrollments, and grade completions for the K-
1089 8 virtual school according to procedures established by the
1090 State Board of Education. At a minimum, such procedures must
1091 include the number of students served by grade and by county of
1092 residence.

1093 (e) Provide, free of charge, instructional materials, a
1094 computer, and a printer used for schoolwork for each student
1095 enrolled for as long as the student is enrolled. Nothing in this
1096 section prevents students from using their own computers or
1097 printers. If a student does not have an existing Internet
1098 connection, the K-8 virtual school shall provide an Internet
1099 connection.

1100 (f) Conform all curriculum and course content to the
1101 Sunshine State Standards. All reading and other content area
1102 strategies shall be based on scientific research.

1103 (g) Administer the Florida Comprehensive Assessment Test
1104 (FCAT) in accordance with ss. 1008.22, 1008.23, and 1008.24 or,
1105 for those students in grades that are not required to take the
1106 FCAT, local assessments and the K-3 state-approved assessment
1107 for reading adopted by Just Read Florida.

1108 (h) Employ on-line teachers who are certified in Florida,
1109 residents of Florida, and employed on a full-time basis. All on-
1110 line teachers shall meet with each student at least once per



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1111 month during each school semester, either face-to-face at the
1112 school facility or another mutually agreed upon location or via
1113 telephone. On-line teachers shall be available to students,
1114 parents, and onsite mentors and facilitators on a schedule
1115 equivalent to that of a normal public school day and normal
1116 public school calendar for each K-8 virtual school student's
1117 public school district in a variety of ways, including, but not
1118 limited to, telephone and electronic mail.

1119 (i) Maintain an administrative office, which shall be
1120 considered its principal place of business within the state.

1121 (4) K-8 VIRTUAL SCHOOL GRANT DISBURSEMENT.--Upon proper
1122 documentation reviewed and approved by the Department of
1123 Education, the Chief Financial Officer shall make K-8 virtual
1124 school grant payments in four equal amounts no later than
1125 September 1, November 1, February 1, and April 1 of each
1126 academic year. The initial payment shall be made after
1127 Department of Education verification of admission acceptance,
1128 and subsequent payments shall be made upon verification of the
1129 student's continued enrollment. Payment must be by individual
1130 warrant made payable to the student's parent and mailed by the
1131 Department of Education to the K-8 virtual school of the
1132 parent's choice, and the parent shall restrictively endorse the
1133 warrant to the virtual school.

1134 (5) LIABILITY.--No liability shall arise on the part of
1135 the state based on the award or use of any K-8 virtual school
1136 grant.



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1137 (6) DEPARTMENT OF EDUCATION OBLIGATIONS.--The Department
1138 of Education shall administer the K-8 Virtual School Grants
1139 Program.

1140 (a) The department may approve one or more K-8 virtual
1141 schools for the purpose of delivering K-8 on-line and distance
1142 learning education.

1143 (b) The department shall monitor each K-8 virtual school's
1144 performance and annually evaluate each K-8 virtual school based
1145 on the following criteria:

1146 1. The extent to which the school demonstrates increases
1147 in student achievement according to the goals of the Sunshine
1148 State Standards.

1149 2. Student achievement data from the Florida Comprehensive
1150 Assessment Test (FCAT) for grades 3 through 8. The school shall
1151 be assigned a school performance grade under the school grading
1152 system. For those students in kindergarten and grades 1 and 2
1153 who are not required to take the FCAT, student achievement data
1154 shall be from local assessments and the K-3 state-approved
1155 assessment for reading adopted by Just Read Florida.

1156 3. Grade completion rate, based upon the goals of a 70-
1157 percent completion rate, with 80 percent of those completing
1158 grades scoring at Level 3 or higher on the FCAT or at least
1159 satisfactory on the K-3 assessment.

1160 4. Parent satisfaction rate, based upon the goal of 80
1161 percent of parents of participating students indicating
1162 satisfaction with the school.



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1163 5. The accountability and viability of the K-8 virtual
1164 school as demonstrated by its academic, fiscal, and operational
1165 performance.

1166

1167 The Department of Education shall report each K-8 virtual
1168 school's performance to the State Board of Education, the
1169 President of the Senate, and the Speaker of the House of
1170 Representatives.

1171 (7) RULEMAKING.--The State Board of Education may adopt
1172 rules in accordance with ss. 120.536(1) and 120.54 as necessary
1173 to implement this section, including reporting requirements for
1174 K-8 virtual schools operating pursuant to this section.

1175 Section 13. Paragraph (b) of subsection (2), paragraph (b)
1176 of subsection (3), and paragraphs (c) and (e) of subsection (4)
1177 of section 220.187, Florida Statutes, are amended to read:

1178 220.187 Credits for contributions to nonprofit
1179 scholarship-funding organizations.--

1180 (2) DEFINITIONS.-- As used in this section, the term:

1181 (b) "Eligible contribution" means a monetary contribution
1182 from a taxpayer, subject to the restrictions provided in this
1183 section, to an eligible nonprofit scholarship-funding
1184 organization. The taxpayer making the contribution may not
1185 designate a specific child as the beneficiary of the
1186 contribution. The taxpayer may not contribute more than \$5
1187 million in 2003 dollars, adjusted annually thereafter to reflect
1188 increases or decreases in the Consumer Price Index, to any
1189 single eligible nonprofit scholarship-funding organization.



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1190 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
1191 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.—

1192 (b) The total amount of tax credit which may be granted
1193 each state fiscal year under this section is \$100 ~~\$50~~ million in
1194 2003 dollars, adjusted annually thereafter to reflect increases
1195 or decreases in the Consumer Price Index.

1196 (4) OBLIGATIONS OF ELIGIBLE NONPROFIT SCHOLARSHIP-FUNDING
1197 ORGANIZATIONS.--

1198 (c) The amount of a scholarship provided to any child for
1199 any single school year by all eligible nonprofit scholarship-
1200 funding organizations from eligible contributions shall not
1201 exceed the following annual limits:

1202 1. Three thousand five hundred dollars in 2003 dollars,
1203 adjusted annually thereafter to reflect increases or decreases
1204 in the Consumer Price Index, for a scholarship awarded to a
1205 student enrolled in an eligible nonpublic school.

1206 2. Five hundred dollars in 2003 dollars, adjusted annually
1207 thereafter to reflect increases or decreases in the Consumer
1208 Price Index, for a scholarship awarded to a student enrolled in
1209 a Florida public school that is located outside the district in
1210 which the student resides.

1211 (e) An eligible nonprofit scholarship-funding organization
1212 that receives an eligible contribution must spend 100 percent of
1213 the eligible contribution to provide scholarships within 6
1214 months after the date the contribution was received or in the
1215 same state fiscal year in which the contribution was received,
1216 whichever is later. No portion of eligible contributions may be



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1217 used for administrative expenses. All interest accrued from
1218 contributions must be used for scholarships.

1219 Section 14. Paragraph (b) of subsection (2) and paragraph
1220 (a) of subsection (6) of section 1002.20, Florida Statutes, are
1221 amended to read:

1222 1002.20 K-12 student and parent rights.--K-12 students and
1223 their parents are afforded numerous statutory rights including,
1224 but not limited to, the following:

1225 (2) ATTENDANCE.--

1226 (b) Regular school attendance.--Parents of students who
1227 have attained the age of 6 years by February 1 of any school
1228 year but who have not attained the age of 16 years must comply
1229 with the compulsory school attendance laws. Parents have the
1230 option to comply with the school attendance laws by attendance
1231 of the student in a public school, including the Florida Virtual
1232 School operating pursuant to s. 1002.37; a parochial, religious,
1233 or denominational school; a private school; a home education
1234 program; a K-8 virtual school operating pursuant to s. 1002.397;
1235 or a private tutoring program, in accordance with the provisions
1236 of s. 1003.01(13)~~(14)~~.

1237 (6) EDUCATIONAL CHOICE.--

1238 (a) Public school choices.--Parents of public school
1239 students may seek whatever public school choice options that are
1240 applicable to their students ~~and are available to students in~~
1241 ~~their school districts~~. These options may include controlled
1242 open enrollment, lab schools, charter schools, charter technical
1243 career centers, magnet schools, alternative schools, special
1244 programs, advanced placement, dual enrollment, International



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1245 Baccalaureate, early admissions, credit by examination or
1246 demonstration of competency, the New World School of the Arts,
1247 the Florida School for the Deaf and the Blind, ~~and~~ the Florida
1248 Virtual School, and K-8 virtual schools operating pursuant to s.
1249 1002.397. These options may also include the public school
1250 choice options of the Opportunity Scholarship Program and the
1251 McKay Scholarships for Students with Disabilities Program.

1252 Section 15. Subsection (13) of section 1002.33, Florida
1253 Statutes, is repealed, subsections (14) through (26) are
1254 renumbered as subsections (13) through (25), respectively, and
1255 paragraph (e) of subsection (10) and paragraph (a) of present
1256 subsection (21) of said section are amended to read:

1257 1002.33 Charter schools.--

1258 (10) ELIGIBLE STUDENTS.--

1259 (e) A charter school may limit the enrollment process only
1260 to target the following student populations:

1261 1. Students within specific age groups or grade levels.

