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1 A bill to be entitled

2 An act relating to quality education; amending s. 1003.01,  
3 F.S.; defining the terms "core-curricula courses" and  
4 "extracurricular courses"; amending s. 1003.03, F.S.;  
5 establishing the constitutional class size maximum;  
6 providing for the determination of averages; providing for  
7 the department to calculate averages based upon student  
8 membership surveys; providing implementation options for  
9 school districts; providing accountability for the class  
10 size reduction measures; creating s. 1011.685, F.S.;  
11 establishing an operating categorical fund for  
12 implementing class size reduction; providing for the use  
13 of the funds by school districts; creating s. 1013.735,  
14 F.S.; establishing the Classrooms for Kids Program;  
15 providing for the allocation of funds; providing  
16 requirements for district participation in the program;  
17 providing for the use of the funds; creating s. 1013.736,  
18 F.S.; establishing the District Effort Recognition  
19 Program; providing for eligibility for school district  
20 participation; establishing a district equity ratio for  
21 purposes of calculating the allocation for the program;  
22 providing for the use of the funds; creating s. 1013.737,  
23 F.S.; establishing the Class Size Reduction Lottery  
24 Revenue Bond Program; authorizing the issuance of revenue  
25 bonds to finance or refinance the construction,  
26 acquisition, reconstruction, or renovation of educational  
27 facilities; providing legislative findings; specifying  
28 that the bonds are payable from first proceeds of lottery  
29 revenues transferred to the Educational Enhancement Trust  
30 Fund; establishing a covenant with bondholders to not



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31 materially and adversely affect their rights; providing  
32 for issuance of the bonds by the Division of Bond Finance  
33 on behalf of the Department of Education; limiting the  
34 total amount of such bonds issued; providing for deposit  
35 of bond proceeds in the Lottery Capital Outlay and Debt  
36 Service Trust Fund; providing for the filing of complaints  
37 for validation; providing for timely encumbrances of funds  
38 for authorized projects; amending s. 24.121, F.S.;  
39 removing limitations on lottery revenues that may be  
40 pledged to the payment of debt service; amending s.  
41 121.091, F.S.; authorizing certain instructional personnel  
42 who receive authorization to extend participation in the  
43 Deferred Retirement Option Program; amending s. 220.187,  
44 F.S.; increasing the total amount of tax credit and  
45 carryforward of tax credit which may be granted each state  
46 fiscal year; requiring parental notification to the school  
47 district; allowing tax credits to be carried forward;  
48 providing procedures; amending s. 1003.02, F.S.; requiring  
49 school districts to notify parents of acceleration  
50 mechanisms; eliminating a cross-reference to conform to  
51 changes made by the act; amending s. 1003.43, F.S.;  
52 providing that parenting skills be included; removing the  
53 requirement that a life management course be offered  
54 during the 9th and 10th grade years; providing that  
55 participation in R.O.T.C. class satisfies a portion of the  
56 physical education requirement; creating s. 1003.429,  
57 F.S.; providing for accelerated high school graduation  
58 options; providing requirements; prohibiting school  
59 districts from imposing additional requirements; amending  
60 s. 1007.261, F.S.; aligning university admission standards



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61 with accelerated high school graduation options; revising  
62 credits required; amending s. 1003.436, F.S.; reducing the  
63 number of hours required for one full credit for district  
64 schools implementing block scheduling; amending s.  
65 1011.62, F.S.; removing a date limitation to provide for  
66 categorical flexibility; revising purposes of categorical  
67 funds; amending s. 1011.69, F.S.; deleting obsolete  
68 provisions; revising allocation amount to average percent  
69 of funds generated; revising the exemption for certain  
70 charter schools; providing that Classrooms for Kids  
71 operating categorial funds are not subject to provisions  
72 requiring equity in school funding; amending s. 1013.03,  
73 F.S.; requiring the Department of Education to review  
74 rules relating to school construction and make  
75 recommendations to the State Board of Education; amending  
76 s. 1013.31, F.S.; requiring school districts to  
77 periodically update the inventory of educational  
78 facilities; amending s. 1002.37, F.S.; providing that  
79 certain funds are internal funds; authorizing supplemental  
80 support organization; revising administrative  
81 responsibilities regarding funding and reporting  
82 requirements for the board of trustees of the Florida  
83 Virtual School; authorizing franchise agreements;  
84 providing for funding the Florida Virtual School within  
85 the Florida Education Finance Program; providing for  
86 funding based on credit completion; providing a  
87 calculation; eliminating obsolete provisions; amending s.  
88 1011.61, F.S.; redefining the term "full-time equivalent  
89 student" to include a Florida Virtual School student;  
90 providing for membership to exceed certain maximum days of



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91 instruction; creating the Florida Business and Education  
 92 in School Together (Florida BEST) Program; requiring  
 93 school districts to seek business partners for Florida  
 94 BEST schools; requiring each school district to create a  
 95 Florida BEST school evaluation committee; defining a  
 96 "Florida Business and Education in School Together  
 97 (Florida BEST) school"; providing for priority in  
 98 admission of students; providing parental responsibility;  
 99 providing for contracts to operate Florida BEST schools;  
 100 providing school district and business responsibilities  
 101 for Florida BEST schools; providing exemptions from local  
 102 government ordinances or regulations relating to square  
 103 footage or floor area; repealing ss. 1002.33(13), 1012.41,  
 104 1012.73, and 1013.43, F.S., relating to number of charter  
 105 schools, directors of career and technical education, the  
 106 Florida Mentor Teacher School Pilot Program, and the small  
 107 school requirement; amending s. 216.292, F.S.; requiring  
 108 the Executive Office of the Governor to transfer funds for  
 109 class size reduction based on recommendations of the  
 110 Florida Education Finance Program Appropriation Allocation  
 111 Conference or the Legislative Budget Commission; requiring  
 112 notice and review; amending s. 1003.62, F.S.; making pilot  
 113 program statewide; providing additional criteria for the  
 114 establishment of a charter school district; providing for  
 115 renewal of the charter; providing certain exemptions from  
 116 law and rule; providing reporting requirements;  
 117 grandfathering certain districts; amending s. 1013.64,  
 118 F.S.; providing limitations on the use of certain funds;  
 119 revising provisions relating to the costs per student  
 120 station; requiring reports; creating s. 1000.041, F.S.;



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121 providing legislative purposes and guiding principles of  
122 Better Educated Students and Teachers (BEST) Florida  
123 Teaching; amending s. 1001.33, F.S.; requiring cooperation  
124 to apply guiding principles; amending s. 1001.42, F.S.;  
125 providing that a district school board may use certain  
126 personnel to assist teachers in noninstructional  
127 activities; requiring school district support of certain  
128 activities and programs; clarifying provisions concerning  
129 a school-within-a-school; amending ss. 1001.51 and  
130 1001.54, F.S.; requiring cooperation and support of  
131 district school superintendents and school principals;  
132 amending s. 1002.20, F.S.; providing student rights with  
133 respect to classroom orderliness; amending s. 1002.42,  
134 F.S.; correcting a cross-reference; amending s. 1003.04,  
135 F.S.; requiring specified student conduct and attendance;  
136 requiring parental cooperation with school authority;  
137 amending s. 1003.31, F.S.; requiring support of the  
138 authority of teachers and bus drivers; amending s.  
139 1003.32, F.S.; revising provisions relating to teacher  
140 authority and responsibility for control of students;  
141 designating a school placement review committee to  
142 determine placement for disruptive students; requiring  
143 reports; requiring Commissioner of Education review of  
144 success in achieving orderly classrooms and use of  
145 enforcement actions; requiring reporting of knowledge or  
146 suspicion of crimes of violence on school property and  
147 providing immunity; amending s. 1004.04, F.S.; revising  
148 provisions relating to state approval of teacher  
149 preparation programs; expanding State Board of Education  
150 rules establishing core curricula; requiring teacher



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151 preparation programs to incorporate certain instruction;  
152 providing for guarantee; providing for additional teacher  
153 training under certain circumstances; authorizing pay for  
154 student teacher internships; authorizing additional  
155 standards for program approval and certification; deleting  
156 the requirement that pilot programs be established at the  
157 University of Central Florida, the University of North  
158 Florida, and the University of South Florida; allowing  
159 pilot programs to be established as authorized by the  
160 Commissioner of Education at colleges and universities  
161 with state-approved teacher education programs; providing  
162 priority consideration for participation in teacher  
163 education pilot programs; amending ss. 1006.08 and  
164 1006.09, F.S.; requiring district school superintendent  
165 and school principal support relating to student  
166 discipline; amending s. 1012.05, F.S.; requiring the  
167 Department of Education to provide for one-stop shopping  
168 for teacher career information and on-line support;  
169 authorizing use of funds to recruit and prepare teachers;  
170 creating s. 1012.231, F.S.; establishing a salary career  
171 ladder program; providing levels of career ladder salary;  
172 providing standards; providing limitations or certain  
173 assignments; requiring the State Board of Education to  
174 develop a long-range plan; amending s. 1012.27, F.S.;  
175 requiring district school superintendents to implement  
176 district's career ladder salary program; amending s.  
177 1012.56, F.S.; revising the time period for which an  
178 official statement of status of eligibility for  
179 certification is valid; revising requirements for mastery  
180 of general knowledge, mastery of subject area knowledge,



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181 and mastery of professional preparation and education  
182 competence; amending s. 1012.57, F.S.; requiring district  
183 school boards to adopt rules to allow for the issuance of  
184 adjunct teaching certificates; revising provisions  
185 relating to determination of expertise in the subject area  
186 to be taught; amending s. 1012.585, F.S.; revising certain  
187 requirements for renewal of professional certificates;  
188 correcting a cross-reference; creating s. 1012.586, F.S.;  
189 authorizing school districts to process certain  
190 applications via website; providing for a fee and the uses  
191 thereof; amending s. 1012.98, F.S.; revising provisions  
192 relating to the School Community Professional Development  
193 Act; deleting provisions relating to recruitment,  
194 preparation, and professional development of school  
195 administrative personnel; amending s. 1009.531, F.S.;  
196 correcting a cross-reference; creating ss. 159.831,  
197 159.832, 159.833, 159.834, and 159.835, F.S., relating to  
198 the Florida Qualified Public Educational Facilities  
199 Private Activity Bond Allocation Act; providing  
200 definitions; providing certain state volume limitations on  
201 certain private bond activity; providing for department  
202 review; authorizing rule adoption; amending s. 1012.22,  
203 F.S.; providing that district's five-percent performance-  
204 pay policy must apply at each level of the salary career  
205 ladder program; creating s. 1012.987, F.S.; authorizing  
206 the State Board of Education to adopt rules for a  
207 principal leadership designation; requiring districts to  
208 compare certain life-cycle costs of materials used in  
209 constructing or expanding educational facilities;  
210 providing for severability; providing for construction of



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211 the act in pari materia with laws enacted during the  
212 Regular Session of the Legislature; providing effective  
213 dates.

214  
215 WHEREAS, in 1998 the voters approved an amendment to  
216 Section 1, Article IX of the State Constitution that required  
217 the Legislature to establish by law a uniform, efficient, safe,  
218 secure, and high-quality system of free public schools that  
219 allows students to obtain a high-quality education, and

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

223 WHEREAS, the voters defined a high-quality education as, by  
224 2010, a prekindergarten through grade 3 core-curricula class  
225 size of no more than 18 students assigned to a teacher, a grade  
226 4 through grade 8 core-curricula class size of no more than 22  
227 students assigned to a teacher, and a grade 9 through grade 12  
228 core-curricula class size of no more than 25 students assigned  
229 to a teacher, and

230 WHEREAS, the Legislature finds that a high-quality  
231 education cannot be achieved solely by small class sizes but  
232 also requires well-educated, well-trained, well-compensated, and  
233 effective classroom teachers and school administrators who  
234 maintain orderly, disciplined classrooms conducive to student  
235 learning, and

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





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239 WHEREAS, the constitutional principle of efficiency  
 240 includes the school districts' use of their facilities,  
 241 teachers, and other resources in the most efficient manner, and

242 WHEREAS, the Florida Supreme Court in considering the  
 243 provisions of Amendment 9 to Section 1, Article IX of the State  
 244 Constitution, found that "rather than restricting the  
 245 Legislature, the proposed amendment gives the Legislature  
 246 latitude in designing ways to reach the class size goal  
 247 articulated in the ballot initiative, and places the obligation  
 248 to ensure compliance on the Legislature," and

249 WHEREAS, the Legislature has chosen to focus on student  
 250 achievement, provide clarity of goals, safeguard the efficient  
 251 use of public funds, allow flexibility to reach those goals,  
 252 recognize issues relating to efficiency and equity of  
 253 implementation, and require accountability to meet the standards  
 254 set forth in the State Constitution, NOW, THEREFORE,

255  
 256 Be It Enacted by the Legislature of the State of Florida:

257  
 258 Section 1. Subsections (14) and (15) are added to section  
 259 1003.01, Florida Statutes, to read:

260 1003.01 Definitions.--As used in this chapter, the term:  
 261 (14) "Core-curricula courses" means courses defined by the  
 262 Department of Education as mathematics, language arts/reading,  
 263 science, social studies, foreign language, English for Speakers  
 264 of Other Languages, exceptional student education, and courses  
 265 taught in traditional self-contained elementary school  
 266 classrooms. The term is limited in meaning and used for the sole  
 267 purpose of designating classes that are subject to the maximum



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268 class size requirements established in s. 1, Art. IX of the  
269 State Constitution.

270 (15) "Extracurricular courses" means all courses that are  
271 not defined as "core-curricula courses," which may include, but  
272 are not limited to, physical education, fine arts, performing  
273 fine arts, vocational education, and career and technical  
274 education. The term is limited in meaning and used for the sole  
275 purpose of designating classes that are not subject to the  
276 maximum class size requirements established in s. 1, Art. IX of  
277 the State Constitution.

278 Section 2. Section 1003.03, Florida Statutes, is amended  
279 to read:

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

282 1003.03 Maximum class size.--

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

286 (a) The maximum number of students assigned to each  
287 teacher who is teaching core-curricula courses in public school  
288 classrooms for prekindergarten through grade 3 may not exceed 18  
289 students.

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

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

296 (2) IMPLEMENTATION.--



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297 (a) Beginning with the 2003-2004 fiscal year, each school  
298 district that is not in compliance with the maximums in  
299 subsection (1) shall reduce the average number of students per  
300 classroom in each of the following grade groupings:  
301 prekindergarten through grade 3, grade 4 through grade 8, and  
302 grade 9 through grade 12, by at least two students each year.

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

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

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

311 3. For fiscal years 2008-2009, 2009-2010, and thereafter,  
312 the calculation for compliance shall be at the individual  
313 classroom level.

314 (c) The Department of Education shall annually calculate  
315 each of the three average class size measures defined in  
316 paragraphs (a) and (b) based upon the October student membership  
317 survey. For purposes of determining the baseline from which each  
318 district's average class size must be reduced for the 2003-2004  
319 school year, the department shall use data from the February  
320 2003 student membership survey updated to include classroom  
321 identification numbers as required by the department.

322 (d) Prior to the adoption of the district school budget  
323 for 2004-2005, each district school board shall hold public  
324 hearings to review school attendance zones in order to ensure  
325 maximum use of facilities while minimizing the additional use of  
326 transportation in order to comply with the two-student-per-year



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327 reduction required in paragraph (a). School districts that meet  
328 the constitutional class size maximums described in subsection  
329 (1) are exempt from this requirement.

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

335 (a) Adopt policies to encourage qualified students to take  
336 dual enrollment courses.

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

339 (c)1. Repeal district school board policies that require  
340 students to have more than 24 credits to graduate from high  
341 school.

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

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

350 (e) Use innovative methods to reduce the cost of school  
351 construction by using prototype school designs, using SMART  
352 Schools designs, participating in the School Infrastructure  
353 Thrift Program, or any other method not prohibited by law.

354 (f) Use joint-use facilities through partnerships with  
355 community colleges, state universities, and private colleges and  
356 universities. Joint-use facilities available for use as K-12



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357 classrooms that do not meet the K-12 State Regulations for  
358 Educational Facilities in the Florida Building Code may be used  
359 at the discretion of the district school board provided that  
360 such facilities meet all other health, life, safety, and fire  
361 codes.

362 (g) Adopt alternative methods of class scheduling, such as  
363 block scheduling.

364 (h) Redraw school attendance zones to maximize use of  
365 facilities while minimizing the additional use of  
366 transportation.

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

370 (j) Use year-round schools and other nontraditional  
371 calendars that do not adversely impact annual assessment of  
372 student achievement.

373 (k) Review and consider amending any collective bargaining  
374 contracts that hinder the implementation of class size  
375 reduction.

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

377 (4) ACCOUNTABILITY.--

378 (a) Beginning in the 2003-2004 fiscal year, if the  
379 department determines for any year that a school district has  
380 not reduced average class size as required in subsection (2) at  
381 the time of the third FEFP calculation, the department shall  
382 calculate an amount from the class size reduction operating  
383 categorical which is proportionate to the amount of class size  
384 reduction not accomplished. Upon verification of the  
385 department's calculation by the Florida Education Finance  
386 Program Appropriation Allocation Conference, the Executive



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387 Office of the Governor shall transfer undistributed funds  
388 equivalent to the calculated amount from the district's class  
389 size reduction operating categorical to an approved fixed  
390 capital outlay appropriation for class size reduction in the  
391 affected district pursuant to s. 216.292(13). The amount of  
392 funds transferred shall be the lesser of the amount verified by  
393 the Florida Education Finance Program Appropriation Allocation  
394 Conference or the undistributed balance of the district's class  
395 size reduction operating categorical. However, based upon a  
396 recommendation by the Commissioner of Education that the State  
397 Board of Education has reviewed evidence indicating that a  
398 district has been unable to meet class size reduction  
399 requirements despite appropriate effort to do so, the  
400 Legislative Budget Commission may approve an alternative amount  
401 of funds to be transferred from the district's class size  
402 reduction operating categorical to its approved fixed capital  
403 outlay account for class size reduction.

404 (b) Beginning in the 2005-2006 school year, the department  
405 shall determine by January 15 of each year which districts have  
406 not met the two-student-per-year reduction required in  
407 subsection (2) based upon a comparison of the district's October  
408 student membership survey for the current school year and the  
409 February 2003 baseline student membership survey. The department  
410 shall report such districts to the Legislature. Each district  
411 that has not met the two-student-per-year reduction shall be  
412 required to implement one of the following policies in the  
413 subsequent school year unless the department finds that the  
414 district comes into compliance based upon the February student  
415 membership survey:

416 1. Year-round schools;



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- 417       2. Double sessions;  
418       3. Rezoning; or  
419       4. Maximizing use of instructional staff by changing  
420 required teacher loads and scheduling of planning periods,  
421 deploying school district employees who have professional  
422 certification to the classroom, using adjunct educators,  
423 operating schools beyond the normal operating hours to provide  
424 classes in the evening, or operating more than one session  
425 during the day.

426  
427 A school district that is required to implement one of the  
428 policies outlined in subparagraphs 1. through 4. shall correct  
429 in the year of implementation any past deficiencies and bring  
430 the district into compliance with the two-student-per-year  
431 reduction goals established for the district by the department  
432 pursuant to subsection (2). A school district may choose to  
433 implement more than one of these policies. The district school  
434 superintendent shall report to the Commissioner of Education the  
435 extent to which the district implemented any of the policies  
436 outlined in subparagraphs 1. through 4. in a format to be  
437 specified by the Commissioner of Education. The Department of  
438 Education shall use the enforcement authority provided in s.  
439 1008.32 to ensure that districts comply with the provisions of  
440 this paragraph.

441       (c) Beginning in the 2006-2007 school year, the department  
442 shall annually determine which districts do not meet the  
443 requirements described in subsection (2). In addition to  
444 enforcement authority provided in s. 1008.32, the Department of  
445 Education shall develop a constitutional compliance plan for  
446 each such district which includes, but is not limited to,



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447 redrawing school attendance zones to maximize use of facilities  
448 while minimizing the additional use of transportation unless the  
449 department finds that the district comes into compliance based  
450 upon the February student membership survey and the other  
451 accountability policies listed in paragraph (b). Each district  
452 school board shall implement the constitutional compliance plan  
453 developed by the state board until the district complies with  
454 the constitutional class size maximums.

455 Section 3. Section 1011.685, Florida Statutes, is created  
456 to read:

457 1011.685 Class size reduction; operating categorical  
458 fund.--

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

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

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

470 (b) For any lawful operating expenditure, if the district  
471 has met the constitutional maximums identified in s. 1003.03(1)  
472 or the reduction of two students per year required by s.  
473 1003.03(2); however, priority shall be given to increase  
474 salaries of classroom teachers as defined in s. 1012.01(2)(a)  
475 and to implement the salary career ladder defined in s.  
476 1012.231.





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477 Section 4. Section 1013.735, Florida Statutes, is created  
478 to read:

479 1013.735 Classrooms for Kids Program.--

480 (1) ALLOCATION.--The department shall allocate funds  
481 appropriated for the Classrooms for Kids Program. It is the  
482 intent of the Legislature that this program be administered as  
483 nearly as practicable in the same manner as the capital outlay  
484 program authorized under s. 9(a), Art. XII of the State  
485 Constitution. Each district school board's share of the annual  
486 appropriation for the Classrooms for Kids Program must be  
487 calculated according to the following formula:

488 (a) Twenty-five percent of the appropriation shall be  
489 prorated to the districts based on each district's percentage of  
490 base capital outlay full-time equivalent membership, and 65  
491 percent shall be based on each district's percentage of growth  
492 capital outlay full-time equivalent membership as specified for  
493 the allocation of funds from the Public Education Capital Outlay  
494 and Debt Service Trust Fund by s. 1013.64(3).

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

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

500 (a) Enter into an interlocal agreement pursuant to s.  
501 1013.33.

