

By Senators Constantine and Carlton

22-2581A-03

1 A bill to be entitled
2 An act relating to quality education; amending
3 s. 1003.01, F.S.; defining the terms
4 "core-curricula courses" and "extracurricular
5 courses"; amending s. 1003.03, F.S.;
6 establishing the constitutional class size
7 maximum; providing for the determination of
8 averages; providing for the department to
9 calculate averages based upon student
10 membership surveys; providing implementation
11 options for school districts; providing
12 accountability for the class size reduction
13 measures; creating s. 1011.685, F.S.;
14 establishing an operating categorical fund for
15 implementing class size reduction; providing
16 for the use of the funds by school districts;
17 creating s. 1013.735, F.S.; establishing the
18 Classrooms for Kids Program; providing for the
19 allocation of funds; providing requirements for
20 district participation in the program;
21 providing for the use of the funds; creating s.
22 1013.736, F.S.; establishing the District
23 Effort Recognition Program; providing for
24 eligibility for school district participation;
25 establishing a district equity ratio for
26 purposes of calculating the allocation for the
27 program; providing for the use of the funds;
28 creating s. 1013.737, F.S.; establishing the
29 Class Size Reduction Lottery Revenue Bond
30 Program; authorizing the issuance of revenue
31 bonds to finance or refinance the construction,

1 acquisition, reconstruction, or renovation of
2 educational facilities; providing legislative
3 findings; specifying that the bonds are payable
4 from first proceeds of lottery revenues
5 transferred to the Educational Enhancement
6 Trust Fund; establishing a covenant with
7 bondholders to not materially and adversely
8 affect their rights; providing for issuance of
9 the bonds by the Division of Bond Finance on
10 behalf of the Department of Education; limiting
11 the total amount of such bonds issued;
12 providing for deposit of bond proceeds in the
13 Lottery Capital Outlay and Debt Service Trust
14 Fund; providing for the filing of complaints
15 for validation; providing for timely
16 encumbrances of funds for authorized projects;
17 amending s. 24.121, F.S.; removing limitations
18 on lottery revenues that may be pledged to the
19 payment of debt service; amending s. 121.091,
20 F.S.; authorizing certain instructional
21 personnel who receive authorization to extend
22 participation in the Deferred Retirement Option
23 Program; amending s. 220.187, F.S.; increasing
24 the total amount of tax credit and carryforward
25 of tax credit which may be granted each state
26 fiscal year; requiring parental notification to
27 the school district; allowing tax credits to be
28 carried forward; providing procedures; amending
29 s. 1003.02, F.S.; requiring school districts to
30 notify parents of acceleration mechanisms;
31 eliminating a cross-reference to conform to

1 changes made by the act; amending s. 1003.43,
2 F.S.; providing that parenting skills be
3 included; removing the requirement that a life
4 management course be offered during the 9th and
5 10th grade years; providing that participation
6 in R.O.T.C. class satisfies a portion of the
7 physical education requirement; creating s.
8 1003.429, F.S.; providing for accelerated high
9 school graduation options; providing
10 requirements; prohibiting school districts from
11 imposing additional requirements; amending s.
12 1007.261, F.S.; aligning university admission
13 standards with accelerated high school
14 graduation options; revising credits required;
15 amending s. 1003.436, F.S.; reducing the number
16 of hours required for one full credit for
17 district schools implementing block scheduling;
18 amending s. 1011.62, F.S.; removing a date
19 limitation to provide for categorical
20 flexibility; revising purposes of categorical
21 funds; amending s. 1011.69, F.S.; deleting
22 obsolete provisions; revising allocation amount
23 to average percent of funds generated; revising
24 the exemption for certain charter schools;
25 providing that Classrooms for Kids operating
26 categorial funds are not subject to provisions
27 requiring equity in school funding; amending s.
28 1013.03, F.S.; requiring the Department of
29 Education to review rules relating to school
30 construction and make recommendations to the
31 State Board of Education; amending s. 1013.31,

1 F.S.; requiring school districts to
2 periodically update the inventory of
3 educational facilities; amending s. 1002.37,
4 F.S.; providing that certain funds are internal
5 funds; authorizing supplemental support
6 organization; revising administrative
7 responsibilities regarding funding and
8 reporting requirements for the board of
9 trustees of the Florida Virtual School;
10 authorizing franchise agreements; providing for
11 funding the Florida Virtual School within the
12 Florida Education Finance Program; providing
13 for funding based on credit completion;
14 providing a calculation; eliminating obsolete
15 provisions; amending s. 1011.61, F.S.;
16 redefining the term "full-time equivalent
17 student" to include a Florida Virtual School
18 student; providing for membership to exceed
19 certain maximum days of instruction; creating
20 the Florida Business and Education in School
21 Together (Florida BEST) Program; requiring
22 school districts to seek business partners for
23 Florida BEST schools; requiring each school
24 district to create a Florida BEST school
25 evaluation committee; defining a "Florida
26 Business and Education in School Together
27 (Florida BEST) school"; providing for priority
28 in admission of students; providing parental
29 responsibility; providing for contracts to
30 operate Florida BEST schools; providing school
31 district and business responsibilities for

1 Florida BEST schools; providing exemptions from
2 local government ordinances or regulations
3 relating to square footage or floor area;
4 repealing ss. 1002.33(13), 1012.41, 1012.73,
5 and 1013.43, F.S., relating to number of
6 charter schools, directors of career and
7 technical education, the Florida Mentor Teacher
8 School Pilot Program, and the small school
9 requirement; amending s. 216.292, F.S.;
10 requiring the Executive Office of the Governor
11 to transfer funds for class size reduction
12 based on recommendations of the Florida
13 Education Finance Program Appropriation
14 Allocation Conference or the Legislative Budget
15 Commission; requiring notice and review;
16 amending s. 1003.62, F.S.; making pilot program
17 statewide; providing additional criteria for
18 the establishment of a charter school district;
19 providing for renewal of the charter; providing
20 certain exemptions from law and rule; providing
21 reporting requirements; grandfathering certain
22 districts; amending s. 1013.64, F.S.; providing
23 limitations on the use of certain funds;
24 revising provisions relating to the costs per
25 student station; requiring reports; creating s.
26 1000.041, F.S.; providing legislative purposes
27 and guiding principles of Better Educated
28 Students and Teachers (BEST) Florida Teaching;
29 amending s. 1001.33, F.S.; requiring
30 cooperation to apply guiding principles;
31 amending s. 1001.42, F.S.; providing that a

1 district school board may use certain personnel
2 to assist teachers in noninstructional
3 activities; requiring school district support
4 of certain activities and programs; clarifying
5 provisions concerning a school-within-a-school;
6 amending ss. 1001.51 and 1001.54, F.S.;
7 requiring cooperation and support of district
8 school superintendents and school principals;
9 amending s. 1002.20, F.S.; providing student
10 rights with respect to classroom orderliness;
11 amending s. 1002.42, F.S.; correcting a
12 cross-reference; amending s. 1003.04, F.S.;
13 requiring specified student conduct and
14 attendance; requiring parental cooperation with
15 school authority; amending s. 1003.31, F.S.;
16 requiring support of the authority of teachers
17 and bus drivers; amending s. 1003.32, F.S.;
18 revising provisions relating to teacher
19 authority and responsibility for control of
20 students; designating a school placement review
21 committee to determine placement for disruptive
22 students; requiring reports; requiring
23 Commissioner of Education review of success in
24 achieving orderly classrooms and use of
25 enforcement actions; requiring reporting of
26 knowledge or suspicion of crimes of violence on
27 school property and providing immunity;
28 amending s. 1004.04, F.S.; revising provisions
29 relating to state approval of teacher
30 preparation programs; expanding State Board of
31 Education rules establishing core curricula;

1 requiring teacher preparation programs to
2 incorporate certain instruction; providing for
3 guarantee; providing for additional teacher
4 training under certain circumstances;
5 authorizing pay for student teacher
6 internships; authorizing additional standards
7 for program approval and certification;
8 deleting the requirement that pilot programs be
9 established at the University of Central
10 Florida, the University of North Florida, and
11 the University of South Florida; allowing pilot
12 programs to be established as authorized by the
13 Commissioner of Education at colleges and
14 universities with state-approved teacher
15 education programs; providing priority
16 consideration for participation in teacher
17 education pilot programs; amending ss. 1006.08
18 and 1006.09, F.S.; requiring district school
19 superintendent and school principal support
20 relating to student discipline; amending s.
21 1012.05, F.S.; requiring the Department of
22 Education to provide for one-stop shopping for
23 teacher career information and on-line support;
24 authorizing use of funds to recruit and prepare
25 teachers; creating s. 1012.231, F.S.;
26 establishing a salary career ladder program;
27 providing levels of career ladder salary;
28 providing standards; providing limitations or
29 certain assignments; requiring the State Board
30 of Education to develop a long-range plan;
31 amending s. 1012.27, F.S.; requiring district

1 school superintendents to implement district's
2 career ladder salary program; amending s.
3 1012.56, F.S.; revising the time period for
4 which an official statement of status of
5 eligibility for certification is valid;
6 revising requirements for mastery of general
7 knowledge, mastery of subject area knowledge,
8 and mastery of professional preparation and
9 education competence; amending s. 1012.57,
10 F.S.; requiring district school boards to adopt
11 rules to allow for the issuance of adjunct
12 teaching certificates; revising provisions
13 relating to determination of expertise in the
14 subject area to be taught; amending s.
15 1012.585, F.S.; revising certain requirements
16 for renewal of professional certificates;
17 correcting a cross-reference; creating s.
18 1012.586, F.S.; authorizing school districts to
19 process certain applications via website;
20 providing for a fee and the uses thereof;
21 amending s. 1012.98, F.S.; revising provisions
22 relating to the School Community Professional
23 Development Act; deleting provisions relating
24 to recruitment, preparation, and professional
25 development of school administrative personnel;
26 amending s. 1009.531, F.S.; correcting a
27 cross-reference; creating ss. 159.831, 159.832,
28 159.833, 159.834, and 159.835, F.S., relating
29 to the Florida Qualified Public Educational
30 Facilities Private Activity Bond Allocation
31 Act; providing definitions; providing certain

1 state volume limitations on certain private
2 bond activity; providing for department review;
3 authorizing rule adoption; amending s. 1012.22,
4 F.S.; providing that district's five-percent
5 performance-pay policy must apply at each level
6 of the salary career ladder program; creating
7 s. 1012.987, F.S.; authorizing the State Board
8 of Education to adopt rules for a principal
9 leadership designation; requiring districts to
10 compare certain life-cycle costs of materials
11 used in constructing or expanding educational
12 facilities; providing for severability;
13 providing for construction of the act in pari
14 materia with laws enacted during the Regular
15 Session of the Legislature; providing effective
16 dates.

17
18 WHEREAS, in 1998 the voters approved an amendment to
19 Section 1, Article IX of the State Constitution that required
20 the Legislature to establish by law a uniform, efficient,
21 safe, secure, and high-quality system of free public schools
22 that allows students to obtain a high-quality education, and

23 WHEREAS, in 2002 the voters of Florida approved a
24 further amendment to Section 1, Article IX of the State
25 Constitution to assure that students obtain a high-quality
26 education, and

27 WHEREAS, the voters defined a high-quality education
28 as, by 2010 a prekindergarten through grade 3 core-curricula
29 class size of no more than 18 students assigned to a teacher,
30 a grade 4 through grade 8 core-curricula class size of no more
31 than 22 students assigned to a teacher, and a grade 9 through

1 grade 12 core-curricula class size of no more than 25 students
2 assigned to a teacher, and

3 WHEREAS, the Legislature finds that a high-quality
4 education cannot be achieved solely by small class sizes but
5 also requires well-educated, well-trained, well-compensated,
6 and effective classroom teachers and school administrators who
7 maintain orderly, disciplined classrooms conducive to student
8 learning, and

9 WHEREAS, Section 1, Article IX of the State
10 Constitution requires that such reduced class sizes be
11 accomplished through a system that is both efficient and
12 uniform, and

13 WHEREAS, the constitutional principle of efficiency
14 includes the school districts' use of their facilities,
15 teachers, and other resources in the most efficient manner,
16 and

17 WHEREAS, the Florida Supreme Court in considering the
18 provisions of Amendment 9 to Section 1, Article IX of the
19 State Constitution, found that "rather than restricting the
20 Legislature, the proposed amendment gives the Legislature
21 latitude in designing ways to reach the class size goal
22 articulated in the ballot initiative, and places the
23 obligation to ensure compliance on the Legislature," and

24 WHEREAS, the Legislature has chosen to focus on student
25 achievement, provide clarity of goals, safeguard the efficient
26 use of public funds, allow flexibility to reach those goals,
27 recognize issues relating to efficiency and equity of
28 implementation, and require accountability to meet the
29 standards set forth in the State Constitution, NOW, THEREFORE,

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

1 Section 1. Subsections (14) and (15) are added to
2 section 1003.01, Florida Statutes, to read:

3 1003.01 Definitions.--As used in this chapter, the
4 term:

5 (14) "Core-curricula courses" means courses defined by
6 the Department of Education as mathematics, language
7 arts/reading, science, social studies, foreign language,
8 English for Speakers of Other Languages, exceptional student
9 education, and courses taught in traditional self-contained
10 elementary school classrooms. The term is limited in meaning
11 and used for the sole purpose of designating classes that are
12 subject to the maximum class size requirements established in
13 s. 1, Art. IX of the State Constitution.

14 (15) "Extracurricular courses" means all courses that
15 are not defined as "core-curricula courses," which may
16 include, but are not limited to, physical education, fine
17 arts, performing fine arts, vocational education, and career
18 and technical education. The term is limited in meaning and
19 used for the sole purpose of designating classes that are not
20 subject to the maximum class size requirements established in
21 s. 1, Art. IX of the State Constitution.

22 Section 2. Section 1003.03, Florida Statutes, is
23 amended to read:

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

26 1003.03 Maximum class size.--

27 (1) CONSTITUTIONAL CLASS SIZE MAXIMUMS.--Pursuant to
28 s. 1, Art. IX of the State Constitution, beginning in the
29 2010-2011 school year:

30 (a) The maximum number of students assigned to each
31 teacher who is teaching core-curricula courses in public

1 school classrooms for prekindergarten through grade 3 may not
2 exceed 18 students.

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

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

11 (2) IMPLEMENTATION.--

12 (a) Beginning with the 2003-2004 fiscal year, each
13 school district that is not in compliance with the maximums in
14 subsection (1) shall reduce the average number of students per
15 classroom in each of the following grade groupings:

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

18 (b) Determination of the number of students per
19 classroom in paragraph (a) shall be calculated as follows:

20 1. For fiscal years 2003-2004 through 2005-2006, the
21 calculation for compliance for each of the 3 grade groupings
22 shall be the average at the district level.

23 2. For fiscal years 2006-2007 through 2007-2008, the
24 calculation for compliance for each of the 3 grade groupings
25 shall be the average at the school level.

26 3. For fiscal years 2008-2009, 2009-2010, and
27 thereafter, the calculation for compliance shall be at the
28 individual classroom level.

29 (c) The Department of Education shall annually
30 calculate each of the three average class size measures
31 defined in paragraphs (a) and (b) based upon the October

1 student membership survey. For purposes of determining the
2 baseline from which each district's average class size must be
3 reduced for the 2003-2004 school year, the department shall
4 use data from the February 2003 student membership survey
5 updated to include classroom identification numbers as
6 required by the department.

7 (d) Prior to the adoption of the district school
8 budget for 2004-2005, each district school board shall hold
9 public hearings to review school attendance zones in order to
10 ensure maximum use of facilities while minimizing the
11 additional use of transportation in order to comply with the
12 two-student-per-year reduction required in paragraph (a).
13 School districts that meet the constitutional class size
14 maximums described in subsection (1) are exempt from this
15 requirement.

16 (3) IMPLEMENTATION OPTIONS.--District school boards
17 must consider, but are not limited to, implementing the
18 following items in order to meet the constitutional class size
19 maximums described in subsection (1) and the
20 two-student-per-year reduction required in subsection (2):

21 (a) Adopt policies to encourage qualified students to
22 take dual enrollment courses.

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

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

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

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

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

11 (f) Use joint-use facilities through partnerships with
12 community colleges, state universities, and private colleges
13 and universities. Joint-use facilities available for use as
14 K-12 classrooms that do not meet the K-12 State Regulations
15 for Educational Facilities in the Florida Building Code may be
16 used at the discretion of the district school board provided
17 that such facilities meet all other health, life, safety, and
18 fire codes.

19 (g) Adopt alternative methods of class scheduling,
20 such as block scheduling.

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

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

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

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1 (k) Review and consider amending any collective
2 bargaining contracts that hinder the implementation of class
3 size reduction.

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

5 (4) ACCOUNTABILITY.--

6 (a) Beginning in the 2003-2004 fiscal year, if the
7 department determines for any year that a school district has
8 not reduced average class size as required in subsection (2)
9 at the time of the third FEFP calculation, the department
10 shall calculate an amount from the class size reduction
11 operating categorical which is proportionate to the amount of
12 class size reduction not accomplished. Upon verification of
13 the department's calculation by the Florida Education Finance
14 Program Appropriation Allocation Conference, the Executive
15 Office of the Governor shall transfer undistributed funds
16 equivalent to the calculated amount from the district's class
17 size reduction operating categorical to an approved fixed
18 capital outlay appropriation for class size reduction in the
19 affected district pursuant to s. 216.292(13). The amount of
20 funds transferred shall be the lesser of the amount verified
21 by the Florida Education Finance Program Appropriation
22 Allocation Conference or the undistributed balance of the
23 district's class size reduction operating categorical.
24 However, based upon a recommendation by the Commissioner of
25 Education that the State Board of Education has reviewed
26 evidence indicating that a district has been unable to meet
27 class size reduction requirements despite appropriate effort
28 to do so, the Legislative Budget Commission may approve an
29 alternative amount of funds to be transferred from the
30 district's class size reduction operating categorical to its

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1 approved fixed capital outlay account for class size
2 reduction.
3 (b) Beginning in the 2005-2006 school year, the
4 department shall determine by January 15 of each year which
5 districts have not met the two-student-per-year reduction
6 required in subsection (2) based upon a comparison of the
7 district's October student membership survey for the current
8 school year and the February 2003 baseline student membership
9 survey. The department shall report such districts to the
10 Legislature. Each district that has not met the
11 two-student-per-year reduction shall be required to implement
12 one of the following policies in the subsequent school year
13 unless the department finds that the district comes into
14 compliance based upon the February student membership survey:
15 1. Year-round schools;
16 2. Double sessions;
17 3. Rezoning; or
18 4. Maximizing use of instructional staff by changing
19 required teacher loads and scheduling of planning periods,
20 deploying school district employees who have professional
21 certification to the classroom, using adjunct educators,
22 operating schools beyond the normal operating hours to provide
23 classes in the evening, or operating more than one session
24 during the day.
25
26 A school district that is required to implement one of the
27 policies outlined in subparagraphs 1. through 4. shall correct
28 in the year of implementation any past deficiencies and bring
29 the district into compliance with the two-student-per-year
30 reduction goals established for the district by the department
31 pursuant to subsection (2). A school district may choose to

1 implement more than one of these policies. The district school
2 superintendent shall report to the Commissioner of Education
3 the extent to which the district implemented any of the
4 policies outlined in subparagraphs 1. through 4. in a format
5 to be specified by the Commissioner of Education. The
6 Department of Education shall use the enforcement authority
7 provided in s. 1008.32 to ensure that districts comply with
8 the provisions of this paragraph.

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

24 Section 3. Section 1011.685, Florida Statutes, is
25 created to read:

26 1011.685 Class size reduction; operating categorical
27 fund.--

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

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

5 (a) To reduce class size in any lawful manner, if the
6 district has not met the constitutional maximums identified in
7 s. 1003.03(1) or the reduction of two students per year
8 required by s. 1003.03(2).