1262 2. Students considered at risk of dropping out of school
1263 or academic failure. Such students shall include exceptional
1264 education students.

1265 3. Students enrolling in a charter school-in-the-workplace
1266 or charter school-in-a-municipality established pursuant to
1267 subsection (15) ~~(16)~~.

1268 4. Students residing within a reasonable distance of the
1269 charter school, as described in paragraph (20)~~(21)~~(c). Such
1270 students shall be subject to a random lottery and to the
1271 racial/ethnic balance provisions described in subparagraph
1272 (7)(a)8. or any federal provisions that require a school to



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1273 achieve a racial/ethnic balance reflective of the community it
1274 serves or within the racial/ethnic range of other public schools
1275 in the same school district.

1276 5. Students who meet reasonable academic, artistic, or
1277 other eligibility standards established by the charter school
1278 and included in the charter school application and charter or,
1279 in the case of existing charter schools, standards that are
1280 consistent with the school's mission and purpose. Such standards
1281 shall be in accordance with current state law and practice in
1282 public schools and may not discriminate against otherwise
1283 qualified individuals.

1284 6. Students articulating from one charter school to
1285 another pursuant to an articulation agreement between the
1286 charter schools that has been approved by the sponsor.

1287 ~~(13) NUMBER OF SCHOOLS.—~~

1288 ~~(a) The number of newly created charter schools is limited~~
1289 ~~to no more than 28 in each school district that has 100,000 or~~
1290 ~~more students, no more than 20 in each school district that has~~
1291 ~~50,000 to 99,999 students, and no more than 12 in each school~~
1292 ~~district with fewer than 50,000 students.~~

1293 ~~(b) An existing public school which converts to a charter~~
1294 ~~school shall not be counted toward the limit established by~~
1295 ~~paragraph (a).~~

1296 ~~(c) Notwithstanding any limit established by this~~
1297 ~~subsection, a district school board or a charter school~~
1298 ~~applicant shall have the right to request an increase of the~~
1299 ~~limit on the number of charter schools authorized to be~~



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1300 ~~established within the district from the State Board of~~
1301 ~~Education.~~

1302 ~~(d) Whenever a municipality has submitted charter~~
1303 ~~applications for the establishment of a charter school feeder~~
1304 ~~pattern (elementary, middle, and senior high schools), and upon~~
1305 ~~approval of each individual charter application by the district~~
1306 ~~school board, such applications shall then be designated as one~~
1307 ~~charter school for all purposes listed pursuant to this section.~~

1308 (20)~~(21)~~ SERVICES.--

1309 (a) A sponsor shall provide certain administrative and
1310 educational services to charter schools. These services shall
1311 include contract management services, full-time equivalent and
1312 data reporting services, exceptional student education
1313 administration services, test administration services,
1314 processing of teacher certificate data services, and information
1315 services. Any administrative fee charged by the sponsor for the
1316 provision of services shall be limited to 5 percent of the
1317 available funds defined in paragraph (17)~~(18)~~(b).

1318 Section 16. Subsection (6) of section 1002.41, Florida
1319 Statutes, is amended to read:

1320 1002.41 Home education programs.--

1321 (6) Home education students may participate in dual
1322 enrollment programs in accordance with the provisions of ss.
1323 1007.27(5)~~(4)~~ and 1007.271(10).

1324 Section 17. Paragraph (i) is added to subsection (1) of
1325 section 1003.02, Florida Statutes, and subsection (4) of said
1326 section is amended, to read:



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1327 1003.02 District school board operation and control of
 1328 public K-12 education within the school district.--As provided
 1329 in part II of chapter 1001, district school boards are
 1330 constitutionally and statutorily charged with the operation and
 1331 control of public K-12 education within their school district.
 1332 The district school boards must establish, organize, and operate
 1333 their public K-12 schools and educational programs, employees,
 1334 and facilities. Their responsibilities include staff
 1335 development, public K-12 school student education including
 1336 education for exceptional students and students in juvenile
 1337 justice programs, special programs, adult education programs,
 1338 and career and technical education programs. Additionally,
 1339 district school boards must:

1340 (1) Provide for the proper accounting for all students of
 1341 school age, for the attendance and control of students at
 1342 school, and for proper attention to health, safety, and other
 1343 matters relating to the welfare of students in the following
 1344 fields:

1345 (i) Parental notification of acceleration mechanisms.--At
 1346 the beginning of each school year, notify parents of students in
 1347 or entering high school of the opportunity and benefits of
 1348 Advanced Placement, International Baccalaureate, Advanced
 1349 International Certificate of Education, dual enrollment, and
 1350 Florida Virtual School courses.

1351 ~~(4) For any school within the district that is not in~~
 1352 ~~compliance with the small school size requirements of chapter~~
 1353 ~~1013,~~ In order to reduce the anonymity of students in large
 1354 schools, adopt policies that encourage subdivision of the school



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1355 into schools-within-a-school, which shall operate within
1356 existing resources. A "school-within-a-school" means an
1357 operational program that uses flexible scheduling, team
1358 planning, and curricular and instructional innovation to
1359 organize groups of students with groups of teachers as smaller
1360 units, so as to functionally operate as a smaller school.
1361 Examples of this include, but are not limited to:

1362 (a) An organizational arrangement assigning both students
1363 and teachers to smaller units in which the students take some or
1364 all of their coursework with their fellow grouped students and
1365 from the teachers assigned to the smaller unit. A unit may be
1366 grouped together for 1 year or on a vertical, multiyear basis.

1367 (b) An organizational arrangement similar to that
1368 described in paragraph (a) with additional variations in
1369 instruction and curriculum. The smaller unit usually seeks to
1370 maintain a program different from that of the larger school, or
1371 of other smaller units. It may be vertically organized, but is
1372 dependent upon the school principal for its existence, budget,
1373 and staff.

1374 (c) A separate and autonomous smaller unit formally
1375 authorized by the district school board or district school
1376 superintendent. The smaller unit plans and runs its own program,
1377 has its own staff and students, and receives its own separate
1378 budget. The smaller unit must negotiate the use of common space
1379 with the larger school and defer to the building principal on
1380 matters of safety and building operation.

1381 Section 18. Section 1003.429, Florida Statutes, is created
1382 to read:



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1383 1003.429 Accelerated high school graduation options.--
1384 (1) Beginning with the 2003-2004 school year, all students
1385 scheduled to graduate in 2004 and thereafter shall select one of
1386 the following three high school graduation options:
1387 (a) Completion of the general requirements for high school
1388 graduation pursuant to s. 1003.43;
1389 (b) Completion of a 3-year standard college preparatory
1390 program requiring successful completion of a minimum of 18
1391 academic credits in grades 9 through 12. The 18 credits shall
1392 be primary requirements and shall be distributed as follows:
1393 1. Four credits in English, with major concentration in
1394 composition and literature;
1395 2. Three credits in mathematics at the Algebra I level or
1396 higher from the list of courses that qualify for state
1397 university admission;
1398 3. Three credits in natural science, two of which must
1399 have a laboratory component;
1400 4. Three credits in social sciences;
1401 5. Two credits in the same second language unless the
1402 student is a native speaker of or can otherwise demonstrate
1403 competency in a language other than English. If the student
1404 demonstrates competency in another language, the student may
1405 replace the language requirement with two credits in other
1406 academic courses; and
1407 6. Three credits in electives; or
1408 (c) Completion of a 3-year career preparatory program
1409 requiring successful completion of a minimum of 18 academic



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1410 credits in grades 9 through 12. The 18 credits shall be primary
1411 requirements and shall be distributed as follows:

1412 1. Four credits in English, with major concentration in
1413 composition and literature;

1414 2. Three credits in mathematics, one of which must be
1415 Algebra I;

1416 3. Three credits in natural science, two of which must
1417 have a laboratory component;

1418 4. Three credits in social sciences;

1419 5. Two credits in the same second language unless the
1420 student is a native speaker of or can otherwise demonstrate
1421 competency in a language other than English. If the student
1422 demonstrates competency in another language, the student may
1423 replace the language requirement with two credits in other
1424 academic courses; and

1425 6. Three credits in electives.

1426 (2) Beginning with the 2003-2004 school year, each
1427 district school board shall provide each student in grades 6
1428 through 12 and their parents with the 3-year and 4-year high
1429 school graduation options listed in subsection (1) with
1430 curriculum for the students and parents to select the
1431 postsecondary education or career plan that best fits their
1432 needs. The options shall include a timeframe for achieving each
1433 graduation option.

1434 (3) Selection of one of the graduation options listed in
1435 subsection (1) is exclusively up to the student and parent. If
1436 the student and parent fail to select a graduation option, the
1437 student shall be considered to have selected the general



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1438 requirements for high school graduation pursuant to paragraph
1439 (1)(a).

1440 (4) District school boards shall not establish
1441 requirements for accelerated 3-year high school graduation
1442 options in excess of the requirements in paragraphs (1)(b) and
1443 (1)(c).