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



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

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

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

515 Section 5. Effective upon this act becoming a law, section  
 516 1013.736, Florida Statutes, is created to read:

517 1013.736 District Effort Recognition Program.--

518 (1) RECOGNITION FUNDS.--From funds appropriated by the  
 519 Legislature, district effort recognition capital outlay grants  
 520 shall be made to eligible school districts in accordance with  
 521 the provisions of this section and the General Appropriations  
 522 Act. The funds appropriated in this section are not subject to  
 523 the provisions of s. 216.301.

524 (2) ELIGIBILITY.--Annually, the Department of Education  
 525 shall determine each district's compliance with the provisions  
 526 of s. 1003.03 and determine the district's eligibility to  
 527 receive a district effort recognition grant for local school  
 528 facilities projects pursuant to this section. Districts shall be  
 529 eligible for a district effort recognition grant based upon  
 530 participation in any of the following:

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



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533        (b) The district participates in the levy of the local  
534 government infrastructure sales surtax authorized in s.  
535 212.055(2).

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

539        (3) DISTRICT EFFORT RECOGNITION PROGRAM.--The department  
540 shall annually calculate a district effort amount for each  
541 district by September 1 after each fiscal year. The total amount  
542 of revenue for the prior year from each revenue levied as  
543 described in subsection (2) shall be divided by the number of  
544 months for which revenue was received and multiplied by the  
545 number of authorized months remaining in each voter referendum.  
546 The amount so determined for each revenue levied shall be  
547 totaled. The Department of Revenue shall report the amount of  
548 voter-approved revenue described in paragraphs(2)(a) and (b).  
549 The district shall report the amount of revenue described in  
550 paragraph (2)(b) identified for district fixed capital outlay in  
551 the prior fiscal year. To determine the amount of revenue levied  
552 pursuant to paragraph (2)(c), the district shall annually report  
553 to the Department of Education the outstanding debt service by  
554 bond series and date of maturity. The total of annual debt  
555 service to maturity remaining as of July 1 of each year shall be  
556 added to the other revenues levied pursuant to paragraphs (2)(a)  
557 and (b) in determining the total district effort amount. Only  
558 the amount of voter-approved revenue described in paragraph  
559 (2)(b) which has been identified for district fixed capital  
560 outlay from the prior fiscal year shall be used in the  
561 calculation.



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

567 (5) USE OF FUNDS.--School districts that do not meet the  
 568 constitutional class size maximums described in s. 1003.03(1)  
 569 must use the funds for capital outlay to reduce class size.  
 570 School districts that meet the constitutional class size maximum  
 571 may use the funds for any lawful capital outlay purpose.

572 Section 6. Section 1013.737, Florida Statutes, is created  
 573 to read:

574 1013.737 The Class Size Reduction Lottery Revenue Bond  
 575 Program.--There is established the Class Size Reduction Lottery  
 576 Revenue Bond Program.

577 (1) The issuance of revenue bonds is authorized to finance  
 578 or refinance the construction, acquisition, reconstruction, or  
 579 renovation of educational facilities. Such bonds shall be issued  
 580 pursuant to and in compliance with the provisions of s. 11(d),  
 581 Art. VII of the State Constitution, the provisions of the State  
 582 Bond Act, ss. 215.57-215.83, as amended, and the provisions of  
 583 this section.

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

589 (3) The state hereby covenants with the holders of such  
 590 revenue bonds that it will not take any action that will  
 591 materially and adversely affect the rights of such holders so



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592 long as bonds authorized by this section are outstanding. The  
 593 state does hereby additionally authorize the establishment of a  
 594 covenant in connection with the bonds which provides that any  
 595 additional funds received by the state from new or enhanced  
 596 lottery programs, video gaming, or other similar activities will  
 597 first be available for payments relating to bonds pledging  
 598 revenues available pursuant to s. 24.121(2), prior to use for  
 599 any other purpose.

600 (4) The bonds shall be issued by the Division of Bond  
 601 Finance of the State Board of Administration on behalf of the  
 602 Department of Education in such amount as shall be requested by  
 603 resolution of the State Board of Education. However, the total  
 604 principal amount of bonds, excluding refunding bonds, issued  
 605 pursuant to this section shall not exceed amounts specifically  
 606 authorized in the General Appropriations Act.

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

610 (6) The facilities to be financed with the proceeds of  
 611 such bonds are designated as state fixed capital outlay projects  
 612 for purposes of s. 11(d), Art. VII of the State Constitution,  
 613 and the specific facilities to be financed shall be determined  
 614 in accordance with state law and appropriations from the  
 615 Educational Enhancement Trust Fund. Projects shall be funded  
 616 from the Lottery Capital Outlay and Debt Service Trust Fund.  
 617 Each educational facility to be financed with the proceeds of  
 618 the bonds issued pursuant to this section is hereby approved as  
 619 required by s. 11(f), Art. VII of the State Constitution.

620 (7) Any complaint for validation of such bonds is required  
 621 to be filed only in the circuit court of the county where the



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622 seat of state government is situated. The notice required to be  
623 published by s. 75.06 is required to be published only in the  
624 county where the complaint is filed, and the complaint and order  
625 of the circuit court need be served only on the state attorney  
626 of the circuit in which the action is pending.

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

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

635 24.121 Allocation of revenues and expenditure of funds for  
636 public education.--

637 (2) Each fiscal year, at least 38 percent of the gross  
638 revenue from the sale of on-line lottery tickets, variable  
639 percentages of the gross revenue from the sale of instant  
640 lottery tickets as determined by the department consistent with  
641 subsection (1), and other earned revenue, excluding application  
642 processing fees, shall be deposited in the Educational  
643 Enhancement Trust Fund, which is hereby created in the State  
644 Treasury to be administered by the Department of Education. The  
645 Department of the Lottery shall transfer moneys to the  
646 Educational Enhancement Trust Fund at least once each quarter.  
647 Funds in the Educational Enhancement Trust Fund shall be used to  
648 the benefit of public education in accordance with the  
649 provisions of this act. Notwithstanding any other provision of  
650 law, ~~a maximum of \$180 million of~~ lottery revenues transferred  
651 to the Educational Enhancement Trust Fund ~~in fiscal year 1997-~~



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652 ~~1998 and for 30 years thereafter~~ shall be reserved as needed and  
 653 used to meet the requirements of the documents authorizing the  
 654 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,  
 655 or s. 1013.737 or distributed to school districts for the  
 656 Classrooms First Program as provided in s. 1013.68. Such lottery  
 657 revenues are hereby pledged to the payment of debt service on  
 658 bonds issued by the state pursuant to s. 1013.68, ~~or~~ s. 1013.70,  
 659 or s. 1013.737. Debt service payable on bonds issued by the  
 660 state pursuant to s. 1013.68, ~~or~~ s. 1013.70, or s. 1013.737  
 661 shall be payable from, and are secured by a first lien on, the  
 662 first lottery revenues transferred to the Educational  
 663 Enhancement Trust Fund in each fiscal year. Amounts  
 664 distributable to school districts that request the issuance of  
 665 bonds pursuant to s. 1013.68(3) are hereby pledged to such bonds  
 666 pursuant to s. 11(d), Art. VII of the State Constitution. ~~The~~  
 667 ~~amounts distributed through the Classrooms First Program shall~~  
 668 ~~equal \$145 million in each fiscal year. These funds are intended~~  
 669 ~~to provide up to \$2.5 billion for public school facilities.~~

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

672 121.091 Benefits payable under the system.--Benefits may  
 673 not be paid under this section unless the member has terminated  
 674 employment as provided in s. 121.021(39)(a) or begun  
 675 participation in the Deferred Retirement Option Program as  
 676 provided in subsection (13), and a proper application has been  
 677 filed in the manner prescribed by the department. The department  
 678 may cancel an application for retirement benefits when the  
 679 member or beneficiary fails to timely provide the information  
 680 and documents required by this chapter and the department's  
 681 rules. The department shall adopt rules establishing procedures



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682 for application for retirement benefits and for the cancellation  
683 of such application when the required information or documents  
684 are not received.

685 (13) DEFERRED RETIREMENT OPTION PROGRAM.--In general, and  
686 subject to the provisions of this section, the Deferred  
687 Retirement Option Program, hereinafter referred to as the DROP,  
688 is a program under which an eligible member of the Florida  
689 Retirement System may elect to participate, deferring receipt of  
690 retirement benefits while continuing employment with his or her  
691 Florida Retirement System employer. The deferred monthly  
692 benefits shall accrue in the System Trust Fund on behalf of the  
693 participant, plus interest compounded monthly, for the  
694 specified period of the DROP participation, as provided in  
695 paragraph (c). Upon termination of employment, the participant  
696 shall receive the total DROP benefits and begin to receive the  
697 previously determined normal retirement benefits. Participation  
698 in the DROP does not guarantee employment for the specified  
699 period of DROP. Participation in the DROP by an eligible member  
700 beyond the initial 60-month period as authorized in this  
701 subsection shall be on an annual contractual basis for all  
702 participants.

703 (a) Eligibility of member to participate in the DROP.--All  
704 active Florida Retirement System members in a regularly  
705 established position, and all active members of either the  
706 Teachers' Retirement System established in chapter 238 or the  
707 State and County Officers' and Employees' Retirement System  
708 established in chapter 122 which systems are consolidated within  
709 the Florida Retirement System under s. 121.011, are eligible to  
710 elect participation in the DROP provided that:





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711 1. The member is not a renewed member of the Florida  
712 Retirement System under s. 121.122, or a member of the State  
713 Community College System Optional Retirement Program under s.  
714 121.051, the Senior Management Service Optional Annuity Program  
715 under s. 121.055, or the optional retirement program for the  
716 State University System under s. 121.35.

717 2. Except as provided in subparagraph 6., election to  
718 participate is made within 12 months immediately following the  
719 date on which the member first reaches normal retirement date,  
720 or, for a member who reaches normal retirement date based on  
721 service before he or she reaches age 62, or age 55 for Special  
722 Risk Class members, election to participate may be deferred to  
723 the 12 months immediately following the date the member attains  
724 57, or age 52 for Special Risk Class members. For a member who  
725 first reached normal retirement date or the deferred eligibility  
726 date described above prior to the effective date of this  
727 section, election to participate shall be made within 12 months  
728 after the effective date of this section. A member who fails to  
729 make an election within such 12-month limitation period shall  
730 forfeit all rights to participate in the DROP. The member shall  
731 advise his or her employer and the division in writing of the  
732 date on which the DROP shall begin. Such beginning date may be  
733 subsequent to the 12-month election period, but must be within  
734 the 60-month or, with respect to members who are instructional  
735 personnel employed by the Florida School for the Deaf and the  
736 Blind and who have received authorization by the Board of  
737 Trustees of the Florida School for the Deaf and the Blind to  
738 participate in the DROP beyond 60 months, or who are  
739 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
740 grades K-12 and who have received authorization by the district



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741 superintendent to participate in the DROP beyond 60 months, the  
742 96-month limitation period as provided in subparagraph (b)1.  
743 When establishing eligibility of the member to participate in  
744 the DROP for the 60-month or, with respect to members who are  
745 instructional personnel employed by the Florida School for the  
746 Deaf and the Blind and who have received authorization by the  
747 Board of Trustees of the Florida School for the Deaf and the  
748 Blind to participate in the DROP beyond 60 months, or who are  
749 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
750 grades K-12 and who have received authorization by the district  
751 superintendent to participate in the DROP beyond 60 months, the  
752 96-month maximum participation period, the member may elect to  
753 include or exclude any optional service credit purchased by the  
754 member from the total service used to establish the normal  
755 retirement date. A member with dual normal retirement dates  
756 shall be eligible to elect to participate in DROP within 12  
757 months after attaining normal retirement date in either class.

758 3. The employer of a member electing to participate in the  
759 DROP, or employers if dually employed, shall acknowledge in  
760 writing to the division the date the member's participation in  
761 the DROP begins and the date the member's employment and DROP  
762 participation will terminate.

763 4. Simultaneous employment of a participant by additional  
764 Florida Retirement System employers subsequent to the  
765 commencement of participation in the DROP shall be permissible  
766 provided such employers acknowledge in writing a DROP  
767 termination date no later than the participant's existing  
768 termination date or the 60-month limitation period as provided  
769 in subparagraph (b)1.



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

772 a. A change of employment must take place without a break  
773 in service so that the member receives salary for each month of  
774 continuous DROP participation. If a member receives no salary  
775 during a month, DROP participation shall cease unless the  
776 employer verifies a continuation of the employment relationship  
777 for such participant pursuant to s. 121.021(39)(b).

778 b. Such participant and new employer shall notify the  
779 division on forms required by the division as to the identity of  
780 the new employer.

781 c. The new employer shall acknowledge, in writing, the  
782 participant's DROP termination date, which may be extended but  
783 not beyond the original 60-month or, with respect to members who  
784 are instructional personnel employed by the Florida School for  
785 the Deaf and the Blind and who have received authorization by  
786 the Board of Trustees of the Florida School for the Deaf and the  
787 Blind to participate in the DROP beyond 60 months, or who are  
788 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
789 grades K-12 and who have received authorization by the district  
790 superintendent to participate in the DROP beyond 60 months, the  
791 96-month period provided in subparagraph (b)1., shall  
792 acknowledge liability for any additional retirement  
793 contributions and interest required if the participant fails to  
794 timely terminate employment, and shall be subject to the  
795 adjustment required in sub-subparagraph (c)5.d.

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



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800 his or her employer and the division in writing of the date on  
801 which the Deferred Retirement Option Program shall begin. When  
802 establishing eligibility of the member to participate in the  
803 DROP for the 60-month or, with respect to members who are  
804 instructional personnel employed by the Florida School for the  
805 Deaf and the Blind and who have received authorization by the  
806 Board of Trustees of the Florida School for the Deaf and the  
807 Blind to participate in the DROP beyond 60 months, or who are  
808 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
809 grades K-12 and who have received authorization by the district  
810 superintendent to participate in the DROP beyond 60 months, the  
811 96-month maximum participation period, as provided in  
812 subparagraph (b)1., the member may elect to include or exclude  
813 any optional service credit purchased by the member from the  
814 total service used to establish the normal retirement date. A  
815 member with dual normal retirement dates shall be eligible to  
816 elect to participate in either class.

817 (b) Participation in the DROP.--

818 1. An eligible member may elect to participate in the DROP  
819 for a period not to exceed a maximum of 60 calendar months or,  
820 with respect to members who are instructional personnel employed  
821 by the Florida School for the Deaf and the Blind and who have  
822 received authorization by the Board of Trustees of the Florida  
823 School for the Deaf and the Blind to participate in the DROP  
824 beyond 60 months, or who are instructional personnel as defined  
825 in s. 1012.01(2)(a)-(d) in grades K-12 and who have received  
826 authorization by the district superintendent to participate in  
827 the DROP beyond 60 months, 96 months immediately following the  
828 date on which the member first reaches his or her normal  
829 retirement date or the date to which he or she is eligible to



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830 defer his or her election to participate as provided in  
831 subparagraph (a)2. However, a member who has reached normal  
832 retirement date prior to the effective date of the DROP shall be  
833 eligible to participate in the DROP for a period of time not to  
834 exceed 60 calendar months or, with respect to members who are  
835 instructional personnel employed by the Florida School for the  
836 Deaf and the Blind and who have received authorization by the  
837 Board of Trustees of the Florida School for the Deaf and the  
838 Blind to participate in the DROP beyond 60 months, or who are  
839 instructional personnel as defined in s. 1012.01(2)(a)-(d) in  
840 grades K-12 and who have received authorization by the district  
841 superintendent to participate in the DROP beyond 60 months, 96  
842 months immediately following the effective date of the DROP,  
843 except a member of the Special Risk Class who has reached normal  
844 retirement date prior to the effective date of the DROP and  
845 whose total accrued value exceeds 75 percent of average final  
846 compensation as of his or her effective date of retirement shall  
847 be eligible to participate in the DROP for no more than 36  
848 calendar months immediately following the effective date of the  
849 DROP.

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

- 852 a. A written election to participate in the DROP;
- 853 b. Selection of the DROP participation and termination  
854 dates, which satisfy the limitations stated in paragraph (a) and  
855 subparagraph 1. Such termination date shall be in a binding  
856 letter of resignation with the employer, establishing a deferred  
857 termination date. The member may change the termination date  
858 within the limitations of subparagraph 1., but only with the  
859 written approval of his or her employer;



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

862 d. Any other information required by the division.

863 3. The DROP participant shall be a retiree under the  
864 Florida Retirement System for all purposes, except for paragraph  
865 (5)(f) and subsection (9) and ss. 112.3173, 112.363, 121.053,  
866 and 121.122. However, participation in the DROP does not alter  
867 the participant's employment status and such employee shall not  
868 be deemed retired from employment until his or her deferred  
869 resignation is effective and termination occurs as provided in  
870 s. 121.021(39).

871 4. Elected officers shall be eligible to participate in  
872 the DROP subject to the following:

873 a. An elected officer who reaches normal retirement date  
874 during a term of office may defer the election to participate in  
875 the DROP until the next succeeding term in that office. Such  
876 elected officer who exercises this option may participate in the  
877 DROP for up to 60 calendar months or a period of no longer than  
878 such succeeding term of office, whichever is less.

879 b. An elected or a nonelected participant may run for a  
880 term of office while participating in DROP and, if elected,  
881 extend the DROP termination date accordingly, except, however,  
882 if such additional term of office exceeds the 60-month  
883 limitation established in subparagraph 1., and the officer does  
884 not resign from office within such 60-month limitation, the  
885 retirement and the participant's DROP shall be null and void as  
886 provided in sub-subparagraph(c)5.d.

887 c. An elected officer who is dually employed and elects to  
888 participate in DROP shall be required to satisfy the definition  
889 of termination within the 60-month or, with respect to members



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890 who are instructional personnel employed by the Florida School  
 891 for the Deaf and the Blind and who have received authorization  
 892 by the Board of Trustees of the Florida School for the Deaf and  
 893 the Blind to participate in the DROP beyond 60 months, or who  
 894 are instructional personnel as defined in s. 1012.01(2)(a)-(d)  
 895 in grades K-12 and who have received authorization by the  
 896 district superintendent to participate in the DROP beyond 60  
 897 months, the 96-month limitation period as provided in  
 898 subparagraph 1. for the nonelected position and may continue  
 899 employment as an elected officer as provided in s. 121.053. The  
 900 elected officer will be enrolled as a renewed member in the  
 901 Elected Officers' Class or the Regular Class, as provided in ss.  
 902 121.053 and 121.22, on the first day of the month after  
 903 termination of employment in the nonelected position and  
 904 termination of DROP. Distribution of the DROP benefits shall be  
 905 made as provided in paragraph(c).

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

907 1. Effective with the date of DROP participation, the  
 908 member's initial normal monthly benefit, including creditable  
 909 service, optional form of payment, and average final  
 910 compensation, and the effective date of retirement shall be  
 911 fixed. The beneficiary established under the Florida Retirement  
 912 System shall be the beneficiary eligible to receive any DROP  
 913 benefits payable if the DROP participant dies prior to the  
 914 completion of the period of DROP participation. In the event a  
 915 joint annuitant predeceases the member, the member may name a  
 916 beneficiary to receive accumulated DROP benefits payable. Such  
 917 retirement benefit, the annual cost of living adjustments  
 918 provided in s. 121.101, and interest shall accrue monthly in the  
 919 System Trust Fund. Such interest shall accrue at an effective



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920 annual rate of 6.5 percent compounded monthly, on the prior  
921 month's accumulated ending balance, up to the month of  
922 termination or death.

923 2. Each employee who elects to participate in the DROP  
924 shall be allowed to elect to receive a lump-sum payment for  
925 accrued annual leave earned in accordance with agency policy  
926 upon beginning participation in the DROP. Such accumulated leave  
927 payment certified to the division upon commencement of DROP  
928 shall be included in the calculation of the member's average  
929 final compensation. The employee electing such lump-sum payment  
930 upon beginning participation in DROP will not be eligible to  
931 receive a second lump-sum payment upon termination, except to  
932 the extent the employee has earned additional annual leave which  
933 combined with the original payment does not exceed the maximum  
934 lump-sum payment allowed by the employing agency's policy or  
935 rules. Such early lump-sum payment shall be based on the hourly  
936 wage of the employee at the time he or she begins participation  
937 in the DROP. If the member elects to wait and receive such lump-  
938 sum payment upon termination of DROP and termination of  
939 employment with the employer, any accumulated leave payment made  
940 at that time cannot be included in the member's retirement  
941 benefit, which was determined and fixed by law when the employee  
942 elected to participate in the DROP.

943 3. The effective date of DROP participation and the  
944 effective date of retirement of a DROP participant shall be the  
945 first day of the month selected by the member to begin  
946 participation in the DROP, provided such date is properly  
947 established, with the written confirmation of the employer, and  
948 the approval of the division, on forms required by the division.





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949 4. Normal retirement benefits and interest thereon shall  
950 continue to accrue in the DROP until the established termination  
951 date of the DROP, or until the participant terminates employment  
952 or dies prior to such date. Although individual DROP accounts  
953 shall not be established, a separate accounting of each  
954 participant's accrued benefits under the DROP shall be  
955 calculated and provided to participants.

956 5. At the conclusion of the participant's DROP, the  
957 division shall distribute the participant's total accumulated  
958 DROP benefits, subject to the following provisions:

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

962 b. The terminated DROP participant or, if deceased, such  
963 participant's named beneficiary, shall elect on forms provided  
964 by the division to receive payment of the DROP benefits in  
965 accordance with one of the options listed below. For a  
966 participant or beneficiary who fails to elect a method of  
967 payment within 60 days of termination of the DROP, the division  
968 will pay a lump sum as provided in sub-sub-subparagraph (I).