9 (b) For any lawful operating expenditure, if the
10 district has met the constitutional maximums identified in s.
11 1003.03(1) or the reduction of two students per year required
12 by s. 1003.03(2); however, priority shall be given to increase
13 salaries of classroom teachers as defined in s. 1012.01(2)(a)
14 and to implement the salary career ladder defined in s.
15 1012.231.

16 Section 4. Section 1013.735, Florida Statutes, is
17 created to read:

18 1013.735 Classrooms for Kids Program.--

19 (1) ALLOCATION.--The department shall allocate funds
20 appropriated for the Classrooms for Kids Program. It is the
21 intent of the Legislature that this program be administered as
22 nearly as practicable in the same manner as the capital outlay
23 program authorized under s. 9(a), Art. XII of the State
24 Constitution. Each district school board's share of the annual
25 appropriation for the Classrooms for Kids Program must be
26 calculated according to the following formula:

27 (a) Twenty-five percent of the appropriation shall be
28 prorated to the districts based on each district's percentage
29 of base capital outlay full-time equivalent membership, and 65
30 percent shall be based on each district's percentage of growth
31 capital outlay full-time equivalent membership as specified

1 for the allocation of funds from the Public Education Capital
2 Outlay and Debt Service Trust Fund by s. 1013.64(3).

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

6 (2) DISTRICT PARTICIPATION.--In order to participate
7 in the Classrooms for Kids Program, a district school board
8 shall:

9 (a) Enter into an interlocal agreement pursuant to s.
10 1013.33.

11 (b) Certify that the district's inventory of
12 facilities listed in the Florida Inventory of School Houses is
13 accurate and up-to-date pursuant to s. 1013.31.

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

17 (a) Construct, renovate, remodel, or repair
18 educational facilities that are in excess of projects
19 identified in the district's 5-year work program adopted prior
20 to March 15, 2003; or

21 (b) Purchase or lease-purchase relocatable facilities
22 that are in excess of relocatables identified in the
23 district's 5-year work program adopted prior to March 15,
24 2003.

25 Section 5. Effective upon this act becoming a law,
26 section 1013.736, Florida Statutes, is created to read:

27 1013.736 District Effort Recognition Program.--

28 (1) RECOGNITION FUNDS.--From funds appropriated by the
29 Legislature, district effort recognition capital outlay grants
30 shall be made to eligible school districts in accordance with
31 the provisions of this section and the General Appropriations

1 Act. The funds appropriated in this section are not subject to
2 the provisions of s. 216.301.

3 (2) ELIGIBILITY.--Annually, the Department of
4 Education shall determine each district's compliance with the
5 provisions of s. 1003.03 and determine the district's
6 eligibility to receive a district effort recognition grant for
7 local school facilities projects pursuant to this section.
8 Districts shall be eligible for a district effort recognition
9 grant based upon participation in any of the following:

10 (a) The district levies a half-cent school capital
11 outlay surtax authorized in s. 212.055(6).

12 (b) The district participates in the levy of the local
13 government infrastructure sales surtax authorized in s.
14 212.055(2).

15 (c) The district levies voted millage for capital
16 outlay purposes as authorized in s. 9, Art. VII of the State
17 Constitution.

18 (3) DISTRICT EFFORT RECOGNITION PROGRAM.--The
19 department shall annually calculate a district effort amount
20 for each district by September 1 after each fiscal year. The
21 total amount of revenue for the prior year from each revenue
22 levied as described in subsection (2) shall be divided by the
23 number of months for which revenue was received and multiplied
24 by the number of authorized months remaining in each voter
25 referendum. The amount so determined for each revenue levied
26 shall be totaled. The Department of Revenue shall report the
27 amount of voter-approved revenue described in paragraphs
28 (2)(a) and (b). The district shall report the amount of
29 revenue described in paragraph (2)(b) identified for district
30 fixed capital outlay in the prior fiscal year. To determine
31 the amount of revenue levied pursuant to paragraph (2)(c), the

1 district shall annually report to the Department of Education
2 the outstanding debt service by bond series and date of
3 maturity. The total of annual debt service to maturity
4 remaining as of July 1 of each year shall be added to the
5 other revenues levied pursuant to paragraphs (2)(a) and (b) in
6 determining the total district effort amount. Only the amount
7 of voter-approved revenue described in paragraph (2)(b) which
8 has been identified for district fixed capital outlay from the
9 prior fiscal year shall be used in the calculation.

10 (4) ALLOCATION AND DISTRIBUTION OF FUNDS.--The
11 department shall allocate the annual amount of funds provided
12 among all eligible districts based upon the district's
13 proportion of the funds as determined in subsection (3). Funds
14 shall be distributed once a district has encumbered the funds.

15 (5) USE OF FUNDS.--School districts that do not meet
16 the constitutional class size maximums described in s.
17 1003.03(1) must use the funds for capital outlay to reduce
18 class size. School districts that meet the constitutional
19 class size maximum may use the funds for any lawful capital
20 outlay purpose.

21 Section 6. Section 1013.737, Florida Statutes, is
22 created to read:

23 1013.737 The Class Size Reduction Lottery Revenue Bond
24 Program.--There is established the Class Size Reduction
25 Lottery Revenue Bond Program.

26 (1) The issuance of revenue bonds is authorized to
27 finance or refinance the construction, acquisition,
28 reconstruction, or renovation of educational facilities. Such
29 bonds shall be issued pursuant to and in compliance with the
30 provisions of s. 11(d), Art. VII of the State Constitution,
31

1 the provisions of the State Bond Act, ss. 215.57-215.83, as
2 amended, and the provisions of this section.

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

9 (3) The state hereby covenants with the holders of
10 such revenue bonds that it will not take any action that will
11 materially and adversely affect the rights of such holders so
12 long as bonds authorized by this section are outstanding. The
13 state does hereby additionally authorize the establishment of
14 a covenant in connection with the bonds which provides that
15 any additional funds received by the state from new or
16 enhanced lottery programs, video gaming, or other similar
17 activities will first be available for payments relating to
18 bonds pledging revenues available pursuant to s. 24.121(2),
19 prior to use for any other purpose.

20 (4) The bonds shall be issued by the Division of Bond
21 Finance of the State Board of Administration on behalf of the
22 Department of Education in such amount as shall be requested
23 by resolution of the State Board of Education. However, the
24 total principal amount of bonds, excluding refunding bonds,
25 issued pursuant to this section shall not exceed amounts
26 specifically authorized in the General Appropriations Act.

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

30 (6) The facilities to be financed with the proceeds of
31 such bonds are designated as state fixed capital outlay

1 projects for purposes of s. 11(d), Art. VII of the State
2 Constitution, and the specific facilities to be financed shall
3 be determined in accordance with state law and appropriations
4 from the Educational Enhancement Trust Fund. Projects shall be
5 funded from the Lottery Capital Outlay and Debt Service Trust
6 Fund. Each educational facility to be financed with the
7 proceeds of the bonds issued pursuant to this section is
8 hereby approved as required by s. 11(f), Art. VII of the State
9 Constitution.

10 (7) Any complaint for validation of such bonds is
11 required to be filed only in the circuit court of the county
12 where the seat of state government is situated. The notice
13 required to be published by s. 75.06 is required to be
14 published only in the county where the complaint is filed, and
15 the complaint and order of the circuit court need be served
16 only on the state attorney of the circuit in which the action
17 is pending.

18 (8) The Commissioner of Education shall provide for
19 timely encumbrances of funds for duly authorized projects.
20 Encumbrances may include proceeds to be received under a
21 resolution approved by the State Board of Education
22 authorizing issuance of class size reduction lottery bonds
23 pursuant to s. 11(d), Art. VII of the State Constitution, this
24 section, and other applicable law.

25 Section 7. Subsection (2) of section 24.121, Florida
26 Statutes, is amended to read:

27 24.121 Allocation of revenues and expenditure of funds
28 for public education.--

29 (2) Each fiscal year, at least 38 percent of the gross
30 revenue from the sale of on-line lottery tickets, variable
31 percentages of the gross revenue from the sale of instant

1 lottery tickets as determined by the department consistent
2 with subsection (1), and other earned revenue, excluding
3 application processing fees, shall be deposited in the
4 Educational Enhancement Trust Fund, which is hereby created in
5 the State Treasury to be administered by the Department of
6 Education. The Department of the Lottery shall transfer moneys
7 to the Educational Enhancement Trust Fund at least once each
8 quarter. Funds in the Educational Enhancement Trust Fund shall
9 be used to the benefit of public education in accordance with
10 the provisions of this act. Notwithstanding any other
11 provision of law, ~~a maximum of \$180 million of~~ lottery
12 revenues transferred to the Educational Enhancement Trust Fund
13 ~~in fiscal year 1997-1998 and for 30 years thereafter~~ shall be
14 reserved as needed and used to meet the requirements of the
15 documents authorizing the bonds issued by the state pursuant
16 to s. 1013.68, or s. 1013.70, or s. 1013.737 or distributed to
17 school districts for the Classrooms First Program as provided
18 in s. 1013.68. Such lottery revenues are hereby pledged to the
19 payment of debt service on bonds issued by the state pursuant
20 to s. 1013.68, or s. 1013.70, or s. 1013.737. Debt service
21 payable on bonds issued by the state pursuant to s. 1013.68,
22 or s. 1013.70, or s. 1013.737 shall be payable from, and are
23 secured by a first lien on, the first lottery revenues
24 transferred to the Educational Enhancement Trust Fund in each
25 fiscal year. Amounts distributable to school districts that
26 request the issuance of bonds pursuant to s. 1013.68(3) are
27 hereby pledged to such bonds pursuant to s. 11(d), Art. VII of
28 the State Constitution. ~~The amounts distributed through the~~
29 ~~Classrooms First Program shall equal \$145 million in each~~
30 ~~fiscal year. These funds are intended to provide up to \$2.5~~
31 ~~billion for public school facilities.~~

1 Section 8. Subsection (13) of section 121.091, Florida
2 Statutes, is amended to read:

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

16 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general,
17 and subject to the provisions of this section, the Deferred
18 Retirement Option Program, hereinafter referred to as the
19 DROP, is a program under which an eligible member of the
20 Florida Retirement System may elect to participate, deferring
21 receipt of retirement benefits while continuing employment
22 with his or her Florida Retirement System employer. The
23 deferred monthly benefits shall accrue in the System Trust
24 Fund on behalf of the participant, plus interest compounded
25 monthly, for the specified period of the DROP participation,
26 as provided in paragraph (c). Upon termination of employment,
27 the participant shall receive the total DROP benefits and
28 begin to receive the previously determined normal retirement
29 benefits. Participation in the DROP does not guarantee
30 employment for the specified period of DROP. Participation in
31 the DROP by an eligible member beyond the initial 60-month

1 period as authorized in this subsection shall be on an annual
2 contractual basis for all participants.

3 (a) Eligibility of member to participate in the
4 DROP.--All active Florida Retirement System members in a
5 regularly established position, and all active members of
6 either the Teachers' Retirement System established in chapter
7 238 or the State and County Officers' and Employees'
8 Retirement System established in chapter 122 which systems are
9 consolidated within the Florida Retirement System under s.
10 121.011, are eligible to elect participation in the DROP
11 provided that:

12 1. The member is not a renewed member of the Florida
13 Retirement System under s. 121.122, or a member of the State
14 Community College System Optional Retirement Program under s.
15 121.051, the Senior Management Service Optional Annuity
16 Program under s. 121.055, or the optional retirement program
17 for the State University System under s. 121.35.

18 2. Except as provided in subparagraph 6., election to
19 participate is made within 12 months immediately following the
20 date on which the member first reaches normal retirement date,
21 or, for a member who reaches normal retirement date based on
22 service before he or she reaches age 62, or age 55 for Special
23 Risk Class members, election to participate may be deferred to
24 the 12 months immediately following the date the member
25 attains 57, or age 52 for Special Risk Class members. For a
26 member who first reached normal retirement date or the
27 deferred eligibility date described above prior to the
28 effective date of this section, election to participate shall
29 be made within 12 months after the effective date of this
30 section. A member who fails to make an election within such
31 12-month limitation period shall forfeit all rights to

1 participate in the DROP. The member shall advise his or her
2 employer and the division in writing of the date on which the
3 DROP shall begin. Such beginning date may be subsequent to the
4 12-month election period, but must be within the 60-month or,
5 with respect to members who are instructional personnel
6 employed by the Florida School for the Deaf and the Blind and
7 who have received authorization by the Board of Trustees of
8 the Florida School for the Deaf and the Blind to participate
9 in the DROP beyond 60 months, or who are instructional
10 personnel as defined in s. 1012.01(2)(a)-(d) in grades K-12
11 and who have received authorization by the district
12 superintendent to participate in the DROP beyond 60 months,
13 the 96-month limitation period as provided in subparagraph
14 (b)1. When establishing eligibility of the member to
15 participate in the DROP for the 60-month or, with respect to
16 members who are instructional personnel employed by the
17 Florida School for the Deaf and the Blind and who have
18 received authorization by the Board of Trustees of the Florida
19 School for the Deaf and the Blind to participate in the DROP
20 beyond 60 months, or who are instructional personnel as
21 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
22 received authorization by the district superintendent to
23 participate in the DROP beyond 60 months, the 96-month maximum
24 participation period, the member may elect to include or
25 exclude any optional service credit purchased by the member
26 from the total service used to establish the normal retirement
27 date. A member with dual normal retirement dates shall be
28 eligible to elect to participate in DROP within 12 months
29 after attaining normal retirement date in either class.

30 3. The employer of a member electing to participate in
31 the DROP, or employers if dually employed, shall acknowledge

1 in writing to the division the date the member's participation
2 in the DROP begins and the date the member's employment and
3 DROP participation will terminate.

4 4. Simultaneous employment of a participant by
5 additional Florida Retirement System employers subsequent to
6 the commencement of participation in the DROP shall be
7 permissible provided such employers acknowledge in writing a
8 DROP termination date no later than the participant's existing
9 termination date or the 60-month limitation period as provided
10 in subparagraph (b)1.

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

13 a. A change of employment must take place without a
14 break in service so that the member receives salary for each
15 month of continuous DROP participation. If a member receives
16 no salary during a month, DROP participation shall cease
17 unless the employer verifies a continuation of the employment
18 relationship for such participant pursuant to s.
19 121.021(39)(b).

20 b. Such participant and new employer shall notify the
21 division on forms required by the division as to the identity
22 of the new employer.

23 c. The new employer shall acknowledge, in writing, the
24 participant's DROP termination date, which may be extended but
25 not beyond the original 60-month or, with respect to members
26 who are instructional personnel employed by the Florida School
27 for the Deaf and the Blind and who have received authorization
28 by the Board of Trustees of the Florida School for the Deaf
29 and the Blind to participate in the DROP beyond 60 months, or
30 who are instructional personnel as defined in s.
31 1012.01(2)(a)-(d) in grades K-12 and who have received

1 authorization by the district superintendent to participate in
2 the DROP beyond 60 months, the 96-month period provided in
3 subparagraph (b)1., shall acknowledge liability for any
4 additional retirement contributions and interest required if
5 the participant fails to timely terminate employment, and
6 shall be subject to the adjustment required in
7 sub-subparagraph (c)5.d.

8 6. Effective July 1, 2001, for instructional personnel
9 as defined in s. 1012.01(2), election to participate in the
10 DROP shall be made at any time following the date on which the
11 member first reaches normal retirement date. The member shall
12 advise his or her employer and the division in writing of the
13 date on which the Deferred Retirement Option Program shall
14 begin. When establishing eligibility of the member to
15 participate in the DROP for the 60-month or, with respect to
16 members who are instructional personnel employed by the
17 Florida School for the Deaf and the Blind and who have
18 received authorization by the Board of Trustees of the Florida
19 School for the Deaf and the Blind to participate in the DROP
20 beyond 60 months, or who are instructional personnel as
21 defined in s. 1012.01(2)(a)-(d) in grades K-12 and who have
22 received authorization by the district superintendent to
23 participate in the DROP beyond 60 months, the 96-month maximum
24 participation period, as provided in subparagraph (b)1., the
25 member may elect to include or exclude any optional service
26 credit purchased by the member from the total service used to
27 establish the normal retirement date. A member with dual
28 normal retirement dates shall be eligible to elect to
29 participate in either class.

30 (b) Participation in the DROP.--
31

1 1. An eligible member may elect to participate in the
2 DROp for a period not to exceed a maximum of 60 calendar
3 months or, with respect to members who are instructional
4 personnel employed by the Florida School for the Deaf and the
5 Blind and who have received authorization by the Board of
6 Trustees of the Florida School for the Deaf and the Blind to
7 participate in the DROp beyond 60 months, or who are
8 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
9 grades K-12 and who have received authorization by the
10 district superintendent to participate in the DROp beyond 60
11 months, 96 months immediately following the date on which the
12 member first reaches his or her normal retirement date or the
13 date to which he or she is eligible to defer his or her
14 election to participate as provided in subparagraph (a)2.
15 However, a member who has reached normal retirement date prior
16 to the effective date of the DROp shall be eligible to
17 participate in the DROp for a period of time not to exceed 60
18 calendar months or, with respect to members who are
19 instructional personnel employed by the Florida School for the
20 Deaf and the Blind and who have received authorization by the
21 Board of Trustees of the Florida School for the Deaf and the
22 Blind to participate in the DROp beyond 60 months, or who are
23 instructional personnel as defined in s. 1012.01(2)(a)-(d) in
24 grades K-12 and who have received authorization by the
25 district superintendent to participate in the DROp beyond 60
26 months, 96 months immediately following the effective date of
27 the DROp, except a member of the Special Risk Class who has
28 reached normal retirement date prior to the effective date of
29 the DROp and whose total accrued value exceeds 75 percent of
30 average final compensation as of his or her effective date of
31 retirement shall be eligible to participate in the DROp for no

1 more than 36 calendar months immediately following the
2 effective date of the DROP.

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

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

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

15 d. Any other information required by the division.

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

24 4. Elected officers shall be eligible to participate
25 in the DROP subject to the following:

26 a. An elected officer who reaches normal retirement
27 date during a term of office may defer the election to
28 participate in the DROP until the next succeeding term in that
29 office. Such elected officer who exercises this option may
30 participate in the DROP for up to 60 calendar months or a
31

1 period of no longer than such succeeding term of office,
2 whichever is less.

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

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

31 (c) Benefits payable under the DROP.--

1 1. Effective with the date of DROP participation, the
2 member's initial normal monthly benefit, including creditable
3 service, optional form of payment, and average final
4 compensation, and the effective date of retirement shall be
5 fixed. The beneficiary established under the Florida
6 Retirement System shall be the beneficiary eligible to receive
7 any DROP benefits payable if the DROP participant dies prior
8 to the completion of the period of DROP participation. In the
9 event a joint annuitant predeceases the member, the member may
10 name a beneficiary to receive accumulated DROP benefits
11 payable. Such retirement benefit, the annual cost of living
12 adjustments provided in s. 121.101, and interest shall accrue
13 monthly in the System Trust Fund. Such interest shall accrue
14 at an effective annual rate of 6.5 percent compounded monthly,
15 on the prior month's accumulated ending balance, up to the
16 month of termination or death.

17 2. Each employee who elects to participate in the DROP
18 shall be allowed to elect to receive a lump-sum payment for
19 accrued annual leave earned in accordance with agency policy
20 upon beginning participation in the DROP. Such accumulated
21 leave payment certified to the division upon commencement of
22 DROP shall be included in the calculation of the member's
23 average final compensation. The employee electing such
24 lump-sum payment upon beginning participation in DROP will not
25 be eligible to receive a second lump-sum payment upon
26 termination, except to the extent the employee has earned
27 additional annual leave which combined with the original
28 payment does not exceed the maximum lump-sum payment allowed
29 by the employing agency's policy or rules. Such early
30 lump-sum payment shall be based on the hourly wage of the
31 employee at the time he or she begins participation in the

1 DROP. If the member elects to wait and receive such lump-sum
2 payment upon termination of DROP and termination of employment
3 with the employer, any accumulated leave payment made at that
4 time cannot be included in the member's retirement benefit,
5 which was determined and fixed by law when the employee
6 elected to participate in the DROP.