1444 (5) Students pursuing accelerated 3-year high school
1445 graduation options pursuant to paragraph (1)(b) or paragraph
1446 (1)(c) are required to:

1447 (a) Earn passing scores on the FCAT as defined in s.
1448 1008.22(3)(c).

1449 (b) Achieve a cumulative grade point average of 2.0 on a
1450 4.0 scale, or its equivalent, in the courses required by the
1451 chosen accelerated 3-year high school graduation option pursuant
1452 to paragraph (1)(b) or paragraph (1)(c).

1453 (6) A student who meets all requirements prescribed in
1454 subsections (1) and (5) shall be awarded a standard diploma in a
1455 form prescribed by the State Board of Education.

1456 Section 19. Paragraph (i) of subsection (1) of section
1457 1003.43, Florida Statutes, is amended to read:

1458 1003.43 General requirements for high school graduation.—

1459 (1) Graduation requires successful completion of either a
1460 minimum of 24 academic credits in grades 9 through 12 or an
1461 International Baccalaureate curriculum. The 24 credits shall be
1462 distributed as follows:

1463 (i) One-half credit in life management skills to include
1464 consumer education, positive emotional development, marriage and
1465 relationship skill-based education, nutrition, parenting skills,



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1466 prevention of human immunodeficiency virus infection and
1467 acquired immune deficiency syndrome and other sexually
1468 transmissible diseases, benefits of sexual abstinence and
1469 consequences of teenage pregnancy, information and instruction
1470 on breast cancer detection and breast self-examination,
1471 cardiopulmonary resuscitation, drug education, and the hazards
1472 of smoking. ~~Such credit shall be given for a course to be taken~~
1473 ~~by all students in either the 9th or 10th grade.~~

1474 District school boards may award a maximum of one-half credit in
1475 social studies and one-half elective credit for student
1476 completion of nonpaid voluntary community or school service
1477 work. Students choosing this option must complete a minimum of
1478 75 hours of service in order to earn the one-half credit in
1479 either category of instruction. Credit may not be earned for
1480 service provided as a result of court action. District school
1481 boards that approve the award of credit for student volunteer
1482 service shall develop guidelines regarding the award of the
1483 credit, and school principals are responsible for approving
1484 specific volunteer activities. A course designated in the Course
1485 Code Directory as grade 9 through grade 12 that is taken below
1486 the 9th grade may be used to satisfy high school graduation
1487 requirements or Florida Academic Scholars award requirements as
1488 specified in a district school board's student progression plan.
1489 A student shall be granted credit toward meeting the
1490 requirements of this subsection for equivalent courses, as
1491 identified pursuant to s. 1007.271(6), taken through dual
1492 enrollment.



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1493 Section 20. Paragraph (a) of subsection (1) of section
1494 1003.436, Florida Statutes, is amended to read:

1495 1003.436 Definition of "credit".--

1496 (1)(a) For the purposes of requirements for high school
1497 graduation, one full credit means a minimum of 120 ~~135~~ hours of
1498 bona fide instruction in a designated course of study that
1499 contains student performance standards. A student may be awarded
1500 a credit for less than 120 hours of classroom instruction based
1501 on documented mastery of course requirements and Sunshine State
1502 Standards with approval by the district school board. The State
1503 Board of Education shall determine the number of postsecondary
1504 credit hours earned through dual enrollment pursuant to s.
1505 1007.271 that satisfy the requirements of a district's
1506 interinstitutional articulation agreement according to s.
1507 1007.235 and that equal one full credit of the equivalent high
1508 school course identified pursuant to s. 1007.271(6).

1509 Section 21. Paragraphs (a) and (b) of subsection (1) of
1510 section 1007.261, Florida Statutes, are amended to read:

1511 1007.261 State universities; admissions of students.--Each
1512 university board of trustees is authorized to adopt rules
1513 governing the admission of students, subject to this section and
1514 rules of the State Board of Education.

1515 (1) Minimum academic standards for undergraduate admission
1516 to a university include:

1517 (a) Each student must have received a high school diploma
1518 pursuant to s. 1003.429 or s. 1003.43, or its equivalent, except
1519 as provided in s. 1007.271(2)-(5) or completed a home education
1520 program according to s. 1002.41.



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1521 (b) Each student must have successfully completed a
1522 college-preparatory curriculum of 18 ~~19~~ credits, which shall
1523 include, but not be limited to, four credits in English, with
1524 major concentration in composition and literature; three credits
1525 in mathematics; three credits in natural science, two of which
1526 must have a laboratory component; three credits in social
1527 sciences; and two credits in the same second language ~~as defined~~
1528 ~~in rules of the State Board of Education, including at least 2~~
1529 ~~credits of sequential foreign language at the secondary level or~~
1530 ~~the equivalent of such instruction at the postsecondary level. A~~
1531 student who completes a home education program according to s.
1532 1002.41 is not required to document completion of the 18 ~~19~~
1533 credits required by this paragraph. A student whose native
1534 language is not English is exempt from the foreign language
1535 requirement, provided that the student demonstrates proficiency
1536 in the native language. If a standardized test is not available
1537 in the student's native language for the demonstration of
1538 proficiency, the university may provide an alternative method of
1539 assessment. The State Board of Education shall adopt rules for
1540 the articulation of foreign language competency and equivalency
1541 between secondary and postsecondary institutions. A student who
1542 received an associate in arts degree prior to September 1, 1989,
1543 or who enrolled in a program of studies leading to an associate
1544 degree from a community college prior to August 1, 1989, and
1545 maintains continuous enrollment shall be exempt from this
1546 admissions requirement.

1547 Section 22. Section 1007.27, Florida Statutes, is amended
1548 to read:



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1549 1007.27 Articulated acceleration mechanisms.--
 1550 (1) It is the intent of the Legislature that a variety of
 1551 articulated acceleration mechanisms be available for secondary
 1552 and postsecondary students attending public educational
 1553 institutions. It is intended that articulated acceleration serve
 1554 to shorten the time necessary for a student to complete the
 1555 requirements associated with the conference of a high school
 1556 diploma and a postsecondary degree, broaden the scope of
 1557 curricular options available to students, or increase the depth
 1558 of study available for a particular subject. It is the intent of
 1559 the Legislature that school districts and public postsecondary
 1560 educational institutions maximize the opportunities for students
 1561 to utilize the acceleration mechanisms identified in this
 1562 section. Articulated acceleration mechanisms shall include, but
 1563 are not ~~be~~ limited to, dual enrollment as provided for in s.
 1564 1007.271, early admission, advanced placement, credit by
 1565 examination, the International Baccalaureate Program, and the
 1566 Advanced International Certificate of Education Program. Credit
 1567 earned through the Florida Virtual School shall provide
 1568 additional opportunities for early graduation and acceleration.
 1569 (2) School districts and public postsecondary educational
 1570 institutions shall annually advise students and their parents of
 1571 the opportunities available to students to participate in the
 1572 acceleration mechanisms identified in this section.
 1573 (3)~~(2)~~ The State Board ~~Department~~ of Education shall
 1574 identify the minimum scores, maximum credit, and course or
 1575 courses for which credit is to be awarded for each College Level
 1576 Examination Program (CLEP) general examination, CLEP subject



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1577 examination, College Board Advanced Placement Program
1578 examination, ~~and~~ International Baccalaureate examination, and
1579 Advanced International Certificate of Education examination. In
1580 addition, the State Board of Education ~~department~~ shall identify
1581 such courses in the general education core curriculum of each
1582 state university and community college.

1583 (4)~~(3)~~ Each community college and state university must
1584 award credit for specific courses for which competency has been
1585 demonstrated by successful passage of one of the examinations in
1586 subsection (3) ~~(2)~~ unless the award of credit duplicates credit
1587 already awarded. Community colleges and state universities may
1588 not exempt students from courses without the award of credit if
1589 competencies have been so demonstrated.

1590 (5)~~(4)~~ It is the intent of the Legislature to provide
1591 articulated acceleration mechanisms for students who are in home
1592 education programs, as defined in s. 1003.01(11), consistent
1593 with the educational opportunities available to public and
1594 private secondary school students. Home education students may
1595 participate in dual enrollment, career and technical dual
1596 enrollment, early admission, and credit by examination. Credit
1597 earned by home education students through dual enrollment shall
1598 apply toward the completion of a home education program that
1599 meets the requirements of s. 1002.41.

1600 (6)~~(5)~~ Early admission is ~~shall be~~ a form of dual
1601 enrollment through which eligible secondary students enroll in a
1602 postsecondary institution on a full-time basis in courses that
1603 are creditable toward the high school diploma and the associate
1604 or baccalaureate degree. Students enrolled pursuant to this



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1605 subsection shall be exempt from the payment of registration,
1606 tuition, and laboratory fees.