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

972 (II) Direct rollover.--All accrued DROP benefits, plus  
973 interest, shall be paid from the DROP directly to the custodian  
974 of an eligible retirement plan as defined in s. 402(c)(8)(B) of  
975 the Internal Revenue Code. However, in the case of an eligible  
976 rollover distribution to the surviving spouse of a deceased  
977 participant, an eligible retirement plan is an individual



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978 retirement account or an individual retirement annuity as  
979 described in s. 402(c)(9) of the Internal Revenue Code.

980 (III) Partial lump sum.--A portion of the accrued DROP  
981 benefits shall be paid to the DROP participant or surviving  
982 spouse, less withholding taxes remitted to the Internal Revenue  
983 Service, and the remaining DROP benefits shall be transferred  
984 directly to the custodian of an eligible retirement plan as  
985 defined in s. 402(c)(8)(B) of the Internal Revenue Code.  
986 However, in the case of an eligible rollover distribution to the  
987 surviving spouse of a deceased participant, an eligible  
988 retirement plan is an individual retirement account or an  
989 individual retirement annuity as described in s. 402(c)(9) of  
990 the Internal Revenue Code. The proportions shall be specified by  
991 the DROP participant or surviving beneficiary.

992 c. The form of payment selected by the DROP participant or  
993 surviving beneficiary complies with the minimum distribution  
994 requirements of the Internal Revenue Code.

995 d. A DROP participant who fails to terminate employment as  
996 defined in s. 121.021(39)(b) shall be deemed not to be retired,  
997 and the DROP election shall be null and void. Florida  
998 Retirement System membership shall be reestablished  
999 retroactively to the date of the commencement of the DROP, and  
1000 each employer with whom the participant continues employment  
1001 shall be required to pay to the System Trust Fund the difference  
1002 between the DROP contributions paid in paragraph (i) and the  
1003 contributions required for the applicable Florida Retirement  
1004 System class of membership during the period the member  
1005 participated in the DROP, plus 6.5 percent interest compounded  
1006 annually.



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1007 6. The accrued benefits of any DROP participant, and any  
1008 contributions accumulated under such program, shall not be  
1009 subject to assignment, execution, attachment, or to any legal  
1010 process whatsoever, except for qualified domestic relations  
1011 orders by a court of competent jurisdiction, income deduction  
1012 orders as provided in s. 61.1301, and federal income tax levies.

1013 7. DROP participants shall not be eligible for disability  
1014 retirement benefits as provided in subsection (4).

1015 (d) Death benefits under the DROP.--

1016 1. Upon the death of a DROP participant, the named  
1017 beneficiary shall be entitled to apply for and receive the  
1018 accrued benefits in the DROP as provided in sub-subparagraph  
1019 (c)5.b.

1020 2. The normal retirement benefit accrued to the DROP  
1021 during the month of a participant's death shall be the final  
1022 monthly benefit credited for such DROP participant.

1023 3. Eligibility to participate in the DROP terminates upon  
1024 death of the participant. If the participant dies on or after  
1025 the effective date of enrollment in the DROP, but prior to the  
1026 first monthly benefit being credited to the DROP, Florida  
1027 Retirement System benefits shall be paid in accordance with  
1028 subparagraph (7)(c)1. or subparagraph 2.

1029 4. A DROP participants' survivors shall not be eligible to  
1030 receive Florida Retirement System death benefits as provided in  
1031 paragraph (7)(d).

1032 (e) Cost-of-living adjustment.--On each July 1, the  
1033 participants' normal retirement benefit shall be increased as  
1034 provided in s. 121.101.

1035 (f) Retiree health insurance subsidy.--DROP participants  
1036 are not eligible to apply for the retiree health insurance



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1037 subsidy payments as provided in s. 112.363 until such  
1038 participants have terminated employment and participation in the  
1039 DROP.

1040 (g) Renewed membership.--DROP participants shall not be  
1041 eligible for renewed membership in the Florida Retirement System  
1042 under ss. 121.053 and 121.122 until termination of employment is  
1043 effectuated as provided in s. 121.021(39)(b).

1044 (h) Employment limitation after DROP participation.--Upon  
1045 satisfying the definition of termination of employment as  
1046 provided in s. 121.021(39)(b), DROP participants shall be  
1047 subject to such reemployment limitations as other retirees.  
1048 Reemployment restrictions applicable to retirees as provided in  
1049 subsection (9) shall not apply to DROP participants until their  
1050 employment and participation in the DROP are terminated.

1051 (i) Contributions.--

1052 1. All employers paying the salary of a DROP participant  
1053 filling a regularly established position shall contribute 8.0  
1054 percent of such participant's gross compensation for the period  
1055 of July 1, 2002, through June 30, 2003, and 11.56 percent of  
1056 such compensation thereafter, which shall constitute the entire  
1057 employer DROP contribution with respect to such participant.  
1058 Such contributions, payable to the System Trust Fund in the same  
1059 manner as required in s. 121.071, shall be made as appropriate  
1060 for each pay period and are in addition to contributions  
1061 required for social security and the Retiree Health Insurance  
1062 Subsidy Trust Fund. Such employer, social security, and health  
1063 insurance subsidy contributions are not included in the DROP.

1064 2. The employer shall, in addition to subparagraph 1.,  
1065 also withhold one-half of the entire social security  
1066 contribution required for the participant. Contributions for



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1067 social security by each participant and each employer, in the  
1068 amount required for social security coverage as now or hereafter  
1069 provided by the federal Social Security Act, shall be in  
1070 addition to contributions specified in subparagraph 1.

1071 3. All employers paying the salary of a DROP participant  
1072 filling a regularly established position shall contribute the  
1073 percent of such participant's gross compensation required in s.  
1074 121.071(4), which shall constitute the employer's health  
1075 insurance subsidy contribution with respect to such participant.  
1076 Such contributions shall be deposited by the administrator in  
1077 the Retiree Health Insurance Subsidy Trust Fund.

1078 (j) Forfeiture of retirement benefits.--Nothing in this  
1079 section shall be construed to remove DROP participants from the  
1080 scope of s. 8(d), Art. II of the State Constitution, s.  
1081 112.3173, and paragraph (5)(f). DROP participants who commit a  
1082 specified felony offense while employed will be subject to  
1083 forfeiture of all retirement benefits, including DROP benefits,  
1084 pursuant to those provisions of law.

1085 (k) Administration of program.--The division shall make  
1086 such rules as are necessary for the effective and efficient  
1087 administration of this subsection. The division shall not be  
1088 required to advise members of the federal tax consequences of an  
1089 election related to the DROP but may advise members to seek  
1090 independent advice.

1091 Section 9. Paragraph (b) of subsection (3) and paragraphs  
1092 (a) and (d) of present subsection (6) of section 220.187,  
1093 Florida Statutes, are amended, present subsections (5), (6), and  
1094 (7) of that section are redesignated as subsections(6), (7), and  
1095 (8), respectively, and a new subsection (5) is added to that  
1096 section, to read:



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1097 220.187 Credits for contributions to nonprofit  
 1098 scholarship-funding organizations.--

1099 (3) AUTHORIZATION TO GRANT SCHOLARSHIP FUNDING TAX  
 1100 CREDITS; LIMITATIONS ON INDIVIDUAL AND TOTAL CREDITS.--

1101 (b) The total amount of tax credits and carryforward of  
 1102 tax credits ~~credit~~ which may be granted each state fiscal year  
 1103 under this section is \$88 ~~\$50~~ million.

1104 (5) PARENT OBLIGATIONS.--As a condition for scholarship  
 1105 payment pursuant to paragraph (4)(g), if the parent chooses for  
 1106 his or her child to attend an eligible nonpublic school, the  
 1107 parent must inform the child's school district within 15 days  
 1108 after such decision.

1109 ~~(7)~~(6) ADMINISTRATION; RULES.--

1110 (a) If the credit granted pursuant to this section is not  
 1111 fully used in any one year because of insufficient tax liability  
 1112 on the part of the corporation, the unused amount may ~~not~~ be  
 1113 carried forward for a period not to exceed 3 years; however, any  
 1114 taxpayer that seeks to carry forward an unused amount of tax  
 1115 credit must submit an application for allocation of tax credits  
 1116 or carryforward credits as required in paragraph (d) in the year  
 1117 that the taxpayer intends to use the carryforward. The total  
 1118 amount of tax credits and carryforward of tax credits granted  
 1119 each state fiscal year under this section is \$88 million. This  
 1120 carryforward applies to all approved contributions made after  
 1121 January 1, 2002. A taxpayer may not convey, assign, or transfer  
 1122 the credit authorized by this section to another entity unless  
 1123 all of the assets of the taxpayer are conveyed, assigned, or  
 1124 transferred in the same transaction.

1125 (d) The department shall adopt rules necessary to  
 1126 administer this section, including rules establishing



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1127 application forms and procedures and governing the allocation of  
 1128 tax credits and carryforward credits under this section on a  
 1129 first-come, first-served basis.

1130 Section 10. Paragraph (i) is added to subsection (1) of  
 1131 section 1003.02, Florida Statutes, and subsection (4) of that  
 1132 section is amended, to read:

1133 1003.02 District school board operation and control of  
 1134 public K-12 education within the school district.--As provided  
 1135 in part II of chapter 1001, district school boards are  
 1136 constitutionally and statutorily charged with the operation and  
 1137 control of public K-12 education within their school district.  
 1138 The district school boards must establish, organize, and operate  
 1139 their public K-12 schools and educational programs, employees,  
 1140 and facilities. Their responsibilities include staff  
 1141 development, public K-12 school student education including  
 1142 education for exceptional students and students in juvenile  
 1143 justice programs, special programs, adult education programs,  
 1144 and career and technical education programs. Additionally,  
 1145 district school boards must:

1146 (1) Provide for the proper accounting for all students of  
 1147 school age, for the attendance and control of students at  
 1148 school, and for proper attention to health, safety, and other  
 1149 matters relating to the welfare of students in the following  
 1150 fields:

1151 (i) Parental notification of acceleration mechanisms.--At  
 1152 the beginning of each school year, notify parents of students in  
 1153 or entering high school of the opportunity and benefits of  
 1154 advanced placement, International Baccalaureate, Advanced  
 1155 International Certificate of Education, dual enrollment, and  
 1156 Florida Virtual School courses.



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1157           (4) ~~For any school within the district that is not in~~  
1158 ~~compliance with the small school size requirements of chapter~~  
1159 ~~1013,~~ In order to reduce the anonymity of students in large  
1160 schools, adopt policies that encourage subdivision of the school  
1161 into schools-within-a-school, which shall operate within  
1162 existing resources. A "school-within-a-school" means an  
1163 operational program that uses flexible scheduling, team  
1164 planning, and curricular and instructional innovation to  
1165 organize groups of students with groups of teachers as smaller  
1166 units, so as to functionally operate as a smaller school.  
1167 Examples of this include, but are not limited to:

1168           (a) An organizational arrangement assigning both students  
1169 and teachers to smaller units in which the students take some or  
1170 all of their coursework with their fellow grouped students and  
1171 from the teachers assigned to the smaller unit. A unit may be  
1172 grouped together for 1 year or on a vertical, multiyear basis.

1173           (b) An organizational arrangement similar to that  
1174 described in paragraph(a) with additional variations in  
1175 instruction and curriculum. The smaller unit usually seeks to  
1176 maintain a program different from that of the larger school, or  
1177 of other smaller units. It may be vertically organized, but is  
1178 dependent upon the school principal for its existence, budget,  
1179 and staff.

1180           (c) A separate and autonomous smaller unit formally  
1181 authorized by the district school board or district school  
1182 superintendent. The smaller unit plans and runs its own program,  
1183 has its own staff and students, and receives its own separate  
1184 budget. The smaller unit must negotiate the use of common space  
1185 with the larger school and defer to the building principal on  
1186 matters of safety and building operation.





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1187 Section 11. Paragraphs (i) and (j) of subsection (1) of  
 1188 section 1003.43, Florida Statutes, are amended to read:

1189 1003.43 General requirements for high school graduation.--

1190 (1) Graduation requires successful completion of either a  
 1191 minimum of 24 academic credits in grades 9 through 12 or an  
 1192 International Baccalaureate curriculum. The 24 credits shall be  
 1193 distributed as follows:

1194 (i) One-half credit in life management skills to include  
 1195 consumer education, positive emotional development, marriage and  
 1196 relationship skill-based education, nutrition, parenting skills,  
 1197 prevention of human immunodeficiency virus infection and  
 1198 acquired immune deficiency syndrome and other sexually  
 1199 transmissible diseases, benefits of sexual abstinence and  
 1200 consequences of teenage pregnancy, information and instruction  
 1201 on breast cancer detection and breast self-examination,  
 1202 cardiopulmonary resuscitation, drug education, and the hazards  
 1203 of smoking. ~~Such credit shall be given for a course to be taken~~  
 1204 ~~by all students in either the 9th or 10th grade.~~

1205 (j) One credit in physical education to include  
 1206 assessment, improvement, and maintenance of personal fitness.  
 1207 Participation in an interscholastic sport at the junior varsity  
 1208 or varsity level, for two full seasons, shall satisfy the one-  
 1209 credit requirement in physical education if the student passes a  
 1210 competency test on personal fitness with a score of "C" or  
 1211 better. The competency test on personal fitness must be  
 1212 developed by the Department of Education. A district school  
 1213 board may not require that the one credit in physical education  
 1214 be taken during the 9th grade year. Completion of one semester  
 1215 with a grade of "C" or better in a marching band class, or ~~or~~ in a  
 1216 physical activity class that requires participation in marching



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1217 band activities as an extracurricular activity, or in a Reserve  
 1218 Officer Training Corps (R.O.T.C.) class a significant component  
 1219 of which is drills shall satisfy a one-half credit requirement  
 1220 in physical education. This one-half credit may not be used to  
 1221 satisfy the personal fitness requirement or the requirement for  
 1222 adaptive physical education under an individual educational plan  
 1223 (IEP) or 504 plan.

1224  
 1225 District school boards may award a maximum of one-half credit in  
 1226 social studies and one-half elective credit for student  
 1227 completion of nonpaid voluntary community or school service  
 1228 work. Students choosing this option must complete a minimum of  
 1229 75 hours of service in order to earn the one-half credit in  
 1230 either category of instruction. Credit may not be earned for  
 1231 service provided as a result of court action. District school  
 1232 boards that approve the award of credit for student volunteer  
 1233 service shall develop guidelines regarding the award of the  
 1234 credit, and school principals are responsible for approving  
 1235 specific volunteer activities. A course designated in the Course  
 1236 Code Directory as grade 9 through grade 12 that is taken below  
 1237 the 9th grade may be used to satisfy high school graduation  
 1238 requirements or Florida Academic Scholars award requirements as  
 1239 specified in a district school board's student progression plan.  
 1240 A student shall be granted credit toward meeting the  
 1241 requirements of this subsection for equivalent courses, as  
 1242 identified pursuant to s. 1007.271(6), taken through dual  
 1243 enrollment.

1244 Section 12. Section 1003.429, Florida Statutes, is created  
 1245 to read:

1246 1003.429 Accelerated high school graduation options.--



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1247 (1) Beginning with the 2003-2004 school year, all students  
1248 scheduled to graduate in 2004 and thereafter may select one of  
1249 the following three high school graduation options:

1250 (a) Completion of the general requirements for high school  
1251 graduation pursuant to s. 1003.43;

1252 (b) Completion of a 3-year standard college preparatory  
1253 program requiring successful completion of a minimum of 18  
1254 academic credits in grades 9 through 12. The 18 credits shall  
1255 be primary requirements and shall be distributed as follows:

1256 1. Four credits in English, with major concentration in  
1257 composition and literature;

1258 2. Three credits in mathematics at the Algebra I level or  
1259 higher from the list of courses that qualify for state  
1260 university admission;

1261 3. Three credits in natural science, two of which must  
1262 have a laboratory component;

1263 4. Three credits in social sciences;

1264 5. Two credits in the same second language unless the  
1265 student is a native speaker of or can otherwise demonstrate  
1266 competency in a language other than English. If the student  
1267 demonstrates competency in another language, the student may  
1268 replace the language requirement with two credits in other  
1269 academic courses; and

1270 6. Three credits in electives; or

1271 (c) Completion of a 3-year career preparatory program  
1272 requiring successful completion of a minimum of 18 academic  
1273 credits in grades 9 through 12. The 18 credits shall be primary  
1274 requirements and shall be distributed as follows:

1275 1. Four credits in English, with major concentration in  
1276 composition and literature;



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- 1277       2. Three credits in mathematics, one of which must be  
1278 Algebra I;
- 1279       3. Three credits in natural science, two of which must  
1280 have a laboratory component;
- 1281       4. Three credits in social sciences;
- 1282       5. Two credits in the same second language unless the  
1283 student is a native speaker of or can otherwise demonstrate  
1284 competency in a language other than English. If the student  
1285 demonstrates competency in another language, the student may  
1286 replace the language requirement with two credits in other  
1287 academic courses; and
- 1288       6. Three credits in electives.
- 1289       (2) Beginning with the 2003-2004 school year, each  
1290 district school board shall provide each student in grades 6  
1291 through 12 and their parents with the 3-year and 4-year high  
1292 school graduation options listed in subsection (1) with  
1293 curriculum for the students and parents to select the  
1294 postsecondary education or career plan that best fits their  
1295 needs. The options shall include a timeframe for achieving each  
1296 graduation option.
- 1297       (3) Selection of one of the graduation options listed in  
1298 subsection (1) is exclusively up to the student and parent. If  
1299 the student and parent fail to select a graduation option, the  
1300 student shall be considered to have selected the general  
1301 requirements for high school graduation pursuant to paragraph  
1302 (1)(a).
- 1303       (4) District school boards shall not establish  
1304 requirements for accelerated 3-year high school graduation  
1305 options in excess of the requirements in paragraphs (1)(b) and  
1306 (1)(c).



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1307 (5) Students pursuing accelerated 3-year high school  
 1308 graduation options pursuant to paragraph (1)(b) or paragraph  
 1309 (1)(c) are required to:

1310 (a) Earn passing scores on the FCAT as defined in s.  
 1311 1008.22(3)(c).

1312 (b) Achieve a cumulative grade point average of 2.0 on a  
 1313 4.0 scale, or its equivalent, in the courses required by the  
 1314 chosen accelerated 3-year high school graduation option pursuant  
 1315 to paragraph (1)(b) or paragraph(1)(c).

1316 (6) A student who meets all requirements prescribed in  
 1317 subsections (1) and (5) shall be awarded a standard diploma in a  
 1318 form prescribed by the State Board of Education.

1319 Section 13. Paragraphs (a) and (b) of subsection (1) and  
 1320 subsection (2) of section 1007.261, Florida Statutes, are  
 1321 amended to read:

1322 1007.261 State universities; admissions of students.--Each  
 1323 university board of trustees is authorized to adopt rules  
 1324 governing the admission of students, subject to this section and  
 1325 rules of the State Board of Education.

1326 (1) Minimum academic standards for undergraduate admission  
 1327 to a university include:

1328 (a) Each student must have received a high school diploma  
 1329 pursuant to s. 1003.429 or s. 1003.43, or its equivalent, except  
 1330 as provided in s. 1007.271(2)-(5) or completed a home education  
 1331 program according to s. 1002.41.

1332 (b) Each student must have successfully completed a  
 1333 college-preparatory curriculum of 18 ~~19~~ credits, which shall  
 1334 include, but not be limited to, four credits in English, with  
 1335 major concentration in composition and literature; three credits  
 1336 in mathematics; three credits in natural science, two of which



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1337 must have a laboratory component; three credits in social  
1338 sciences; and two credits in the same second language as defined  
1339 in rules of the State Board of Education, including at least 2  
1340 credits of sequential foreign language at the secondary level or  
1341 the equivalent of such instruction at the postsecondary level. A  
1342 student who completes a home education program according to s.  
1343 1002.41 is not required to document completion of the 18 ~~19~~  
1344 credits required by this paragraph. A student whose native  
1345 language is not English is exempt from the foreign language  
1346 requirement, provided that the student demonstrates proficiency  
1347 in the native language. If a standardized test is not available  
1348 in the student's native language for the demonstration of  
1349 proficiency, the university may provide an alternative method of  
1350 assessment. The State Board of Education shall adopt rules for  
1351 the articulation of foreign language competency and equivalency  
1352 between secondary and postsecondary institutions. A student who  
1353 received an associate in arts degree prior to September 1, 1989,  
1354 or who enrolled in a program of studies leading to an associate  
1355 degree from a community college prior to August 1, 1989, and  
1356 maintains continuous enrollment shall be exempt from this  
1357 admissions requirement.

1358 (2) The minimum admission standards adopted by the State  
1359 Board of Education or a university board of trustees must permit  
1360 a student to earn at least 3 ~~4~~ of the 18 ~~19~~ credits constituting  
1361 the college-preparatory curriculum required for admission as  
1362 electives in any one of the following manners:

1363 (a) Successful completion of any course identified in the  
1364 Department of Education course code directory as level two or  
1365 higher in one or more of the following subject areas: English,



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1366 mathematics, natural science, social science, and foreign  
 1367 language;

1368 (b) Successful completion of any course identified in the  
 1369 Department of Education course code directory as level three in  
 1370 the same or related disciplines;

1371 (c) Any combination of the courses identified in  
 1372 paragraphs (a) and (b); or

1373 (d) Successful completion of two credits from the courses  
 1374 identified in paragraph (a), plus no more than two total credits  
 1375 from the following categories of courses:

1376 1. Courses identified in the Department of Education  
 1377 course code directory as ROTC and military training;

1378 2. Courses identified in the Department of Education  
 1379 course code directory as level two in art-visual arts, dance,  
 1380 drama-theatre arts, language arts, or music; or

1381 3. Any additional courses determined to be equivalent by  
 1382 the Department of Education.