7 3. The effective date of DROP participation and the
8 effective date of retirement of a DROP participant shall be
9 the first day of the month selected by the member to begin
10 participation in the DROP, provided such date is properly
11 established, with the written confirmation of the employer,
12 and the approval of the division, on forms required by the
13 division.

14 4. Normal retirement benefits and interest thereon
15 shall continue to accrue in the DROP until the established
16 termination date of the DROP, or until the participant
17 terminates employment or dies prior to such date. Although
18 individual DROP accounts shall not be established, a separate
19 accounting of each participant's accrued benefits under the
20 DROP shall be calculated and provided to participants.

21 5. At the conclusion of the participant's DROP, the
22 division shall distribute the participant's total accumulated
23 DROP benefits, subject to the following provisions:

24 a. The division shall receive verification by the
25 participant's employer or employers that such participant has
26 terminated employment as provided in s. 121.021(39)(b).

27 b. The terminated DROP participant or, if deceased,
28 such participant's named beneficiary, shall elect on forms
29 provided by the division to receive payment of the DROP
30 benefits in accordance with one of the options listed below.

31 For a participant or beneficiary who fails to elect a method

1 of payment within 60 days of termination of the DROP, the
2 division will pay a lump sum as provided in
3 sub-sub-subparagraph (I).

4 (I) Lump sum.--All accrued DROP benefits, plus
5 interest, less withholding taxes remitted to the Internal
6 Revenue Service, shall be paid to the DROP participant or
7 surviving beneficiary.

8 (II) Direct rollover.--All accrued DROP benefits, plus
9 interest, shall be paid from the DROP directly to the
10 custodian of an eligible retirement plan as defined in s.
11 402(c)(8)(B) of the Internal Revenue Code. However, in the
12 case of an eligible rollover distribution to the surviving
13 spouse of a deceased participant, an eligible retirement plan
14 is an individual retirement account or an individual
15 retirement annuity as described in s. 402(c)(9) of the
16 Internal Revenue Code.

17 (III) Partial lump sum.--A portion of the accrued DROP
18 benefits shall be paid to the DROP participant or surviving
19 spouse, less withholding taxes remitted to the Internal
20 Revenue Service, and the remaining DROP benefits shall be
21 transferred directly to the custodian of an eligible
22 retirement plan as defined in s. 402(c)(8)(B) of the Internal
23 Revenue Code. However, in the case of an eligible rollover
24 distribution to the surviving spouse of a deceased
25 participant, an eligible retirement plan is an individual
26 retirement account or an individual retirement annuity as
27 described in s. 402(c)(9) of the Internal Revenue Code. The
28 proportions shall be specified by the DROP participant or
29 surviving beneficiary.

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1 c. The form of payment selected by the DROP
2 participant or surviving beneficiary complies with the minimum
3 distribution requirements of the Internal Revenue Code.

4 d. A DROP participant who fails to terminate
5 employment as defined in s. 121.021(39)(b) shall be deemed not
6 to be retired, and the DROP election shall be null and void.
7 Florida Retirement System membership shall be reestablished
8 retroactively to the date of the commencement of the DROP, and
9 each employer with whom the participant continues employment
10 shall be required to pay to the System Trust Fund the
11 difference between the DROP contributions paid in paragraph
12 (i) and the contributions required for the applicable Florida
13 Retirement System class of membership during the period the
14 member participated in the DROP, plus 6.5 percent interest
15 compounded annually.

16 6. The accrued benefits of any DROP participant, and
17 any contributions accumulated under such program, shall not be
18 subject to assignment, execution, attachment, or to any legal
19 process whatsoever, except for qualified domestic relations
20 orders by a court of competent jurisdiction, income deduction
21 orders as provided in s. 61.1301, and federal income tax
22 levies.

23 7. DROP participants shall not be eligible for
24 disability retirement benefits as provided in subsection (4).

25 (d) Death benefits under the DROP.--

26 1. Upon the death of a DROP participant, the named
27 beneficiary shall be entitled to apply for and receive the
28 accrued benefits in the DROP as provided in sub-subparagraph
29 (c)5.b.

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1 2. The normal retirement benefit accrued to the DROP
2 during the month of a participant's death shall be the final
3 monthly benefit credited for such DROP participant.

4 3. Eligibility to participate in the DROP terminates
5 upon death of the participant. If the participant dies on or
6 after the effective date of enrollment in the DROP, but prior
7 to the first monthly benefit being credited to the DROP,
8 Florida Retirement System benefits shall be paid in accordance
9 with subparagraph (7)(c)1. or subparagraph 2.

10 4. A DROP participants' survivors shall not be
11 eligible to receive Florida Retirement System death benefits
12 as provided in paragraph (7)(d).

13 (e) Cost-of-living adjustment.--On each July 1, the
14 participants' normal retirement benefit shall be increased as
15 provided in s. 121.101.

16 (f) Retiree health insurance subsidy.--DROP
17 participants are not eligible to apply for the retiree health
18 insurance subsidy payments as provided in s. 112.363 until
19 such participants have terminated employment and participation
20 in the DROP.

21 (g) Renewed membership.--DROP participants shall not
22 be eligible for renewed membership in the Florida Retirement
23 System under ss. 121.053 and 121.122 until termination of
24 employment is effectuated as provided in s. 121.021(39)(b).

25 (h) Employment limitation after DROP
26 participation.--Upon satisfying the definition of termination
27 of employment as provided in s. 121.021(39)(b), DROP
28 participants shall be subject to such reemployment limitations
29 as other retirees. Reemployment restrictions applicable to
30 retirees as provided in subsection (9) shall not apply to DROP
31

1 participants until their employment and participation in the
2 DROP are terminated.

3 (i) Contributions.--

4 1. All employers paying the salary of a DROP
5 participant filling a regularly established position shall
6 contribute 8.0 percent of such participant's gross
7 compensation for the period of July 1, 2002, through June 30,
8 2003, and 11.56 percent of such compensation thereafter, which
9 shall constitute the entire employer DROP contribution with
10 respect to such participant. Such contributions, payable to
11 the System Trust Fund in the same manner as required in s.
12 121.071, shall be made as appropriate for each pay period and
13 are in addition to contributions required for social security
14 and the Retiree Health Insurance Subsidy Trust Fund. Such
15 employer, social security, and health insurance subsidy
16 contributions are not included in the DROP.

17 2. The employer shall, in addition to subparagraph 1.,
18 also withhold one-half of the entire social security
19 contribution required for the participant. Contributions for
20 social security by each participant and each employer, in the
21 amount required for social security coverage as now or
22 hereafter provided by the federal Social Security Act, shall
23 be in addition to contributions specified in subparagraph 1.

24 3. All employers paying the salary of a DROP
25 participant filling a regularly established position shall
26 contribute the percent of such participant's gross
27 compensation required in s. 121.071(4), which shall constitute
28 the employer's health insurance subsidy contribution with
29 respect to such participant. Such contributions shall be
30 deposited by the administrator in the Retiree Health Insurance
31 Subsidy Trust Fund.

1 (j) Forfeiture of retirement benefits.--Nothing in
2 this section shall be construed to remove DROP participants
3 from the scope of s. 8(d), Art. II of the State Constitution,
4 s. 112.3173, and paragraph (5)(f). DROP participants who
5 commit a specified felony offense while employed will be
6 subject to forfeiture of all retirement benefits, including
7 DROP benefits, pursuant to those provisions of law.

8 (k) Administration of program.--The division shall
9 make such rules as are necessary for the effective and
10 efficient administration of this subsection. The division
11 shall not be required to advise members of the federal tax
12 consequences of an election related to the DROP but may advise
13 members to seek independent advice.

14 Section 9. Paragraph (b) of subsection (3) and
15 paragraphs (a) and (d) of present subsection (6) of section
16 220.187, Florida Statutes, are amended, present subsections
17 (5), (6), and (7) of that section are redesignated as
18 subsections (6), (7), and (8), respectively, and a new
19 subsection (5) is added to that section, to read:

20 220.187 Credits for contributions to nonprofit
21 scholarship-funding organizations.--

22 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX
23 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

24 (b) The total amount of tax credits and carryforward
25 of tax credits ~~credit~~ which may be granted each state fiscal
26 year under this section is \$88~~\$50~~ million.

27 (5) PARENT OBLIGATIONS.--As a condition for
28 scholarship payment pursuant to paragraph (4)(g), if the
29 parent chooses for his or her child to attend an eligible
30 nonpublic school, the parent must inform the child's school
31 district within 15 days after such decision.

1 ~~(7)(6)~~ ADMINISTRATION; RULES.--

2 (a) If the credit granted pursuant to this section is
3 not fully used in any one year because of insufficient tax
4 liability on the part of the corporation, the unused amount
5 may ~~not~~ be carried forward for a period not to exceed 3 years;
6 however, any taxpayer that seeks to carry forward an unused
7 amount of tax credit must submit an application for allocation
8 of tax credits or carryforward credits as required in
9 paragraph (d) in the year that the taxpayer intends to use the
10 carryforward. The total amount of tax credits and carryforward
11 of tax credits granted each state fiscal year under this
12 section is \$88 million. This carryforward applies to all
13 approved contributions made after January 1, 2002. A taxpayer
14 may not convey, assign, or transfer the credit authorized by
15 this section to another entity unless all of the assets of the
16 taxpayer are conveyed, assigned, or transferred in the same
17 transaction.

18 (d) The department shall adopt rules necessary to
19 administer this section, including rules establishing
20 application forms and procedures and governing the allocation
21 of tax credits and carryforward credits under this section on
22 a first-come, first-served basis.

23 Section 10. Paragraph (i) is added to subsection (1)
24 of section 1003.02, Florida Statutes, and subsection (4) of
25 that section is amended, to read:

26 1003.02 District school board operation and control of
27 public K-12 education within the school district.--As provided
28 in part II of chapter 1001, district school boards are
29 constitutionally and statutorily charged with the operation
30 and control of public K-12 education within their school
31 district. The district school boards must establish, organize,

1 and operate their public K-12 schools and educational
2 programs, employees, and facilities. Their responsibilities
3 include staff development, public K-12 school student
4 education including education for exceptional students and
5 students in juvenile justice programs, special programs, adult
6 education programs, and career and technical education
7 programs. Additionally, district school boards must:

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

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

20 ~~(4) For any school within the district that is not in~~
21 ~~compliance with the small school size requirements of chapter~~
22 ~~1013, In order to reduce the anonymity of students in large~~
23 schools, adopt policies that encourage subdivision of the
24 school into schools-within-a-school, which shall operate
25 within existing resources. A "school-within-a-school" means an
26 operational program that uses flexible scheduling, team
27 planning, and curricular and instructional innovation to
28 organize groups of students with groups of teachers as smaller
29 units, so as to functionally operate as a smaller school.
30 Examples of this include, but are not limited to:

31

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

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

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

21 Section 11. Paragraphs (i) and (j) of subsection (1)
22 of section 1003.43, Florida Statutes, are amended to read:

23 1003.43 General requirements for high school
24 graduation.--

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

29 (i) One-half credit in life management skills to
30 include consumer education, positive emotional development,
31 marriage and relationship skill-based education, nutrition,

1 parenting skills, prevention of human immunodeficiency virus
2 infection and acquired immune deficiency syndrome and other
3 sexually transmissible diseases, benefits of sexual abstinence
4 and consequences of teenage pregnancy, information and
5 instruction on breast cancer detection and breast
6 self-examination, cardiopulmonary resuscitation, drug
7 education, and the hazards of smoking. ~~Such credit shall be
8 given for a course to be taken by all students in either the
9 9th or 10th grade.~~

10 (j) One credit in physical education to include
11 assessment, improvement, and maintenance of personal fitness.
12 Participation in an interscholastic sport at the junior
13 varsity or varsity level, for two full seasons, shall satisfy
14 the one-credit requirement in physical education if the
15 student passes a competency test on personal fitness with a
16 score of "C" or better. The competency test on personal
17 fitness must be developed by the Department of Education. A
18 district school board may not require that the one credit in
19 physical education be taken during the 9th grade year.
20 Completion of one semester with a grade of "C" or better in a
21 marching band class, or in a physical activity class that
22 requires participation in marching band activities as an
23 extracurricular activity, or in a Reserve Officer Training
24 Corps (R.O.T.C.) class a significant component of which is
25 drills shall satisfy a one-half credit requirement in physical
26 education. This one-half credit may not be used to satisfy
27 the personal fitness requirement or the requirement for
28 adaptive physical education under an individual educational
29 plan (IEP) or 504 plan.

30
31

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

20 Section 12. Section 1003.429, Florida Statutes, is
21 created to read:

22 1003.429 Accelerated high school graduation options.--

23 (1) Beginning with the 2003-2004 school year, all
24 students scheduled to graduate in 2004 and thereafter may
25 select one of the following three high school graduation
26 options:

27 (a) Completion of the general requirements for high
28 school graduation pursuant to s. 1003.43;

29 (b) Completion of a 3-year standard college
30 preparatory program requiring successful completion of a
31 minimum of 18 academic credits in grades 9 through 12. The 18

1 credits shall be primary requirements and shall be distributed
2 as follows:
3 1. Four credits in English, with major concentration
4 in composition and literature;
5 2. Three credits in mathematics at the Algebra I level
6 or higher from the list of courses that qualify for state
7 university admission;
8 3. Three credits in natural science, two of which must
9 have a laboratory component;
10 4. Three credits in social sciences;
11 5. Two credits in the same second language unless the
12 student is a native speaker of or can otherwise demonstrate
13 competency in a language other than English. If the student
14 demonstrates competency in another language, the student may
15 replace the language requirement with two credits in other
16 academic courses; and
17 6. Three credits in electives; or
18 (c) Completion of a 3-year career preparatory program
19 requiring successful completion of a minimum of 18 academic
20 credits in grades 9 through 12. The 18 credits shall be
21 primary requirements and shall be distributed as follows:
22 1. Four credits in English, with major concentration
23 in composition and literature;
24 2. Three credits in mathematics, one of which must be
25 Algebra I;
26 3. Three credits in natural science, two of which must
27 have a laboratory component;
28 4. Three credits in social sciences;
29 5. Two credits in the same second language unless the
30 student is a native speaker of or can otherwise demonstrate
31 competency in a language other than English. If the student

1 demonstrates competency in another language, the student may
2 replace the language requirement with two credits in other
3 academic courses; and

4 6. Three credits in electives.

5 (2) Beginning with the 2003-2004 school year, each
6 district school board shall provide each student in grades 6
7 through 12 and their parents with the 3-year and 4-year high
8 school graduation options listed in subsection (1) with
9 curriculum for the students and parents to select the
10 postsecondary education or career plan that best fits their
11 needs. The options shall include a timeframe for achieving
12 each graduation option.

13 (3) Selection of one of the graduation options listed
14 in subsection (1) is exclusively up to the student and
15 parent. If the student and parent fail to select a graduation
16 option, the student shall be considered to have selected the
17 general requirements for high school graduation pursuant to
18 paragraph (1)(a).

19 (4) District school boards shall not establish
20 requirements for accelerated 3-year high school graduation
21 options in excess of the requirements in paragraphs (1)(b) and
22 (1)(c).

23 (5) Students pursuing accelerated 3-year high school
24 graduation options pursuant to paragraph (1)(b) or paragraph
25 (1)(c) are required to:

26 (a) Earn passing scores on the FCAT as defined in s.
27 1008.22(3)(c).

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

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

4 Section 13. Paragraphs (a) and (b) of subsection (1)
5 and subsection (2) of section 1007.261, Florida Statutes, are
6 amended to read:

7 1007.261 State universities; admissions of
8 students.--Each university board of trustees is authorized to
9 adopt rules governing the admission of students, subject to
10 this section and rules of the State Board of Education.

11 (1) Minimum academic standards for undergraduate
12 admission to a university include:

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

17 (b) Each student must have successfully completed a
18 college-preparatory curriculum of 18 ~~19~~ credits, which shall
19 include, but not be limited to, four credits in English, with
20 major concentration in composition and literature; three
21 credits in mathematics; three credits in natural science, two
22 of which must have a laboratory component; three credits in
23 social sciences; and two credits in the same second language
24 ~~as defined in rules of the State Board of Education, including~~
25 ~~at least 2 credits of sequential foreign language at the~~
26 ~~secondary level or the equivalent of such instruction at the~~
27 ~~postsecondary level.~~ A student who completes a home education
28 program according to s. 1002.41 is not required to document
29 completion of the 18 ~~19~~ credits required by this paragraph. A
30 student whose native language is not English is exempt from
31 the foreign language requirement, provided that the student

1 demonstrates proficiency in the native language. If a
2 standardized test is not available in the student's native
3 language for the demonstration of proficiency, the university
4 may provide an alternative method of assessment. The State
5 Board of Education shall adopt rules for the articulation of
6 foreign language competency and equivalency between secondary
7 and postsecondary institutions. A student who received an
8 associate in arts degree prior to September 1, 1989, or who
9 enrolled in a program of studies leading to an associate
10 degree from a community college prior to August 1, 1989, and
11 maintains continuous enrollment shall be exempt from this
12 admissions requirement.

13 (2) The minimum admission standards adopted by the
14 State Board of Education or a university board of trustees
15 must permit a student to earn at least 3 ~~4~~ of the 18 ~~19~~
16 credits constituting the college-preparatory curriculum
17 required for admission as electives in any one of the
18 following manners:

19 (a) Successful completion of any course identified in
20 the Department of Education course code directory as level two
21 or higher in one or more of the following subject areas:
22 English, mathematics, natural science, social science, and
23 foreign language;

24 (b) Successful completion of any course identified in
25 the Department of Education course code directory as level
26 three in the same or related disciplines;

27 (c) Any combination of the courses identified in
28 paragraphs (a) and (b); or

29 (d) Successful completion of two credits from the
30 courses identified in paragraph (a), plus no more than two
31 total credits from the following categories of courses:

1 1. Courses identified in the Department of Education
2 course code directory as ROTC and military training;

3 2. Courses identified in the Department of Education
4 course code directory as level two in art-visual arts, dance,
5 drama-theatre arts, language arts, or music; or

6 3. Any additional courses determined to be equivalent
7 by the Department of Education.

8 Section 14. Paragraph (a) of subsection (1) of section
9 1003.436, Florida Statutes, is amended to read:

10 1003.436 Definition of "credit".--

11 (1)(a) For the purposes of requirements for high
12 school graduation, one full credit means a minimum of 135
13 hours of bona fide instruction in a designated course of study
14 that contains student performance standards. One full credit
15 means a minimum of 120 hours of bona fide instruction in a
16 designated course of study that contains student performance
17 standards for purposes of meeting high school graduation
18 requirements in a district school that has been authorized to
19 implement block scheduling by the district school board.The
20 State Board of Education shall determine the number of
21 postsecondary credit hours earned through dual enrollment
22 pursuant to s. 1007.271 that satisfy the requirements of a
23 district's interinstitutional articulation agreement according
24 to s. 1007.235 and that equal one full credit of the
25 equivalent high school course identified pursuant to s.
26 1007.271(6).

27 Section 15. Paragraph (b) of subsection (5) of section
28 1011.62, Florida Statutes, is amended to read:

29 1011.62 Funds for operation of schools.--If the annual
30 allocation from the Florida Education Finance Program to each
31 district for operation of schools is not determined in the

1 annual appropriations act or the substantive bill implementing
2 the annual appropriations act, it shall be determined as
3 follows:

4 (5) CATEGORICAL FUNDS.--

5 (b) ~~For fiscal year 2002-2003,~~If a district school
6 board finds and declares in a resolution adopted at a regular
7 meeting of the school board that the funds received for any of
8 the following categorical appropriations are urgently needed
9 to maintain school board specified academic classroom
10 instruction, the school board may consider and approve an
11 amendment to the school district operating budget transferring
12 the identified amount of the categorical funds to the
13 appropriate account for expenditure:

14 1. Funds for student transportation.

15 2. Funds for in-service educational personnel
16 training.