1607 (7)~~(6)~~ Advanced placement is ~~shall be~~ the enrollment of an
1608 eligible secondary student in a course offered through the
1609 Advanced Placement Program administered by the College Board.
1610 Postsecondary credit for an advanced placement course shall be
1611 limited to students who score a minimum of 3, on a 5-point
1612 scale, on the corresponding Advanced Placement Examination. The
1613 specific courses for which students receive such credit shall be
1614 determined by the State Board of Education ~~department~~. Students
1615 of Florida public secondary schools enrolled pursuant to this
1616 subsection shall be exempt from the payment of any fees for
1617 administration of the examination regardless of whether or not
1618 the student achieves a passing score on the examination.

1619 (8)~~(7)~~ Credit by examination is ~~shall be~~ the program
1620 through which secondary and postsecondary students generate
1621 postsecondary credit based on the receipt of a specified minimum
1622 score on nationally standardized general or subject-area
1623 examinations. For the purpose of statewide application, such
1624 examinations and the corresponding minimum scores required for
1625 an award of credit shall be delineated by the State Board of
1626 Education in the statewide articulation agreement. The maximum
1627 credit generated by a student pursuant to this subsection shall
1628 be mitigated by any related postsecondary credit earned by the
1629 student prior to the administration of the examination. This
1630 subsection shall not preclude community colleges and
1631 universities from awarding credit by examination based on



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1632 student performance on examinations developed within and
1633 recognized by the individual postsecondary institutions.

1634 (9)~~(8)~~ The International Baccalaureate Program is ~~shall be~~
1635 the curriculum in which eligible secondary students are enrolled
1636 in a program of studies offered through the International
1637 Baccalaureate Program administered by the International
1638 Baccalaureate Office. The State Board of Education shall
1639 establish rules which specify the cutoff scores and
1640 International Baccalaureate Examinations which will be used to
1641 grant postsecondary credit at community colleges and
1642 universities. Any such rules that, ~~which~~ have the effect of
1643 raising the required cutoff score or of changing the
1644 International Baccalaureate Examinations which will be used to
1645 grant postsecondary credit, shall only apply to students taking
1646 International Baccalaureate Examinations after such rules are
1647 adopted by the State Board of Education. Students shall be
1648 awarded a maximum of 30 semester credit hours pursuant to this
1649 subsection. The specific course for which a student receives
1650 such credit shall be determined by the State Board of Education
1651 ~~department~~. Students enrolled pursuant to this subsection shall
1652 be exempt from the payment of any fees for administration of the
1653 examinations regardless of whether or not the student achieves a
1654 passing score on the examination.

1655 (10)~~(9)~~ The Advanced International Certificate of
1656 Education Program is ~~shall be~~ the curriculum in which eligible
1657 secondary students are enrolled in a program of studies offered
1658 through the ~~Advanced International Certificate of Education~~
1659 program administered by the University of Cambridge Local



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1660 Examinations Syndicate. The State Board of Education shall
 1661 establish rules which specify the cutoff scores and Advanced
 1662 International Certificate of Education examinations which will
 1663 be used to grant postsecondary credit at community colleges and
 1664 universities. Any such rules that,~~which~~ have the effect of
 1665 raising the required cutoff score or of changing the Advanced
 1666 International Certification of Education examinations which will
 1667 be used to grant postsecondary credit, shall apply to students
 1668 taking Advanced International Certificate of Education
 1669 Examinations after such rules are adopted by the State Board of
 1670 Education. Students shall be awarded a maximum of 30 semester
 1671 credit hours pursuant to this subsection. The specific course
 1672 for which a student receives such credit shall be determined by
 1673 the State Board of Education ~~community college or university~~
 1674 ~~that accepts the student for admission~~. Students enrolled
 1675 pursuant to this subsection shall be exempt from the payment of
 1676 any fees for administration of the examinations regardless of
 1677 whether or not the student achieves a passing score on the
 1678 examination.

1679 (11)~~(10)~~ Any student who earns 9 or more credits from one
 1680 or more of the acceleration mechanisms provided for in this
 1681 section is exempt from any requirement of a public postsecondary
 1682 educational institution mandating enrollment during a summer
 1683 term.

1684 (12) The State Board of Education may adopt rules pursuant
 1685 to ss. 120.536(1) and 120.54 to implement the provisions of this
 1686 section.

1687 Section 23. Acceleration mechanisms study.--



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1688 (1) The State Board of Education shall conduct a review of
1689 the extent to which the acceleration mechanisms authorized by s.
1690 1007.27, Florida Statutes, are currently utilized by school
1691 districts, community colleges, and state universities and shall
1692 submit a report to the Governor, the President of the Senate,
1693 and the Speaker of the House of Representatives by December 31,
1694 2003.

1695 (2) The report must include a summary of ongoing
1696 activities and a plan to increase and enhance the use of
1697 acceleration mechanisms as a way to shorten the length of time
1698 as well as the funding required for a student to obtain a
1699 postsecondary degree.

1700 (3) The review and plan shall address at least the
1701 following issues:

1702 (a) The manner in which students are advised regarding the
1703 availability of acceleration mechanism options.

1704 (b) The availability of acceleration mechanism options to
1705 eligible students who wish to participate.

1706 (c) The grading practices, including weighting of courses,
1707 of school districts, community colleges, and state universities
1708 with regard to credit earned through acceleration mechanisms.

1709 (d) The extent to which credit earned through an
1710 acceleration mechanism is used to meet the general education
1711 requirements of a public postsecondary educational institution.

1712 (e) The extent to which the secondary instruction
1713 associated with acceleration mechanism options could be offered
1714 at sites other than public K-12 school sites to assist in
1715 meeting class size reduction needs.



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1716 (f) The manner in which funding for instruction associated
1717 with acceleration mechanism options is provided.

1718 (g) The feasibility of providing students the option of
1719 choosing Advanced Placement credit or College Level Examination
1720 Program (CLEP) credit as an alternative to dual enrollment
1721 credit upon completion of a dual enrollment course.

1722 Section 24. Section 1003.62, Florida Statutes, is amended
1723 to read:

1724 1003.62 Academic performance-based charter school
1725 districts ~~pilot program~~.--The State Board of Education may ~~is~~
1726 ~~authorized to~~ enter into a performance contract with ~~up to six~~
1727 district school boards as authorized in this section for the
1728 purpose of establishing them as academic performance-based
1729 charter school districts. ~~The State Board of Education shall~~
1730 ~~give priority to Hillsborough and Volusia Counties upon the~~
1731 ~~submission of a completed precharter agreement or charter~~
1732 ~~proposal for a charter school district~~. The purpose of this
1733 section ~~pilot program~~ is to examine a new relationship between
1734 the State Board of Education and district school boards that
1735 will ~~may~~ produce significant improvements in student achievement
1736 ~~and school management~~, while complying with constitutional and
1737 statutory requirements assigned to each entity.

1738 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1739 (a) A school district shall be eligible for designation as
1740 an academic performance-based charter school district if it is a
1741 high-performing school district in which a minimum of 50 percent
1742 of the schools earn a performance grade category "A" or "B" and
1743 in which not more than 5 percent of the schools earn a



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1744 performance grade category "D" or "F" pursuant to s. 1008.34.
1745 Schools that receive a performance grade category "I" or "N"
1746 shall not be included in this calculation. The performance
1747 contract for a school district that earns a charter based on
1748 school performance grades shall be predicated on maintenance of
1749 at least half of the schools in the school district earning a
1750 performance grade category "A" or "B" with not more than 5
1751 percent of the schools in the school district earning a
1752 performance grade category "D" or "F."

1753 (b) A school district that satisfies the eligibility
1754 criteria for designation as an academic performance-based
1755 charter school district may be so designated upon a
1756 supermajority vote by ~~in Florida in which~~ the district school
1757 board after having ~~has~~ submitted and the State Board of
1758 Education having ~~has~~ approved a charter proposal that exchanges
1759 statutory and rule exemption, as authorized by this section, for
1760 agreement to meet performance goals in the proposal. The
1761 academic performance-based charter school district shall be
1762 chartered for ~~2~~ 3 years, at the end of which the performance
1763 shall be evaluated. If maintenance of high-performing school
1764 district status pursuant to paragraph (a) is not documented in
1765 accordance with State Board of Education rule, the charter
1766 shall not be renewed.

1767 (2) EXEMPTION FROM STATUTES AND RULES.--

1768 (a) An academic performance-based charter school district
1769 shall operate in accordance with its charter and shall be exempt
1770 from certain State Board of Education rules and statutes if the
1771 State Board of Education determines such an exemption will



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1772 assist the district in maintaining or improving its high-
1773 performing status pursuant to paragraph (1)(a). However, the
1774 State Board of Education may not exempt an academic performance-
1775 based charter school district from any of the following
1776 statutes:

1777 1. Those statutes pertaining to the provision of services
1778 to students with disabilities.

1779 2. Those statutes pertaining to civil rights, including s.
1780 1000.05, relating to discrimination.

1781 3. Those statutes pertaining to student health, safety,
1782 and welfare.

1783 4. Those statutes governing the election or compensation
1784 of district school board members.

1785 5. Those statutes pertaining to the student assessment
1786 program and the school grading system, including chapter 1008.

1787 6. Those statutes pertaining to financial matters,
1788 including chapter 1010.