1383 Section 14. Paragraph (a) of subsection (1) of section  
 1384 1003.436, Florida Statutes, is amended to read:

1385 1003.436 Definition of "credit".--

1386 (1)(a) For the purposes of requirements for high school  
 1387 graduation, one full credit means a minimum of 135 hours of bona  
 1388 fide instruction in a designated course of study that contains  
 1389 student performance standards. One full credit means a minimum  
 1390 of 120 hours of bona fide instruction in a designated course of  
 1391 study that contains student performance standards for purposes  
 1392 of meeting high school graduation requirements in a district  
 1393 school that has been authorized to implement block scheduling by  
 1394 the district school board. The State Board of Education shall  
 1395 determine the number of postsecondary credit hours earned



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1396 through dual enrollment pursuant to s. 1007.271 that satisfy the  
 1397 requirements of a district's interinstitutional articulation  
 1398 agreement according to s. 1007.235 and that equal one full  
 1399 credit of the equivalent high school course identified pursuant  
 1400 to s. 1007.271(6).

1401 Section 15. Paragraph (b) of subsection (5) of section  
 1402 1011.62, Florida Statutes, is amended to read:

1403 1011.62 Funds for operation of schools.--If the annual  
 1404 allocation from the Florida Education Finance Program to each  
 1405 district for operation of schools is not determined in the  
 1406 annual appropriations act or the substantive bill implementing  
 1407 the annual appropriations act, it shall be determined as  
 1408 follows:

1409 (5) CATEGORICAL FUNDS.--

1410 (b) ~~For fiscal year 2002-2003,~~ If a district school board  
 1411 finds and declares in a resolution adopted at a regular meeting  
 1412 of the school board that the funds received for any of the  
 1413 following categorical appropriations are urgently needed to  
 1414 maintain school board specified academic classroom instruction,  
 1415 the school board may consider and approve an amendment to the  
 1416 school district operating budget transferring the identified  
 1417 amount of the categorical funds to the appropriate account for  
 1418 expenditure:

- 1419 1. Funds for student transportation.
- 1420 2. Funds for in-service educational personnel training.
- 1421 3. Funds for safe schools.
- 1422 4. Funds for public school technology.
- 1423 ~~5. Funds for teacher recruitment and retention.~~
- 1424 5.6. Funds for supplemental academic instruction.





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1425 Section 16. Section 1011.69, Florida Statutes, is amended  
 1426 to read:

1427 1011.69 Equity in School-Level Funding Act.--

1428 (1) This section may be cited as the "Equity in School-  
 1429 Level Funding Act."

1430 (2)(a) ~~Beginning in the 2000-2001 fiscal year, district~~  
 1431 ~~school boards shall allocate to each school within the district~~  
 1432 ~~at least 50 percent of the funds generated by that school based~~  
 1433 ~~upon the Florida Education Finance Program as provided in s.~~  
 1434 ~~1011.62 and the General Appropriations Act, including gross~~  
 1435 ~~state and local funds, discretionary lottery funds, and funds~~  
 1436 ~~from the school district's current operating discretionary~~  
 1437 ~~millage levy.~~

1438 (b) ~~Beginning in the 2001-2002 fiscal year, district~~  
 1439 ~~school boards shall allocate to each school within the district~~  
 1440 ~~at least 65 percent of the funds generated by that school based~~  
 1441 ~~upon the Florida Education Finance Program as provided in s.~~  
 1442 ~~1011.62 and the General Appropriations Act, including gross~~  
 1443 ~~state and local funds, discretionary lottery funds, and funds~~  
 1444 ~~from the school district's current operating discretionary~~  
 1445 ~~millage levy.~~

1446 (c) ~~Beginning in the 2002-2003 fiscal year, district~~  
 1447 ~~school boards shall allocate to each school within the district~~  
 1448 ~~at least 80 percent of the funds generated by that school based~~  
 1449 ~~upon the Florida Education Finance Program as provided in s.~~  
 1450 ~~1011.62 and the General Appropriations Act, including gross~~  
 1451 ~~state and local funds, discretionary lottery funds, and funds~~  
 1452 ~~from the school district's current operating discretionary~~  
 1453 ~~millage levy.~~



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1454       ~~(d)~~ Beginning in the 2003-2004 fiscal year, district  
1455 school boards shall allocate to schools ~~each school~~ within the  
1456 district an average of at least 90 percent of the funds  
1457 generated by all schools and guarantee that each school receives  
1458 at least 80 percent of the funds generated by that school based  
1459 upon the Florida Education Finance Program as provided in s.  
1460 1011.62 and the General Appropriations Act, including gross  
1461 state and local funds, discretionary lottery funds, and funds  
1462 from the school district's current operating discretionary  
1463 millage levy. Total funding for each school shall be  
1464 recalculated during the year to reflect the revised calculations  
1465 under the Florida Education Finance Program by the state and the  
1466 actual weighted full-time equivalent students reported by the  
1467 school during the full-time equivalent student survey periods  
1468 designated by the Commissioner of Education. If the district  
1469 school board is providing programs or services to students  
1470 funded by federal funds, any eligible students enrolled in the  
1471 schools in the district shall be provided federal funds. Only  
1472 academic performance-based charter school ~~these districts that~~  
1473 ~~initially applied for charter school district status~~, pursuant  
1474 to s. 1003.62, ~~and have been approved by the State Board of~~  
1475 ~~Education~~ are exempt from the provisions of this section.

1476       (3) Funds allocated to a school pursuant to this section  
1477 that are unused at the end of the fiscal year shall not revert  
1478 to the district, but shall remain with the school. These  
1479 carryforward funds may be used for any purpose provided by law  
1480 at the discretion of the principal of the school.

1481       (4) The following funds are excluded from the school-level  
1482 allocation under this section:



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1483 ~~(4) Recommendations made by the Governor's Equity in~~  
1484 ~~Educational Opportunity Task Force shall be reviewed to identify~~  
1485 ~~potential categorical funds to be included in the district~~  
1486 ~~allocation methodology required in subsection (2).~~

1487 (a)(5) Funds appropriated in the General Appropriations  
1488 Act for supplemental academic instruction to be used for the  
1489 purposes described in s. 1011.62(1)(f); and

1490 (b) Funds appropriated in the General Appropriations Act  
1491 for the class size reduction operating categorical fund  
1492 established in s. 1011.685 are excluded from the school-level  
1493 allocation under this section.

1494 Section 17. Subsection (13) is added to section 1013.03,  
1495 Florida Statutes, to read:

1496 1013.03 Functions of the department.--The functions of the  
1497 Department of Education as it pertains to educational facilities  
1498 shall include, but not be limited to, the following:

1499 (13) By October 1, 2003, review all rules related to  
1500 school construction to identify requirements that are outdated,  
1501 obsolete, unnecessary, or otherwise could be amended in order to  
1502 provide additional flexibility to school districts to comply  
1503 with the constitutional class size maximums described in s.  
1504 1003.03(1) and make recommendations concerning such rules to the  
1505 State Board of Education. The State Board of Education shall act  
1506 on such recommendations by December 31, 2003.

1507 Section 18. Paragraph (d) is added to subsection (1) of  
1508 section 1013.31, Florida Statutes, to read:

1509 1013.31 Educational plant survey; localized need  
1510 assessment; PECO project funding.--

1511 (1) At least every 5 years, each board shall arrange for  
1512 an educational plant survey, to aid in formulating plans for



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1513 housing the educational program and student population, faculty,  
 1514 administrators, staff, and auxiliary and ancillary services of  
 1515 the district or campus, including consideration of the local  
 1516 comprehensive plan. The Office of Workforce and Economic  
 1517 Development shall document the need for additional career and  
 1518 adult education programs and the continuation of existing  
 1519 programs before facility construction or renovation related to  
 1520 career or adult education may be included in the educational  
 1521 plant survey of a school district or community college that  
 1522 delivers career or adult education programs. Information used by  
 1523 the Office of Workforce and Economic Development to establish  
 1524 facility needs must include, but need not be limited to, labor  
 1525 market data, needs analysis, and information submitted by the  
 1526 school district or community college.

1527 (d) Periodic update of Florida Inventory of School  
 1528 Houses.--School districts shall periodically update their  
 1529 inventory of educational facilities as new capacity becomes  
 1530 available and as unsatisfactory space is eliminated. The State  
 1531 Board of Education shall adopt rules to determine the time frame  
 1532 in which districts must provide a periodic update.

1533 Section 19. Subsections (2) and (3) of section 1002.37,  
 1534 Florida Statutes, are amended, present subsections (4), (5), and  
 1535 (6) are redesignated as subsections (5),(6), and (7),  
 1536 respectively, and new subsections (3) and (4) are added to that  
 1537 section to read:

1538 1002.37 The Florida Virtual School.--

1539 (2) The Florida Virtual School shall be governed by a  
 1540 board of trustees comprised of seven members appointed by the  
 1541 Governor to 4-year staggered terms. The board of trustees shall  
 1542 be a public agency entitled to sovereign immunity pursuant to s.



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1543 768.28, and board members shall be public officers who shall  
1544 bear fiduciary responsibility for the Florida Virtual School.  
1545 The board of trustees shall have the following powers and  
1546 duties:

1547 (a)1. The board of trustees shall meet at least 4 times  
1548 each year, upon the call of the chair, or at the request of a  
1549 majority of the membership.

1550 2. The fiscal year for the Florida Virtual School shall be  
1551 the state fiscal year as provided in s. 216.011(1)(o).

1552 (b) The board of trustees shall be responsible for the  
1553 Florida Virtual School's development of a state-of-the-art  
1554 technology-based education delivery system that is cost-  
1555 effective, educationally sound, marketable, and capable of  
1556 sustaining a self-sufficient delivery system through the Florida  
1557 Education Finance Program, ~~by fiscal year 2003-2004. The school~~  
1558 ~~shall collect and report data for all students served and credit~~  
1559 ~~awarded. This data shall be segregated by private, public, and~~  
1560 ~~home education students by program. Information shall also be~~  
1561 ~~collected that reflects any other school in which a virtual~~  
1562 ~~school student is enrolled.~~

1563 (c) The board of trustees shall aggressively seek avenues  
1564 to generate revenue to support its future endeavors, and shall  
1565 enter into agreements with distance learning providers. The  
1566 board of trustees may acquire, enjoy, use, and dispose of  
1567 patents, copyrights, and trademarks and any licenses and other  
1568 rights or interests thereunder or therein. Ownership of all such  
1569 patents, copyrights, trademarks, licenses, and rights or  
1570 interests thereunder or therein shall vest in the state, with  
1571 the board of trustees having full right of use and full right to  
1572 retain the revenues derived therefrom. Any funds realized from



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1573 patents, copyrights, trademarks, or licenses shall be considered  
 1574 internal funds as provided in s. 1011.07. Such funds shall be  
 1575 used to support the school's marketing and research and  
 1576 development activities in order to improve courseware and  
 1577 services to its students.

1578 (d) The board of trustees shall be responsible for the  
 1579 administration and control of all local school funds derived  
 1580 from all activities or sources and shall prescribe the  
 1581 principles and procedures to be followed in administering these  
 1582 funds. annually prepare and submit to the State Board of  
 1583 ~~Education a legislative budget request, including funding~~  
 1584 ~~requests for computers for public school students who do not~~  
 1585 ~~have access to public school computers, in accordance with~~  
 1586 ~~chapter 216 and s. 1013.60. The legislative budget request of~~  
 1587 ~~the Florida Virtual School shall be prepared using the same~~  
 1588 ~~format, procedures, and timelines required for the submission of~~  
 1589 ~~the legislative budget of the Department of Education. Nothing~~  
 1590 ~~in this section shall be construed to guarantee a computer to~~  
 1591 ~~any individual student.~~

1592 (e) The Florida Virtual School may accrue supplemental  
 1593 revenue from supplemental support organizations, which include,  
 1594 but are not limited to, alumni associations, foundations,  
 1595 parent-teacher associations, and booster associations. The  
 1596 governing body of each supplemental support organization shall  
 1597 recommend the expenditure of moneys collected by the  
 1598 organization for the benefit of the school. Such expenditures  
 1599 shall be contingent upon the review of the executive director.  
 1600 The executive director may override any proposed expenditure of  
 1601 the organization that would violate Florida law or breach sound  
 1602 educational management.



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1603        (f)~~(e)~~ In accordance with law and rules of the State Board  
1604 of Education, the board of trustees shall administer and  
1605 maintain personnel programs for all employees of the board of  
1606 trustees and the Florida Virtual School. The board of trustees  
1607 may adopt rules, policies, and procedures related to the  
1608 appointment, employment, and removal of personnel.

1609            1. The board of trustees shall determine the compensation,  
1610 including salaries and fringe benefits, and other conditions of  
1611 employment for such personnel.

1612            2. The board of trustees may establish and maintain a  
1613 personnel loan or exchange program by which persons employed by  
1614 the board of trustees for the Florida Virtual School as academic  
1615 administrative and instructional staff may be loaned to, or  
1616 exchanged with persons employed in like capacities by, public  
1617 agencies either within or without this state, or by private  
1618 industry. With respect to public agency employees, the program  
1619 authorized by this subparagraph shall be consistent with the  
1620 requirements of part II of chapter 112. The salary and benefits  
1621 of board of trustees personnel participating in the loan or  
1622 exchange program shall be continued during the period of time  
1623 they participate in a loan or exchange program, and such  
1624 personnel shall be deemed to have no break in creditable or  
1625 continuous service or employment during such time. The salary  
1626 and benefits of persons participating in the personnel loan or  
1627 exchange program who are employed by public agencies or private  
1628 industry shall be paid by the originating employers of those  
1629 participants, and such personnel shall be deemed to have no  
1630 break in creditable or continuous service or employment during  
1631 such time.



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1632 3. The employment of all Florida Virtual School academic  
1633 administrative and instructional personnel shall be subject to  
1634 rejection for cause by the board of trustees, and shall be  
1635 subject to policies of the board of trustees relative to  
1636 certification, tenure, leaves of absence, sabbaticals,  
1637 remuneration, and such other conditions of employment as the  
1638 board of trustees deems necessary and proper, not inconsistent  
1639 with law.

1640 4. Each person employed by the board of trustees in an  
1641 academic administrative or instructional capacity with the  
1642 Florida Virtual School shall be entitled to a contract as  
1643 provided by rules of the board of trustees.

1644 5. All employees except temporary, seasonal, and student  
1645 employees may be state employees for the purpose of being  
1646 eligible to participate in the Florida Retirement System and  
1647 receive benefits. The classification and pay plan, including  
1648 terminal leave and other benefits, and any amendments thereto,  
1649 shall be subject to review and approval by the Department of  
1650 Management Services and the Executive Office of the Governor  
1651 prior to adoption. ~~In the event that the board of trustees~~  
1652 ~~assumes responsibility for governance pursuant to this section~~  
1653 ~~before approval is obtained, employees shall be compensated~~  
1654 ~~pursuant to the system in effect for the employees of the fiscal~~  
1655 ~~agent.~~

1656 (g)~~(f)~~ The board of trustees shall establish priorities  
1657 for admission of students in accordance with paragraph (1)(b).

1658 (h)~~(g)~~ The board of trustees shall establish and  
1659 distribute to all school districts and high schools in the state  
1660 procedures for enrollment of students in courses offered by the  
1661 Florida Virtual School. ~~Such procedures shall be designed to~~





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1662 ~~minimize paperwork and fairly resolve the issue of double~~  
1663 ~~funding students taking courses on-line.~~

1664 (i) The board of trustees shall establish criteria  
1665 defining the elements of an approved franchise. The board of  
1666 trustees may enter into franchise agreements with Florida  
1667 district school boards and may establish the terms and  
1668 conditions governing such agreements. The board of trustees  
1669 shall establish the performance and accountability measures and  
1670 report the performance of each school district franchise to the  
1671 Commissioner of Education.

1672 (j)(h) The board of trustees shall ~~annually~~ submit to the  
1673 State Board of Education both forecasted and actual enrollments  
1674 and credit completions for the Florida Virtual School, according  
1675 to procedures established by the State Board of Education. At a  
1676 minimum, such procedures must include the number of public,  
1677 private, and home education students served by program and by  
1678 county of residence district.

1679 (k)(i) The board of trustees shall provide for the content  
1680 and custody of student and employee personnel records. Student  
1681 records shall be subject to the provisions of s. 1002.22.  
1682 Employee records shall be subject to the provisions of s.  
1683 1012.31.

1684 (l)(j) The financial records and accounts of the Florida  
1685 Virtual School shall be maintained under the direction of the  
1686 board of trustees and under rules adopted by the State Board of  
1687 Education for the uniform system of financial records and  
1688 accounts for the schools of the state.

1689  
1690 The Governor shall designate the initial chair of the board of  
1691 trustees to serve a term of 4 years. Members of the board of



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1692 trustees shall serve without compensation, but may be reimbursed  
1693 for per diem and travel expenses pursuant to s. 112.061. The  
1694 board of trustees shall be a body corporate with all the powers  
1695 of a body corporate and such authority as is needed for the  
1696 proper operation and improvement of the Florida Virtual School.  
1697 The board of trustees is specifically authorized to adopt rules,  
1698 policies, and procedures, consistent with law and rules of the  
1699 State Board of Education related to governance, personnel,  
1700 budget and finance, administration, programs, curriculum and  
1701 instruction, travel and purchasing, technology, students,  
1702 contracts and grants, and property as necessary for optimal,  
1703 efficient operation of the Florida Virtual School. Tangible  
1704 personal property owned by the board of trustees shall be  
1705 subject to the provisions of chapter 273.

1706 (3) Funding for the Florida Virtual School shall be  
1707 provided as follows:

1708 (a) A "full-time equivalent student" for the Florida  
1709 Virtual School is one student who has successfully completed six  
1710 credits that shall count toward the minimum number of credits  
1711 required for high school graduation. A student who completes  
1712 less than six credits shall be a fraction of a full-time  
1713 equivalent student. Half credit completions shall be included in  
1714 determining a full-time equivalent student. Credit completed by  
1715 a student in excess of the minimum required for that student for  
1716 high school graduation is not eligible for funding.

1717 (b) Full-time equivalent student credit completed through  
1718 the Florida Virtual School, including credits completed during  
1719 the summer, shall be reported to the Department of Education in  
1720 the manner prescribed by the department and shall be funded  
1721 through the Florida Education Finance Program.



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1722 (c) School districts may not limit student access to  
1723 courses offered through the Florida Virtual School.

1724 (d) Full-time equivalent student credit completion for  
1725 courses offered through the Florida Virtual School shall be  
1726 reported only by the Florida Virtual School. School districts  
1727 shall report full-time equivalent student membership only for  
1728 courses for which the district provides the instruction.

1729 (e) The district cost differential as provided in s.  
1730 1011.62(2) shall be established as 1.000.

1731 (f) The Florida Virtual School shall receive funds for  
1732 operating purposes in an amount determined as follows: multiply  
1733 the maximum allowable nonvoted discretionary millage for  
1734 operations pursuant to s. 1011.71(1) by the value of 95 percent  
1735 of the current year's taxable value for school purposes for the  
1736 state; divide the result by the total full-time equivalent  
1737 membership of the state; and multiply the result by the full-  
1738 time equivalent membership of the school. The amount thus  
1739 obtained shall be discretionary operating funds and shall be  
1740 appropriated from state funds in the General Appropriations Act.

1741 (g) The Florida Virtual School shall receive additional  
1742 state funds as may be provided in the General Appropriations  
1743 Act.

1744 (h) In addition to the funds provided in the General  
1745 Appropriations Act, the Florida Virtual School may receive other  
1746 funds from grants and donations.

1747 ~~(3)(a) Until fiscal year 2003-2004, the Commissioner of~~  
1748 ~~Education shall include the Florida Virtual School as a grant-~~  
1749 ~~in-aid appropriation in the department's legislative budget~~  
1750 ~~request to the State Board of Education, the Governor, and the~~



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1751 ~~Legislature, subject to any guidelines imposed in the General~~  
 1752 ~~Appropriations Act.~~

1753 ~~(b) The Orange County District School Board shall be the~~  
 1754 ~~temporary fiscal agent of the Florida Virtual School.~~

1755 (4) School districts operating a virtual school that is an  
 1756 approved franchise of the Florida Virtual School may count full-  
 1757 time equivalent students, as provided in paragraph (3)(a), if  
 1758 such school has been certified as an approved franchise by the  
 1759 Commissioner of Education based on criteria established by the  
 1760 board of trustees pursuant to paragraph (2)(i).

1761 Section 20. Paragraph (c) of subsection (1) of section  
 1762 1011.61, Florida Statutes, is amended to read:

1763 1011.61 Definitions.--Notwithstanding the provisions of s.  
 1764 1000.21, the following terms are defined as follows for the  
 1765 purposes of the Florida Education Finance Program:

1766 (1) A "full-time equivalent student" in each program of  
 1767 the district is defined in terms of full-time students and part-  
 1768 time students as follows:

1769 (c)1. A "full-time equivalent student" is:

1770 a. A full-time student in any one of the programs listed  
 1771 in s. 1011.62(1)(c); or

1772 b. A combination of full-time or part-time students in any  
 1773 one of the programs listed in s. 1011.62(1)(c) which is the  
 1774 equivalent of one full-time student based on the following  
 1775 calculations:

1776 (I) A full-time student, except a postsecondary or adult  
 1777 student or a senior high school student enrolled in adult  
 1778 education when such courses are required for high school  
 1779 graduation, in a combination of programs listed in s.

1780 1011.62(1)(c) shall be a fraction of a full-time equivalent



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1781 membership in each special program equal to the number of net  
1782 hours per school year for which he or she is a member, divided  
1783 by the appropriate number of hours set forth in subparagraph  
1784 (a)1. or subparagraph (a)2. The difference between that fraction  
1785 or sum of fractions and the maximum value as set forth in  
1786 subsection (4) for each full-time student is presumed to be the  
1787 balance of the student's time not spent in such special  
1788 education programs and shall be recorded as time in the  
1789 appropriate basic program.