17 3. Funds for safe schools.

18 4. Funds for public school technology.

19 ~~5. Funds for teacher recruitment and retention.~~

20 5.6. Funds for supplemental academic instruction.

21 Section 16. Section 1011.69, Florida Statutes, is
22 amended to read:

23 1011.69 Equity in School-Level Funding Act.--

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

26 ~~(2)(a) Beginning in the 2000-2001 fiscal year,~~
27 ~~district school boards shall allocate to each school within~~
28 ~~the district at least 50 percent of the funds generated by~~
29 ~~that school based upon the Florida Education Finance Program~~
30 ~~as provided in s. 1011.62 and the General Appropriations Act,~~
31 ~~including gross state and local funds, discretionary lottery~~

1 ~~funds, and funds from the school district's current operating~~
2 ~~discretionary millage levy.~~

3 ~~(b) Beginning in the 2001-2002 fiscal year, district~~
4 ~~school boards shall allocate to each school within the~~
5 ~~district at least 65 percent of the funds generated by that~~
6 ~~school based upon the Florida Education Finance Program as~~
7 ~~provided in s. 1011.62 and the General Appropriations Act,~~
8 ~~including gross state and local funds, discretionary lottery~~
9 ~~funds, and funds from the school district's current operating~~
10 ~~discretionary millage levy.~~

11 ~~(c) Beginning in the 2002-2003 fiscal year, district~~
12 ~~school boards shall allocate to each school within the~~
13 ~~district at least 80 percent of the funds generated by that~~
14 ~~school based upon the Florida Education Finance Program as~~
15 ~~provided in s. 1011.62 and the General Appropriations Act,~~
16 ~~including gross state and local funds, discretionary lottery~~
17 ~~funds, and funds from the school district's current operating~~
18 ~~discretionary millage levy.~~

19 ~~(d) Beginning in the 2003-2004 fiscal year, district~~
20 ~~school boards shall allocate to schools ~~each school~~ within the~~
21 ~~district an average of at least 90 percent of the funds~~
22 ~~generated by all schools and guarantee that each school~~
23 ~~receives at least 80 percent of the funds generated by that~~
24 ~~school based upon the Florida Education Finance Program as~~
25 ~~provided in s. 1011.62 and the General Appropriations Act,~~
26 ~~including gross state and local funds, discretionary lottery~~
27 ~~funds, and funds from the school district's current operating~~
28 ~~discretionary millage levy. Total funding for each school~~
29 ~~shall be recalculated during the year to reflect the revised~~
30 ~~calculations under the Florida Education Finance Program by~~
31 ~~the state and the actual weighted full-time equivalent~~

1 students reported by the school during the full-time
2 equivalent student survey periods designated by the
3 Commissioner of Education. If the district school board is
4 providing programs or services to students funded by federal
5 funds, any eligible students enrolled in the schools in the
6 district shall be provided federal funds. Only academic
7 performance-based charter school ~~those districts that~~
8 ~~initially applied for charter school district status,~~ pursuant
9 to s. 1003.62, ~~and have been approved by the State Board of~~
10 ~~Education~~ are exempt from the provisions of this section.

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

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

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

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

25 (b) Funds appropriated in the General Appropriations
26 Act for the class size reduction operating categorical fund
27 established in s. 1011.685 are excluded from the school-level
28 allocation under this section.

29 Section 17. Subsection (13) is added to section
30 1013.03, Florida Statutes, to read:

31

1 1013.03 Functions of the department.--The functions of
2 the Department of Education as it pertains to educational
3 facilities shall include, but not be limited to, the
4 following:

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

14 Section 18. Paragraph (d) is added to subsection (1)
15 of section 1013.31, Florida Statutes, to read:

16 1013.31 Educational plant survey; localized need
17 assessment; PECO project funding.--

18 (1) At least every 5 years, each board shall arrange
19 for an educational plant survey, to aid in formulating plans
20 for housing the educational program and student population,
21 faculty, administrators, staff, and auxiliary and ancillary
22 services of the district or campus, including consideration of
23 the local comprehensive plan. The Office of Workforce and
24 Economic Development shall document the need for additional
25 career and adult education programs and the continuation of
26 existing programs before facility construction or renovation
27 related to career or adult education may be included in the
28 educational plant survey of a school district or community
29 college that delivers career or adult education programs.
30 Information used by the Office of Workforce and Economic
31 Development to establish facility needs must include, but need

1 not be limited to, labor market data, needs analysis, and
2 information submitted by the school district or community
3 college.

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

10 Section 19. Subsections (2) and (3) of section
11 1002.37, Florida Statutes, are amended, present subsections
12 (4), (5), and (6) are redesignated as subsections (5), (6),
13 and (7), respectively, and new subsections (3) and (4) are
14 added to that section to read:

15 1002.37 The Florida Virtual School.--

16 (2) The Florida Virtual School shall be governed by a
17 board of trustees comprised of seven members appointed by the
18 Governor to 4-year staggered terms. The board of trustees
19 shall be a public agency entitled to sovereign immunity
20 pursuant to s. 768.28, and board members shall be public
21 officers who shall bear fiduciary responsibility for the
22 Florida Virtual School. The board of trustees shall have the
23 following powers and duties:

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

27 2. The fiscal year for the Florida Virtual School
28 shall be the state fiscal year as provided in s.
29 216.011(1)(o).

30 (b) The board of trustees shall be responsible for the
31 Florida Virtual School's development of a state-of-the-art

1 technology-based education delivery system that is
2 cost-effective, educationally sound, marketable, and capable
3 of sustaining a self-sufficient delivery system through the
4 Florida Education Finance Program, ~~by fiscal year 2003-2004.~~
5 ~~The school shall collect and report data for all students~~
6 ~~served and credit awarded. This data shall be segregated by~~
7 ~~private, public, and home education students by program.~~
8 ~~Information shall also be collected that reflects any other~~
9 ~~school in which a virtual school student is enrolled.~~

10 (c) The board of trustees shall aggressively seek
11 avenues to generate revenue to support its future endeavors,
12 and shall enter into agreements with distance learning
13 providers. The board of trustees may acquire, enjoy, use, and
14 dispose of patents, copyrights, and trademarks and any
15 licenses and other rights or interests thereunder or therein.
16 Ownership of all such patents, copyrights, trademarks,
17 licenses, and rights or interests thereunder or therein shall
18 vest in the state, with the board of trustees having full
19 right of use and full right to retain the revenues derived
20 therefrom. Any funds realized from patents, copyrights,
21 trademarks, or licenses shall be considered internal funds as
22 provided in s. 1011.07. Such funds shall be used to support
23 the school's marketing and research and development activities
24 in order to improve courseware and services to its students.

25 (d) The board of trustees shall be responsible for the
26 administration and control of all local school funds derived
27 from all activities or sources and shall prescribe the
28 principles and procedures to be followed in administering
29 these funds. ~~annually prepare and submit to the State Board of~~
30 ~~Education a legislative budget request, including funding~~
31 ~~requests for computers for public school students who do not~~

1 ~~have access to public school computers, in accordance with~~
2 ~~chapter 216 and s. 1013.60. The legislative budget request of~~
3 ~~the Florida Virtual School shall be prepared using the same~~
4 ~~format, procedures, and timelines required for the submission~~
5 ~~of the legislative budget of the Department of Education.~~
6 ~~Nothing in this section shall be construed to guarantee a~~
7 ~~computer to any individual student.~~

8 (e) The Florida Virtual School may accrue supplemental
9 revenue from supplemental support organizations, which
10 include, but are not limited to, alumni associations,
11 foundations, parent-teacher associations, and booster
12 associations. The governing body of each supplemental support
13 organization shall recommend the expenditure of moneys
14 collected by the organization for the benefit of the school.
15 Such expenditures shall be contingent upon the review of the
16 executive director. The executive director may override any
17 proposed expenditure of the organization that would violate
18 Florida law or breach sound educational management.

19 (f)~~(e)~~ In accordance with law and rules of the State
20 Board of Education, the board of trustees shall administer and
21 maintain personnel programs for all employees of the board of
22 trustees and the Florida Virtual School. The board of trustees
23 may adopt rules, policies, and procedures related to the
24 appointment, employment, and removal of personnel.

25 1. The board of trustees shall determine the
26 compensation, including salaries and fringe benefits, and
27 other conditions of employment for such personnel.

28 2. The board of trustees may establish and maintain a
29 personnel loan or exchange program by which persons employed
30 by the board of trustees for the Florida Virtual School as
31 academic administrative and instructional staff may be loaned

1 to, or exchanged with persons employed in like capacities by,
2 public agencies either within or without this state, or by
3 private industry. With respect to public agency employees, the
4 program authorized by this subparagraph shall be consistent
5 with the requirements of part II of chapter 112. The salary
6 and benefits of board of trustees personnel participating in
7 the loan or exchange program shall be continued during the
8 period of time they participate in a loan or exchange program,
9 and such personnel shall be deemed to have no break in
10 creditable or continuous service or employment during such
11 time. The salary and benefits of persons participating in the
12 personnel loan or exchange program who are employed by public
13 agencies or private industry shall be paid by the originating
14 employers of those participants, and such personnel shall be
15 deemed to have no break in creditable or continuous service or
16 employment during such time.

17 3. The employment of all Florida Virtual School
18 academic administrative and instructional personnel shall be
19 subject to rejection for cause by the board of trustees, and
20 shall be subject to policies of the board of trustees relative
21 to certification, tenure, leaves of absence, sabbaticals,
22 remuneration, and such other conditions of employment as the
23 board of trustees deems necessary and proper, not inconsistent
24 with law.

25 4. Each person employed by the board of trustees in an
26 academic administrative or instructional capacity with the
27 Florida Virtual School shall be entitled to a contract as
28 provided by rules of the board of trustees.

29 5. All employees except temporary, seasonal, and
30 student employees may be state employees for the purpose of
31 being eligible to participate in the Florida Retirement System

1 and receive benefits. The classification and pay plan,
2 including terminal leave and other benefits, and any
3 amendments thereto, shall be subject to review and approval by
4 the Department of Management Services and the Executive Office
5 of the Governor prior to adoption. ~~In the event that the board
6 of trustees assumes responsibility for governance pursuant to
7 this section before approval is obtained, employees shall be
8 compensated pursuant to the system in effect for the employees
9 of the fiscal agent.~~

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

13 (h)~~(g)~~ The board of trustees shall establish and
14 distribute to all school districts and high schools in the
15 state procedures for enrollment of students in courses offered
16 by the Florida Virtual School. ~~Such procedures shall be
17 designed to minimize paperwork and fairly resolve the issue of
18 double funding students taking courses on-line.~~

19 (i) The board of trustees shall establish criteria
20 defining the elements of an approved franchise. The board of
21 trustees may enter into franchise agreements with Florida
22 district school boards and may establish the terms and
23 conditions governing such agreements. The board of trustees
24 shall establish the performance and accountability measures
25 and report the performance of each school district franchise
26 to the Commissioner of Education.

27 (j)~~(h)~~ The board of trustees shall ~~annually~~ submit to
28 the State Board of Education both forecasted and actual
29 enrollments and credit completions for the Florida Virtual
30 School, according to procedures established by the State Board
31 of Education. At a minimum, such procedures must include the

1 number of public, private, and home education students served
2 by program and by county of residence ~~district~~.

3 (k)~~(i)~~ The board of trustees shall provide for the
4 content and custody of student and employee personnel records.
5 Student records shall be subject to the provisions of s.
6 1002.22. Employee records shall be subject to the provisions
7 of s. 1012.31.

8 (l)~~(j)~~ The financial records and accounts of the
9 Florida Virtual School shall be maintained under the direction
10 of the board of trustees and under rules adopted by the State
11 Board of Education for the uniform system of financial records
12 and accounts for the schools of the state.

13
14 The Governor shall designate the initial chair of the board of
15 trustees to serve a term of 4 years. Members of the board of
16 trustees shall serve without compensation, but may be
17 reimbursed for per diem and travel expenses pursuant to s.
18 112.061. The board of trustees shall be a body corporate with
19 all the powers of a body corporate and such authority as is
20 needed for the proper operation and improvement of the Florida
21 Virtual School. The board of trustees is specifically
22 authorized to adopt rules, policies, and procedures,
23 consistent with law and rules of the State Board of Education
24 related to governance, personnel, budget and finance,
25 administration, programs, curriculum and instruction, travel
26 and purchasing, technology, students, contracts and grants,
27 and property as necessary for optimal, efficient operation of
28 the Florida Virtual School. Tangible personal property owned
29 by the board of trustees shall be subject to the provisions of
30 chapter 273.

31

1 (3) Funding for the Florida Virtual School shall be
2 provided as follows:

3 (a) A "full-time equivalent student" for the Florida
4 Virtual School is one student who has successfully completed
5 six credits that shall count toward the minimum number of
6 credits required for high school graduation. A student who
7 completes less than six credits shall be a fraction of a
8 full-time equivalent student. Half credit completions shall be
9 included in determining a full-time equivalent student. Credit
10 completed by a student in excess of the minimum required for
11 that student for high school graduation is not eligible for
12 funding.

13 (b) Full-time equivalent student credit completed
14 through the Florida Virtual School, including credits
15 completed during the summer, shall be reported to the
16 Department of Education in the manner prescribed by the
17 department and shall be funded through the Florida Education
18 Finance Program.

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

21 (d) Full-time equivalent student credit completion for
22 courses offered through the Florida Virtual School shall be
23 reported only by the Florida Virtual School. School districts
24 shall report full-time equivalent student membership only for
25 courses for which the district provides the instruction.

26 (e) The district cost differential as provided in s.
27 1011.62(2) shall be established as 1.000.

28 (f) The Florida Virtual School shall receive funds for
29 operating purposes in an amount determined as follows:
30 multiply the maximum allowable nonvoted discretionary millage
31 for operations pursuant to s. 1011.71(1) by the value of 95

1 percent of the current year's taxable value for school
2 purposes for the state; divide the result by the total
3 full-time equivalent membership of the state; and multiply the
4 result by the full-time equivalent membership of the school.
5 The amount thus obtained shall be discretionary operating
6 funds and shall be appropriated from state funds in the
7 General Appropriations Act.

8 (g) The Florida Virtual School shall receive
9 additional state funds as may be provided in the General
10 Appropriations Act.

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

14 ~~(3)(a) Until fiscal year 2003-2004, the Commissioner~~
15 ~~of Education shall include the Florida Virtual School as a~~
16 ~~grant-in-aid appropriation in the department's legislative~~
17 ~~budget request to the State Board of Education, the Governor,~~
18 ~~and the Legislature, subject to any guidelines imposed in the~~
19 ~~General Appropriations Act.~~

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

22 (4) School districts operating a virtual school that
23 is an approved franchise of the Florida Virtual School may
24 count full-time equivalent students, as provided in paragraph
25 (3)(a), if such school has been certified as an approved
26 franchise by the Commissioner of Education based on criteria
27 established by the board of trustees pursuant to paragraph
28 (2)(i).

29 Section 20. Paragraph (c) of subsection (1) of section
30 1011.61, Florida Statutes, is amended to read:
31

1 1011.61 Definitions.--Notwithstanding the provisions
2 of s. 1000.21, the following terms are defined as follows for
3 the purposes of the Florida Education Finance Program:

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

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

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

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

14 (I) A full-time student, except a postsecondary or
15 adult student or a senior high school student enrolled in
16 adult education when such courses are required for high school
17 graduation, in a combination of programs listed in s.
18 1011.62(1)(c) shall be a fraction of a full-time equivalent
19 membership in each special program equal to the number of net
20 hours per school year for which he or she is a member, divided
21 by the appropriate number of hours set forth in subparagraph
22 (a)1. or subparagraph (a)2. The difference between that
23 fraction or sum of fractions and the maximum value as set
24 forth in subsection (4) for each full-time student is presumed
25 to be the balance of the student's time not spent in such
26 special education programs and shall be recorded as time in
27 the appropriate basic program.

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

30 (III) A Florida Virtual School full-time equivalent
31 student shall consist of six full credit completions in the

1 programs listed in s. 1011.62(1)(c)1. and 4. Credit
2 completions can be a combination of either full credits or
3 half credits.

4 2. A student in membership in a program scheduled for
5 more or less than 180 school days is a fraction of a full-time
6 equivalent membership equal to the number of instructional
7 hours in membership divided by the appropriate number of hours
8 set forth in subparagraph (a)1.; however, for the purposes of
9 this subparagraph, membership in programs scheduled for more
10 than 180 days is limited to students enrolled in juvenile
11 justice education programs and the Florida Virtual School.

12
13 The department shall determine and implement an equitable
14 method of equivalent funding for experimental schools and for
15 schools operating under emergency conditions, which schools
16 have been approved by the department to operate for less than
17 the minimum school day.

18 Section 21. Florida Business and Education in School
19 Together (Florida BEST) Program.--

20 (1) In order to increase business partnerships in
21 education, to reduce school and classroom overcrowding
22 throughout the state, and to offset the high costs of
23 educational facilities construction, the Legislature intends
24 to encourage the formation of partnerships between business
25 and education by creating the Florida Business and Education
26 in School Together (Florida BEST) Program.

27 (2) Each school board shall, through advertisements in
28 local media and other means, request proposals from area
29 businesses to allow the operation of a business and education
30 partnership school in facilities owned or operated by the
31 business.

1 (3) Each school district shall establish a Florida
2 BEST school evaluation committee.

3 (a) The committee shall be appointed by the school
4 board and be composed of one school district administrator, at
5 least one member of the business community, and at least one
6 member of a local chamber of commerce.

7 (b) The committee shall evaluate the feasibility of
8 each proposal, including the operating cost, number of
9 students to be served, proposed student-to-teacher ratio,
10 proposed number of years the satellite school would operate,
11 and any other operational or facilities considerations the
12 school board or committee deems appropriate.

13 (c) The committee shall recommend to the school board
14 those proposals for satellite schools which the committee
15 deems viable and worthy of being established. The school board
16 must take official action on the recommendation of the
17 committee within 60 days after receipt of the recommendation.

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

24 (a) First priority for admission of students to the
25 Florida BEST school shall be given to the children of owners
26 and employees of the host business. If additional student
27 capacity remains after those children are admitted, the host
28 business may choose which other neighboring businesses may
29 also participate to generate a viable number of students for
30 the school. The school board shall make the necessary
31 arrangements to accommodate students from other school

1 districts whose parents are associated with the host business
2 or business partners.

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

5 (5) A multiyear contract for operation of the Florida
6 BEST school may be entered into between the school district
7 and the host business. The contract must at least include
8 provisions relating to any cost of facilities modifications,
9 provide for the assignment or waiver of appropriate insurance
10 costs, specify the number of students expected to be served,
11 provide grounds for canceling the lease, and specify the
12 advance notice required before the school may be closed.

13 (a) The school board shall be responsible for
14 providing the appropriate instructional, support, and
15 administrative staff and textbooks, materials, and supplies.
16 The school district may also agree to operate or contract for
17 the operation of a before school and after school program
18 using the donated facilities.

19 (b) The host business shall provide the appropriate
20 types of space for operating the school. If special
21 facilities, such as restrooms or dining, recreational, or
22 other areas are required, the district may contribute a part
23 of the cost of the construction, remodeling, or renovation for
24 such facilities from capital outlay funds of the district. A
25 multiyear lease for operation of the facility must be agreed
26 to if the school district contributes to the cost of such
27 construction.

28 Section 22. Notwithstanding any local government
29 ordinance or regulation, any business or corporation may
30 expand the square footage or floor area of its current or
31 proposed facility to accommodate a Florida Business and

1 Education in School Together (Florida BEST) school. Facilities
2 constructed to house a Florida BEST school must comply with
3 the State Uniform Building Code for Educational Facilities
4 Construction adopted pursuant to section 1013.37, Florida
5 Statutes, and must meet state and local health, environmental,
6 and safety laws and codes.