1789 7. Those statutes pertaining to planning and budgeting,
1790 including chapter 1011.

1791 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
1792 performance-pay policies for school administrators and
1793 instructional personnel. However, an academic performance-based
1794 charter school district shall have the option to withdraw the
1795 protection of a teacher's professional service contract for
1796 substandard performance and place the teacher on an annual
1797 contract which may be renewed or not renewed based on the
1798 teacher's performance.



1799 9. Those statutes pertaining to educational facilities,
 1800 including chapter 1013, except as specified under contract with
 1801 the State Board of Education. However, no contractual provision
 1802 that could have the effect of requiring the appropriation of
 1803 additional capital outlay funds to the academic performance-
 1804 based charter school district shall be valid.

1805 (b) Additionally, an academic performance-based charter
 1806 school district shall be in compliance with the following
 1807 statutes:

1808 1. Section 286.011, relating to public meetings and
 1809 records, public inspection, and criminal and civil penalties.

1810 2. Those statutes pertaining to public records, including
 1811 chapter 119.

1812 3. Those statutes pertaining to financial disclosure by
 1813 elected officials.

1814 4. Those statutes pertaining to conflicts of interest by
 1815 elected officials. Charter school districts shall be exempt from
 1816 state statutes and specified State Board of Education rules. The
 1817 district school board of a charter school district shall not be
 1818 exempt from any statute governing election of district school
 1819 board members, public meetings and public records requirements,
 1820 financial disclosure, conflicts of interest, operation in the
 1821 sunshine, or any provisions outside the Florida K-20 Education
 1822 Code.

1823 (3) GOVERNING BOARD.--The governing board of the academic
 1824 performance-based charter school district shall be the duly
 1825 elected district school board. The district school board shall
 1826 be responsible for supervising the schools in the academic



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1827 performance-based charter school district and may convert is
 1828 ~~authorized to charter~~ each of its existing public schools to
 1829 charter schools pursuant to s. 1002.33, ~~apply for deregulation~~
 1830 ~~of its public schools pursuant to s. 1003.63,~~ or otherwise
 1831 establish performance-based contractual relationships with its
 1832 public schools for the purpose of giving them greater autonomy
 1833 with accountability for performance.

1834 (4) PRECHARTER AGREEMENT.--The State Board of Education
 1835 ~~may is authorized to~~ approve a precharter agreement that grants
 1836 ~~with a potential charter district. The agreement may grant~~
 1837 limited flexibility and direction for developing the full
 1838 academic performance-based charter proposal.

1839 ~~(5) TIME PERIOD FOR PILOT.--The pilot program shall be~~
 1840 ~~authorized for a period of 3 full school years commencing with~~
 1841 ~~award of a charter. The charter may be renewed upon action of~~
 1842 ~~the State Board of Education.~~

1843 ~~(5)(6)~~ REPORTS.--The State Board of Education shall
 1844 annually report on the performance of each academic performance-
 1845 based implementation of the charter school district ~~pilot~~
 1846 ~~program. Biennially Upon the completion of the first 3-year~~
 1847 ~~term,~~ the State Board of Education, through the Commissioner of
 1848 Education, shall submit to the Legislature a full evaluation of
 1849 the effectiveness of granting academic performance-based charter
 1850 school district status ~~the program.~~

1851 ~~(6)(7)~~ RULEMAKING.--The State Board of Education may adopt
 1852 ~~shall have the authority to enact~~ rules to implement this
 1853 section in accordance with ss. 120.536 and 120.54.



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1854 Section 25. Paragraph (b) of subsection (5) of section
1855 1011.62, Florida Statutes, is amended to read:

1856 1011.62 Funds for operation of schools.—If the annual
1857 allocation from the Florida Education Finance Program to each
1858 district for operation of schools is not determined in the
1859 annual appropriations act or the substantive bill implementing
1860 the annual appropriations act, it shall be determined as
1861 follows:

1862 (5) CATEGORICAL FUNDS.--

1863 (b) ~~For fiscal year 2002-2003,~~ If a district school board
1864 finds and declares in a resolution adopted at a regular meeting
1865 of the school board that the funds received for any of the
1866 following categorical appropriations are urgently needed to
1867 maintain school board specified academic classroom instruction,
1868 the school board may consider and approve an amendment to the
1869 school district operating budget transferring the identified
1870 amount of the categorical funds to the appropriate account for
1871 expenditure:

- 1872 1. Funds for student transportation.
- 1873 2. Funds for in-service educational personnel training.
- 1874 3. Funds for safe schools.
- 1875 4. Funds for public school technology.
- 1876 ~~5. Funds for teacher recruitment and retention.~~
- 1877 5.6. Funds for supplemental academic instruction.

1878
1879 Prior to adopting the resolution required by this paragraph, the
1880 district school board must advertise in a newspaper of general
1881 circulation in the school district its intent to pass such



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1882 resolution and must provide in such advertisement the purpose
1883 for which the funds were appropriated, the alternative purpose
1884 for which the funds will be used, and the basis for finding a
1885 necessity for the reallocation of such funds. In reporting its
1886 expenditures under s. 1010.20, with respect to a school
1887 district's discretionary spending authority exercised under this
1888 subsection, the district school board shall report on a school-
1889 by-school basis and a district-aggregated basis how all funds,
1890 including federal funds, allocated to the school district for
1891 formula-funded categorical programs were expended.

1892 Section 26. Section 1011.68, Florida Statutes, is amended
1893 to read:

1894 1011.68 Funds for student transportation.--The annual
1895 allocation to each district for transportation to public school
1896 programs, including charter schools as provided in s.
1897 1002.33 (17)~~(18)~~(b), of students in membership in kindergarten
1898 through grade 12 and in migrant and exceptional student programs
1899 below kindergarten shall be determined as follows:

1900 (1) Subject to the rules of the State Board of Education,
1901 each district shall determine the membership of students who are
1902 transported:

1903 (a) By reason of living 2 miles or more from school.

1904 (b) By reason of being students with disabilities or
1905 enrolled in a teenage parent program, regardless of distance to
1906 school.

1907 (c) By reason of being in a state prekindergarten program,
1908 regardless of distance from school.



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1909 (d) By reason of being career and technical, dual
1910 enrollment, or students with disabilities transported from one
1911 school center to another to participate in an instructional
1912 program or service; or students with disabilities, transported
1913 from one designation to another in the state, provided one
1914 designation is a school center and provided the student's
1915 individual educational plan (IEP) identifies the need for the
1916 instructional program or service and transportation to be
1917 provided by the school district. A "school center" is defined as
1918 a public school center, community college, state university, or
1919 other facility rented, leased, or owned and operated by the
1920 school district or another public agency. A "dual enrollment
1921 student" is defined as a public school student in membership in
1922 both a public secondary school program and a community college
1923 or a state university program under a written agreement to
1924 partially fulfill ss. 1003.435 and 1007.23 and earning full-time
1925 equivalent membership under s. 1011.62(1)(i).

1926 (e) With respect to elementary school students whose grade
1927 level does not exceed grade 6, by reason of being subjected to
1928 hazardous walking conditions en route to or from school as
1929 provided in s. 1006.23. Such rules shall, when appropriate,
1930 provide for the determination of membership under this paragraph
1931 for less than 1 year to accommodate the needs of students who
1932 require transportation only until such hazardous conditions are
1933 corrected.

1934 (f) By reason of being a pregnant student or student
1935 parent, and the child of a student parent as provided in s.
1936 1003.54, regardless of distance from school.



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1937 (2) The allocation for each district shall be calculated
1938 annually in accordance with the following formula:

1939

1940 $T = B + EX$. The elements of this formula are defined as follows:

1941 T is the total dollar allocation for transportation. B is the
1942 base transportation dollar allocation prorated by an adjusted
1943 student membership count. The adjusted membership count shall be
1944 derived from a multiplicative index function in which the base
1945 student membership is adjusted by multiplying it by index
1946 numbers that individually account for the impact of the price
1947 level index, average bus occupancy, and the extent of rural
1948 population in the district. EX is the base transportation dollar
1949 allocation for disabled students prorated by an adjusted
1950 disabled student membership count. The base transportation
1951 dollar allocation for disabled students is the total state base
1952 disabled student membership count weighted for increased costs
1953 associated with transporting disabled students and multiplying
1954 it by the prior year's average per student cost for
1955 transportation. The adjusted disabled student membership count
1956 shall be derived from a multiplicative index function in which
1957 the weighted base disabled student membership is adjusted by
1958 multiplying it by index numbers that individually account for
1959 the impact of the price level index, average bus occupancy, and
1960 the extent of rural population in the district. Each adjustment
1961 factor shall be designed to affect the base allocation by no
1962 more or less than 10 percent.

1963 (3) The total allocation to each district for
1964 transportation of students shall be the sum of the amounts



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1965 determined in subsection (2). If the funds appropriated for the
1966 purpose of implementing this section are not sufficient to pay
1967 the base transportation allocation and the base transportation
1968 allocation for disabled students, the Department of Education
1969 shall prorate the available funds on a percentage basis. If the
1970 funds appropriated for the purpose of implementing this section
1971 exceed the sum of the base transportation allocation and the
1972 base transportation allocation for disabled students, the base
1973 transportation allocation for disabled students shall be limited
1974 to the amount calculated in subsection (2), and the remaining
1975 balance shall be added to the base transportation allocation.