1790 (II) A prekindergarten handicapped student shall meet the  
1791 requirements specified for kindergarten students.

1792 (III) A Florida Virtual School full-time equivalent  
1793 student shall consist of six full credit completions in the  
1794 programs listed in s. 1011.62(1)(c)1. and 4. Credit completions  
1795 can be a combination of either full credits or half credits.

1796 2. A student in membership in a program scheduled for more  
1797 or less than 180 school days is a fraction of a full-time  
1798 equivalent membership equal to the number of instructional hours  
1799 in membership divided by the appropriate number of hours set  
1800 forth in subparagraph (a)1.; however, for the purposes of this  
1801 subparagraph, membership in programs scheduled for more than 180  
1802 days is limited to students enrolled in juvenile justice  
1803 education programs and the Florida Virtual School.

1804  
1805 The department shall determine and implement an equitable method  
1806 of equivalent funding for experimental schools and for schools  
1807 operating under emergency conditions, which schools have been  
1808 approved by the department to operate for less than the minimum  
1809 school day.



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1810           Section 21. Florida Business and Education in School  
1811 Together (Florida BEST) Program.--

1812           (1) In order to increase business partnerships in  
1813 education, to reduce school and classroom overcrowding  
1814 throughout the state, and to offset the high costs of  
1815 educational facilities construction, the Legislature intends to  
1816 encourage the formation of partnerships between business and  
1817 education by creating the Florida Business and Education in  
1818 School Together (Florida BEST) Program.

1819           (2) Each school board shall, through advertisements in  
1820 local media and other means, request proposals from area  
1821 businesses to allow the operation of a business and education  
1822 partnership school in facilities owned or operated by the  
1823 business.

1824           (3) Each school district shall establish a Florida BEST  
1825 school evaluation committee.

1826           (a) The committee shall be appointed by the school board  
1827 and be composed of one school district administrator, at least  
1828 one member of the business community, and at least one member of  
1829 a local chamber of commerce.

1830           (b) The committee shall evaluate the feasibility of each  
1831 proposal, including the operating cost, number of students to be  
1832 served, proposed student-to-teacher ratio, proposed number of  
1833 years the satellite school would operate, and any other  
1834 operational or facilities considerations the school board or  
1835 committee deems appropriate.

1836           (c) The committee shall recommend to the school board  
1837 those proposals for satellite schools which the committee deems  
1838 viable and worthy of being established. The school board must



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1839 take official action on the recommendation of the committee  
1840 within 60 days after receipt of the recommendation.

1841 (4) A "Florida Business and Education in School Together  
1842 (Florida BEST) school" is defined as a public school offering  
1843 instruction to students from kindergarten through third grade.  
1844 The school may offer instruction in any single grade level or  
1845 for multiple grade levels. Florida BEST schools shall comply  
1846 with the constitutional class size requirements.

1847 (a) First priority for admission of students to the  
1848 Florida BEST school shall be given to the children of owners and  
1849 employees of the host business. If additional student capacity  
1850 remains after those children are admitted, the host business may  
1851 choose which other neighboring businesses may also participate  
1852 to generate a viable number of students for the school. The  
1853 school board shall make the necessary arrangements to  
1854 accommodate students from other school districts whose parents  
1855 are associated with the host business or business partners.

1856 (b) Parents shall be responsible for providing  
1857 transportation to and from school for the students.

1858 (5) A multiyear contract for operation of the Florida BEST  
1859 school may be entered into between the school district and the  
1860 host business. The contract must at least include provisions  
1861 relating to any cost of facilities modifications, provide for  
1862 the assignment or waiver of appropriate insurance costs, specify  
1863 the number of students expected to be served, provide grounds  
1864 for canceling the lease, and specify the advance notice required  
1865 before the school may be closed.

1866 (a) The school board shall be responsible for providing  
1867 the appropriate instructional, support, and administrative staff  
1868 and textbooks, materials, and supplies. The school district may



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1869 also agree to operate or contract for the operation of a before  
 1870 school and after school program using the donated facilities.

1871 (b) The host business shall provide the appropriate types  
 1872 of space for operating the school. If special facilities, such  
 1873 as restrooms or dining, recreational, or other areas are  
 1874 required, the district may contribute a part of the cost of the  
 1875 construction, remodeling, or renovation for such facilities from  
 1876 capital outlay funds of the district. A multiyear lease for  
 1877 operation of the facility must be agreed to if the school  
 1878 district contributes to the cost of such construction.

1879 Section 22. Notwithstanding any local government ordinance  
 1880 or regulation, any business or corporation may expand the square  
 1881 footage or floor area of its current or proposed facility to  
 1882 accommodate a Florida Business and Education in School Together  
 1883 (Florida BEST) school. Facilities constructed to house a Florida  
 1884 BEST school must comply with the State Uniform Building Code for  
 1885 Educational Facilities Construction adopted pursuant to section  
 1886 1013.37, Florida Statutes, and must meet state and local health,  
 1887 environmental, and safety laws and codes.

1888 Section 23. Subsection (13) of section 1002.33, Florida  
 1889 Statutes, as created by section 98 of chapter 2002-387, Laws of  
 1890 Florida; section 1012.41, Florida Statutes, as created by  
 1891 section 716 of chapter 2002-387, Laws of Florida; section  
 1892 1013.43, Florida Statutes, as created by section 842 of chapter  
 1893 2002-387, Laws of Florida; and section 1012.73, Florida  
 1894 Statutes, as created by section 751 of chapter 2002-387, Laws of  
 1895 Florida, are repealed.

1896 Section 24. Subsection (13) is added to section 216.292,  
 1897 Florida Statutes, to read:

1898 216.292 Appropriations nontransferable; exceptions.--





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1899       (13) The Executive Office of the Governor shall transfer  
 1900 funds from appropriations for public school operations to a  
 1901 fixed capital outlay appropriation for class size reduction  
 1902 based on recommendations of the Florida Education Finance  
 1903 Program Appropriation Allocation Conference or the Legislative  
 1904 Budget Commission pursuant to s. 1003.03(4)(a). This subsection  
 1905 is subject to the notice and review provisions of s. 216.177.

1906           Section 25. Section 1003.62, Florida Statutes, is amended  
 1907 to read:

1908           1003.62 Academic performance-based charter school  
 1909 districts ~~pilot program~~.--The State Board of Education may ~~is~~  
 1910 ~~authorized to~~ enter into a performance contract with ~~up to six~~  
 1911 district school boards as authorized in this section for the  
 1912 purpose of establishing them as academic performance-based  
 1913 charter school districts. ~~The State Board of Education shall~~  
 1914 ~~give priority to Hillsborough and Volusia Counties upon the~~  
 1915 ~~submission of a completed precharter agreement or charter~~  
 1916 ~~proposal for a charter school district~~. The purpose of this  
 1917 section pilot program is to examine a new relationship between  
 1918 the State Board of Education and district school boards that  
 1919 will ~~may~~ produce significant improvements in student achievement  
 1920 ~~and school management~~, while complying with constitutional and  
 1921 statutory requirements assigned to each entity.

1922           (1) ACADEMIC PERFORMANCE-BASED CHARTER SCHOOL DISTRICT.--

1923           (a) A school district shall be eligible for designation as  
 1924 an academic performance-based charter school district if it is a  
 1925 high-performing school district in which a minimum of 50 percent  
 1926 of the schools earn a performance grade category "A" or "B" and  
 1927 in which no school earns a performance grade category "D" or "F"  
 1928 for 2 consecutive years pursuant to s. 1008.34. Schools that



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1929 receive a performance grade category "I" or "N" shall not be  
 1930 included in this calculation. The performance contract for a  
 1931 school district that earns a charter based on school performance  
 1932 grades shall be predicated on maintenance of at least 50 percent  
 1933 of the schools in the school district earning a performance  
 1934 grade category "A" or "B" with no school in the school district  
 1935 earning a performance grade category "D" or "F" for 2  
 1936 consecutive years. A school district in which the number of  
 1937 schools that earn a performance grade of "A" or "B" is less than  
 1938 50 percent may have its charter renewed for 1 year; however, if  
 1939 the percentage of "A" or "B" schools is less than 50 percent for  
 1940 2 consecutive years, the charter shall not be renewed.

1941 (b) A school district that satisfies the eligibility  
 1942 criteria for designation as an academic performance-based  
 1943 charter school district may be so designated upon a super  
 1944 majority vote by ~~in Florida in which~~ the district school board  
 1945 after having ~~has~~ submitted and the State Board of Education  
 1946 having ~~has~~ approved a charter proposal that exchanges statutory  
 1947 and rule exemption, as authorized by this section, for agreement  
 1948 to meet performance goals in the proposal. The academic  
 1949 performance-based charter school district shall be chartered for  
 1950 1 year ~~3 years~~, at the end of which the performance shall be  
 1951 evaluated. If maintenance of high-performing school district  
 1952 status pursuant to paragraph (a) is not documented in accordance  
 1953 with State Board of Education rule, the charter shall not be  
 1954 renewed.

1955 (2) EXEMPTION FROM STATUTES AND RULES.--

1956 (a) An academic performance-based charter school district  
 1957 shall operate in accordance with its charter and shall be exempt  
 1958 from certain State Board of Education rules and statutes if the



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1959 State Board of Education determines such an exemption will  
 1960 assist the district in maintaining or improving its high  
 1961 performing status pursuant to paragraph (1)(a). However, the  
 1962 State Board of Education may not exempt an academic performance-  
 1963 based charter school district from any of the following  
 1964 statutes:

1965 1. Those statutes pertaining to the provision of services  
 1966 to students with disabilities.

1967 2. Those statutes pertaining to civil rights, including s.  
 1968 1000.05, relating to discrimination.

1969 3. Those statutes pertaining to student health, safety,  
 1970 and welfare.

1971 4. Those statutes governing the election or compensation  
 1972 of district school board members.

1973 5. Those statutes pertaining to the student assessment  
 1974 program and the school grading system, including chapter 1008.

1975 6. Those statutes pertaining to financial matters,  
 1976 including chapter 1010.

1977 7. Those statutes pertaining to planning and budgeting,  
 1978 including chapter 1011, except that ss. 1011.64 and 1011.69  
 1979 shall be eligible for exemption.

1980 8. Sections 1012.22(1)(c) and 1012.27(2), relating to  
 1981 performance-pay policies for school administrators and  
 1982 instructional personnel. Professional service contracts shall be  
 1983 subject to the provisions of ss. 1012.33 and 1012.34.

1984 9. Those statutes pertaining to educational facilities,  
 1985 including chapter 1013, except as specified under contract with  
 1986 the State Board of Education. However, no contractual provision  
 1987 that could have the effect of requiring the appropriation of



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1988 additional capital outlay funds to the academic performance-  
 1989 based charter school district shall be valid.

1990 (b) Additionally, an academic performance-based charter  
 1991 school district shall be in compliance with the following  
 1992 statutes:

1993 1. Section 286.011, relating to public meetings and  
 1994 records, public inspection, and criminal and civil penalties.

1995 2. Those statutes pertaining to public records, including  
 1996 chapter 119.

1997 3. Those statutes pertaining to financial disclosure by  
 1998 elected officials.

1999 4. Those statutes pertaining to conflicts of interest by  
 2000 elected officials. Charter school districts shall be exempt from  
 2001 state statutes and specified State Board of Education rules. The  
 2002 district school board of a charter school district shall not be  
 2003 exempt from any statute governing election of district school  
 2004 board members, public meetings and public records requirements,  
 2005 financial disclosure, conflicts of interest, operation in the  
 2006 sunshine, or any provisions outside the Florida K-20 Education  
 2007 Code.

2008 (3) GOVERNING BOARD.--The governing board of the academic  
 2009 performance-based charter school district shall be the duly  
 2010 elected district school board. The district school board shall  
 2011 be responsible for supervising the schools in the academic  
 2012 performance-based charter school district and may convert is  
 2013 authorized to charter each of its existing public schools to  
 2014 charter schools pursuant to s. 1002.33, ~~apply for deregulation~~  
 2015 ~~of its public schools pursuant to s. 1003.63,~~ or otherwise  
 2016 establish performance-based contractual relationships with its



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2017 public schools for the purpose of giving them greater autonomy  
2018 with accountability for performance.

2019 (4) PRECHARTER AGREEMENT.--The State Board of Education  
2020 may is authorized to approve a precharter agreement that grants  
2021 with a potential charter district. The agreement may grant  
2022 limited flexibility and direction for developing the full  
2023 academic performance-based charter proposal.

2024 (5) ANNUAL REPORT BY CHARTER SCHOOL DISTRICT.--Each school  
2025 district chartered pursuant to this section shall transmit an  
2026 annual report to the State Board of Education that delineates  
2027 the performance of the school district relative to the  
2028 performance goals contained in the charter agreement. The annual  
2029 report shall be transmitted to the Commissioner of Education and  
2030 shall be due each year on the anniversary date of the charter  
2031 agreement.

2032 ~~(5) TIME PERIOD FOR PILOT.~~--The pilot program shall be  
2033 authorized for a period of 3 full school years commencing with  
2034 award of a charter. The charter may be renewed upon action of  
2035 the State Board of Education.

2036 (6) REPORTS.--The State Board of Education shall annually  
2037 report on the performance of each academic performance-based  
2038 implementation of the charter school district pilot program.  
2039 Biennially Upon the completion of the first 3-year term, the  
2040 State Board of Education, through the Commissioner of Education,  
2041 shall submit to the Legislature a full evaluation of the  
2042 effectiveness of granting academic performance-based charter  
2043 school district status the program.

2044 (7) PILOT PROGRAM CHARTER SCHOOL DISTRICTS; GRANDFATHER  
2045 PROVISION.--The State Board of Education shall use the criteria  
2046 approved in the initial charter applications issued to the



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2047 school districts of Volusia, Hillsborough, Orange, and Palm  
 2048 Beach Counties to renew those pilot program charter school  
 2049 districts in accordance with this subsection. No additional  
 2050 pilot program charter school districts shall be approved, and  
 2051 the pilot program consists solely of school districts in  
 2052 Volusia, Hillsborough, Orange, and Palm Beach Counties. The  
 2053 termination of the charter school districts pilot program is  
 2054 effective July 1, 2007, or upon the end of a 5-year renewal  
 2055 contract issued by the State Board of Education to the Volusia  
 2056 County, Hillsborough County, Orange County, or Palm Beach County  
 2057 school district prior to July 1, 2003, whichever is later.

2058 ~~(8)(7)~~ RULEMAKING.--The State Board of Education may adopt  
 2059 ~~shall have the authority to enact~~ rules to implement this  
 2060 section in accordance with ss. 120.536 and 120.54.

2061 Section 26. Paragraphs (b) and (d) of subsection (6) of  
 2062 section 1013.64, Florida Statutes, are amended to read:

2063 1013.64 Funds for comprehensive educational plant needs;  
 2064 construction cost maximums for school district capital  
 2065 projects.--Allocations from the Public Education Capital Outlay  
 2066 and Debt Service Trust Fund to the various boards for capital  
 2067 outlay projects shall be determined as follows:

2068 (6)

2069 (b)1. A district school board, including a district school  
 2070 board of an academic performance-based charter school district,  
 2071 must not use funds from the following sources: Public Education  
 2072 Capital Outlay and Debt Service Trust Fund; ~~or the~~ School  
 2073 District and Community College District Capital Outlay and Debt  
 2074 Service Trust Fund; Classrooms First Program funds provided in  
 2075 s. 1013.68; effort index grant funds provided in s. 1013.73;  
 2076 nonvoted 2-mill levy of ad valorem property taxes provided in s.



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2077 1011.71(2); Classrooms for Kids Infrastructure Program funds  
 2078 provided in s. 1013.735; or District Effort Recognition Program  
 2079 funds provided in s. 1013.736 for any new construction of  
 2080 educational plant space with a total cost per student station,  
 2081 including change orders, that equals more than:

- 2082 a. \$12,755 ~~\$11,600~~ for an elementary school,
- 2083 b. \$14,624 ~~\$13,300~~ for a middle school, or
- 2084 c. \$19,352 ~~\$17,600~~ for a high school,

2085  
 2086 (January 2002 ~~1997~~) as adjusted annually to reflect increases or  
 2087 decreases in ~~by~~ the Consumer Price Index.

2088 2. A district school board must not use funds from the  
 2089 Public Education Capital Outlay and Debt Service Trust Fund or  
 2090 the School District and Community College District Capital  
 2091 Outlay and Debt Service Trust Fund for any new construction of  
 2092 an ancillary plant that exceeds 70 percent of the average cost  
 2093 per square foot of new construction for all schools.

2094 (d) The department shall:

2095 1. Compute for each calendar year the statewide average  
 2096 construction costs for facilities serving each instructional  
 2097 level, for relocatable educational facilities, for  
 2098 administrative facilities, and for other ancillary and auxiliary  
 2099 facilities. The department shall compute the statewide average  
 2100 costs per student station for each instructional level.

2101 2. Annually review the actual completed construction costs  
 2102 of educational facilities in each school district. For any  
 2103 school district in which the total actual cost per student  
 2104 station, including change orders, exceeds the statewide limits  
 2105 established in paragraph (b), the school district shall report  
 2106 to the department the actual cost per student station and the



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2107 reason for the school district's inability to adhere to the  
2108 limits established in paragraph (b). The department shall  
2109 collect all such reports and shall report to the Governor, the  
2110 President of the Senate, and the Speaker of the House of  
2111 Representatives by December 31 of each year a summary of each  
2112 school district's spending in excess of the cost per student  
2113 station provided in paragraph (b) as reported by the school  
2114 districts.

2115

2116 Cost per student station includes contract costs, legal and  
2117 administrative costs, fees of architects and engineers,  
2118 furniture and equipment, and site improvement costs. Cost per  
2119 student station does not include the cost of purchasing or  
2120 leasing the site for the construction or the cost of related  
2121 offsite improvements.

2122 Section 27. Section 1000.041, Florida Statutes, is created  
2123 to read:

2124 1000.041 Better Educated Students and Teachers (BEST)  
2125 Florida Teaching; legislative purposes; guiding principles.--The  
2126 legislative purposes and guiding principles of BEST Florida  
2127 Teaching are:

2128 (1) Teachers lead, students learn.

2129 (2) Teachers maintain orderly, disciplined classrooms  
2130 conducive to student learning.

2131 (3) Teachers are trained, recruited, well compensated, and  
2132 retained for quality.

2133 (4) Teachers are well rewarded for their students' high  
2134 performance.

2135 (5) Teachers are most effective when served by exemplary  
2136 school administrators.





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2137  
2138 Each teacher preparation program, each postsecondary educational  
2139 institution providing dual enrollment or other acceleration  
2140 programs, each district school board, and each district and  
2141 school-based administrator fully supports and cooperates in the  
2142 accomplishment of these purposes and guiding principles.

2143 Section 28. Section 1001.33, Florida Statutes, is amended  
2144 to read:

2145 1001.33 Schools under control of district school board and  
2146 district school superintendent.--

2147 (1) Except as otherwise provided by law, all public  
2148 schools conducted within the district shall be under the  
2149 direction and control of the district school board with the  
2150 district school superintendent as executive officer.

2151 (2) Each district school board, each district school  
2152 superintendent, and each district and school-based administrator  
2153 shall cooperate to apply the following guiding principles of  
2154 Better Educated Students and Teachers (BEST) Florida Teaching:

2155 (a) Teachers lead, students learn.

2156 (b) Teachers maintain orderly, disciplined classrooms  
2157 conducive to student learning.

2158 (c) Teachers are trained, recruited, well compensated, and  
2159 retained for quality.

2160 (d) Teachers are well rewarded for their students' high  
2161 performance.

2162 (e) Teachers are most effective when served by exemplary  
2163 school administrators.

2164 Section 29. Subsections (5), (6), and (20) of section  
2165 1001.42, Florida Statutes, are amended to read:



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2166 1001.42 Powers and duties of district school board.--The  
 2167 district school board, acting as a board, shall exercise all  
 2168 powers and perform all duties listed below:

2169 (5) PERSONNEL.--

2170 (a) Designate positions to be filled, prescribe  
 2171 qualifications for those positions, and provide for the  
 2172 appointment, compensation, promotion, suspension, and dismissal  
 2173 of employees, subject to the requirements of chapter 1012. A  
 2174 district school board is encouraged to provide clerical  
 2175 personnel or volunteers who are not classroom teachers to assist  
 2176 teachers in noninstructional activities, including performing  
 2177 paperwork and recordkeeping duties. However, a teacher shall  
 2178 remain responsible for all instructional activities and for  
 2179 classroom management and grading student performance.

2180 (b) Notwithstanding s. 1012.55 or any other provision of  
 2181 law or rule to the contrary and, ~~the district school board may,~~  
 2182 consistent with adopted district school board policy relating to  
 2183 alternative certification for school principals, have the  
 2184 authority to appoint persons to the position of school principal  
 2185 who do not hold educator certification.

2186 (c) Fully support and cooperate in the application of the  
 2187 guiding principles of Better Educated Students and Teachers  
 2188 (BEST) Florida Teaching, pursuant to s. 1000.041.

2189 (6) STUDENT ~~CHILD~~ WELFARE.--

2190 (a) In accordance with the provisions of chapters 1003 and  
 2191 1006, provide for the proper accounting for all students  
 2192 ~~children~~ of school age, for the attendance and control of  
 2193 students at school, and for proper attention to health, safety,  
 2194 and other matters relating to the welfare of students ~~children~~.



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2195        (b) In accordance with the provisions of ss. 1003.31 and  
 2196 1003.32, fully support the authority of each teacher and school  
 2197 bus driver to remove disobedient, disrespectful, violent,  
 2198 abusive, uncontrollable, or disruptive students from the  
 2199 classroom and the school bus and the authority of the school  
 2200 board to place such students in an alternative educational  
 2201 setting, when appropriate and available.