7 Section 23. Subsection (13) of section 1002.33,
8 Florida Statutes, as created by section 98 of chapter
9 2002-387, Laws of Florida; section 1012.41, Florida Statutes,
10 as created by section 716 of chapter 2002-387, Laws of
11 Florida; section 1013.43, Florida Statutes, as created by
12 section 842 of chapter 2002-387, Laws of Florida; and section
13 1012.73, Florida Statutes, as created by section 751 of
14 chapter 2002-387, Laws of Florida, are repealed.

15 Section 24. Subsection (13) is added to section
16 216.292, Florida Statutes, to read:

17 216.292 Appropriations nontransferable; exceptions.--

18 (13) The Executive Office of the Governor shall
19 transfer funds from appropriations for public school
20 operations to a fixed capital outlay appropriation for class
21 size reduction based on recommendations of the Florida
22 Education Finance Program Appropriation Allocation Conference
23 or the Legislative Budget Commission pursuant to s.
24 1003.03(4)(a). This subsection is subject to the notice and
25 review provisions of s. 216.177.

26 Section 25. Section 1003.62, Florida Statutes, is
27 amended to read:

28 1003.62 Academic performance-based charter school
29 districts ~~pilot program~~.--The State Board of Education may ~~is~~
30 ~~authorized to~~ enter into a performance contract with ~~up to six~~
31 district school boards as authorized in this section for the

1 purpose of establishing them as academic performance-based
2 charter school districts. ~~The State Board of Education shall~~
3 ~~give priority to Hillsborough and Volusia Counties upon the~~
4 ~~submission of a completed precharter agreement or charter~~
5 ~~proposal for a charter school district.~~The purpose of this
6 section pilot program is to examine a new relationship between
7 the State Board of Education and district school boards that
8 will ~~may~~ produce significant improvements in student
9 achievement ~~and school management~~, while complying with
10 constitutional and statutory requirements assigned to each
11 entity.

12 (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL
13 DISTRICT.--

14 (a) A school district shall be eligible for
15 designation as an academic performance-based charter school
16 district if it is a high-performing school district in which a
17 minimum of 50 percent of the schools earn a performance grade
18 category "A" or "B" and in which no school earns a performance
19 grade category "D" or "F" for 2 consecutive years pursuant to
20 s. 1008.34. Schools that receive a performance grade category
21 "I" or "N" shall not be included in this calculation. The
22 performance contract for a school district that earns a
23 charter based on school performance grades shall be predicated
24 on maintenance of at least 50 percent of the schools in the
25 school district earning a performance grade category "A" or
26 "B" with no school in the school district earning a
27 performance grade category "D" or "F" for 2 consecutive years.
28 A school district in which the number of schools that earn a
29 performance grade of "A" or "B" is less than 50 percent may
30 have its charter renewed for 1 year; however, if the

31

1 percentage of "A" or "B" schools is less than 50 percent for 2
2 consecutive years, the charter shall not be renewed.

3 (b) A school district that satisfies the eligibility
4 criteria for designation as an academic performance-based
5 charter school district may be so designated upon a super
6 majority vote by ~~in Florida in which~~ the district school board
7 after having ~~has~~ submitted and the State Board of Education
8 having ~~has~~ approved a charter proposal that exchanges
9 statutory and rule exemption, as authorized by this section,
10 for agreement to meet performance goals in the proposal. The
11 academic performance-based charter school district shall be
12 chartered for 1 year ~~3 years~~, at the end of which the
13 performance shall be evaluated. If maintenance of
14 high-performing school district status pursuant to paragraph
15 (a) is not documented in accordance with State Board of
16 Education rule, the charter shall not be renewed.

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

18 (a) An academic performance-based charter school
19 district shall operate in accordance with its charter and
20 shall be exempt from certain State Board of Education rules
21 and statutes if the State Board of Education determines such
22 an exemption will assist the district in maintaining or
23 improving its high performing status pursuant to paragraph
24 (1)(a). However, the State Board of Education may not exempt
25 an academic performance-based charter school district from any
26 of the following statutes:

27 1. Those statutes pertaining to the provision of
28 services to students with disabilities.

29 2. Those statutes pertaining to civil rights,
30 including s. 1000.05, relating to discrimination.

31

1 3. Those statutes pertaining to student health,
2 safety, and welfare.

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

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

7 6. Those statutes pertaining to financial matters,
8 including chapter 1010.

9 7. Those statutes pertaining to planning and
10 budgeting, including chapter 1011, except that ss. 1011.64 and
11 1011.69 shall be eligible for exemption.

12 8. Sections 1012.22(1)(c) and 1012.27(2), relating to
13 performance-pay policies for school administrators and
14 instructional personnel. Professional service contracts shall
15 be subject to the provisions of ss. 1012.33 and 1012.34.

16 9. Those statutes pertaining to educational
17 facilities, including chapter 1013, except as specified under
18 contract with the State Board of Education. However, no
19 contractual provision that could have the effect of requiring
20 the appropriation of additional capital outlay funds to the
21 academic performance-based charter school district shall be
22 valid.

23 (b) Additionally, an academic performance-based
24 charter school district shall be in compliance with the
25 following statutes:

26 1. Section 286.011, relating to public meetings and
27 records, public inspection, and criminal and civil penalties.

28 2. Those statutes pertaining to public records,
29 including chapter 119.

30 3. Those statutes pertaining to financial disclosure
31 by elected officials.

1 4. Those statutes pertaining to conflicts of interest
2 by elected officials.~~Charter school districts shall be exempt~~
3 ~~from state statutes and specified State Board of Education~~
4 ~~rules. The district school board of a charter school district~~
5 ~~shall not be exempt from any statute governing election of~~
6 ~~district school board members, public meetings and public~~
7 ~~records requirements, financial disclosure, conflicts of~~
8 ~~interest, operation in the sunshine, or any provisions outside~~
9 ~~the Florida K-20 Education Code.~~

10 (3) GOVERNING BOARD.--The governing board of the
11 academic performance-based charter school district shall be
12 the duly elected district school board. The district school
13 board shall be responsible for supervising the schools in the
14 academic performance-based charter school district and may
15 convert ~~is authorized to charter~~ each of its existing public
16 schools to charter schools pursuant to s. 1002.33, ~~apply for~~
17 ~~deregulation of its public schools pursuant to s. 1003.63,~~ or
18 otherwise establish performance-based contractual
19 relationships with its public schools for the purpose of
20 giving them greater autonomy with accountability for
21 performance.

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

27 (5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.--Each
28 school district chartered pursuant to this section shall
29 transmit an annual report to the State Board of Education that
30 delineates the performance of the school district relative to
31 the performance goals contained in the charter agreement. The

1 annual report shall be transmitted to the Commissioner of
2 Education and shall be due each year on the anniversary date
3 of the charter agreement.

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

8 (6) REPORTS.--The State Board of Education shall
9 annually report on the performance of each academic
10 performance-based implementation of the charter school
11 district pilot program. Biennially Upon the completion of the
12 first 3-year term, the State Board of Education, through the
13 Commissioner of Education, shall submit to the Legislature a
14 full evaluation of the effectiveness of granting academic
15 performance-based charter school district status the program.

16 (7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS;
17 GRANDFATHER PROVISION.--The State Board of Education shall use
18 the criteria approved in the initial charter applications
19 issued to the school districts of Volusia, Hillsborough,
20 Orange, and Palm Beach Counties to renew those pilot program
21 charter school districts in accordance with this subsection.
22 No additional pilot program charter school districts shall be
23 approved, and the pilot program consists solely of school
24 districts in Volusia, Hillsborough, Orange, and Palm Beach
25 Counties. The termination of the charter school districts
26 pilot program is effective July 1, 2007, or upon the end of a
27 5-year renewal contract issued by the State Board of Education
28 to the Volusia County, Hillsborough County, Orange County, or
29 Palm Beach County school district prior to July 1, 2003,
30 whichever is later.

31

1 ~~(8)(7)~~ RULEMAKING.--The State Board of Education may
2 adopt ~~shall have the authority to enact~~ rules to implement
3 this section in accordance with ss. 120.536 and 120.54.

4 Section 26. Paragraphs (b) and (d) of subsection (6)
5 of section 1013.64, Florida Statutes, are amended to read:

6 1013.64 Funds for comprehensive educational plant
7 needs; construction cost maximums for school district capital
8 projects.--Allocations from the Public Education Capital
9 Outlay and Debt Service Trust Fund to the various boards for
10 capital outlay projects shall be determined as follows:

11 (6)

12 (b)1. A district school board, including a district
13 school board of an academic performance-based charter school
14 district, must not use funds from the following sources:
15 Public Education Capital Outlay and Debt Service Trust Fund;
16 ~~or the~~ School District and Community College District Capital
17 Outlay and Debt Service Trust Fund; Classrooms First Program
18 funds provided in s. 1013.68; effort index grant funds
19 provided in s. 1013.73; nonvoted 2-mill levy of ad valorem
20 property taxes provided in s. 1011.71(2); Classrooms for Kids
21 Infrastructure Program funds provided in s. 1013.735; or
22 District Effort Recognition Program funds provided in s.
23 1013.736 for any new construction of educational plant space
24 with a total cost per student station, including change
25 orders, that equals more than:

26 a. \$12,755~~\$11,600~~ for an elementary school,

27 b. \$14,624~~\$13,300~~ for a middle school, or

28 c. \$19,352~~\$17,600~~ for a high school,

29
30 (January 2002 1997) as adjusted annually to reflect increases
31 or decreases in ~~by~~ the Consumer Price Index.

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

7 (d) The department shall:

8 1. Compute for each calendar year the statewide
9 average construction costs for facilities serving each
10 instructional level, for relocatable educational facilities,
11 for administrative facilities, and for other ancillary and
12 auxiliary facilities. The department shall compute the
13 statewide average costs per student station for each
14 instructional level.

15 2. Annually review the actual completed construction
16 costs of educational facilities in each school district. For
17 any school district in which the total actual cost per student
18 station, including change orders, exceeds the statewide limits
19 established in paragraph (b), the school district shall report
20 to the department the actual cost per student station and the
21 reason for the school district's inability to adhere to the
22 limits established in paragraph (b). The department shall
23 collect all such reports and shall report to the Governor, the
24 President of the Senate, and the Speaker of the House of
25 Representatives by December 31 of each year a summary of each
26 school district's spending in excess of the cost per student
27 station provided in paragraph (b) as reported by the school
28 districts.

29
30 Cost per student station includes contract costs, legal and
31 administrative costs, fees of architects and engineers,

1 furniture and equipment, and site improvement costs. Cost per
2 student station does not include the cost of purchasing or
3 leasing the site for the construction or the cost of related
4 offsite improvements.

5 Section 27. Section 1000.041, Florida Statutes, is
6 created to read:

7 1000.041 Better Educated Students and Teachers (BEST)
8 Florida Teaching; legislative purposes; guiding
9 principles.--The legislative purposes and guiding principles
10 of BEST Florida Teaching are:

11 (1) Teachers lead, students learn.

12 (2) Teachers maintain orderly, disciplined classrooms
13 conducive to student learning.

14 (3) Teachers are trained, recruited, well compensated,
15 and retained for quality.

16 (4) Teachers are well rewarded for their students'
17 high performance.

18 (5) Teachers are most effective when served by
19 exemplary school administrators.

20
21 Each teacher preparation program, each postsecondary
22 educational institution providing dual enrollment or other
23 acceleration programs, each district school board, and each
24 district and school-based administrator fully supports and
25 cooperates in the accomplishment of these purposes and guiding
26 principles.

27 Section 28. Section 1001.33, Florida Statutes, is
28 amended to read:

29 1001.33 Schools under control of district school board
30 and district school superintendent.--

31

1 (1) Except as otherwise provided by law, all public
2 schools conducted within the district shall be under the
3 direction and control of the district school board with the
4 district school superintendent as executive officer.

5 (2) Each district school board, each district school
6 superintendent, and each district and school-based
7 administrator shall cooperate to apply the following guiding
8 principles of Better Educated Students and Teachers (BEST)
9 Florida Teaching:

10 (a) Teachers lead, students learn.

11 (b) Teachers maintain orderly, disciplined classrooms
12 conducive to student learning.

13 (c) Teachers are trained, recruited, well compensated,
14 and retained for quality.

15 (d) Teachers are well rewarded for their students'
16 high performance.

17 (e) Teachers are most effective when served by
18 exemplary school administrators.

19 Section 29. Subsections (5), (6), and (20) of section
20 1001.42, Florida Statutes, are amended to read:

21 1001.42 Powers and duties of district school
22 board.--The district school board, acting as a board, shall
23 exercise all powers and perform all duties listed below:

24 (5) PERSONNEL.--

25 (a) Designate positions to be filled, prescribe
26 qualifications for those positions, and provide for the
27 appointment, compensation, promotion, suspension, and
28 dismissal of employees, subject to the requirements of chapter
29 1012. A district school board is encouraged to provide
30 clerical personnel or volunteers who are not classroom
31 teachers to assist teachers in noninstructional activities,

1 including performing paperwork and recordkeeping duties.

2 However, a teacher shall remain responsible for all
3 instructional activities and for classroom management and
4 grading student performance.

5 (b) Notwithstanding s. 1012.55 or any other provision
6 of law or rule to the contrary and, the district school board
7 may, consistent with adopted district school board policy
8 relating to alternative certification for school principals,
9 have the authority to appoint persons to the position of
10 school principal who do not hold educator certification.

11 (c) Fully support and cooperate in the application of
12 the guiding principles of Better Educated Students and
13 Teachers (BEST) Florida Teaching, pursuant to s. 1000.041.

14 (6) STUDENT CHILD WELFARE.--

15 (a) In accordance with the provisions of chapters 1003
16 and 1006, provide for the proper accounting for all students
17 children of school age, for the attendance and control of
18 students at school, and for proper attention to health,
19 safety, and other matters relating to the welfare of students
20 children.

21 (b) In accordance with the provisions of ss. 1003.31
22 and 1003.32, fully support the authority of each teacher and
23 school bus driver to remove disobedient, disrespectful,
24 violent, abusive, uncontrollable, or disruptive students from
25 the classroom and the school bus and the authority of the
26 school board to place such students in an alternative
27 educational setting, when appropriate and available.

28 (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the
29 anonymity of students in large schools, adopt policies to
30 encourage any large school that does not meet the definition
31 of a small school, as established by s. 1013.43(2), to

1 | subdivide into schools-within-a-school that shall operate
2 | within existing resources in accordance with the provisions of
3 | chapter 1003.

4 | Section 30. Present subsection (23) of section
5 | 1001.51, Florida Statutes, is redesignated as subsection (25),
6 | and new subsections (23) and (24) are added to that section to
7 | read:

8 | 1001.51 Duties and responsibilities of district school
9 | superintendent.--The district school superintendent shall
10 | exercise all powers and perform all duties listed below and
11 | elsewhere in the law, provided that, in so doing, he or she
12 | shall advise and counsel with the district school board. The
13 | district school superintendent shall perform all tasks
14 | necessary to make sound recommendations, nominations,
15 | proposals, and reports required by law to be acted upon by the
16 | district school board. All such recommendations, nominations,
17 | proposals, and reports by the district school superintendent
18 | shall be either recorded in the minutes or shall be made in
19 | writing, noted in the minutes, and filed in the public records
20 | of the district school board. It shall be presumed that, in
21 | the absence of the record required in this section, the
22 | recommendations, nominations, and proposals required of the
23 | district school superintendent were not contrary to the action
24 | taken by the district school board in such matters.

25 | (23) QUALITY TEACHERS.--Fully support and cooperate in
26 | the application of the guiding principles of Better Educated
27 | Students and Teachers (BEST) Florida Teaching, pursuant to s.
28 | 1000.041.

29 | (24) ORDERLY CLASSROOMS AND SCHOOL BUSES.--Fully
30 | support the authority of each teacher and school bus driver to
31 | remove disobedient, disrespectful, violent, abusive,

1 uncontrollable, or disruptive students from the classroom and
2 the school bus and the authority of the school principal to
3 place such students in an alternative educational setting,
4 when appropriate and available.

5 Section 31. Subsection (1) of section 1001.54, Florida
6 Statutes, is amended to read:

7 1001.54 Duties of school principals.--

8 (1)(a) A district school board shall employ, through
9 written contract, public school principals.

10 (b) The school principal has authority over school
11 district personnel in accordance with s. 1012.28.

12 (c) The school principal shall encourage school
13 personnel to implement the guiding principles for Better
14 Educated Students and Teachers (BEST) Florida Teaching,
15 pursuant to s. 1000.041.

16 (d) The school principal shall fully support the
17 authority of each teacher and school bus driver to remove
18 disobedient, disrespectful, violent, abusive, uncontrollable,
19 or disruptive students from the classroom and the school bus
20 and, when appropriate and available, place such students in an
21 alternative educational setting.

22 Section 32. Subsection (22) is added to section
23 1002.20, Florida Statutes, to read:

24 1002.20 K-12 student and parent rights.--K-12 students
25 and their parents are afforded numerous statutory rights
26 including, but not limited to, the following:

27 (22) ORDERLY, DISCIPLINED CLASSROOMS.--Public school
28 students shall be in orderly, disciplined classrooms conducive
29 to learning without the distraction caused by disobedient,
30 disrespectful, violent, abusive, uncontrollable, or disruptive
31 students, in accordance with s. 1003.32.

1 Section 33. Subsection (13) of section 1002.42,
2 Florida Statutes, is amended to read:

3 1002.42 Private schools.--

4 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization
5 of private schools that has no fewer than 10 member schools in
6 this state may develop a professional development system to be
7 filed with the Department of Education in accordance with the
8 provisions of s. 1012.98~~(6)~~~~(7)~~.

9 Section 34. Section 1003.04, Florida Statutes, is
10 amended to read:

11 1003.04 Student conduct and parental involvement
12 ~~goals~~.--

13 ~~(1) It is the goal of the Legislature and each~~
14 ~~district school board that~~ Each public K-12 student must
15 remain in attendance throughout the school year, unless
16 excused by the school for illness or other good cause, and
17 must comply fully with the school's code of conduct.

18 (2) The parent of each public K-12 student must
19 cooperate with the authority of the student's district school
20 board, superintendent, principal, teachers, and school bus
21 drivers, according to ss. 1003.31 and 1003.32, to remove the
22 student from the classroom and the school bus and, when
23 appropriate and available, to place the student in an
24 alternative educational setting, if the student is
25 disobedient, disrespectful, violent, abusive, uncontrollable,
26 or disruptive.

27 ~~(3)~~~~(2)~~ It is the goal of the Legislature and each
28 district school board that the parent of each public K-12
29 student comply with the school's reasonable and
30 time-acceptable parental involvement requests.

31

1 Section 35. Subsection (1) of section 1003.31, Florida
2 Statutes, is amended to read:

3 1003.31 Students subject to control of school.--

4 (1) Subject to law and rules of the State Board of
5 Education and of the district school board, each student
6 enrolled in a school shall:

7 (a) During the time she or he is being transported to
8 or from school at public expense;

9 (b) During the time she or he is attending school;

10 (c) During the time she or he is on the school
11 premises participating with authorization in a
12 school-sponsored activity; and

13 (d) During a reasonable time before and after the
14 student is on the premises for attendance at school or for
15 authorized participation in a school-sponsored activity, and
16 only when on the premises,

17
18 be under the control and direction of the principal or teacher
19 in charge of the school, and under the immediate control and
20 direction of the teacher or other member of the instructional
21 staff or of the bus driver to whom such responsibility may be
22 assigned by the principal. However, the State Board of
23 Education or the district school board may, by rules, subject
24 each student to the control and direction of the principal or
25 teacher in charge of the school during the time she or he is
26 otherwise en route to or from school or is presumed by law to
27 be attending school. Each district school board, each district
28 school superintendent, and each school principal shall fully
29 support the authority of teachers, according to s. 1003.32,
30 and school bus drivers to remove disobedient, disrespectful,
31 violent, abusive, uncontrollable, or disruptive students from

1 the classroom and the school bus and, when appropriate and
2 available, place such students in an alternative educational
3 setting.