1976 (4) No district shall use funds to purchase transportation
1977 equipment and supplies at prices which exceed those determined
1978 by the department to be the lowest which can be obtained, as
1979 prescribed in s. 1006.27(1).

1980 (5) Funds allocated or apportioned for the payment of
1981 student transportation services may be used to pay for
1982 transportation of students to and from school on local general
1983 purpose transportation systems. Student transportation funds may
1984 also be used to pay for transportation of students to and from
1985 school in private passenger cars and boats when the
1986 transportation is for isolated students, or students with
1987 disabilities as defined by rule. Subject to the rules of the
1988 State Board of Education, each school district shall determine
1989 and report the number of assigned students using general purpose
1990 transportation private passenger cars and boats. The allocation
1991 per student must be equal to the allocation per student riding a
1992 school bus.



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1993 (6) Notwithstanding other provisions of this section, in
 1994 no case shall any student or students be counted for
 1995 transportation funding more than once per day. This provision
 1996 includes counting students for funding pursuant to trips in
 1997 school buses, passenger cars, or boats or general purpose
 1998 transportation.

1999 (7) Any funds received by a school district under this
 2000 section that are not required to transport students may, at the
 2001 discretion of the district school board, be transferred to the
 2002 district's Florida Education Finance Program.

2003 Section 27. Subsections (2), (4), and (5) of section
 2004 1011.69, Florida Statutes, are amended to read:

2005 1011.69 Equity in School-Level Funding Act.—

2006 ~~(2)(a) Beginning in the 2000-2001 fiscal year, district~~
 2007 ~~school boards shall allocate to each school within the district~~
 2008 ~~at least 50 percent of the funds generated by that school based~~
 2009 ~~upon the Florida Education Finance Program as provided in s.~~
 2010 ~~1011.62 and the General Appropriations Act, including gross~~
 2011 ~~state and local funds, discretionary lottery funds, and funds~~
 2012 ~~from the school district's current operating discretionary~~
 2013 ~~millage levy.~~

2014 ~~(b) Beginning in the 2001-2002 fiscal year, district~~
 2015 ~~school boards shall allocate to each school within the district~~
 2016 ~~at least 65 percent of the funds generated by that school based~~
 2017 ~~upon the Florida Education Finance Program as provided in s.~~
 2018 ~~1011.62 and the General Appropriations Act, including gross~~
 2019 ~~state and local funds, discretionary lottery funds, and funds~~



2020 ~~from the school district's current operating discretionary~~
 2021 ~~millage levy.~~

2022 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
 2023 ~~school boards shall allocate to each school within the district~~
 2024 ~~at least 80 percent of the funds generated by that school based~~
 2025 ~~upon the Florida Education Finance Program as provided in s.~~
 2026 ~~1011.62 and the General Appropriations Act, including gross~~
 2027 ~~state and local funds, discretionary lottery funds, and funds~~
 2028 ~~from the school district's current operating discretionary~~
 2029 ~~millage levy.~~

2030 ~~(d)~~ Beginning in the 2003-2004 fiscal year, district
 2031 school boards shall allocate to schools ~~each school~~ within the
 2032 district an average of at least 90 percent of the funds
 2033 generated by all schools and guarantee that each school receives
 2034 at least 80 percent of the funds generated by that school based
 2035 upon the Florida Education Finance Program as provided in s.
 2036 1011.62 and the General Appropriations Act, including gross
 2037 state and local funds, discretionary lottery funds, and funds
 2038 from the school district's current operating discretionary
 2039 millage levy. Total funding for each school shall be
 2040 recalculated during the year to reflect the revised calculations
 2041 under the Florida Education Finance Program by the state and the
 2042 actual weighted full-time equivalent students reported by the
 2043 school during the full-time equivalent student survey periods
 2044 designated by the Commissioner of Education. If the district
 2045 school board is providing programs or services to students
 2046 funded by federal funds, any eligible students enrolled in the
 2047 schools in the district shall be provided federal funds. Only



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2048 academic performance-based charter school ~~these districts that~~
2049 ~~initially applied for charter school district status,~~ pursuant
2050 to s. 1003.62, ~~and have been approved by the State Board of~~
2051 ~~Education~~ are exempt from the provisions of this section.

2052 (4) The following funds are excluded from the school-level
2053 allocation under this section: ~~Recommendations made by the~~
2054 ~~Governor's Equity in Educational Opportunity Task Force shall be~~
2055 ~~reviewed to identify potential categorical funds to be included~~
2056 ~~in the district allocation methodology required in subsection~~
2057 ~~(2).~~

2058 (a)(5) Funds appropriated in the General Appropriations
2059 Act for supplemental academic instruction to be used for the
2060 purposes described in s. 1011.62(1)(f) ~~are excluded from the~~
2061 ~~school-level allocation under this section.~~

2062 (b) Funds appropriated in the General Appropriations Act
2063 for the class size reduction operating categorical fund
2064 established in s. 1011.685.

2065 Section 28. Subsection (13) is added to section 1013.03,
2066 Florida Statutes, to read:

2067 1013.03 Functions of the department.—The functions of the
2068 Department of Education as it pertains to educational facilities
2069 shall include, but not be limited to, the following:

2070 (13) By October 1, 2003, review all rules related to
2071 school construction to identify requirements that are outdated,
2072 obsolete, unnecessary, or otherwise could be amended in order to
2073 provide additional flexibility to school districts to comply
2074 with the constitutional class size maximums described in s.
2075 1003.03(2) and make recommendations concerning such rules to the



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2076 State Board of Education. The State Board of Education shall act
 2077 on such recommendations by December 31, 2003.

2078 Section 29. Paragraph (d) is added to subsection (1) of
 2079 section 1013.31, Florida Statutes, to read:

2080 1013.31 Educational plant survey; localized need
 2081 assessment; PECO project funding.—

2082 (1) At least every 5 years, each board shall arrange for
 2083 an educational plant survey, to aid in formulating plans for
 2084 housing the educational program and student population, faculty,
 2085 administrators, staff, and auxiliary and ancillary services of
 2086 the district or campus, including consideration of the local
 2087 comprehensive plan. The Office of Workforce and Economic
 2088 Development shall document the need for additional career and
 2089 adult education programs and the continuation of existing
 2090 programs before facility construction or renovation related to
 2091 career or adult education may be included in the educational
 2092 plant survey of a school district or community college that
 2093 delivers career or adult education programs. Information used by
 2094 the Office of Workforce and Economic Development to establish
 2095 facility needs must include, but need not be limited to, labor
 2096 market data, needs analysis, and information submitted by the
 2097 school district or community college.

2098 (d) Periodic update of Florida Inventory of School
 2099 Houses.--School districts shall periodically update their
 2100 inventory of educational facilities as new capacity becomes
 2101 available and as unsatisfactory space is eliminated. The State
 2102 Board of Education shall adopt rules to determine the timeframe
 2103 in which school districts must provide a periodic update.



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2104 Section 30. Paragraph (b) of subsection (1) and
2105 subsections (2) and (3) of section 1002.37, Florida Statutes,
2106 are amended to read:

2107 1002.37 The Florida Virtual School.—

2108 (1)

2109 (b) The mission of the Florida Virtual School is to
2110 provide students with technology-based educational opportunities
2111 to gain the knowledge and skills necessary to succeed and to
2112 award high school diplomas pursuant to s. 1003.43(9). The school
2113 shall serve any student in the state who meets the profile for
2114 success in this educational delivery context and shall give
2115 priority to:

2116 1. Students enrolled in traditional public school classes
2117 that are not in compliance with the maximum class sizes provided
2118 in s. 1000.03.

2119 2. Students enrolled as full-time students in the Florida
2120 Virtual School and seeking a high school diploma awarded by the
2121 Florida Virtual School.

2122 ~~3.1.~~ Students who need expanded access to courses in order
2123 to meet their educational goals, such as home education students
2124 and students in ~~inner-city and~~ and other public high
2125 schools who do not have access to higher-level courses.

2126 ~~4.2.~~ Students seeking accelerated access in order to
2127 obtain a high school diploma at least one semester early.

2128

2129 The board of trustees of the Florida Virtual School shall
2130 identify appropriate performance measures and standards based on
2131 student achievement that reflect the school's statutory mission



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2132 and priorities, and shall implement an accountability system for
2133 the school that includes assessment of its effectiveness and
2134 efficiency in providing quality services that encourage high
2135 student achievement, seamless articulation, and maximum access.

2136 (2) The Florida Virtual School shall be governed by a
2137 board of trustees comprised of seven members appointed by the
2138 Governor to 4-year staggered terms. The board of trustees shall
2139 be a public agency entitled to sovereign immunity pursuant to s.
2140 768.28, and board members shall be public officers who shall
2141 bear fiduciary responsibility for the Florida Virtual School.
2142 The board of trustees shall have the following powers and
2143 duties:

2144 (a)1. The board of trustees shall meet at least 4 times
2145 each year, upon the call of the chair, or at the request of a
2146 majority of the membership.