2202            (20) SCHOOL-WITHIN-A-SCHOOL.--In order to reduce the  
 2203 anonymity of students in large schools, adopt policies to  
 2204 encourage any large school ~~that does not meet the definition of~~  
 2205 ~~a small school, as established by s. 1013.43(2),~~ to subdivide  
 2206 into schools-within-a-school that shall operate within existing  
 2207 resources in accordance with the provisions of chapter 1003.

2208            Section 30. Present subsection (23) of section 1001.51,  
 2209 Florida Statutes, is redesignated as subsection (25), and new  
 2210 subsections (23) and (24) are added to that section to read:

2211            1001.51 Duties and responsibilities of district school  
 2212 superintendent.--The district school superintendent shall  
 2213 exercise all powers and perform all duties listed below and  
 2214 elsewhere in the law, provided that, in so doing, he or she  
 2215 shall advise and counsel with the district school board. The  
 2216 district school superintendent shall perform all tasks necessary  
 2217 to make sound recommendations, nominations, proposals, and  
 2218 reports required by law to be acted upon by the district school  
 2219 board. All such recommendations, nominations, proposals, and  
 2220 reports by the district school superintendent shall be either  
 2221 recorded in the minutes or shall be made in writing, noted in  
 2222 the minutes, and filed in the public records of the district  
 2223 school board. It shall be presumed that, in the absence of the  
 2224 record required in this section, the recommendations,



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2225 nominations, and proposals required of the district school  
 2226 superintendent were not contrary to the action taken by the  
 2227 district school board in such matters.

2228 (23) QUALITY TEACHERS.--Fully support and cooperate in the  
 2229 application of the guiding principles of Better Educated  
 2230 Students and Teachers(BEST) Florida Teaching, pursuant to s.  
 2231 1000.041.

2232 (24) ORDERLY CLASSROOMS AND SCHOOL BUSES.--Fully support  
 2233 the authority of each teacher and school bus driver to remove  
 2234 disobedient, disrespectful, violent, abusive, uncontrollable, or  
 2235 disruptive students from the classroom and the school bus and  
 2236 the authority of the school principal to place such students in  
 2237 an alternative educational setting, when appropriate and  
 2238 available.

2239 Section 31. Subsection (1) of section 1001.54, Florida  
 2240 Statutes, is amended to read:

2241 1001.54 Duties of school principals.--

2242 (1)(a) A district school board shall employ, through  
 2243 written contract, public school principals.

2244 (b) The school principal has authority over school  
 2245 district personnel in accordance with s. 1012.28.

2246 (c) The school principal shall encourage school personnel  
 2247 to implement the guiding principles for Better Educated Students  
 2248 and Teachers(BEST) Florida Teaching, pursuant to s. 1000.041.

2249 (d) The school principal shall fully support the authority  
 2250 of each teacher and school bus driver to remove disobedient,  
 2251 disrespectful, violent, abusive, uncontrollable, or disruptive  
 2252 students from the classroom and the school bus and, when  
 2253 appropriate and available, place such students in an alternative  
 2254 educational setting.



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2255 Section 32. Subsection (22) is added to section 1002.20,  
 2256 Florida Statutes, to read:

2257 1002.20 K-12 student and parent rights.--K-12 students and  
 2258 their parents are afforded numerous statutory rights including,  
 2259 but not limited to, the following:

2260 (22) ORDERLY, DISCIPLINED CLASSROOMS.--Public school  
 2261 students shall be in orderly, disciplined classrooms conducive  
 2262 to learning without the distraction caused by disobedient,  
 2263 disrespectful, violent, abusive, uncontrollable, or disruptive  
 2264 students, in accordance with s. 1003.32.

2265 Section 33. Subsection (13) of section 1002.42, Florida  
 2266 Statutes, is amended to read:

2267 1002.42 Private schools.--

2268 (13) PROFESSIONAL DEVELOPMENT SYSTEM.--An organization of  
 2269 private schools that has no fewer than 10 member schools in this  
 2270 state may develop a professional development system to be filed  
 2271 with the Department of Education in accordance with the  
 2272 provisions of s. 1012.98~~(6)~~~~(7)~~.

2273 Section 34. Section 1003.04, Florida Statutes, is amended  
 2274 to read:

2275 1003.04 Student conduct and parental involvement ~~goals~~.--

2276 ~~(1) It is the goal of the Legislature and each district~~  
 2277 ~~school board that~~ Each public K-12 student must remain in  
 2278 attendance throughout the school year, unless excused by the  
 2279 school for illness or other good cause, and must comply fully  
 2280 with the school's code of conduct.

2281 (2) The parent of each public K-12 student must cooperate  
 2282 with the authority of the student's district school board,  
 2283 superintendent, principal, teachers, and school bus drivers,  
 2284 according to ss. 1003.31 and 1003.32, to remove the student from



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2285 the classroom and the school bus and, when appropriate and  
 2286 available, to place the student in an alternative educational  
 2287 setting, if the student is disobedient, disrespectful, violent,  
 2288 abusive, uncontrollable, or disruptive.

2289 ~~(3)~~(2) It is the goal of the Legislature and each district  
 2290 school board that the parent of each public K-12 student comply  
 2291 with the school's reasonable and time-acceptable parental  
 2292 involvement requests.

2293 Section 35. Subsection (1) of section 1003.31, Florida  
 2294 Statutes, is amended to read:

2295 1003.31 Students subject to control of school.--

2296 (1) Subject to law and rules of the State Board of  
 2297 Education and of the district school board, each student  
 2298 enrolled in a school shall:

2299 (a) During the time she or he is being transported to or  
 2300 from school at public expense;

2301 (b) During the time she or he is attending school;

2302 (c) During the time she or he is on the school premises  
 2303 participating with authorization in a school-sponsored activity;  
 2304 and

2305 (d) During a reasonable time before and after the student  
 2306 is on the premises for attendance at school or for authorized  
 2307 participation in a school-sponsored activity, and only when on  
 2308 the premises,

2309  
 2310 be under the control and direction of the principal or teacher  
 2311 in charge of the school, and under the immediate control and  
 2312 direction of the teacher or other member of the instructional  
 2313 staff or of the bus driver to whom such responsibility may be  
 2314 assigned by the principal. However, the State Board of Education



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2315 or the district school board may, by rules, subject each student  
2316 to the control and direction of the principal or teacher in  
2317 charge of the school during the time she or he is otherwise en  
2318 route to or from school or is presumed by law to be attending  
2319 school. Each district school board, each district school  
2320 superintendent, and each school principal shall fully support  
2321 the authority of teachers, according to s. 1003.32, and school  
2322 bus drivers to remove disobedient, disrespectful, violent,  
2323 abusive, uncontrollable, or disruptive students from the  
2324 classroom and the school bus and, when appropriate and  
2325 available, place such students in an alternative educational  
2326 setting.

2327 Section 36. Section 1003.32, Florida Statutes, is amended  
2328 to read:

2329 1003.32 Authority of teacher; responsibility for control  
2330 of students; district school board and principal  
2331 duties.--Subject to law and to the rules of the district school  
2332 board, each teacher or other member of the staff of any school  
2333 shall have such authority for the control and discipline of  
2334 students as may be assigned to him or her by the principal or  
2335 the principal' s designated representative and shall keep good  
2336 order in the classroom and in other places in which he or she is  
2337 assigned to be in charge of students.

2338 (1) In accordance with this section and within the  
2339 framework of the district school board's code of student  
2340 conduct, teachers and other instructional personnel shall have  
2341 the authority to undertake any of the following actions in  
2342 managing student behavior and ensuring the safety of all  
2343 students in their classes and school and their opportunity to  
2344 learn in an orderly and disciplined classroom:



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- 2345 (a) Establish classroom rules of conduct.
- 2346 (b) Establish and implement consequences, designed to
- 2347 change behavior, for infractions of classroom rules.
- 2348 (c) Have disobedient, disrespectful, violent, abusive,
- 2349 uncontrollable, or disruptive students ~~temporarily~~ removed from
- 2350 the classroom for behavior management intervention.
- 2351 (d) Have violent, abusive, uncontrollable, or disruptive
- 2352 students directed for information or assistance from appropriate
- 2353 school or district school board personnel.
- 2354 (e) Assist in enforcing school rules on school property,
- 2355 during school-sponsored transportation, and during school-
- 2356 sponsored activities.
- 2357 (f) Request and receive information as to the disposition
- 2358 of any referrals to the administration for violation of
- 2359 classroom or school rules.
- 2360 (g) Request and receive immediate assistance in classroom
- 2361 management if a student becomes uncontrollable or in case of
- 2362 emergency.
- 2363 (h) Request and receive training and other assistance to
- 2364 improve skills in classroom management, violence prevention,
- 2365 conflict resolution, and related areas.
- 2366 (i) Press charges if there is a reason to believe that a
- 2367 crime has been committed ~~against the teacher or other~~
- 2368 ~~instructional personnel~~ on school property, during school-
- 2369 sponsored transportation, or during school-sponsored activities.
- 2370 (j) Use reasonable force, according to standards adopted
- 2371 by the State Board of Education, to protect himself or herself
- 2372 or others from injury.





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2373 (k) Use corporal punishment according to school board  
2374 policy and at least the following procedures, if a teacher feels  
2375 that corporal punishment is necessary:

2376 1. The use of corporal punishment shall be approved in  
2377 principle by the principal before it is used, but approval is  
2378 not necessary for each specific instance in which it is used.  
2379 The principal shall prepare guidelines for administering such  
2380 punishment which identify the types of punishable offenses, the  
2381 conditions under which the punishment shall be administered, and  
2382 the specific personnel on the school staff authorized to  
2383 administer the punishment.

2384 2. A teacher or principal may administer corporal  
2385 punishment only in the presence of another adult who is informed  
2386 beforehand, and in the student's presence, of the reason for the  
2387 punishment.

2388 3. A teacher or principal who has administered punishment  
2389 shall, upon request, provide the student's parent with a written  
2390 explanation of the reason for the punishment and the name of the  
2391 other adult who was present.

2392 (2) Teachers and other instructional personnel shall:

2393 (a) Set and enforce reasonable classroom rules that treat  
2394 all students equitably.

2395 (b) Seek professional development to improve classroom  
2396 management skills when data show that they are not effective in  
2397 handling minor classroom disruptions.

2398 (c) Maintain an orderly and disciplined classroom with a  
2399 positive and effective learning environment that maximizes  
2400 learning and minimizes disruption.

2401 (d) Work with parents and other school personnel to solve  
2402 discipline problems in their classrooms.



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2403 (3) A teacher may send a student to the principal's office  
2404 to maintain effective discipline in the classroom and may  
2405 recommend an appropriate consequence consistent with the student  
2406 code of conduct under s. 1006.07. The principal shall respond by  
2407 employing the teacher's recommended consequence or a more  
2408 serious disciplinary action if the student's history of  
2409 disruptive behavior warrants it. If the principal determines  
2410 that a lesser disciplinary action is appropriate, the principal  
2411 should consult with the teacher prior to taking disciplinary  
2412 action ~~appropriate discipline management techniques consistent~~  
2413 ~~with the student code of conduct under s. 1006.07.~~

2414 (4) A teacher may remove from class a student whose  
2415 behavior the teacher determines interferes with the teacher's  
2416 ability to communicate effectively with the students in the  
2417 class or with the ability of the student's classmates to learn.  
2418 Each district school board, each district school superintendent,  
2419 and each school principal shall support the authority of  
2420 teachers to remove disobedient, violent, abusive,  
2421 uncontrollable, or disruptive students from the classroom.

2422 (5) If a teacher removes a student from class under  
2423 subsection (4), the principal may place the student in another  
2424 appropriate classroom, in in-school suspension, or in a dropout  
2425 prevention and academic intervention program as provided by s.  
2426 1003.53; or the principal may recommend the student for out-of-  
2427 school suspension or expulsion, as appropriate. The student may  
2428 be prohibited from attending or participating in school-  
2429 sponsored or school-related activities. The principal may not  
2430 return the student to that teacher's class without the teacher's  
2431 consent unless the committee established under subsection (6)  
2432 determines that such placement is the best or only available



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2433 alternative. The teacher and the placement review committee must  
2434 render decisions within 5 days of the removal of the student  
2435 from the classroom.

2436       (6)(a) Each school shall establish a placement review  
2437 committee to determine placement of a student when a teacher  
2438 withholds consent to the return of a student to the teacher's  
2439 class. A school principal must notify each teacher in that  
2440 school about the availability, the procedures, and the criteria  
2441 for the placement review committee as outlined in this section.

2442       (b) The principal must report on a quarterly basis to the  
2443 district school superintendent and district school board each  
2444 incidence of a teacher's withholding consent for a removed  
2445 student to return to the teacher's class and the disposition of  
2446 the incident, and the superintendent must annually report these  
2447 data to the department.

2448       (c) The Commissioner of Education shall annually review  
2449 each school district's compliance with this section, and success  
2450 in achieving orderly classrooms, and shall use all appropriate  
2451 enforcement actions up to and including the withholding of  
2452 disbursements from the Educational Enhancement Trust Fund until  
2453 full compliance is verified.

2454       (d) Placement review committee membership must include at  
2455 least the following:

2456       1.~~(a)~~ Two teachers, one selected by the school's faculty  
2457 and one selected by the teacher who has removed the student.

2458       2.~~(b)~~ One member from the school's staff who is selected  
2459 by the principal.

2460  
2461 The teacher who withheld consent to readmitting the student may  
2462 not serve on the committee. The teacher and the placement review



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2463 committee must render decisions within 5 days after the removal  
2464 of the student from the classroom. If the placement review  
2465 committee's decision is contrary to the decision of the teacher  
2466 to withhold consent to the return of the removed student to the  
2467 teacher's class, the teacher may appeal the committee's decision  
2468 to the district school superintendent.

2469 (7) Any teacher who removes 25 percent of his or her total  
2470 class enrollment shall be required to complete professional  
2471 development to improve classroom management skills.

2472 (8) Each teacher or other member of the staff of any  
2473 school who knows or has reason to suspect that any person has  
2474 committed, or has made a credible threat to commit, a crime of  
2475 violence on school property shall report such knowledge or  
2476 suspicion in accordance with the provisions of s. 1006.13. Each  
2477 district school superintendent and each school principal shall  
2478 fully support good-faith reporting in accordance with the  
2479 provisions of this subsection and s. 1006.13. Any person who  
2480 makes a report required by this subsection in good faith shall  
2481 be immune from civil or criminal liability for making the  
2482 report.

2483 (9)~~(8)~~ When knowledgeable of the likely risk of physical  
2484 violence in the schools, the district school board shall take  
2485 reasonable steps to ensure that teachers, other school staff,  
2486 and students are not at undue risk of violence or harm.

2487 Section 37. Section 1004.04, Florida Statutes, is amended  
2488 to read:

2489 1004.04 Public accountability and state approval for  
2490 teacher preparation programs.--

2491 (1) INTENT.--



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2492        (a) The Legislature recognizes that skilled teachers make  
 2493 an important contribution to a system that allows students to  
 2494 obtain a high-quality education.

2495        (b) The intent of the Legislature is to require the State  
 2496 Board of Education to attain ~~establish~~ a system for development  
 2497 and approval of teacher preparation programs that allows ~~will~~  
 2498 ~~free~~ postsecondary teacher preparation institutions to employ  
 2499 varied and innovative teacher preparation techniques while being  
 2500 held accountable for producing graduates with the competencies  
 2501 and skills necessary to achieve the state education goals; help  
 2502 the state's diverse student population, including students who  
 2503 have substandard reading and computational skills and students  
 2504 with limited English proficiency, meet high standards for  
 2505 academic achievement; maintain safe, secure classroom learning  
 2506 environments; and sustain the state system of school improvement  
 2507 and education accountability established pursuant to ss.  
 2508 1000.03(5) and 1008.345.

2509        (2) UNIFORM CORE CURRICULA.--

2510        (a) The State Board of Education shall adopt rules  
 2511 pursuant to ss. 120.536(1) and 120.54 that establish uniform  
 2512 core curricula for each state-approved teacher preparation  
 2513 program.

2514        (b) The rules to establish uniform core curricula for each  
 2515 state-approved teacher preparation program must include, but are  
 2516 not limited to, a State Board of Education identified foundation  
 2517 in scientifically researched, knowledge-based reading literacy  
 2518 and computational skills acquisition; classroom management;  
 2519 school safety; professional ethics; educational law; human  
 2520 development and learning; and understanding of the Sunshine  
 2521 State Standards content measured by state achievement tests,



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2522 reading and interpretation of data, and use of data to improve  
 2523 student achievement.

2524 (c) These rules shall not require an additional period of  
 2525 time-to-degree but may be phased in to enable teacher  
 2526 preparation programs to supplant courses, including pedagogy  
 2527 courses, not required by law or State Board of Education rule  
 2528 with the courses identified pursuant to paragraph(b).

2529 (3)(2) DEVELOPMENT OF TEACHER PREPARATION PROGRAMS.--A  
 2530 system developed by the Department of Education in collaboration  
 2531 with postsecondary educational institutions shall assist  
 2532 departments and colleges of education in the restructuring of  
 2533 their programs in accordance with this section to meet the need  
 2534 for producing quality teachers now and in the future.

2535 (a) The system must be designed to assist teacher  
 2536 educators in conceptualizing, developing, implementing, and  
 2537 evaluating programs that meet state-adopted standards. These  
 2538 standards shall emphasize quality indicators drawn from  
 2539 research, professional literature, recognized guidelines,  
 2540 Florida essential teaching competencies and educator-  
 2541 accomplished practices, effective classroom practices, and the  
 2542 outcomes of the state system of school improvement and education  
 2543 accountability, as well as performance measures.

2544 (b) Departments and colleges of education shall emphasize  
 2545 the state system of school improvement and education  
 2546 accountability concepts and standards, including Sunshine State  
 2547 Standards.

2548 (c) State-approved teacher preparation programs must  
 2549 incorporate:

2550 1. Appropriate English for Speakers of Other Languages  
 2551 instruction so that program graduates will have completed the



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2552 requirements for teaching limited English proficient students in  
2553 Florida public schools.

2554 2. Scientifically researched, knowledge-based reading  
2555 literacy and computational skills instruction so that program  
2556 graduates will be able to provide the necessary academic  
2557 foundations for their students at whatever grade levels they  
2558 choose to teach.

2559 (4)(3) INITIAL STATE PROGRAM APPROVAL.--

2560 (a) A program approval process based on standards adopted  
2561 pursuant to subsections ~~subsection~~ (2) and (3) must be  
2562 established for postsecondary teacher preparation programs,  
2563 phased in according to timelines determined by the Department of  
2564 Education, and fully implemented for all teacher preparation  
2565 programs in the state. Each program shall be approved by the  
2566 department, consistent with the intent set forth in subsection  
2567 (1) and based primarily upon significant, objective, and  
2568 quantifiable graduate performance measures.

2569 (b) Each teacher preparation program approved by the  
2570 Department of Education, as provided for by this section, shall  
2571 require students to meet the following as prerequisites for  
2572 admission into the program:

2573 1. Have a grade point average of at least 2.5 on a 4.0  
2574 scale for the general education component of undergraduate  
2575 studies or have completed the requirements for a baccalaureate  
2576 degree with a minimum grade point average of 2.5 on a 4.0 scale  
2577 from any college or university accredited by a regional  
2578 accrediting association as defined by State Board of Education  
2579 rule or any college or university otherwise approved pursuant to  
2580 State Board of Education rule.



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2581           2. Demonstrate mastery of general knowledge, including the  
2582 ability to read, write, and compute, by passing the College  
2583 Level Academic Skills Test, a corresponding component of the  
2584 National Teachers Examination series, or a similar test pursuant  
2585 to rules of the State Board of Education.

2586

2587 Each teacher preparation program may waive these admissions  
2588 requirements for up to 10 percent of the students admitted.  
2589 Programs shall implement strategies to ensure that students  
2590 admitted under a waiver receive assistance to demonstrate  
2591 competencies to successfully meet requirements for  
2592 certification.

2593           (5)~~(4)~~ CONTINUED PROGRAM APPROVAL.--Notwithstanding  
2594 subsection (4) ~~(3)~~, failure by a public or nonpublic teacher  
2595 preparation program to meet the criteria for continued program  
2596 approval shall result in loss of program approval. The  
2597 Department of Education, in collaboration with the departments  
2598 and colleges of education, shall develop procedures for  
2599 continued program approval that document the continuous  
2600 improvement of program processes and graduates' performance.

2601           (a) Continued approval of specific teacher preparation  
2602 programs at each public and nonpublic postsecondary educational  
2603 institution within the state is contingent upon the passing of  
2604 the written examination required by s. 1012.56 by at least 90  
2605 percent of the graduates of the program who take the  
2606 examination. ~~On request of an institution,~~ The Department of  
2607 Education shall annually provide an analysis of the performance  
2608 of the graduates of such institution with respect to the  
2609 competencies assessed by the examination required by s. 1012.56.





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2610 (b) Additional criteria for continued program approval for  
2611 public institutions may be approved by the State Board of  
2612 Education. Such criteria must emphasize instruction in classroom  
2613 management and must provide for the evaluation of the teacher  
2614 candidates' performance in this area. The criteria shall also  
2615 require instruction in working with underachieving students.  
2616 Program evaluation procedures must include, but are not limited  
2617 to, program graduates' satisfaction with instruction and the  
2618 program's responsiveness to local school districts. Additional  
2619 criteria for continued program approval for nonpublic  
2620 institutions shall be developed in the same manner as for public  
2621 institutions; however, such criteria must be based upon  
2622 significant, objective, and quantifiable graduate performance  
2623 measures. Responsibility for collecting data on outcome measures  
2624 through survey instruments and other appropriate means shall be  
2625 shared by the postsecondary educational institutions and the  
2626 Department of Education. By January 1 of each year, the  
2627 Department of Education shall report this information for each  
2628 postsecondary educational institution that has state-approved  
2629 programs of teacher education to the Governor, the State Board  
2630 of Education, the Commissioner of Education, the President of  
2631 the Senate, the Speaker of the House of Representatives, all  
2632 Florida postsecondary teacher preparation programs, and  
2633 interested members of the public. This report must analyze the  
2634 data and make recommendations for improving teacher preparation  
2635 programs in the state.