4 Section 36. Section 1003.32, Florida Statutes, is
5 amended to read:

6 1003.32 Authority of teacher; responsibility for
7 control of students; district school board and principal
8 duties.--Subject to law and to the rules of the district
9 school board, each teacher or other member of the staff of any
10 school shall have such authority for the control and
11 discipline of students as may be assigned to him or her by the
12 principal or the principal' s designated representative and
13 shall keep good order in the classroom and in other places in
14 which he or she is assigned to be in charge of students.

15 (1) In accordance with this section and within the
16 framework of the district school board's code of student
17 conduct, teachers and other instructional personnel shall have
18 the authority to undertake any of the following actions in
19 managing student behavior and ensuring the safety of all
20 students in their classes and school and their opportunity to
21 learn in an orderly and disciplined classroom:

22 (a) Establish classroom rules of conduct.

23 (b) Establish and implement consequences, designed to
24 change behavior, for infractions of classroom rules.

25 (c) Have disobedient, disrespectful, violent, abusive,
26 uncontrollable, or disruptive students ~~temporarily~~ removed
27 from the classroom for behavior management intervention.

28 (d) Have violent, abusive, uncontrollable, or
29 disruptive students directed for information or assistance
30 from appropriate school or district school board personnel.

31

1 (e) Assist in enforcing school rules on school
2 property, during school-sponsored transportation, and during
3 school-sponsored activities.

4 (f) Request and receive information as to the
5 disposition of any referrals to the administration for
6 violation of classroom or school rules.

7 (g) Request and receive immediate assistance in
8 classroom management if a student becomes uncontrollable or in
9 case of emergency.

10 (h) Request and receive training and other assistance
11 to improve skills in classroom management, violence
12 prevention, conflict resolution, and related areas.

13 (i) Press charges if there is a reason to believe that
14 a crime has been committed ~~against the teacher or other~~
15 ~~instructional personnel~~ on school property, during
16 school-sponsored transportation, or during school-sponsored
17 activities.

18 (j) Use reasonable force, according to standards
19 adopted by the State Board of Education, to protect himself or
20 herself or others from injury.

21 (k) Use corporal punishment according to school board
22 policy and at least the following procedures, if a teacher
23 feels that corporal punishment is necessary:

24 1. The use of corporal punishment shall be approved in
25 principle by the principal before it is used, but approval is
26 not necessary for each specific instance in which it is used.
27 The principal shall prepare guidelines for administering such
28 punishment which identify the types of punishable offenses,
29 the conditions under which the punishment shall be
30 administered, and the specific personnel on the school staff
31 authorized to administer the punishment.

1 2. A teacher or principal may administer corporal
2 punishment only in the presence of another adult who is
3 informed beforehand, and in the student's presence, of the
4 reason for the punishment.

5 3. A teacher or principal who has administered
6 punishment shall, upon request, provide the student's parent
7 with a written explanation of the reason for the punishment
8 and the name of the other adult who was present.

9 (2) Teachers and other instructional personnel shall:

10 (a) Set and enforce reasonable classroom rules that
11 treat all students equitably.

12 (b) Seek professional development to improve classroom
13 management skills when data show that they are not effective
14 in handling minor classroom disruptions.

15 (c) Maintain an orderly and disciplined classroom with
16 a positive and effective learning environment that maximizes
17 learning and minimizes disruption.

18 (d) Work with parents and other school personnel to
19 solve discipline problems in their classrooms.

20 (3) A teacher may send a student to the principal's
21 office to maintain effective discipline in the classroom and
22 may recommend an appropriate consequence consistent with the
23 student code of conduct under s. 1006.07. The principal shall
24 respond by employing the teacher's recommended consequence or
25 a more serious disciplinary action if the student's history of
26 disruptive behavior warrants it. If the principal determines
27 that a lesser disciplinary action is appropriate, the
28 principal should consult with the teacher prior to taking
29 disciplinary action ~~appropriate discipline-management~~
30 ~~techniques consistent with the student code of conduct under~~
31 ~~s. 1006.07~~.

1 (4) A teacher may remove from class a student whose
2 behavior the teacher determines interferes with the teacher's
3 ability to communicate effectively with the students in the
4 class or with the ability of the student's classmates to
5 learn. Each district school board, each district school
6 superintendent, and each school principal shall support the
7 authority of teachers to remove disobedient, violent, abusive,
8 uncontrollable, or disruptive students from the classroom.

9 (5) If a teacher removes a student from class under
10 subsection (4), the principal may place the student in another
11 appropriate classroom, in in-school suspension, or in a
12 dropout prevention and academic intervention program as
13 provided by s. 1003.53; or the principal may recommend the
14 student for out-of-school suspension or expulsion, as
15 appropriate. The student may be prohibited from attending or
16 participating in school-sponsored or school-related
17 activities. The principal may not return the student to that
18 teacher's class without the teacher's consent unless the
19 committee established under subsection (6) determines that
20 such placement is the best or only available alternative. The
21 teacher and the placement review committee must render
22 decisions within 5 days of the removal of the student from the
23 classroom.

24 (6)(a) Each school shall establish a placement review
25 committee to determine placement of a student when a teacher
26 withholds consent to the return of a student to the teacher's
27 class. A school principal must notify each teacher in that
28 school about the availability, the procedures, and the
29 criteria for the placement review committee as outlined in
30 this section.

31

1 (b) The principal must report on a quarterly basis to
2 the district school superintendent and district school board
3 each incidence of a teacher's withholding consent for a
4 removed student to return to the teacher's class and the
5 disposition of the incident, and the superintendent must
6 annually report these data to the department.

7 (c) The Commissioner of Education shall annually
8 review each school district's compliance with this section,
9 and success in achieving orderly classrooms, and shall use all
10 appropriate enforcement actions up to and including the
11 withholding of disbursements from the Educational Enhancement
12 Trust Fund until full compliance is verified.

13 (d) Placement review committee membership must include
14 at least the following:

15 1.(a) Two teachers, one selected by the school's
16 faculty and one selected by the teacher who has removed the
17 student.

18 2.(b) One member from the school's staff who is
19 selected by the principal.

20
21 The teacher who withheld consent to readmitting the student
22 may not serve on the committee. The teacher and the placement
23 review committee must render decisions within 5 days after the
24 removal of the student from the classroom. If the placement
25 review committee's decision is contrary to the decision of the
26 teacher to withhold consent to the return of the removed
27 student to the teacher's class, the teacher may appeal the
28 committee's decision to the district school superintendent.

29 (7) Any teacher who removes 25 percent of his or her
30 total class enrollment shall be required to complete
31

1 professional development to improve classroom management
2 skills.

3 (8) Each teacher or other member of the staff of any
4 school who knows or has reason to suspect that any person has
5 committed, or has made a credible threat to commit, a crime of
6 violence on school property shall report such knowledge or
7 suspicion in accordance with the provisions of s. 1006.13.
8 Each district school superintendent and each school principal
9 shall fully support good-faith reporting in accordance with
10 the provisions of this subsection and s. 1006.13. Any person
11 who makes a report required by this subsection in good faith
12 shall be immune from civil or criminal liability for making
13 the report.

14 (9)(8) When knowledgeable of the likely risk of
15 physical violence in the schools, the district school board
16 shall take reasonable steps to ensure that teachers, other
17 school staff, and students are not at undue risk of violence
18 or harm.

19 Section 37. Section 1004.04, Florida Statutes, is
20 amended to read:

21 1004.04 Public accountability and state approval for
22 teacher preparation programs.--

23 (1) INTENT.--

24 (a) The Legislature recognizes that skilled teachers
25 make an important contribution to a system that allows
26 students to obtain a high-quality education.

27 (b) The intent of the Legislature is to require the
28 State Board of Education to attain ~~establish~~ a system for
29 development and approval of teacher preparation programs that
30 allows ~~will free~~ postsecondary teacher preparation
31 institutions to employ varied and innovative teacher

1 preparation techniques while being held accountable for
2 producing graduates with the competencies and skills necessary
3 to achieve the state education goals; help the state's diverse
4 student population, including students who have substandard
5 reading and computational skills and students with limited
6 English proficiency, meet high standards for academic
7 achievement; maintain safe, secure classroom learning
8 environments; and sustain the state system of school
9 improvement and education accountability established pursuant
10 to ss. 1000.03(5) and 1008.345.

11 (2) UNIFORM CORE CURRICULA.--

12 (a) The State Board of Education shall adopt rules
13 pursuant to ss. 120.536(1) and 120.54 that establish uniform
14 core curricula for each state-approved teacher preparation
15 program.

16 (b) The rules to establish uniform core curricula for
17 each state-approved teacher preparation program must include,
18 but are not limited to, a State Board of Education identified
19 foundation in scientifically researched, knowledge-based
20 reading literacy and computational skills acquisition;
21 classroom management; school safety; professional ethics;
22 educational law; human development and learning; and
23 understanding of the Sunshine State Standards content measured
24 by state achievement tests, reading and interpretation of
25 data, and use of data to improve student achievement.

26 (c) These rules shall not require an additional period
27 of time-to-degree but may be phased in to enable teacher
28 preparation programs to supplant courses, including pedagogy
29 courses, not required by law or State Board of Education rule
30 with the courses identified pursuant to paragraph (b).

31

1 ~~(3)(2)~~ DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A
2 system developed by the Department of Education in
3 collaboration with postsecondary educational institutions
4 shall assist departments and colleges of education in the
5 restructuring of their programs in accordance with this
6 section to meet the need for producing quality teachers now
7 and in the future.

8 (a) The system must be designed to assist teacher
9 educators in conceptualizing, developing, implementing, and
10 evaluating programs that meet state-adopted standards. These
11 standards shall emphasize quality indicators drawn from
12 research, professional literature, recognized guidelines,
13 Florida essential teaching competencies and
14 educator-accomplished practices, effective classroom
15 practices, and the outcomes of the state system of school
16 improvement and education accountability, as well as
17 performance measures.

18 (b) Departments and colleges of education shall
19 emphasize the state system of school improvement and education
20 accountability concepts and standards, including Sunshine
21 State Standards.

22 (c) State-approved teacher preparation programs must
23 incorporate:

24 1. Appropriate English for Speakers of Other Languages
25 instruction so that program graduates will have completed the
26 requirements for teaching limited English proficient students
27 in Florida public schools.

28 2. Scientifically researched, knowledge-based reading
29 literacy and computational skills instruction so that program
30 graduates will be able to provide the necessary academic

31

1 foundations for their students at whatever grade levels they
2 choose to teach.

3 (4)~~(3)~~ INITIAL STATE PROGRAM APPROVAL.--

4 (a) A program approval process based on standards
5 adopted pursuant to subsections ~~subsection~~ (2) and (3) must be
6 established for postsecondary teacher preparation programs,
7 phased in according to timelines determined by the Department
8 of Education, and fully implemented for all teacher
9 preparation programs in the state. Each program shall be
10 approved by the department, consistent with the intent set
11 forth in subsection (1) and based primarily upon significant,
12 objective, and quantifiable graduate performance measures.

13 (b) Each teacher preparation program approved by the
14 Department of Education, as provided for by this section,
15 shall require students to meet the following as prerequisites
16 for admission into the program:

17 1. Have a grade point average of at least 2.5 on a 4.0
18 scale for the general education component of undergraduate
19 studies or have completed the requirements for a baccalaureate
20 degree with a minimum grade point average of 2.5 on a 4.0
21 scale from any college or university accredited by a regional
22 accrediting association as defined by State Board of Education
23 rule or any college or university otherwise approved pursuant
24 to State Board of Education rule.

25 2. Demonstrate mastery of general knowledge, including
26 the ability to read, write, and compute, by passing the
27 College Level Academic Skills Test, a corresponding component
28 of the National Teachers Examination series, or a similar test
29 pursuant to rules of the State Board of Education.

30
31

1 Each teacher preparation program may waive these admissions
2 requirements for up to 10 percent of the students admitted.
3 Programs shall implement strategies to ensure that students
4 admitted under a waiver receive assistance to demonstrate
5 competencies to successfully meet requirements for
6 certification.

7 (5)~~(4)~~ CONTINUED PROGRAM APPROVAL.--Notwithstanding
8 subsection~~(4)~~~~(3)~~, failure by a public or nonpublic teacher
9 preparation program to meet the criteria for continued program
10 approval shall result in loss of program approval. The
11 Department of Education, in collaboration with the departments
12 and colleges of education, shall develop procedures for
13 continued program approval that document the continuous
14 improvement of program processes and graduates' performance.

15 (a) Continued approval of specific teacher preparation
16 programs at each public and nonpublic postsecondary
17 educational institution within the state is contingent upon
18 the passing of the written examination required by s. 1012.56
19 by at least 90 percent of the graduates of the program who
20 take the examination. ~~On request of an institution,~~The
21 Department of Education shall annually provide an analysis of
22 the performance of the graduates of such institution with
23 respect to the competencies assessed by the examination
24 required by s. 1012.56.

25 (b) Additional criteria for continued program approval
26 for public institutions may be approved by the State Board of
27 Education. Such criteria must emphasize instruction in
28 classroom management and must provide for the evaluation of
29 the teacher candidates' performance in this area. The criteria
30 shall also require instruction in working with underachieving
31 students. Program evaluation procedures must include, but are

1 not limited to, program graduates' satisfaction with
2 instruction and the program's responsiveness to local school
3 districts. Additional criteria for continued program approval
4 for nonpublic institutions shall be developed in the same
5 manner as for public institutions; however, such criteria must
6 be based upon significant, objective, and quantifiable
7 graduate performance measures. Responsibility for collecting
8 data on outcome measures through survey instruments and other
9 appropriate means shall be shared by the postsecondary
10 educational institutions and the Department of Education. By
11 January 1 of each year, the Department of Education shall
12 report this information for each postsecondary educational
13 institution that has state-approved programs of teacher
14 education to the Governor, the State Board of Education, the
15 Commissioner of Education, the President of the Senate, the
16 Speaker of the House of Representatives, all Florida
17 postsecondary teacher preparation programs, and interested
18 members of the public. This report must analyze the data and
19 make recommendations for improving teacher preparation
20 programs in the state.

21 (c) Continued approval for a teacher preparation
22 program is contingent upon the results of periodic ~~annual~~
23 reviews, on a schedule established by the State Board of
24 Education,of the program conducted by the postsecondary
25 educational institution, using procedures and criteria
26 outlined in an institutional program evaluation plan approved
27 by the Department of Education. This plan must incorporate the
28 criteria established in paragraphs (a) and (b) and include
29 provisions for involving primary stakeholders, such as program
30 graduates, district school personnel, classroom teachers,
31 principals, community agencies, and business representatives

1 in the evaluation process. Upon request by an institution, the
2 department shall provide assistance in developing, enhancing,
3 or reviewing the institutional program evaluation plan and
4 training evaluation team members.

5 (d) Continued approval for a teacher preparation
6 program is contingent upon standards being in place that are
7 designed to adequately prepare elementary, middle, and high
8 school teachers to instruct their students in reading and
9 higher-level mathematics concepts and in the use of technology
10 at the appropriate grade level.

11 (e) Continued approval of teacher preparation programs
12 is contingent upon compliance with the student admission
13 requirements of subsection ~~(4)~~(3) and upon the receipt of at
14 least a satisfactory rating from public schools and private
15 schools that employ graduates of the program. Each teacher
16 preparation program shall guarantee the high quality of its
17 graduates during the first 2 years immediately following
18 graduation from the program or following initial
19 certification, whichever occurs first. Any educator in a
20 Florida school who fails to demonstrate the essential skills
21 specified in subparagraphs 1.-5. shall be provided additional
22 training by the teacher preparation program at no expense to
23 the educator or the employer. Such training must consist of an
24 individualized plan agreed upon by the school district and the
25 postsecondary educational institution that includes specific
26 learning outcomes. The postsecondary educational institution
27 assumes no responsibility for the educator's employment
28 contract with the employer. Employer satisfaction shall be
29 determined by an annually administered survey instrument
30 approved by the Department of Education that, at a minimum,
31

1 must include employer satisfaction of the graduates' ability
2 to do the following:

3 1. Write and speak in a logical and understandable
4 style with appropriate grammar.

5 2. Recognize signs of students' difficulty with the
6 reading and computational process and apply appropriate
7 measures to improve students' reading and computational
8 performance.

9 3. Use and integrate appropriate technology in
10 teaching and learning processes.

11 4. Demonstrate knowledge and understanding of Sunshine
12 State Standards.

13 5. Maintain an orderly and disciplined classroom
14 conducive to student learning.

15 (f)1. Each Florida public and private institution that
16 offers a state-approved teacher preparation program must
17 annually report information regarding these programs to the
18 state and the general public. This information shall be
19 reported in a uniform and comprehensible manner that is
20 consistent with definitions and methods approved by the
21 Commissioner of the National Center for Educational Statistics
22 and that is approved by the State Board of Education. This
23 information must include, at a minimum:

24 a. The percent of graduates obtaining full-time
25 teaching employment within the first year of graduation.

26 b. The average length of stay of graduates in their
27 full-time teaching positions.

28 c. Satisfaction ratings required in paragraph (e).

29 2. Each public and private institution offering
30 training for school readiness related professions, including
31 training in the fields of child care and early childhood

1 education, whether offering technical credit, associate in
2 applied science degree programs, associate in science degree
3 programs, or associate in arts degree programs, shall annually
4 report information regarding these programs to the state and
5 the general public in a uniform and comprehensible manner that
6 conforms with definitions and methods approved by the State
7 Board of Education. This information must include, at a
8 minimum:

9 a. Average length of stay of graduates in their
10 positions.

11 b. Satisfaction ratings of graduates' employers.

12
13 This information shall be reported through publications,
14 including college and university catalogs and promotional
15 materials sent to potential applicants, secondary school
16 guidance counselors, and prospective employers of the
17 institution's program graduates.

18 (6)(5) PRESERVICE FIELD EXPERIENCE.--All postsecondary
19 instructors, school district personnel and instructional
20 personnel, and school sites preparing instructional personnel
21 through preservice field experience courses and internships
22 shall meet special requirements. District school boards are
23 authorized to pay student teachers during their internships.

24 (a) All instructors in postsecondary teacher
25 preparation programs who instruct or supervise preservice
26 field experience courses or internships shall have at least
27 one of the following: specialized training in clinical
28 supervision; a valid professional teaching certificate
29 pursuant to ss. 1012.56 and 1012.585; or at least 3 years of
30 successful teaching experience in prekindergarten through
31 grade 12.

1 (b) All school district personnel and instructional
2 personnel who supervise or direct teacher preparation students
3 during field experience courses or internships must have
4 evidence of "clinical educator" training and must successfully
5 demonstrate effective classroom management strategies that
6 consistently result in improved student performance. The State
7 Board of Education shall approve the training requirements.

8 (c) Preservice field experience programs must provide
9 specific guidance and demonstration of effective classroom
10 management strategies, strategies for incorporating technology
11 into classroom instruction, strategies for incorporating
12 scientifically researched, knowledge-based reading literacy
13 and computational skills acquisition into classroom
14 instruction, and ways to link instructional plans to the
15 Sunshine State Standards, as appropriate. The length of
16 structured field experiences may be extended to ensure that
17 candidates achieve the competencies needed to meet
18 certification requirements.

19 (d) Postsecondary teacher preparation programs in
20 cooperation with district school boards and approved private
21 school associations shall select the school sites for
22 preservice field experience activities. These sites must
23 represent the full spectrum of school communities, including,
24 but not limited to, schools located in urban settings. In
25 order to be selected, school sites must demonstrate commitment
26 to the education of public school students and to the
27 preparation of future teachers.

28 (7)~~(6)~~ STANDARDS OF EXCELLENCE.--The State Board of
29 Education shall approve standards of excellence for teacher
30 preparation. These standards must exceed the requirements for
31 program approval pursuant to subsection(4)~~(3)~~ and must

1 incorporate state and national recommendations for exemplary
2 teacher preparation programs.

3 (8)~~(7)~~ NATIONAL BOARD STANDARDS.--The State Board of
4 Education shall review standards and recommendations developed
5 by the National Board for Professional Teaching Standards and
6 may incorporate those parts deemed appropriate into criteria
7 for continued state program approval, standards of excellence,
8 and requirements for inservice education.