2147 2. The fiscal year for the Florida Virtual School shall be
2148 the state fiscal year as provided in s. 216.011(1)(o).

2149 (b) The board of trustees shall be responsible for the
2150 Florida Virtual School's development of a state-of-the-art
2151 technology-based education delivery system that is cost-
2152 effective, educationally sound, marketable, and capable of
2153 sustaining a self-sufficient delivery system through the Florida
2154 Education Finance Program, ~~by fiscal year 2003-2004. The school~~
2155 ~~shall collect and report data for all students served and credit~~
2156 ~~awarded. This data shall be segregated by private, public, and~~
2157 ~~home education students by program. Information shall also be~~
2158 ~~collected that reflects any other school in which a virtual~~
2159 ~~school student is enrolled.~~



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2160 (c) The board of trustees shall aggressively seek avenues
2161 to generate revenue to support its future endeavors, and shall
2162 enter into agreements with distance learning providers. The
2163 board of trustees may acquire, enjoy, use, and dispose of
2164 patents, copyrights, and trademarks and any licenses and other
2165 rights or interests thereunder or therein. Ownership of all such
2166 patents, copyrights, trademarks, licenses, and rights or
2167 interests thereunder or therein shall vest in the state, with
2168 the board of trustees having full right of use and full right to
2169 retain the revenues derived therefrom. Any funds realized from
2170 patents, copyrights, trademarks, or licenses shall be considered
2171 internal funds as provided in s. 1011.07. Such funds shall be
2172 used to support the school's marketing and research and
2173 development activities in order to improve courseware and
2174 services to its students.

2175 (d) The board of trustees shall be responsible for the
2176 administration and control of all local school funds derived
2177 from all activities or sources and shall prescribe the
2178 principles and procedures to be followed in administering these
2179 funds ~~annually prepare and submit to the State Board of~~
2180 ~~Education a legislative budget request, including funding~~
2181 ~~requests for computers for public school students who do not~~
2182 ~~have access to public school computers, in accordance with~~
2183 ~~chapter 216 and s. 1013.60. The legislative budget request of~~
2184 ~~the Florida Virtual School shall be prepared using the same~~
2185 ~~format, procedures, and timelines required for the submission of~~
2186 ~~the legislative budget of the Department of Education. Nothing~~



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2187 ~~in this section shall be construed to guarantee a computer to~~
2188 ~~any individual student.~~

2189 (e) The Florida Virtual School may accrue supplemental
2190 revenue from supplemental support organizations, which include,
2191 but are not limited to, alumni associations, foundations,
2192 parent-teacher associations, and booster associations. The
2193 governing body of each supplemental support organization shall
2194 recommend the expenditure of moneys collected by the
2195 organization for the benefit of the school. Such expenditures
2196 shall be contingent upon the review of the executive director.
2197 The executive director may override any proposed expenditure of
2198 the organization that would violate Florida law or breach sound
2199 educational management.

2200 (f)~~(e)~~ In accordance with law and rules of the State Board
2201 of Education, the board of trustees shall administer and
2202 maintain personnel programs for all employees of the board of
2203 trustees and the Florida Virtual School. The board of trustees
2204 may adopt rules, policies, and procedures related to the
2205 appointment, employment, and removal of personnel.

2206 1. The board of trustees shall determine the compensation,
2207 including salaries and fringe benefits, and other conditions of
2208 employment for such personnel.

2209 2. The board of trustees may establish and maintain a
2210 personnel loan or exchange program by which persons employed by
2211 the board of trustees for the Florida Virtual School as academic
2212 administrative and instructional staff may be loaned to, or
2213 exchanged with persons employed in like capacities by, public
2214 agencies either within or without this state, or by private



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2215 industry. With respect to public agency employees, the program
2216 authorized by this subparagraph shall be consistent with the
2217 requirements of part II of chapter 112. The salary and benefits
2218 of board of trustees personnel participating in the loan or
2219 exchange program shall be continued during the period of time
2220 they participate in a loan or exchange program, and such
2221 personnel shall be deemed to have no break in creditable or
2222 continuous service or employment during such time. The salary
2223 and benefits of persons participating in the personnel loan or
2224 exchange program who are employed by public agencies or private
2225 industry shall be paid by the originating employers of those
2226 participants, and such personnel shall be deemed to have no
2227 break in creditable or continuous service or employment during
2228 such time.

2229 3. The employment of all Florida Virtual School academic
2230 administrative and instructional personnel shall be subject to
2231 rejection for cause by the board of trustees, and shall be
2232 subject to policies of the board of trustees relative to
2233 certification, tenure, leaves of absence, sabbaticals,
2234 remuneration, and such other conditions of employment as the
2235 board of trustees deems necessary and proper, not inconsistent
2236 with law.

2237 4. Each person employed by the board of trustees in an
2238 academic administrative or instructional capacity with the
2239 Florida Virtual School shall be entitled to a contract as
2240 provided by rules of the board of trustees.

2241 5. All employees except temporary, seasonal, and student
2242 employees may be state employees for the purpose of being



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2243 eligible to participate in the Florida Retirement System and
2244 receive benefits. The classification and pay plan, including
2245 terminal leave and other benefits, and any amendments thereto,
2246 shall be subject to review and approval by the Department of
2247 Management Services and the Executive Office of the Governor
2248 prior to adoption. ~~In the event that the board of trustees~~
2249 ~~assumes responsibility for governance pursuant to this section~~
2250 ~~before approval is obtained, employees shall be compensated~~
2251 ~~pursuant to the system in effect for the employees of the fiscal~~
2252 ~~agent.~~

2253 (g)~~(f)~~ The board of trustees shall establish priorities
2254 for admission of students in accordance with paragraph (1)(b).

2255 (h)~~(g)~~ The board of trustees shall establish and
2256 distribute to all school districts and high schools in the state
2257 procedures for enrollment of students in courses offered by the
2258 Florida Virtual School. ~~Such procedures shall be designed to~~
2259 ~~minimize paperwork and fairly resolve the issue of double~~
2260 ~~funding students taking courses on-line.~~

2261 (i)~~(h)~~ The board of trustees shall ~~annually~~ submit to the
2262 State Board of Education both forecasted and actual enrollments
2263 and credit completions for the Florida Virtual School, according
2264 to procedures established by the State Board of Education. At a
2265 minimum, such procedures must include the number of public,
2266 private, and home education students served by program and by
2267 county of residence district.

2268 (j)~~(i)~~ The board of trustees shall provide for the content
2269 and custody of student and employee personnel records. Student
2270 records shall be subject to the provisions of s. 1002.22.



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2271 Employee records shall be subject to the provisions of s.
2272 1012.31.

2273 (k)~~(j)~~ The financial records and accounts of the Florida
2274 Virtual School shall be maintained under the direction of the
2275 board of trustees and under rules adopted by the State Board of
2276 Education for the uniform system of financial records and
2277 accounts for the schools of the state.

2278
2279 The Governor shall designate the initial chair of the board of
2280 trustees to serve a term of 4 years. Members of the board of
2281 trustees shall serve without compensation, but may be reimbursed
2282 for per diem and travel expenses pursuant to s. 112.061. The
2283 board of trustees shall be a body corporate with all the powers
2284 of a body corporate and such authority as is needed for the
2285 proper operation and improvement of the Florida Virtual School.
2286 The board of trustees is specifically authorized to adopt rules,
2287 policies, and procedures, consistent with law and rules of the
2288 State Board of Education related to governance, personnel,
2289 budget and finance, administration, programs, curriculum and
2290 instruction, travel and purchasing, technology, students,
2291 contracts and grants, and property as necessary for optimal,
2292 efficient operation of the Florida Virtual School. Tangible
2293 personal property owned by the board of trustees shall be
2294 subject to the provisions of chapter 273.

2295 (3) Funding for the Florida Virtual School shall be
2296 provided as follows:

2297 (a) A "full-time equivalent student" for the Florida
2298 Virtual School is one student who has successfully completed six



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2299 credits that shall count toward the minimum number of credits
2300 required for high school graduation. A student who completes
2301 less than six credits shall be a fraction of a full-time
2302 equivalent student. Half-credit completions shall be included in
2303 determining a full-time equivalent student. Credit completed by
2304 a student in excess of the minimum required for that student for
2305 high school graduation is not eligible for funding.

2306 (b) Full-time equivalent student credits completed through
2307 the Florida Virtual School, including credits completed during
2308 the summer, shall be reported to the Department of Education in
2309 the manner prescribed by the department and shall be funded
2310 through the Florida Education Finance Program.

2311 (c) School districts may not limit student access to
2312 courses offered through the Florida Virtual School.

2313 (d) Full-time equivalent student credit completion for
2314 courses offered through the Florida Virtual School shall be
2315 reported only by the Florida Virtual School. School districts
2316 shall report full-time equivalent student membership only for
2317 courses for which the school district provides the instruction.