2636 (c) Continued approval for a teacher preparation program  
2637 is contingent upon the results of periodic ~~annual~~ reviews, on a  
2638 schedule established by the State Board of Education, of the  
2639 program conducted by the postsecondary educational institution,



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2640 using procedures and criteria outlined in an institutional  
2641 program evaluation plan approved by the Department of Education.  
2642 This plan must incorporate the criteria established in  
2643 paragraphs (a) and (b) and include provisions for involving  
2644 primary stakeholders, such as program graduates, district school  
2645 personnel, classroom teachers, principals, community agencies,  
2646 and business representatives in the evaluation process. Upon  
2647 request by an institution, the department shall provide  
2648 assistance in developing, enhancing, or reviewing the  
2649 institutional program evaluation plan and training evaluation  
2650 team members.

2651 (d) Continued approval for a teacher preparation program  
2652 is contingent upon standards being in place that are designed to  
2653 adequately prepare elementary, middle, and high school teachers  
2654 to instruct their students in reading and higher-level  
2655 mathematics concepts and in the use of technology at the  
2656 appropriate grade level.

2657 (e) Continued approval of teacher preparation programs is  
2658 contingent upon compliance with the student admission  
2659 requirements of subsection (4) ~~(3)~~ and upon the receipt of at  
2660 least a satisfactory rating from public schools and private  
2661 schools that employ graduates of the program. Each teacher  
2662 preparation program shall guarantee the high quality of its  
2663 graduates during the first 2 years immediately following  
2664 graduation from the program or following initial certification,  
2665 whichever occurs first. Any educator in a Florida school who  
2666 fails to demonstrate the essential skills specified in  
2667 subparagraphs 1.-5. shall be provided additional training by the  
2668 teacher preparation program at no expense to the educator or the  
2669 employer. Such training must consist of an individualized plan



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2670 agreed upon by the school district and the postsecondary  
2671 educational institution that includes specific learning  
2672 outcomes. The postsecondary educational institution assumes no  
2673 responsibility for the educator's employment contract with the  
2674 employer. Employer satisfaction shall be determined by an  
2675 annually administered survey instrument approved by the  
2676 Department of Education that, at a minimum, must include  
2677 employer satisfaction of the graduates' ability to do the  
2678 following:

2679 1. Write and speak in a logical and understandable style  
2680 with appropriate grammar.

2681 2. Recognize signs of students' difficulty with the  
2682 reading and computational process and apply appropriate measures  
2683 to improve students' reading and computational performance.

2684 3. Use and integrate appropriate technology in teaching  
2685 and learning processes.

2686 4. Demonstrate knowledge and understanding of Sunshine  
2687 State Standards.

2688 5. Maintain an orderly and disciplined classroom conducive  
2689 to student learning.

2690 (f)1. Each Florida public and private institution that  
2691 offers a state-approved teacher preparation program must  
2692 annually report information regarding these programs to the  
2693 state and the general public. This information shall be reported  
2694 in a uniform and comprehensible manner that is consistent with  
2695 definitions and methods approved by the Commissioner of the  
2696 National Center for Educational Statistics and that is approved  
2697 by the State Board of Education. This information must include,  
2698 at a minimum:



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2699 a. The percent of graduates obtaining full-time teaching  
2700 employment within the first year of graduation.

2701 b. The average length of stay of graduates in their full-  
2702 time teaching positions.

2703 c. Satisfaction ratings required in paragraph (e).

2704 2. Each public and private institution offering training  
2705 for school readiness related professions, including training in  
2706 the fields of child care and early childhood education, whether  
2707 offering technical credit, associate in applied science degree  
2708 programs, associate in science degree programs, or associate in  
2709 arts degree programs, shall annually report information  
2710 regarding these programs to the state and the general public in  
2711 a uniform and comprehensible manner that conforms with  
2712 definitions and methods approved by the State Board of  
2713 Education. This information must include, at a minimum:

2714 a. Average length of stay of graduates in their positions.

2715 b. Satisfaction ratings of graduates' employers.

2716

2717 This information shall be reported through publications,  
2718 including college and university catalogs and promotional  
2719 materials sent to potential applicants, secondary school  
2720 guidance counselors, and prospective employers of the  
2721 institution's program graduates.

2722 (6)(5) PRESERVICE FIELD EXPERIENCE.--All postsecondary  
2723 instructors, school district personnel and instructional  
2724 personnel, and school sites preparing instructional personnel  
2725 through preservice field experience courses and internships  
2726 shall meet special requirements. District school boards are  
2727 authorized to pay student teachers during their internships.



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2728 (a) All instructors in postsecondary teacher preparation  
2729 programs who instruct or supervise preservice field experience  
2730 courses or internships shall have at least one of the following:  
2731 specialized training in clinical supervision; a valid  
2732 professional teaching certificate pursuant to ss. 1012.56 and  
2733 1012.585; or at least 3 years of successful teaching experience  
2734 in prekindergarten through grade 12.

2735 (b) All school district personnel and instructional  
2736 personnel who supervise or direct teacher preparation students  
2737 during field experience courses or internships must have  
2738 evidence of "clinical educator" training and must successfully  
2739 demonstrate effective classroom management strategies that  
2740 consistently result in improved student performance. The State  
2741 Board of Education shall approve the training requirements.

2742 (c) Preservice field experience programs must provide  
2743 specific guidance and demonstration of effective classroom  
2744 management strategies, strategies for incorporating technology  
2745 into classroom instruction, strategies for incorporating  
2746 scientifically researched, knowledge-based reading literacy and  
2747 computational skills acquisition into classroom instruction, and  
2748 ways to link instructional plans to the Sunshine State  
2749 Standards, as appropriate. The length of structured field  
2750 experiences may be extended to ensure that candidates achieve  
2751 the competencies needed to meet certification requirements.

2752 (d) Postsecondary teacher preparation programs in  
2753 cooperation with district school boards and approved private  
2754 school associations shall select the school sites for preservice  
2755 field experience activities. These sites must represent the full  
2756 spectrum of school communities, including, but not limited to,  
2757 schools located in urban settings. In order to be selected,



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2758 school sites must demonstrate commitment to the education of  
 2759 public school students and to the preparation of future  
 2760 teachers.

2761 (7)~~(6)~~ STANDARDS OF EXCELLENCE.--The State Board of  
 2762 Education shall approve standards of excellence for teacher  
 2763 preparation. These standards must exceed the requirements for  
 2764 program approval pursuant to subsection (4) ~~(3)~~ and must  
 2765 incorporate state and national recommendations for exemplary  
 2766 teacher preparation programs.

2767 (8)~~(7)~~ NATIONAL BOARD STANDARDS.--The State Board of  
 2768 Education shall review standards and recommendations developed  
 2769 by the National Board for Professional Teaching Standards and  
 2770 may incorporate those parts deemed appropriate into criteria for  
 2771 continued state program approval, standards of excellence, and  
 2772 requirements for inservice education.

2773 (9)~~(8)~~ COMMUNITY COLLEGES.--To the extent practical,  
 2774 postsecondary educational institutions offering teacher  
 2775 preparation programs shall establish articulation agreements on  
 2776 a core of liberal arts courses and introductory professional  
 2777 courses with field experience components which shall be offered  
 2778 at community colleges.

2779 (10)~~(9)~~ PRETEACHER AND TEACHER EDUCATION PILOT  
 2780 PROGRAMS.--State universities and community colleges may  
 2781 establish preteacher education and teacher education pilot  
 2782 programs to encourage promising minority students to prepare for  
 2783 a career in education. These pilot programs shall be designed to  
 2784 recruit and provide additional academic, clinical, and  
 2785 counseling support for students whom the institution judges to  
 2786 be potentially successful teacher education candidates, but who  
 2787 may not meet teacher education program admission standards.



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2788 Priority consideration shall be given to those pilot programs  
2789 that are jointly submitted by community colleges and state  
2790 universities.

2791 (a) These pilot programs shall be approved by the State  
2792 Board of Education and shall be designed to provide help and  
2793 support for program participants during the preteacher education  
2794 period of general academic preparation at a community college or  
2795 state university and during professional preparation in a state-  
2796 approved teacher education program. Emphasis shall be placed on  
2797 development of the basic skills needed by successful teachers.

2798 (b) State universities and community colleges may admit  
2799 into the pilot program those incoming students who demonstrate  
2800 an interest in teaching as a career, but who may not meet the  
2801 requirements for entrance into an approved teacher education  
2802 program.

2803 1. Flexibility may be given to colleges of education to  
2804 develop and market innovative teacher training programs directed  
2805 at specific target groups such as graduates from the colleges of  
2806 arts and sciences, employed education paraprofessionals,  
2807 substitute teachers, early federal retirees, and nontraditional  
2808 college students. Programs must be submitted to the State Board  
2809 of Education for approval.

2810 2. Academically successful graduates in the fields of  
2811 liberal arts and science may be encouraged to embark upon a  
2812 career in education.

2813 3. Models may be developed to provide a positive initial  
2814 experience in teaching in order to encourage retention. Priority  
2815 should be given to models that encourage minority graduates.

2816 (c) In order to be certified, a graduate from a pilot  
2817 program shall meet all requirements for teacher certification



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2818 specified by s. 1012.56. Should a graduate of a pilot program  
 2819 not meet the requirements of s. 1012.56, that person shall not  
 2820 be included in the calculations required by paragraph (5)~~(4)~~(a)  
 2821 and State Board of Education rules for continued program  
 2822 approval, or in the statutes used by the State Board of  
 2823 Education in deciding which teacher education programs to  
 2824 approve.

2825 (d) Institutions participating in the pilot program shall  
 2826 submit an annual report evaluating the success of the program to  
 2827 the Commissioner of Education by March 1 of each year. The  
 2828 report shall include, at a minimum, ~~contain, but shall not be~~  
 2829 ~~limited to:~~ the number of pilot program participants, including  
 2830 the number participating in general education and the number  
 2831 admitted to approved teacher education programs, the number of  
 2832 pilot program graduates, and the number of pilot program  
 2833 graduates who met the requirements of s. 1012.56. The  
 2834 commissioner shall consider the number of participants  
 2835 recruited, the number of graduates, and the number of graduates  
 2836 successfully meeting the requirements of s. 1012.56 reported by  
 2837 each institution, and shall make an annual recommendation to the  
 2838 State Board of Education regarding the institution's continued  
 2839 participation in the pilot program.

2840 (11)~~(10)~~ TEACHER EDUCATION PILOT PROGRAMS FOR HIGH-  
 2841 ACHIEVING STUDENTS.--Pilot teacher preparation programs may  
 2842 ~~shall~~ be established with the authorization of the Commissioner  
 2843 of Education at colleges and universities with state-approved  
 2844 teacher education programs ~~at the University of Central Florida,~~  
 2845 ~~the University of North Florida, and the University of South~~  
 2846 ~~Florida.~~ These programs shall include a year-long paid teaching  
 2847 assignment and competency-based learning experiences and shall





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2848 be designed to encourage high-achieving students, as identified  
 2849 by the institution, to pursue a career in education. Priority  
 2850 consideration shall be given to students obtaining academic  
 2851 degrees in mathematics, science, engineering, reading, or  
 2852 identified critical shortage areas. Students chosen to  
 2853 participate in the pilot programs shall agree to teach for at  
 2854 least 3 ± years ~~year~~ after they receive their degrees. Criteria  
 2855 for identifying high-achieving students shall be developed by  
 2856 the institution and shall include, at a minimum, requirements  
 2857 that the student have a 3.3 grade point average or above and  
 2858 that the student has demonstrated mastery of general knowledge  
 2859 pursuant to s. 1012.56. The year-long paid teaching assignment  
 2860 shall begin after completion of the equivalent of 3 years of the  
 2861 state university teacher preparation program.

2862 (a) Each pilot program shall be designed to include:

2863 1. A year-long paid teaching assignment at a low-  
 2864 performing ~~specified~~ school site during the fourth year of the  
 2865 state university teacher preparation program, which includes  
 2866 intense supervision by a support team trained in clinical  
 2867 education. The support team shall include a state university  
 2868 supervisor and experienced school-based mentors. A mentor  
 2869 teacher shall be assigned to each fourth year employed teacher  
 2870 to implement an individualized learning plan. This mentor  
 2871 teacher will be considered an adjunct professor for purposes of  
 2872 this program and may receive credit for time spent as a mentor  
 2873 teacher in the program. The mentor teacher must have a master's  
 2874 degree or above, a minimum of 3 years of teaching experience,  
 2875 and clinical education training or certification by the National  
 2876 Board for ~~of~~ Professional Teaching Standards. Experiences and  
 2877 instruction may be delivered by other mentors, assigned



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2878 teachers, professors, individualized learning, and  
2879 demonstrations. Students in this paid teaching assignment shall  
2880 assume full responsibility of all teaching duties.

2881 2. Professional education curriculum requirements that  
2882 address the educator-accomplished practices and other  
2883 competencies specified in state board rule.

2884 3. A modified instructional delivery system that provides  
2885 onsite training during the paid teaching assignment in the  
2886 professional education areas and competencies specified in this  
2887 subsection. The institutions participating in this pilot program  
2888 shall be given a waiver to provide a modified instructional  
2889 delivery system meeting criteria that allows earned credit  
2890 through nontraditional approaches. The modified system may  
2891 provide for an initial evaluation of the candidate's  
2892 competencies to determine an appropriate individualized  
2893 professional development plan and may provide for earned credit  
2894 by:

2895 a. Internet learning and competency acquisition.

2896 b. Learning acquired by observing demonstrations and being  
2897 observed in application.

2898 c. Independent study or instruction by mentor teachers or  
2899 adjunct teachers.

2900 4. Satisfactory demonstration of the educator-accomplished  
2901 practices and content area competencies for program completion.

2902 5. For program completion, required achievement of passing  
2903 scores on all tests required for certification by State Board of  
2904 Education rules.

2905 (b) Beginning in July 2003, each institution participating  
2906 in the pilot program shall submit to the Commissioner of  
2907 Education an annual report evaluating the effectiveness of the



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2908 program. The report shall include, but shall not be limited to,  
 2909 the number of students selected for the pilot program, the  
 2910 number of students successfully completing the pilot program,  
 2911 the number of program participants who passed all required  
 2912 examinations, the number of program participants who  
 2913 successfully demonstrated all required competencies, and a  
 2914 followup study to determine the number of pilot program  
 2915 completers who were employed in a teaching position and  
 2916 employers' satisfaction with the performance of pilot program  
 2917 completers based upon student performance.

2918 (c) This subsection shall be implemented to the extent  
 2919 specifically funded in the General Appropriations Act.

2920 ~~(12)~~~~(11)~~ RULES.--The State Board of Education shall adopt  
 2921 necessary rules pursuant to ss. 120.536(1) and 120.54 to  
 2922 implement this section.

2923 Section 38. Subsection (1) of section 1006.08, Florida  
 2924 Statutes, is amended to read:

2925 1006.08 District school superintendent duties relating to  
 2926 student discipline and school safety.--

2927 (1) The district school superintendent shall recommend  
 2928 plans to the district school board for the proper accounting for  
 2929 all students of school age, for the attendance and control of  
 2930 students at school, and for the proper attention to health,  
 2931 safety, and other matters which will best promote the welfare of  
 2932 students. Each district school superintendent shall fully  
 2933 support the authority of his or her principals, teachers, and  
 2934 school bus drivers to remove disobedient, disrespectful,  
 2935 violent, abusive, uncontrollable, or disruptive students from  
 2936 the classroom and the school bus and, when appropriate and  
 2937 available, to place such students in an alternative educational



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2938 setting. When the district school superintendent makes a  
2939 recommendation for expulsion to the district school board, he or  
2940 she shall give written notice to the student and the student's  
2941 parent of the recommendation, setting forth the charges against  
2942 the student and advising the student and his or her parent of  
2943 the student's right to due process as prescribed by ss. 120.569  
2944 and 120.57(2). When district school board action on a  
2945 recommendation for the expulsion of a student is pending, the  
2946 district school superintendent may extend the suspension  
2947 assigned by the principal beyond 10 school days if such  
2948 suspension period expires before the next regular or special  
2949 meeting of the district school board.

2950 Section 39. Paragraph (a) of subsection (1) of section  
2951 1006.09, Florida Statutes, is amended to read:

2952 1006.09 Duties of school principal relating to student  
2953 discipline and school safety.--

2954 (1)(a) Subject to law and to the rules of the State Board  
2955 of Education and the district school board, the principal in  
2956 charge of the school or the principal's designee shall develop  
2957 policies for delegating to any teacher or other member of the  
2958 instructional staff or to any bus driver transporting students  
2959 of the school responsibility for the control and direction of  
2960 students. Each school principal shall fully support the  
2961 authority of his or her teachers and school bus drivers to  
2962 remove disobedient, disrespectful, violent, abusive,  
2963 uncontrollable, or disruptive students from the classroom and  
2964 the school bus and, when appropriate and available, place such  
2965 students in an alternative educational setting. The principal or  
2966 the principal's designee must give full consideration to ~~shall~~  
2967 ~~consider~~ the recommendation for discipline made by a teacher,



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2968 other member of the instructional staff, or a bus driver when  
 2969 making a decision regarding student referral for discipline.

2970 Section 40. Section 1012.05, Florida Statutes, is amended  
 2971 to read:

2972 1012.05 Teacher recruitment and retention.--

2973 (1) The Department of Education, in cooperation with  
 2974 teacher organizations, district personnel offices, and schools,  
 2975 colleges, and departments of all ~~education~~ in public and  
 2976 nonpublic postsecondary educational institutions, shall  
 2977 concentrate on the recruitment of qualified teachers.

2978 (2) The Department of Education shall:

2979 (a) Develop and implement a system for posting teaching  
 2980 vacancies and establish a database of teacher applicants that is  
 2981 accessible within and outside the state.

2982 (b) Advertise in major newspapers, national professional  
 2983 publications, and other professional publications and in public  
 2984 and nonpublic postsecondary educational institutions ~~schools of~~  
 2985 ~~education~~.

2986 (c) Utilize state and nationwide toll-free numbers.

2987 (d) Conduct periodic communications with district  
 2988 personnel directors regarding applicants.

2989 (e) Provide district access to the applicant database by  
 2990 computer or telephone.

2991 (f) Develop and distribute promotional materials related  
 2992 to teaching as a career.

2993 (g) Publish and distribute information pertaining to  
 2994 employment opportunities, application procedures, and all routes  
 2995 toward teacher certification in Florida, and teacher salaries.

2996 (h) Provide information related to certification  
 2997 procedures.



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2998 (i) Develop and sponsor the Florida Future Educator of  
2999 America Program throughout the state.

3000 (j) Develop, in consultation with school district staff  
3001 including, but not limited to, district school superintendents,  
3002 district school board members, and district human resources  
3003 personnel, a long-range plan for educator recruitment and  
3004 retention.

3005 (k) Identify best practices for retaining high-quality  
3006 teachers.

3007 (l) Develop, in consultation with Workforce Florida, Inc.,  
3008 and the Agency for Workforce Innovation, created pursuant to ss.  
3009 445.004 and 20.50, respectively, a plan for accessing and  
3010 identifying available resources in the state's workforce system  
3011 for the purpose of enhancing teacher recruitment and retention.

3012 (m) Develop and implement a First Response Center to  
3013 provide educator candidates one-stop shopping for information on  
3014 teaching careers in Florida and establish the Teacher Lifeline  
3015 Network to provide on-line support to beginning teachers and  
3016 those needing assistance.

3017 (3) The Department of Education, in cooperation with  
3018 district personnel offices, shall sponsor a job fair in a  
3019 central part of the state to match in-state educators and  
3020 potential educators and out-of-state educators and potential  
3021 educators with teaching opportunities in this state.

3022 (4) Subject to proviso in the General Appropriations Act,  
3023 the Commissioner of Education may use funds appropriated by the  
3024 Legislature and funds from federal grants and other sources to  
3025 provide incentives for teacher recruitment and preparation  
3026 programs. The purpose of the use of such funds is to recruit and  
3027 prepare individuals who do not graduate from state-approved



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3028 teacher preparation programs to teach in a Florida public  
3029 school. The commissioner may contract with entities other than,  
3030 and including, approved teacher preparation programs to provide  
3031 intensive teacher training leading to passage of the required  
3032 certification exams for the desired subject area or coverage.  
3033 The commissioner shall survey school districts to evaluate the  
3034 effectiveness of such programs.

3035 Section 41. Section 1012.231, Florida Statutes, is created  
3036 to read:

3037 1012.231 BEST Florida Teaching salary career ladder  
3038 program; assignment of teachers.--

3039 (1) SALARY CAREER LADDER FOR CLASSROOM  
3040 TEACHERS.--Beginning with the 2004-2005 academic year, each  
3041 district school board shall implement a salary career ladder for  
3042 classroom teachers as defined in s. 1012.01(2)(a). Performance  
3043 shall be defined as designated in s. 1012.34(3)(a)1.-7. District  
3044 school boards shall designate categories of classroom teachers  
3045 reflecting these salary career ladder levels as follows:

3046 (a) Associate teacher.--Classroom teachers in the school  
3047 district who have not yet received a professional certificate or  
3048 those with a professional certificate who are evaluated as low-  
3049 performing teachers.

3050 (b) Professional teacher.--Classroom teachers, in the  
3051 school district who have received a professional certificate.