9 (9)~~(8)~~ COMMUNITY COLLEGES.--To the extent practical,
10 postsecondary educational institutions offering teacher
11 preparation programs shall establish articulation agreements
12 on a core of liberal arts courses and introductory
13 professional courses with field experience components which
14 shall be offered at community colleges.

15 (10)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT
16 PROGRAMS.--State universities and community colleges may
17 establish preteacher education and teacher education pilot
18 programs to encourage promising minority students to prepare
19 for a career in education. These pilot programs shall be
20 designed to recruit and provide additional academic, clinical,
21 and counseling support for students whom the institution
22 judges to be potentially successful teacher education
23 candidates, but who may not meet teacher education program
24 admission standards. Priority consideration shall be given to
25 those pilot programs that are jointly submitted by community
26 colleges and state universities.

27 (a) These pilot programs shall be approved by the
28 State Board of Education and shall be designed to provide help
29 and support for program participants during the preteacher
30 education period of general academic preparation at a
31 community college or state university and during professional

1 preparation in a state-approved teacher education program.
2 Emphasis shall be placed on development of the basic skills
3 needed by successful teachers.

4 (b) State universities and community colleges may
5 admit into the pilot program those incoming students who
6 demonstrate an interest in teaching as a career, but who may
7 not meet the requirements for entrance into an approved
8 teacher education program.

9 1. Flexibility may be given to colleges of education
10 to develop and market innovative teacher training programs
11 directed at specific target groups such as graduates from the
12 colleges of arts and sciences, employed education
13 paraprofessionals, substitute teachers, early federal
14 retirees, and nontraditional college students. Programs must
15 be submitted to the State Board of Education for approval.

16 2. Academically successful graduates in the fields of
17 liberal arts and science may be encouraged to embark upon a
18 career in education.

19 3. Models may be developed to provide a positive
20 initial experience in teaching in order to encourage
21 retention. Priority should be given to models that encourage
22 minority graduates.

23 (c) In order to be certified, a graduate from a pilot
24 program shall meet all requirements for teacher certification
25 specified by s. 1012.56. Should a graduate of a pilot program
26 not meet the requirements of s. 1012.56, that person shall not
27 be included in the calculations required by paragraph
28 (5)~~(4)~~(a) and State Board of Education rules for continued
29 program approval, or in the statutes used by the State Board
30 of Education in deciding which teacher education programs to
31 approve.

1 (d) Institutions participating in the pilot program
2 shall submit an annual report evaluating the success of the
3 program to the Commissioner of Education by March 1 of each
4 year. The report shall include, at a minimum,~~contain, but~~
5 ~~shall not be limited to~~ the number of pilot program
6 participants, including the number participating in general
7 education and the number admitted to approved teacher
8 education programs, the number of pilot program graduates, and
9 the number of pilot program graduates who met the requirements
10 of s. 1012.56. The commissioner shall consider the number of
11 participants recruited, the number of graduates, and the
12 number of graduates successfully meeting the requirements of
13 s. 1012.56 reported by each institution, and shall make an
14 annual recommendation to the State Board of Education
15 regarding the institution's continued participation in the
16 pilot program.

17 (11)~~(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR
18 HIGH-ACHIEVING STUDENTS.--Pilot teacher preparation programs
19 may ~~shall~~ be established with the authorization of the
20 Commissioner of Education at colleges and universities with
21 state-approved teacher education programs ~~at the University of~~
22 ~~Central Florida, the University of North Florida, and the~~
23 ~~University of South Florida~~. These programs shall include a
24 year-long paid teaching assignment and competency-based
25 learning experiences and shall be designed to encourage
26 high-achieving students, as identified by the institution, to
27 pursue a career in education. Priority consideration shall be
28 given to students obtaining academic degrees in mathematics,
29 science, engineering, reading, or identified critical shortage
30 areas. Students chosen to participate in the pilot programs
31 shall agree to teach for at least 3 ~~±~~ years ~~year~~ after they

1 receive their degrees. Criteria for identifying high-achieving
2 students shall be developed by the institution and shall
3 include, at a minimum, requirements that the student have a
4 3.3 grade point average or above and that the student has
5 demonstrated mastery of general knowledge pursuant to s.
6 1012.56. The year-long paid teaching assignment shall begin
7 after completion of the equivalent of 3 years of the state
8 university teacher preparation program.

9 (a) Each pilot program shall be designed to include:

10 1. A year-long paid teaching assignment at a
11 low-performing ~~specified~~ school site during the fourth year of
12 the state university teacher preparation program, which
13 includes intense supervision by a support team trained in
14 clinical education. The support team shall include a state
15 university supervisor and experienced school-based mentors. A
16 mentor teacher shall be assigned to each fourth year employed
17 teacher to implement an individualized learning plan. This
18 mentor teacher will be considered an adjunct professor for
19 purposes of this program and may receive credit for time spent
20 as a mentor teacher in the program. The mentor teacher must
21 have a master's degree or above, a minimum of 3 years of
22 teaching experience, and clinical education training or
23 certification by the National Board for ~~of~~ Professional
24 Teaching Standards. Experiences and instruction may be
25 delivered by other mentors, assigned teachers, professors,
26 individualized learning, and demonstrations. Students in this
27 paid teaching assignment shall assume full responsibility of
28 all teaching duties.

29 2. Professional education curriculum requirements that
30 address the educator-accomplished practices and other
31 competencies specified in state board rule.

1 3. A modified instructional delivery system that
2 provides onsite training during the paid teaching assignment
3 in the professional education areas and competencies specified
4 in this subsection. The institutions participating in this
5 pilot program shall be given a waiver to provide a modified
6 instructional delivery system meeting criteria that allows
7 earned credit through nontraditional approaches. The modified
8 system may provide for an initial evaluation of the
9 candidate's competencies to determine an appropriate
10 individualized professional development plan and may provide
11 for earned credit by:

- 12 a. Internet learning and competency acquisition.
13 b. Learning acquired by observing demonstrations and
14 being observed in application.
15 c. Independent study or instruction by mentor teachers
16 or adjunct teachers.

17 4. Satisfactory demonstration of the
18 educator-accomplished practices and content area competencies
19 for program completion.

20 5. For program completion, required achievement of
21 passing scores on all tests required for certification by
22 State Board of Education rules.

23 (b) Beginning in July 2003, each institution
24 participating in the pilot program shall submit to the
25 Commissioner of Education an annual report evaluating the
26 effectiveness of the program. The report shall include, but
27 shall not be limited to, the number of students selected for
28 the pilot program, the number of students successfully
29 completing the pilot program, the number of program
30 participants who passed all required examinations, the number
31 of program participants who successfully demonstrated all

1 required competencies, and a followup study to determine the
2 number of pilot program completers who were employed in a
3 teaching position and employers' satisfaction with the
4 performance of pilot program completers based upon student
5 performance.

6 (c) This subsection shall be implemented to the extent
7 specifically funded in the General Appropriations Act.

8 (12)~~(11)~~ RULES.--The State Board of Education shall
9 adopt necessary rules pursuant to ss. 120.536(1) and 120.54 to
10 implement this section.

11 Section 38. Subsection (1) of section 1006.08, Florida
12 Statutes, is amended to read:

13 1006.08 District school superintendent duties relating
14 to student discipline and school safety.--

15 (1) The district school superintendent shall recommend
16 plans to the district school board for the proper accounting
17 for all students of school age, for the attendance and control
18 of students at school, and for the proper attention to health,
19 safety, and other matters which will best promote the welfare
20 of students. Each district school superintendent shall fully
21 support the authority of his or her principals, teachers, and
22 school bus drivers to remove disobedient, disrespectful,
23 violent, abusive, uncontrollable, or disruptive students from
24 the classroom and the school bus and, when appropriate and
25 available, to place such students in an alternative
26 educational setting.When the district school superintendent
27 makes a recommendation for expulsion to the district school
28 board, he or she shall give written notice to the student and
29 the student' s parent of the recommendation, setting forth the
30 charges against the student and advising the student and his
31 or her parent of the student's right to due process as

1 prescribed by ss. 120.569 and 120.57(2). When district school
2 board action on a recommendation for the expulsion of a
3 student is pending, the district school superintendent may
4 extend the suspension assigned by the principal beyond 10
5 school days if such suspension period expires before the next
6 regular or special meeting of the district school board.

7 Section 39. Paragraph (a) of subsection (1) of section
8 1006.09, Florida Statutes, is amended to read:

9 1006.09 Duties of school principal relating to student
10 discipline and school safety.--

11 (1)(a) Subject to law and to the rules of the State
12 Board of Education and the district school board, the
13 principal in charge of the school or the principal's designee
14 shall develop policies for delegating to any teacher or other
15 member of the instructional staff or to any bus driver
16 transporting students of the school responsibility for the
17 control and direction of students. Each school principal shall
18 fully support the authority of his or her teachers and school
19 bus drivers to remove disobedient, disrespectful, violent,
20 abusive, uncontrollable, or disruptive students from the
21 classroom and the school bus and, when appropriate and
22 available, place such students in an alternative educational
23 setting.The principal or the principal's designee must give
24 full consideration to ~~shall consider~~ the recommendation for
25 discipline made by a teacher, other member of the
26 instructional staff, or a bus driver when making a decision
27 regarding student referral for discipline.

28 Section 40. Section 1012.05, Florida Statutes, is
29 amended to read:

30 1012.05 Teacher recruitment and retention.--

31

1 (1) The Department of Education, in cooperation with
2 teacher organizations, district personnel offices, and
3 schools, colleges, and departments of all ~~education in~~ public
4 and nonpublic postsecondary educational institutions, shall
5 concentrate on the recruitment of qualified teachers.

6 (2) The Department of Education shall:

7 (a) Develop and implement a system for posting
8 teaching vacancies and establish a database of teacher
9 applicants that is accessible within and outside the state.

10 (b) Advertise in major newspapers, national
11 professional publications, and other professional publications
12 and in public and nonpublic postsecondary educational
13 institutions ~~schools of education~~.

14 (c) Utilize state and nationwide toll-free numbers.

15 (d) Conduct periodic communications with district
16 personnel directors regarding applicants.

17 (e) Provide district access to the applicant database
18 by computer or telephone.

19 (f) Develop and distribute promotional materials
20 related to teaching as a career.

21 (g) Publish and distribute information pertaining to
22 employment opportunities, application procedures, and all
23 routes toward teacher certification in Florida, and teacher
24 salaries.

25 (h) Provide information related to certification
26 procedures.

27 (i) Develop and sponsor the Florida Future Educator of
28 America Program throughout the state.

29 (j) Develop, in consultation with school district
30 staff including, but not limited to, district school
31 superintendents, district school board members, and district

1 human resources personnel, a long-range plan for educator
2 recruitment and retention.

3 (k) Identify best practices for retaining high-quality
4 teachers.

5 (l) Develop, in consultation with Workforce Florida,
6 Inc., and the Agency for Workforce Innovation, created
7 pursuant to ss. 445.004 and 20.50, respectively, a plan for
8 accessing and identifying available resources in the state's
9 workforce system for the purpose of enhancing teacher
10 recruitment and retention.

11 (m) Develop and implement a First Response Center to
12 provide educator candidates one-stop shopping for information
13 on teaching careers in Florida and establish the Teacher
14 Lifeline Network to provide on-line support to beginning
15 teachers and those needing assistance.

16 (3) The Department of Education, in cooperation with
17 district personnel offices, shall sponsor a job fair in a
18 central part of the state to match in-state educators and
19 potential educators and out-of-state educators and potential
20 educators with teaching opportunities in this state.

21 (4) Subject to proviso in the General Appropriations
22 Act, the Commissioner of Education may use funds appropriated
23 by the Legislature and funds from federal grants and other
24 sources to provide incentives for teacher recruitment and
25 preparation programs. The purpose of the use of such funds is
26 to recruit and prepare individuals who do not graduate from
27 state-approved teacher preparation programs to teach in a
28 Florida public school. The commissioner may contract with
29 entities other than, and including, approved teacher
30 preparation programs to provide intensive teacher training
31 leading to passage of the required certification exams for the

1 desired subject area or coverage. The commissioner shall
2 survey school districts to evaluate the effectiveness of such
3 programs.

4 Section 41. Section 1012.231, Florida Statutes, is
5 created to read:

6 1012.231 BEST Florida Teaching salary career ladder
7 program; assignment of teachers.--

8 (1) SALARY CAREER LADDER FOR CLASSROOM
9 TEACHERS.--Beginning with the 2004-2005 academic year, each
10 district school board shall implement a salary career ladder
11 for classroom teachers as defined in s. 1012.01(2)(a).

12 Performance shall be defined as designated in s.
13 1012.34(3)(a)1.-7. District school boards shall designate
14 categories of classroom teachers reflecting these salary
15 career ladder levels as follows:

16 (a) Associate teacher.--Classroom teachers in the
17 school district who have not yet received a professional
18 certificate or those with a professional certificate who are
19 evaluated as low-performing teachers.

20 (b) Professional teacher.--Classroom teachers, in the
21 school district who have received a professional certificate.

22 (c) Lead teacher.--Classroom teachers in the school
23 district who are responsible for leading others in the school
24 as department chair, lead teacher, grade-level leader, intern
25 coordinator, or professional development coordinator. Lead
26 teachers must participate on a regular basis in the direct
27 instruction of students and serve as faculty for professional
28 development activities as determined by the State Board of
29 Education. To be eligible for designation as a lead teacher,
30 a teacher must demonstrate outstanding performance pursuant to

31

1 s. 1012.34(3)(a)1.-7. and must have been a "professional
2 teacher" pursuant to paragraph (b) for at least 1 year.

3 (d) Mentor teacher.--Classroom teachers in the school
4 district who serve as regular mentors to other teachers who
5 are either not performing satisfactorily or who strive to
6 become more proficient. Mentor teachers must serve as
7 faculty-based professional development coordinators and
8 regularly demonstrate and share their expertise with other
9 teachers in order to remain mentor teachers. Mentor teachers
10 must also participate on a regular basis in the direct
11 instruction of low-performing students. To be eligible for
12 designation as a mentor teacher, a teacher must demonstrate
13 outstanding performance pursuant to s. 1012.34(3)(a)1.-7. and
14 must have been a "lead teacher" pursuant to paragraph (c) for
15 at least two years.

16
17 Promotion of a teacher to a higher level on the salary career
18 ladder shall be based upon prescribed performance criteria and
19 not based upon length of service.

20 (2) TEACHER ASSIGNMENT.--School districts may not
21 assign a higher percentage than the school district average of
22 first-time teachers, temporarily certified teachers, teachers
23 in need of improvement, or out-of-field teachers to schools
24 with above the school district average of minority and
25 economically disadvantaged students or schools that are graded
26 "D" or "F." District school boards are authorized to provide
27 salary incentives to meet this requirement. No district school
28 board shall sign a collective bargaining agreement that fails
29 to provide sufficient incentives to meet this requirement.

30 (3) STATE BOARD AND SCHOOL DISTRICT PLANS.--The State
31 Board of Education shall develop a long-range plan to

1 implement a differentiated pay model for teachers beginning in
2 the 2004-2005 academic year, based upon the differentiated
3 classroom teacher categories in subsection (1). No later than
4 December 1, 2003, the State Board of Education shall approve
5 guidelines and criteria for the district plans. District
6 school boards shall develop plans to implement the salary
7 career ladder prescribed in this section and submit these
8 plans to the State Board of Education by March 1, 2004.

9 Section 42. Section 1012.27, Florida Statutes, is
10 amended to read:

11 1012.27 Public school personnel; powers and duties of
12 district school superintendent.--The district school
13 superintendent is ~~shall be~~ responsible, ~~as required herein,~~
14 for directing the work of the personnel, subject to the
15 requirements of this chapter, and in addition the district
16 school superintendent shall perform ~~have~~ the following duties:

17 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

18 (a) Recommend to the district school board duties and
19 responsibilities which need to be performed and positions
20 which need to be filled to make possible the development of an
21 adequate school program in the district.

22 (b) Recommend minimum qualifications of personnel for
23 these various positions, and nominate in writing persons to
24 fill such positions.

25
26 The district school superintendent's recommendations for
27 filling instructional positions at the school level must
28 consider nominations received from school principals of the
29 respective schools. Before transferring a teacher who holds a
30 professional teaching certificate from one school to another,
31 the district school superintendent shall consult with the

1 principal of the receiving school and allow the principal to
2 review the teacher's records and interview the teacher. If, in
3 the judgment of the principal, students would not benefit from
4 the placement, an alternative placement may be sought.

5 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and
6 recommend to the district school board for adoption a salary
7 schedule or salary schedules. The district school
8 superintendent must recommend a salary schedule for
9 instructional personnel which bases a portion of each
10 employee's compensation on performance demonstrated under s.
11 1012.34. In developing the recommended salary schedule, the
12 district school superintendent shall include input from
13 parents, teachers, and representatives of the business
14 community. Beginning with the 2004-2005 academic year, the
15 recommended salary schedule for classroom teachers shall be
16 consistent with the district's career ladder based upon s.
17 1012.231.

18 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the
19 district school board terms for contracting with employees and
20 prepare such contracts as are approved.

21 (4) TRANSFER.--Recommend employees for transfer and
22 transfer any employee during any emergency and report the
23 transfer to the district school board at its next regular
24 meeting.

25 (5) SUSPENSION AND DISMISSAL.--Suspend members of the
26 instructional staff and other school employees during
27 emergencies for a period extending to and including the day of
28 the next regular or special meeting of the district school
29 board and notify the district school board immediately of such
30 suspension. When authorized to do so, serve notice on the
31 suspended member of the instructional staff of charges made

1 against him or her and of the date of hearing. Recommend
2 employees for dismissal under the terms prescribed herein.

3 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE
4 INSTRUCTION.--Direct or arrange for the proper direction and
5 improvement, under rules of the district school board, of the
6 work of all members of the instructional staff and other
7 employees of the district school system, supervise or arrange
8 under rules of the district school board for the supervision
9 of instruction in the district, and take such steps as are
10 necessary to bring about continuous improvement.

11 Section 43. Subsections (1), (2), (3), (4), and (5) of
12 section 1012.56, Florida Statutes, are amended to read:

13 1012.56 Educator certification requirements.--

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

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

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

31 The statement of status of eligibility must advise the

1 applicant of any qualifications that must be completed to
2 qualify for certification. Each statement of status of
3 eligibility is valid for 3 ~~2~~ years after its date of issuance,
4 except as provided in paragraph (2)(d). ~~A statement of status~~
5 ~~of eligibility may be reissued for one additional 2-year~~
6 ~~period if application is made while the initial statement of~~
7 ~~status of eligibility is valid or within 1 year after the~~
8 ~~initial statement expires, and if the certification subject~~
9 ~~area is authorized to be issued by the state board at the time~~
10 ~~the application requesting a reissued statement of status of~~
11 ~~eligibility is received.~~

12 (2) ELIGIBILITY CRITERIA.--To be eligible to seek
13 certification ~~pursuant to this chapter~~, a person must:

14 (a) Be at least 18 years of age.

15 (b) File a written statement, under oath, that the
16 applicant subscribes to and will uphold the principles
17 incorporated in the Constitution of the United States and the
18 Constitution of the State of Florida.

19 (c) Document receipt of a bachelor's or higher degree
20 from an accredited institution of higher learning, or a
21 nonaccredited institution of higher learning that the
22 Department of Education has identified as having a quality
23 program resulting in a bachelor's degree, or higher. Each
24 applicant seeking initial certification must have attained at
25 least a 2.5 overall grade point average on a 4.0 scale in the
26 applicant's major field of study. The applicant may document
27 the required education by submitting official transcripts from
28 institutions of higher education or by authorizing the direct
29 submission of such official transcripts through established
30 electronic network systems. The bachelor's or higher degree

31

1 may not be required in areas approved in rule by the State
2 Board of Education as nondegreed areas.