2318 (e) The district cost differential as provided in s.
2319 1011.62(2) shall be established as 1.000.

2320 (f) The Florida Virtual School shall receive funds for
2321 operating purposes in an amount determined as follows: multiply
2322 the maximum allowable nonvoted discretionary millage for
2323 operations pursuant to s. 1011.71(1) by the value of 95 percent
2324 of the current year's taxable value for school purposes for the
2325 state; divide the result by the total full-time equivalent
2326 membership of the state; and multiply the result by the full-



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2327 time equivalent membership of the school. The amount thus
 2328 obtained shall be discretionary operating funds and shall be
 2329 appropriated from state funds in the General Appropriations Act.

2330 (g) The Florida Virtual School shall receive additional
 2331 state funds as may be provided in the General Appropriations
 2332 Act.

2333 (h) In addition to the funds provided in the General
 2334 Appropriations Act, the Florida Virtual School may receive other
 2335 funds from grants and donations.

2336 ~~(a) Until fiscal year 2003-2004, the Commissioner of~~
 2337 ~~Education shall include the Florida Virtual School as a grant-~~
 2338 ~~in-aid appropriation in the department's legislative budget~~
 2339 ~~request to the State Board of Education, the Governor, and the~~
 2340 ~~Legislature, subject to any guidelines imposed in the General~~
 2341 ~~Appropriations Act.~~

2342 ~~(b) The Orange County District School Board shall be the~~
 2343 ~~temporary fiscal agent of the Florida Virtual School.~~

2344 Section 31. Paragraph (c) of subsection (1) of section
 2345 1011.61, Florida Statutes, is amended to read:

2346 1011.61 Definitions.—Notwithstanding the provisions of s.
 2347 1000.21, the following terms are defined as follows for the
 2348 purposes of the Florida Education Finance Program:

2349 (1) A "full-time equivalent student" in each program of
 2350 the district is defined in terms of full-time students and part-
 2351 time students as follows:

2352 (c)1. A "full-time equivalent student" is:

2353 a. A full-time student in any one of the programs listed
 2354 in s. 1011.62(1)(c); or



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2355 | b. A combination of full-time or part-time students in any
2356 | one of the programs listed in s. 1011.62(1)(c) which is the
2357 | equivalent of one full-time student based on the following
2358 | calculations:

2359 | (I) A full-time student, except a postsecondary or adult
2360 | student or a senior high school student enrolled in adult
2361 | education when such courses are required for high school
2362 | graduation, in a combination of programs listed in s.
2363 | 1011.62(1)(c) shall be a fraction of a full-time equivalent
2364 | membership in each special program equal to the number of net
2365 | hours per school year for which he or she is a member, divided
2366 | by the appropriate number of hours set forth in subparagraph
2367 | (a)1. or subparagraph (a)2. The difference between that fraction
2368 | or sum of fractions and the maximum value as set forth in
2369 | subsection (4) for each full-time student is presumed to be the
2370 | balance of the student's time not spent in such special
2371 | education programs and shall be recorded as time in the
2372 | appropriate basic program.

2373 | (II) A prekindergarten handicapped student shall meet the
2374 | requirements specified for kindergarten students.

2375 | (III) A Florida Virtual School full-time equivalent
2376 | student shall consist of six full credit completions in the
2377 | programs listed in s. 1011.62(1)(c)1. and 4. Credit completions
2378 | can be a combination of either full credit or half credit.

2379 | 2. A student in membership in a program scheduled for more
2380 | or less than 180 school days is a fraction of a full-time
2381 | equivalent membership equal to the number of instructional hours
2382 | in membership divided by the appropriate number of hours set



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2383 | forth in subparagraph (a)1.; however, for the purposes of this
 2384 | subparagraph, membership in programs scheduled for more than 180
 2385 | days is limited to students enrolled in juvenile justice
 2386 | education programs and the Florida Virtual School.

2387 | The department shall determine and implement an equitable method
 2388 | of equivalent funding for experimental schools and for schools
 2389 | operating under emergency conditions, which schools have been
 2390 | approved by the department to operate for less than the minimum
 2391 | school day.

2392 | Section 32. Paragraphs (b), (c), (d), and (e) of
 2393 | subsection (6) of section 1013.64, Florida Statutes, are amended
 2394 | to read:

2395 | 1013.64 Funds for comprehensive educational plant needs;
 2396 | construction cost maximums for school district capital
 2397 | projects.--Allocations from the Public Education Capital Outlay
 2398 | and Debt Service Trust Fund to the various boards for capital
 2399 | outlay projects shall be determined as follows:

2400 | (6)

2401 | (b)1. A district school board, including a district school
 2402 | board of an academic performance-based charter school district,
 2403 | must not use funds from the following sources: Public Education
 2404 | Capital Outlay and Debt Service Trust Fund; ~~or the~~ School
 2405 | District and Community College District Capital Outlay and Debt
 2406 | Service Trust Fund; Classrooms First Program funds provided in
 2407 | s. 1013.68; effort index grant funds provided in s. 1013.73;
 2408 | nonvoted 2-mill levy of ad valorem property taxes provided in s.
 2409 | 1011.71(2); Class Size Reduction Infrastructure Program funds



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2410 provided in s. 1013.735; District Effort Recognition Program
 2411 funds provided in s. 1013.736; school capital outlay sales
 2412 surtax provided in s. 212.055(6); local government
 2413 infrastructure sales surtax provided in s. 212.055(2); or voted
 2414 millage provided in s. 1011.73, for any new construction of
 2415 educational plant space with a total cost per student station,
 2416 including change orders, that equals more than:

- 2417 a. \$12,755 ~~\$11,600~~ for an elementary school,
- 2418 b. \$14,624 ~~\$13,300~~ for a middle school, or
- 2419 c. \$19,352 ~~\$17,600~~ for a high school,

2420

2421 (January 2002 ~~1997~~) as adjusted annually to reflect increases or
 2422 decreases in ~~by~~ the Consumer Price Index.

2423 2. A district school board must not use funds from the
 2424 Public Education Capital Outlay and Debt Service Trust Fund or
 2425 the School District and Community College District Capital
 2426 Outlay and Debt Service Trust Fund for any new construction of
 2427 an ancillary plant that exceeds 70 percent of the average cost
 2428 per square foot of new construction for all schools.

2429 (c) Except as otherwise provided, new construction
 2430 initiated after July 1, 2004, by a district school board funded
 2431 solely from proceeds received by school districts through
 2432 provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the
 2433 State Constitution ~~after June 30, 1997~~, must not exceed the cost
 2434 per student station as provided in paragraph (b).

2435 (d) The department shall:

- 2436 1. Compute for each calendar year the statewide average
 2437 construction costs for facilities serving each instructional



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2438 level, for relocatable educational facilities, for
2439 administrative facilities, and for other ancillary and auxiliary
2440 facilities. The department shall compute the statewide average
2441 costs per student station for each instructional level.

2442 2. Annually review the actual completed construction costs
2443 of educational facilities in each school district. For any
2444 school district in which the total actual cost per student
2445 station, including change orders, exceeds the statewide limits
2446 established in paragraph (b), the department shall calculate the
2447 amount of funds of that school district that exceeded the
2448 statewide cost per student station limit and withhold that
2449 amount of funds in the following year from the school district's
2450 allocation from the Public Education Capital Outlay and Debt
2451 Service Trust Fund.

2452
2453 Cost per student station includes contract costs, legal and
2454 administrative costs, fees of architects and engineers,
2455 furniture and equipment, and site improvement costs. Cost per
2456 student station does not include the cost of purchasing or
2457 leasing the site for the construction or the cost of related
2458 offsite improvements.

2459 ~~(e) The restrictions of this subsection on the cost per~~
2460 ~~student station of new construction do not apply to a project~~
2461 ~~funded entirely from proceeds received by districts through~~
2462 ~~provisions of ss. 212.055 and 1011.73 and s. 9, Art. VII of the~~
2463 ~~State Constitution, if the school board approves the project by~~
2464 ~~majority vote.~~

2465 Section 33. Subsection (2) of section 1007.261 and



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2466 sections 1012.41 and 1013.43, Florida Statutes, are repealed.

2467 Section 34. Subsection (13) is added to section 216.292,
2468 Florida Statutes, to read:

2469 216.292 Appropriations nontransferable; exceptions.—

2470 (13) The Executive Office of the Governor shall transfer
2471 funds from appropriations for public school operations to a
2472 fixed capital outlay appropriation for class size reduction
2473 based on recommendations of the Florida Education Finance
2474 Program Appropriation Allocation Conference pursuant to s.
2475 1003.03(5)(a). This subsection is subject to the notice and
2476 review provisions of s. 216.177.

2477 Section 35. If any provision of this act or its
2478 application to any person or circumstance is held invalid, the
2479 invalidity does not affect other provisions or applications of
2480 the act which can be given effect without the invalid provision
2481 or application, and to this end the provisions of this act are
2482 severable.

2483 Section 36. Except as otherwise provided herein, this act
2484 shall take effect July 1, 2003.

2485