3 (d) Submit to a fingerprint check from the Department
4 of Law Enforcement and the Federal Bureau of Investigation
5 pursuant to s. 1012.32. If the fingerprint reports indicate a
6 criminal history or if the applicant acknowledges a criminal
7 history, the applicant's records shall be referred to the
8 Bureau of Educator Standards for review and determination of
9 eligibility for certification. If the applicant fails to
10 provide the necessary documentation requested by the Bureau of
11 Educator Standards within 90 days after the date of the
12 receipt of the certified mail request, the statement of
13 eligibility and pending application shall become invalid.

14 (e) Be of good moral character.

15 (f) Be competent and capable of performing the duties,
16 functions, and responsibilities of an educator.

17 (g) Demonstrate mastery of general knowledge, pursuant
18 to subsection (3).

19 (h) Demonstrate mastery of subject area knowledge,
20 pursuant to subsection (4).

21 (i) Demonstrate mastery of professional preparation
22 and education competence, pursuant to subsection (5).

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

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

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

29 (c) A valid professional standard teaching certificate
30 issued by another state ~~that requires an examination of~~
31 ~~mastery of general knowledge;~~

1 (d) A ~~valid standard teaching certificate issued by~~
2 ~~another state and~~ valid certificate issued by the National
3 Board for Professional Teaching Standards; or

4 (e) Documentation of two semesters of successful
5 teaching in a community college, state university, or private
6 college or university that awards an associate or higher
7 degree and is an accredited institution or an institution of
8 higher education identified by the Department of Education as
9 having a quality program. ~~A valid standard teaching~~
10 ~~certificate issued by another state and documentation of 2~~
11 ~~years of continuous successful full-time teaching or~~
12 ~~administrative experience during the 5-year period immediately~~
13 ~~preceding the date of application for certification.~~

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

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

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

26 (c) Completion of the ~~graduate-level~~ subject area
27 specialization requirements specified in state board rule for
28 a subject coverage requiring a master's or higher degree and
29 achievement of a passing score on the subject area examination
30 specified in state board rule;

31

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

4 (e) A ~~valid standard teaching certificate issued by~~
5 ~~another state and~~ valid certificate issued by the National
6 Board for Professional Teaching Standards, ~~7 or~~

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

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

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

19 (b) Completion of a teacher preparation program at a
20 postsecondary educational institution outside Florida and
21 achievement of a passing score on the professional education
22 competency examination required by state board rule;

23 (c) A valid professional standard teaching certificate
24 issued by another state ~~that requires an examination of~~
25 ~~mastery of professional education competence;~~

26 (d) A ~~valid standard teaching certificate issued by~~
27 ~~another state and~~ valid certificate issued by the National
28 Board for Professional Teaching Standards;

29 (e) Documentation of two semesters of successful
30 teaching in a community college, state university, or private
31 college or university that awards an associate or higher

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

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

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

17 Section 44. Subsection (1) of section 1012.57, Florida
18 Statutes, is amended to read:

19 1012.57 Certification of adjunct educators.--

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

1 teaching positions. The intent of this provision is to allow
2 school districts to tap the wealth of talent and expertise
3 represented in Florida's citizens who may wish to teach
4 part-time in a Florida public school by permitting school
5 districts to issue adjunct certificates to qualified
6 applicants. Adjunct certificateholders should be used as a
7 strategy to reduce the teacher shortage; thus, adjunct
8 certificateholders should supplement a school's instructional
9 staff, not supplant it. Each school principal shall assign an
10 experienced peer mentor to assist the adjunct teaching
11 certificateholder during the certificateholder's first year of
12 teaching, and an adjunct certificateholder may participate in
13 a district's new teacher training program. District school
14 boards shall provide the adjunct teaching certificateholder an
15 orientation in classroom management prior to assigning the
16 certificateholder to a school. Each adjunct teaching
17 certificate is valid for 5 school years and is renewable if+
18 ~~(a) The applicant completes a minimum of 60 inservice~~
19 ~~points or 3 semester hours of college credit. The earned~~
20 ~~credits must include instruction in classroom management,~~
21 ~~district school board procedures, school culture, and other~~
22 ~~activities that enhance the professional teaching skills of~~
23 ~~the certificateholder.~~
24 ~~(b)~~ the applicant has received satisfactory
25 performance evaluations during each year of teaching under
26 adjunct teaching certification.
27 Section 45. Paragraph (a) of subsection (1),
28 subsection (2), and paragraph (a) of subsection (3) of section
29 1012.585, Florida Statutes, are amended to read:
30 1012.585 Process for renewal of professional
31 certificates.--

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

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

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

24 (2)(a) All professional certificates, except a
25 nonrenewable professional certificate, shall be renewable for
26 successive periods not to exceed 5 years after the date of
27 submission of documentation of completion of the requirements
28 for renewal provided in subsection (3). Only one renewal may
29 be granted during each 5-year validity period of a
30 professional certificate.

31

1 (b) A teacher with national certification from the
2 National Board for Professional Teaching Standards is deemed
3 to meet state renewal requirements for the life of the
4 teacher's national certificate in the subject shown on the
5 national certificate. A complete renewal application and fee
6 shall be submitted. The Commissioner of Education shall notify
7 teachers of the renewal application and fee requirements.

8 (c) If the renewal application form is not received by
9 the department or by the employing school district before the
10 expiration of the professional certificate, the application
11 form, application fee, and a late fee must be submitted before
12 July 1 of the year following expiration of the certificate in
13 order to renew the professional certificate.

14 (d) The State Board of Education shall adopt rules to
15 allow a 1-year extension of the validity period of a
16 professional certificate in the event of serious illness,
17 injury, or other extraordinary extenuating circumstances of
18 the applicant. The department shall grant such 1-year
19 extension upon written request by the applicant or by the
20 district school superintendent or the governing authority of a
21 university lab school, state-supported school, or private
22 school that employs the applicant.

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

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

1 training in the area of scientifically researched,
2 knowledge-based reading literacy and computational skills
3 acquisition, exceptional student education, normal child
4 development, and the disorders of development may be applied
5 toward any specialization area. Credits or points that provide
6 training in the areas of drug abuse, child abuse and neglect,
7 strategies in teaching students having limited proficiency in
8 English, or dropout prevention, or training in areas
9 identified in the educational goals and performance standards
10 adopted pursuant to ss. 1000.03(5) and 1001.23 may be applied
11 toward any specialization area. Credits or points earned
12 through approved summer institutes may be applied toward the
13 fulfillment of these requirements. Inservice points may also
14 be earned by participation in professional growth components
15 approved by the State Board of Education and specified
16 pursuant to s. 1012.98 in the district's approved master plan
17 for inservice educational training, including, but not limited
18 to, serving as a trainer in an approved teacher training
19 activity, serving on an instructional materials committee or a
20 state board or commission that deals with educational issues,
21 or serving on an advisory council created pursuant to s.
22 1001.452.

23 Section 46. Section 1012.586, Florida Statutes, is
24 created to read:

25 1012.586 Additions or changes to certificates;
26 duplicate certificates.--A school district may process via a
27 Department of Education website certificates for the following
28 applications of public school employees:

29 (1) Addition of a subject coverage or endorsement to a
30 valid Florida certificate on the basis of the completion of
31 the appropriate subject area testing requirements of s.

1 1012.56(4)(a) or the completion of the requirements of an
2 approved school district program or the inservice components
3 for an endorsement.

4 (2) A reissued certificate to reflect a name change.

5 (3) A duplicate certificate to replace a lost or
6 damaged certificate.

7
8 The employing school district shall charge the employee a fee
9 not to exceed the amount charged by the Department of
10 Education for such services. Each district school board shall
11 retain a portion of the fee as defined in the rules of the
12 State Board of Education. The portion sent to the department
13 shall be used for maintenance of the technology system, the
14 web application, and posting and mailing of the certificate.

15 Section 47. Subsection (2), paragraph (b) of
16 subsection (3), and subsections (5), (6), (7), (8), (9), (10),
17 and (11) of section 1012.98, Florida Statutes, are amended to
18 read:

19 1012.98 School Community Professional Development
20 Act.--

21 (2) The school community includes students and
22 parents, administrative personnel, managers, instructional
23 personnel, support personnel, members of district school
24 boards, members of school advisory councils, ~~parents~~, business
25 partners, and personnel that provide health and social
26 services to students ~~school children. School districts may~~
27 ~~identify and include additional members of the school~~
28 ~~community in the professional development activities required~~
29 ~~by this section.~~

30 (3) The activities designed to implement this section
31 must:

1 (b) Assist the school community in providing
2 stimulating, scientifically research-based educational
3 activities that encourage and motivate students to achieve at
4 the highest levels and to become active learners.

5 ~~(5)(a) The Department of Education shall provide a~~
6 ~~system for the recruitment, preparation, and professional~~
7 ~~development of school administrative personnel. This system~~
8 ~~shall:~~

9 ~~1. Identify the knowledge, competencies, and skills~~
10 ~~necessary for effective school management and instructional~~
11 ~~leadership that align with student performance standards and~~
12 ~~accountability measures.~~

13 ~~2. Include performance evaluation methods.~~

14 ~~3. Provide for alternate means for preparation of~~
15 ~~school administrative personnel which may include programs~~
16 ~~designed by school districts and postsecondary educational~~
17 ~~institutions pursuant to guidelines developed by the~~
18 ~~commissioner. Such preparation programs shall be approved by~~
19 ~~the Department of Education.~~

20 ~~4. Provide for the hiring of qualified out-of-state~~
21 ~~school administrative personnel.~~

22 ~~5. Provide advanced educational opportunities for~~
23 ~~school-based instructional leaders.~~

24 ~~(b) The Commissioner of Education shall appoint a task~~
25 ~~force that includes a district school superintendent, a~~
26 ~~district school board member, a principal, an assistant~~
27 ~~principal, a teacher, a dean of a college of education, and~~
28 ~~parents. The task force shall convene periodically to provide~~
29 ~~recommendations to the department in the areas of recruitment,~~
30 ~~certification, preparation, professional development, and~~
31 ~~evaluation of school administrators.~~

1 (5)~~(6)~~ Each district school board shall provide
2 funding for the professional development system as required by
3 s. 1011.62 and the General Appropriations Act, and shall
4 direct expenditures from other funding sources to strengthen
5 the system and make it uniform and coherent. A school district
6 may coordinate its professional development program with that
7 of another district, with an educational consortium, or with a
8 community college or university, especially in preparing and
9 educating personnel. Each district school board shall make
10 available inservice activities to instructional personnel of
11 nonpublic schools in the district and the state certified
12 teachers who are not employed by the district school board on
13 a fee basis not to exceed the cost of the activity per all
14 participants.

15 (6)~~(7)~~ An organization of private schools which has no
16 fewer than 10 member schools in this state, which publishes
17 and files with the Department of Education copies of its
18 standards, and the member schools of which comply with the
19 provisions of part II of chapter 1003, relating to compulsory
20 school attendance, may also develop a professional development
21 system that includes a master plan for inservice activities.
22 The system and inservice plan must be submitted to the
23 commissioner for approval pursuant to rules of the State Board
24 of Education.

25 (7)~~(8)~~ The Department of Education shall design
26 methods by which the state and district school boards may
27 evaluate and improve the professional development system. The
28 evaluation must include an annual assessment of data that
29 indicate progress or lack of progress of all students. If the
30 review of the data indicates progress, the department shall
31 identify the best practices that contributed to the progress.

1 If the review of the data indicates a lack of progress, the
2 department shall investigate the causes of the lack of
3 progress, provide technical assistance, and require the school
4 district to employ a different approach to professional
5 development. The department shall report annually to the State
6 Board of Education and the Legislature any school district
7 that, in the determination of the department, has failed to
8 provide an adequate professional development system. This
9 report must include the results of the department's
10 investigation and of any intervention provided.

11 (8)~~(9)~~ The State Board of Education may adopt rules
12 pursuant to ss. 120.536(1) and 120.54 to administer this
13 section.

14 (9)~~(10)~~ This section does not limit or discourage a
15 district school board from contracting with independent
16 entities for professional development services and inservice
17 education if the district school board can demonstrate to the
18 Commissioner of Education ~~believes~~ that, through such a
19 contract, a better product can be acquired or its goals for
20 education improvement can be better met.

21 (10)~~(11)~~ For teachers, managers, and administrative
22 personnel who have been evaluated as less than satisfactory, a
23 district school board shall require participation in specific
24 professional development programs as part of the improvement
25 prescription.

26 Section 48. Paragraph (b) of subsection (1) of section
27 1009.531, Florida Statutes, is amended to read:

28 1009.531 Florida Bright Futures Scholarship Program;
29 student eligibility requirements for initial awards.--
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1 (1) To be eligible for an initial award from any of
2 the three types of scholarships under the Florida Bright
3 Futures Scholarship Program, a student must:

4 (b) Earn a standard Florida high school diploma or its
5 equivalent as described in s. 1003.429, s. 1003.43, or s.
6 1003.435 ~~1003.45~~ unless:

7 1. The student is enrolled full time in the early
8 admission program of an eligible postsecondary education
9 institution or completes a home education program according to
10 s. 1002.41; or

11 2. The student earns a high school diploma from a
12 non-Florida school while living with a parent or guardian who
13 is on military or public service assignment away from Florida.

14 Section 49. Part VIII of chapter 159, Florida
15 Statutes, consisting of sections 159.831, 159.832, 159.833,
16 159.834, and 159.835, is created to read:

17 159.831 Short title.--This part may be cited as the
18 "Florida Qualified Public Educational Facilities Private
19 Activity Bond Allocation Act."

20 159.832 Purpose.--The purpose of this part is to
21 allocate the state volume limitation imposed by s.
22 142(k)(5)(A) of the code on private activity bonds to finance
23 qualified public educational facilities. No private activity
24 bond subject to the limitation in s. 142(k)(5)(A) of the code
25 shall be issued in this state unless a written confirmation
26 therefor is issued pursuant to this part.

27 159.833 Definitions.--As used in this part, the term:

28 (1) "Board" means the State Board of Education,
29 created pursuant to Section 2, Article IX of the State
30 Constitution.

31

1 (2) "Code" means the Internal Revenue Code of 1986, as
2 amended, and the regulations and rulings issued thereunder.

3 (3) "Commissioner" means the Commissioner of
4 Education.

5 (4) "Department" means the Department of Education,
6 created pursuant to s. 20.15.

7 (5) "Issued" has the same meaning as in the code.

8 (6) "Private activity bond" means any bond described
9 in s. 141 of the code.

10 (7) "Qualified Public Educational Facility" means a
11 facility described in s. 142(k)(1) of the code.

12 159.834 Allocation of state volume limitation.--

13 (1) By February 1, 2004, the board shall establish a
14 program for allocating the state volume limitation imposed by
15 s. 142(k)(5)(A) of the code on private activity bonds to
16 finance qualified public educational facilities. Such program
17 shall include objective criteria to be considered in
18 determining whether to grant a request for such volume
19 limitation, including, but not limited to, the need for a
20 qualified public educational facility in the area proposed in
21 the application, the number of students to be served by such
22 facility, and the cost effectiveness of the proposed facility.
23 The program shall be administered by the department.

24 (2) The department shall annually determine the amount
25 of private activity bonds for qualified public educational
26 facilities permitted to be issued in this state under s. 142
27 (k)(5) of the code and shall make such information available
28 upon request to any person or agency.

29 (3) The department shall ensure that any volume
30 limitation unused at the end of each calendar year is carried
31 forward pursuant to s. 142(k)(5)(B)(ii) of the code.

1 (4) The commissioner shall sign any certificate
2 required by the code relating to the allocation of the state
3 volume limitation on private activity bonds to finance
4 qualified public educational facilities.

5 159.835 Rules.--The board and the department shall
6 adopt any rules necessary to ensure the orderly implementation
7 and administration of this act.

8 Section 50. Paragraph (c) of subsection (1) of section
9 1012.22, Florida Statutes, is amended to read:

10 1012.22 Public school personnel; powers and duties of
11 the district school board.--The district school board shall:

12 (1) Designate positions to be filled, prescribe
13 qualifications for those positions, and provide for the
14 appointment, compensation, promotion, suspension, and
15 dismissal of employees as follows, subject to the requirements
16 of this chapter:

17 (c) Compensation and salary schedules.--

18 1. The district school board shall adopt a salary
19 schedule or salary schedules designed to furnish incentives
20 for improvement in training and for continued efficient
21 service to be used as a basis for paying all school employees
22 and fix and authorize the compensation of school employees on
23 the basis thereof.

24 2. A district school board, in determining the salary
25 schedule for instructional personnel, must base a portion of
26 each employee's compensation on performance demonstrated under
27 s. 1012.34, must consider the prior teaching experience of a
28 person who has been designated state teacher of the year by
29 any state in the United States, and must consider prior
30 professional experience in the field of education gained in
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1 positions in addition to district level instructional and
2 administrative positions.

3 3. In developing the salary schedule, the district
4 school board shall seek input from parents, teachers, and
5 representatives of the business community.

6 4. Beginning with the 2002-2003 fiscal year, each
7 district school board must adopt a performance-pay policy for
8 school administrators and instructional personnel. The
9 district's performance-pay policy is subject to negotiation as
10 provided in chapter 447; however, the adopted salary schedule
11 must allow school administrators and instructional personnel
12 who demonstrate outstanding performance, as measured under s.
13 1012.34, to earn a 5-percent supplement in addition to their
14 individual, negotiated salary. The supplements shall be funded
15 from the performance-pay reserve funds adopted in the salary
16 schedule. Beginning with the 2004-2005 academic year, the
17 district's 5-percent performance-pay policy must provide for
18 the evaluation of classroom teachers within each level of the
19 salary career ladder provided in s. 1012.231.The Commissioner
20 of Education shall determine whether the district school
21 board's adopted salary schedule complies with the requirement
22 for performance-based pay. If the district school board fails
23 to comply with this section, the commissioner shall withhold
24 disbursements from the Educational Enhancement Trust Fund to
25 the district until compliance is verified.

26 Section 51. Section 1012.987, Florida Statutes, is
27 created to read:

28 1012.987 Education leadership development.--The State
29 Board of Education shall adopt rules through which school
30 principals may earn a principal leadership designation based
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1 on teacher retention, overall student performance, and school
2 grade.

3 Section 52. (1) In order to ensure that the
4 construction of new and expanded education facilities provides
5 the best long-term value, school districts shall compare the
6 following life-cycle costs of materials used by competing
7 providers when constructing or expanding school capacity:

8 (a) The anticipated annual energy consumption;

9 (b) The relative resistance to damage by wind loads
10 and associated debris;

11 (c) The resistance to wood-destroying organisms;

12 (d) The perpetual maintenance costs;

13 (e) The resistance to fire; and

14 (f) A comparison of the annual insurance costs.

15 (2) School districts may rely on the information
16 provided by contractors if the contractor's analysis is based
17 on the best currently available methods, including those of
18 the National Institute of Standards and Technology, the
19 Department of Housing and Urban Development, and other federal
20 and state agencies and technical or professional societies.

21 Section 53. If any provision of this act or its
22 application to any person or circumstance is held invalid, the
23 invalidity does not affect other provisions or applications of
24 the act which can be given effect without the invalid
25 provision or application, and to this end the provisions of
26 this act are severable.

27 Section 54. If any law that is amended by this act was
28 also amended by a law enacted at the 2003 Regular Session of
29 the Legislature, such laws shall be construed as if they had
30 been enacted during the same session of the Legislature, and
31 full effect should be given to each if that is possible.

1 Section 55. Except as otherwise expressly provided in
2 this act, this act shall take effect July 1, 2003, and the
3 changes effected by this act to the Deferred Retirement Option
4 Program shall take effect June 1, 2003.

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7 SENATE SUMMARY

8 Implements Amendment 9 to the State Constitution.
9 Establishes maximum class sizes. Creates the Classrooms
10 for Kids Program. Establishes the District Effort
11 Recognition Program. Establishes the Class Size Reduction
12 Lottery Revenue Bond Program. Revises additional
13 provisions governing education programs. (See bill for
14 details.)

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