3052 (c) Lead teacher.--Classroom teachers in the school  
3053 district who are responsible for leading others in the school as  
3054 department chair, lead teacher, grade-level leader, intern  
3055 coordinator, or professional development coordinator. Lead  
3056 teachers must participate on a regular basis in the direct  
3057 instruction of students and serve as faculty for professional



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3058 development activities as determined by the State Board of  
3059 Education. To be eligible for designation as a lead teacher, a  
3060 teacher must demonstrate outstanding performance pursuant to s.  
3061 1012.34(3)(a)1.-7. and must have been a "professional teacher"  
3062 pursuant to paragraph (b) for at least 1 year.

3063 (d) Mentor teacher.--Classroom teachers in the school  
3064 district who serve as regular mentors to other teachers who are  
3065 either not performing satisfactorily or who strive to become  
3066 more proficient. Mentor teachers must serve as faculty-based  
3067 professional development coordinators and regularly demonstrate  
3068 and share their expertise with other teachers in order to remain  
3069 mentor teachers. Mentor teachers must also participate on a  
3070 regular basis in the direct instruction of low-performing  
3071 students. To be eligible for designation as a mentor teacher, a  
3072 teacher must demonstrate outstanding performance pursuant to s.  
3073 1012.34(3)(a)1.-7. and must have been a "lead teacher" pursuant  
3074 to paragraph (c) for at least two years.

3075  
3076 Promotion of a teacher to a higher level on the salary career  
3077 ladder shall be based upon prescribed performance criteria and  
3078 not based upon length of service.

3079 (2) TEACHER ASSIGNMENT.--School districts may not assign a  
3080 higher percentage than the school district average of first-time  
3081 teachers, temporarily certified teachers, teachers in need of  
3082 improvement, or out-of-field teachers to schools with above the  
3083 school district average of minority and economically  
3084 disadvantaged students or schools that are graded "D" or "F."  
3085 District school boards are authorized to provide salary  
3086 incentives to meet this requirement. No district school board





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3087 shall sign a collective bargaining agreement that fails to  
3088 provide sufficient incentives to meet this requirement.

3089 (3) STATE BOARD AND SCHOOL DISTRICT PLANS.--The State  
3090 Board of Education shall develop a long-range plan to implement  
3091 a differentiated pay model for teachers beginning in the 2004-  
3092 2005 academic year, based upon the differentiated classroom  
3093 teacher categories in subsection (1). No later than December 1,  
3094 2003, the State Board of Education shall approve guidelines and  
3095 criteria for the district plans. District school boards shall  
3096 develop plans to implement the salary career ladder prescribed  
3097 in this section and submit these plans to the State Board of  
3098 Education by March 1, 2004.

3099 Section 42. Section 1012.27, Florida Statutes, is amended  
3100 to read:

3101 1012.27 Public school personnel; powers and duties of  
3102 district school superintendent.--The district school  
3103 superintendent is ~~shall be~~ responsible, ~~as required herein,~~ for  
3104 directing the work of the personnel, subject to the requirements  
3105 of this chapter, and in addition the district school  
3106 superintendent shall perform ~~have~~ the following ~~duties~~:

3107 (1) POSITIONS, QUALIFICATIONS, AND NOMINATIONS.--

3108 (a) Recommend to the district school board duties and  
3109 responsibilities which need to be performed and positions which  
3110 need to be filled to make possible the development of an  
3111 adequate school program in the district.

3112 (b) Recommend minimum qualifications of personnel for  
3113 these various positions, and nominate in writing persons to fill  
3114 such positions.

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3116 The district school superintendent's recommendations for filling  
3117 instructional positions at the school level must consider  
3118 nominations received from school principals of the respective  
3119 schools. Before transferring a teacher who holds a professional  
3120 teaching certificate from one school to another, the district  
3121 school superintendent shall consult with the principal of the  
3122 receiving school and allow the principal to review the teacher's  
3123 records and interview the teacher. If, in the judgment of the  
3124 principal, students would not benefit from the placement, an  
3125 alternative placement may be sought.

3126 (2) COMPENSATION AND SALARY SCHEDULES.--Prepare and  
3127 recommend to the district school board for adoption a salary  
3128 schedule or salary schedules. The district school superintendent  
3129 must recommend a salary schedule for instructional personnel  
3130 which bases a portion of each employee's compensation on  
3131 performance demonstrated under s. 1012.34. In developing the  
3132 recommended salary schedule, the district school superintendent  
3133 shall include input from parents, teachers, and representatives  
3134 of the business community. Beginning with the 2004-2005 academic  
3135 year, the recommended salary schedule for classroom teachers  
3136 shall be consistent with the district's career ladder based upon  
3137 s. 1012.231.

3138 (3) CONTRACTS AND TERMS OF SERVICE.--Recommend to the  
3139 district school board terms for contracting with employees and  
3140 prepare such contracts as are approved.

3141 (4) TRANSFER.--Recommend employees for transfer and  
3142 transfer any employee during any emergency and report the  
3143 transfer to the district school board at its next regular  
3144 meeting.



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3145 (5) SUSPENSION AND DISMISSAL.--Suspend members of the  
 3146 instructional staff and other school employees during  
 3147 emergencies for a period extending to and including the day of  
 3148 the next regular or special meeting of the district school board  
 3149 and notify the district school board immediately of such  
 3150 suspension. When authorized to do so, serve notice on the  
 3151 suspended member of the instructional staff of charges made  
 3152 against him or her and of the date of hearing. Recommend  
 3153 employees for dismissal under the terms prescribed herein.

3154 (6) DIRECT WORK OF EMPLOYEES AND SUPERVISE  
 3155 INSTRUCTION.--Direct or arrange for the proper direction and  
 3156 improvement, under rules of the district school board, of the  
 3157 work of all members of the instructional staff and other  
 3158 employees of the district school system, supervise or arrange  
 3159 under rules of the district school board for the supervision of  
 3160 instruction in the district, and take such steps as are  
 3161 necessary to bring about continuous improvement.

3162 Section 43. Subsections (1), (2), (3), (4), and (5) of  
 3163 section 1012.56, Florida Statutes, are amended to read:

3164 1012.56 Educator certification requirements.--

3165 (1) APPLICATION.--Each person seeking certification  
 3166 pursuant to this chapter shall submit a completed application  
 3167 containing the applicant's social security number to the  
 3168 Department of Education and remit the fee required pursuant to  
 3169 s. 1012.59 and rules of the State Board of Education. Pursuant  
 3170 to the federal Personal Responsibility and Work Opportunity  
 3171 Reconciliation Act of 1996, each party is required to provide  
 3172 his or her social security number in accordance with this  
 3173 section. Disclosure of social security numbers obtained through  
 3174 this requirement is ~~shall be~~ limited to the purpose of



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3175 administration of the Title IV-D program of the Social Security  
 3176 Act for child support enforcement. Pursuant to s. 120.60, the  
 3177 department shall issue within 90 calendar days after the stamped  
 3178 receipted date of the completed application:

3179 (a) A certificate covering the classification, level, and  
 3180 area for which the applicant is deemed qualified; or

3181 (b) An official statement of status of eligibility. The  
 3182 statement of status of eligibility must advise the applicant of  
 3183 any qualifications that must be completed to qualify for  
 3184 certification. Each statement of status of eligibility is valid  
 3185 for 3 ~~2~~ years after its date of issuance, except as provided in  
 3186 paragraph (2)(d). ~~A statement of status of eligibility may be~~  
 3187 ~~reissued for one additional 2-year period if application is made~~  
 3188 ~~while the initial statement of status of eligibility is valid or~~  
 3189 ~~within 1 year after the initial statement expires, and if the~~  
 3190 ~~certification subject area is authorized to be issued by the~~  
 3191 ~~state board at the time the application requesting a reissued~~  
 3192 ~~statement of status of eligibility is received.~~

3193 (2) ELIGIBILITY CRITERIA.--To be eligible to seek  
 3194 certification ~~pursuant to this chapter~~, a person must:

3195 (a) Be at least 18 years of age.

3196 (b) File a written statement, under oath, that the  
 3197 applicant subscribes to and will uphold the principles  
 3198 incorporated in the Constitution of the United States and the  
 3199 Constitution of the State of Florida.

3200 (c) Document receipt of a bachelor's or higher degree from  
 3201 an accredited institution of higher learning, or a nonaccredited  
 3202 institution of higher learning that the Department of Education  
 3203 has identified as having a quality program resulting in a  
 3204 bachelor's degree, or higher. Each applicant seeking initial



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3205 certification must have attained at least a 2.5 overall grade  
3206 point average on a 4.0 scale in the applicant's major field of  
3207 study. The applicant may document the required education by  
3208 submitting official transcripts from institutions of higher  
3209 education or by authorizing the direct submission of such  
3210 official transcripts through established electronic network  
3211 systems. The bachelor's or higher degree may not be required in  
3212 areas approved in rule by the State Board of Education as  
3213 nondegreed areas.

3214 (d) Submit to a fingerprint check from the Department of  
3215 Law Enforcement and the Federal Bureau of Investigation pursuant  
3216 to s. 1012.32. If the fingerprint reports indicate a criminal  
3217 history or if the applicant acknowledges a criminal history, the  
3218 applicant's records shall be referred to the Bureau of Educator  
3219 Standards for review and determination of eligibility for  
3220 certification. If the applicant fails to provide the necessary  
3221 documentation requested by the Bureau of Educator Standards  
3222 within 90 days after the date of the receipt of the certified  
3223 mail request, the statement of eligibility and pending  
3224 application shall become invalid.

3225 (e) Be of good moral character.

3226 (f) Be competent and capable of performing the duties,  
3227 functions, and responsibilities of an educator.

3228 (g) Demonstrate mastery of general knowledge, pursuant to  
3229 subsection (3).

3230 (h) Demonstrate mastery of subject area knowledge,  
3231 pursuant to subsection(4).

3232 (i) Demonstrate mastery of professional preparation and  
3233 education competence, pursuant to subsection (5).



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3234 (3) MASTERY OF GENERAL KNOWLEDGE.--Acceptable means of  
 3235 demonstrating mastery of general knowledge are:

3236 (a) Achievement of passing scores on basic skills  
 3237 examination required by state board rule;

3238 (b) Achievement of passing scores on the College Level  
 3239 Academic Skills Test earned prior to July 1, 2002;

3240 (c) A valid professional standard teaching certificate  
 3241 issued by another state ~~that requires an examination of mastery~~  
 3242 ~~of general knowledge;~~

3243 (d) ~~A valid standard teaching certificate issued by~~  
 3244 ~~another state and~~ valid certificate issued by the National Board  
 3245 for Professional Teaching Standards; or

3246 (e) Documentation of two semesters of successful teaching  
 3247 in a community college, state university, or private college or  
 3248 university that awards an associate or higher degree and is an  
 3249 accredited institution or an institution of higher education  
 3250 identified by the Department of Education as having a quality  
 3251 program. ~~A valid standard teaching certificate issued by another~~  
 3252 ~~state and documentation of 2 years of continuous successful~~  
 3253 ~~full-time teaching or administrative experience during the 5-~~  
 3254 ~~year period immediately preceding the date of application for~~  
 3255 ~~certification.~~

3256 (4) MASTERY OF SUBJECT AREA KNOWLEDGE.--Acceptable means  
 3257 of demonstrating mastery of subject area knowledge are:

3258 (a) Achievement of passing scores on subject area  
 3259 examinations required by state board rule;

3260 (b) Completion of the subject area specialization  
 3261 requirements specified in state board rule and verification of  
 3262 the attainment of the essential subject matter competencies by  
 3263 the district school superintendent of the employing school



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3264 district or chief administrative officer of the employing state-  
 3265 supported or private school for a subject area for which a  
 3266 subject area examination has not been developed and required by  
 3267 state board rule;

3268 (c) Completion of the ~~graduate level~~ subject area  
 3269 specialization requirements specified in state board rule for a  
 3270 subject coverage requiring a master's or higher degree and  
 3271 achievement of a passing score on the subject area examination  
 3272 specified in state board rule;

3273 (d) A valid professional standard teaching certificate  
 3274 issued by another state ~~that requires an examination of mastery~~  
 3275 ~~of subject area knowledge; or~~

3276 (e) A ~~valid standard teaching certificate issued by~~  
 3277 ~~another state and~~ valid certificate issued by the National Board  
 3278 for Professional Teaching Standards. ~~;~~ ~~or~~

3279 ~~(f) A valid standard teaching certificate issued by~~  
 3280 ~~another state and documentation of 2 years of continuous~~  
 3281 ~~successful full-time teaching or administrative experience~~  
 3282 ~~during the 5-year period immediately preceding the date of~~  
 3283 ~~application for certification.~~

3284 (5) MASTERY OF PROFESSIONAL PREPARATION AND EDUCATION  
 3285 COMPETENCE.--Acceptable means of demonstrating mastery of  
 3286 professional preparation and education competence are:

3287 (a) Completion of an approved teacher preparation program  
 3288 at a postsecondary educational institution within this state and  
 3289 achievement of a passing score on the professional education  
 3290 competency examination required by state board rule;

3291 (b) Completion of a teacher preparation program at a  
 3292 postsecondary educational institution outside Florida and



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3293 achievement of a passing score on the professional education  
3294 competency examination required by state board rule;

3295 (c) A valid professional standard teaching certificate  
3296 issued by another state ~~that requires an examination of mastery~~  
3297 ~~of professional education competence;~~

3298 (d) A ~~valid standard teaching certificate issued by~~  
3299 ~~another state and~~ valid certificate issued by the National Board  
3300 for Professional Teaching Standards;

3301 (e) Documentation of two semesters of successful teaching  
3302 in a community college, state university, or private college or  
3303 university that awards an associate or higher degree and is an  
3304 accredited institution or an institution of higher education  
3305 identified by the Department of Education as having a quality  
3306 program A ~~valid standard teaching certificate issued by another~~  
3307 ~~state and documentation of 2 years of continuous successful~~  
3308 ~~full-time teaching or administrative experience during the 5-~~  
3309 ~~year period immediately preceding the date of application for~~  
3310 ~~certification;~~

3311 (f) Completion of professional preparation courses as  
3312 specified in state board rule, successful completion of a  
3313 professional education competence demonstration program pursuant  
3314 to paragraph (7)(b), and achievement of a passing score on the  
3315 professional education competency examination required by state  
3316 board rule; or

3317 (g) Successful completion of a professional preparation  
3318 alternative certification and education competency program,  
3319 outlined in paragraph (7)(a).

3320 Section 44. Subsection (1) of section 1012.57, Florida  
3321 Statutes, is amended to read:

3322 1012.57 Certification of adjunct educators.--





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3323 (1) Notwithstanding the provisions of ss. 1012.32,  
3324 1012.55, and 1012.56, or any other provision of law or rule to  
3325 the contrary, district school boards shall adopt rules to allow  
3326 for the issuance of ~~may issue~~ an adjunct teaching certificate to  
3327 any applicant who fulfills the requirements of s. 1012.56(2)(a)-  
3328 (f) and who has expertise in the subject area to be taught. An  
3329 applicant shall be considered to have expertise in the subject  
3330 area to be taught if the applicant ~~has at least a minor in the~~  
3331 ~~subject area or~~ demonstrates sufficient subject area mastery  
3332 through passage of a subject area test ~~as determined by district~~  
3333 ~~school board policy~~. The adjunct teaching certificate shall be  
3334 used for part-time teaching positions. The intent of this  
3335 provision is to allow school districts to tap the wealth of  
3336 talent and expertise represented in Florida's citizens who may  
3337 wish to teach part-time in a Florida public school by permitting  
3338 school districts to issue adjunct certificates to qualified  
3339 applicants. Adjunct certificateholders should be used as a  
3340 strategy to reduce the teacher shortage; thus, adjunct  
3341 certificateholders should supplement a school's instructional  
3342 staff, not supplant it. Each school principal shall assign an  
3343 experienced peer mentor to assist the adjunct teaching  
3344 certificateholder during the certificateholder's first year of  
3345 teaching, and an adjunct certificateholder may participate in a  
3346 district's new teacher training program. District school boards  
3347 shall provide the adjunct teaching certificateholder an  
3348 orientation in classroom management prior to assigning the  
3349 certificateholder to a school. Each adjunct teaching certificate  
3350 is valid for 5 school years and is renewable if+

3351 ~~(a) The applicant completes a minimum of 60 inservice~~  
3352 ~~points or 3 semester hours of college credit. The earned credits~~



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3353 ~~must include instruction in classroom management, district~~  
 3354 ~~school board procedures, school culture, and other activities~~  
 3355 ~~that enhance the professional teaching skills of the~~  
 3356 ~~certificateholder.~~

3357 ~~(b)~~ the applicant has received satisfactory performance  
 3358 evaluations during each year of teaching under adjunct teaching  
 3359 certification.

3360 Section 45. Paragraph (a) of subsection (1), subsection  
 3361 (2), and paragraph (a) of subsection (3) of section 1012.585,  
 3362 Florida Statutes, are amended to read:

3363 1012.585 Process for renewal of professional  
 3364 certificates.--

3365 (1)(a) District school boards ~~in this state~~ shall renew  
 3366 state-issued professional certificates as follows:

3367 1. Each district school board shall renew state-issued  
 3368 professional certificates for individuals who hold a state-  
 3369 issued professional certificate ~~by this state~~ and are employed  
 3370 by that district pursuant to criteria established in subsections  
 3371 (2), (3), and (4) and rules of the State Board of Education.

3372 2. The employing school district may charge the individual  
 3373 an application fee not to exceed the amount charged by the  
 3374 Department of Education for such services, including associated  
 3375 late renewal fees. Each district school board shall transmit  
 3376 monthly to the department a fee in an amount established by the  
 3377 State Board of Education for each renewed certificate. The fee  
 3378 shall not exceed the actual cost for maintenance and operation  
 3379 of the statewide certification database and for the actual costs  
 3380 incurred in printing and mailing such renewed certificates. As  
 3381 defined in current rules of the state board, the department  
 3382 shall contribute a portion of such fee for purposes of funding



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3383 the Educator Recovery Network established in s. 1012.798. The  
3384 department shall deposit all funds into the Educational  
3385 Certification Trust Fund for use as specified in s. 1012.59.

3386 (2)(a) All professional certificates, except a  
3387 nonrenewable professional certificate, shall be renewable for  
3388 successive periods not to exceed 5 years after the date of  
3389 submission of documentation of completion of the requirements  
3390 for renewal provided in subsection (3). Only one renewal may be  
3391 granted during each 5-year validity period of a professional  
3392 certificate.

3393 (b) A teacher with national certification from the  
3394 National Board for Professional Teaching Standards is deemed to  
3395 meet state renewal requirements for the life of the teacher's  
3396 national certificate in the subject shown on the national  
3397 certificate. A complete renewal application and fee shall be  
3398 submitted. The Commissioner of Education shall notify teachers  
3399 of the renewal application and fee requirements.

3400 (c) If the renewal application form is not received by the  
3401 department or by the employing school district before the  
3402 expiration of the professional certificate, the application  
3403 form, application fee, and a late fee must be submitted before  
3404 July 1 of the year following expiration of the certificate in  
3405 order to renew the professional certificate.

3406 (d) The State Board of Education shall adopt rules to  
3407 allow a 1-year extension of the validity period of a  
3408 professional certificate in the event of serious illness,  
3409 injury, or other extraordinary extenuating circumstances of the  
3410 applicant. The department shall grant such 1-year extension upon  
3411 written request by the applicant or by the district school  
3412 superintendent or the governing authority of a university lab



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3413 school, state-supported school, or private school that employs  
3414 the applicant.

3415 (3) For the renewal of a professional certificate, the  
3416 following requirements must be met:

3417 (a) The applicant must earn a minimum of 6 college credits  
3418 or 120 inservice points or a combination thereof. For each area  
3419 of specialization to be retained on a certificate, the applicant  
3420 must earn at least 3 of the required credit hours or equivalent  
3421 inservice points in the specialization area. Education in  
3422 "clinical educator" training pursuant to s. 1004.04(6)(b)  
3423 ~~1004.04(5)(b)~~ and credits or points that provide training in the  
3424 area of scientifically researched, knowledge-based reading  
3425 literacy and computational skills acquisition, exceptional  
3426 student education, normal child development, and the disorders  
3427 of development may be applied toward any specialization area.  
3428 Credits or points that provide training in the areas of drug  
3429 abuse, child abuse and neglect, strategies in teaching students  
3430 having limited proficiency in English, or dropout prevention, or  
3431 training in areas identified in the educational goals and  
3432 performance standards adopted pursuant to ss. 1000.03(5) and  
3433 1001.23 may be applied toward any specialization area. Credits  
3434 or points earned through approved summer institutes may be  
3435 applied toward the fulfillment of these requirements. Inservice  
3436 points may also be earned by participation in professional  
3437 growth components approved by the State Board of Education and  
3438 specified pursuant to s. 1012.98 in the district's approved  
3439 master plan for inservice educational training, including, but  
3440 not limited to, serving as a trainer in an approved teacher  
3441 training activity, serving on an instructional materials  
3442 committee or a state board or commission that deals with



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3443 educational issues, or serving on an advisory council created  
3444 pursuant to s. 1001.452.

3445 Section 46. Section 1012.586, Florida Statutes, is created  
3446 to read:

3447 1012.586 Additions or changes to certificates; duplicate  
3448 certificates.--A school district may process via a Department of  
3449 Education website certificates for the following applications of  
3450 public school employees:

3451 (1) Addition of a subject coverage or endorsement to a  
3452 valid Florida certificate on the basis of the completion of the  
3453 appropriate subject area testing requirements of s.  
3454 1012.56(4)(a) or the completion of the requirements of an  
3455 approved school district program or the inservice components for  
3456 an endorsement.

3457 (2) A reissued certificate to reflect a name change.

3458 (3) A duplicate certificate to replace a lost or damaged  
3459 certificate.

3460  
3461 The employing school district shall charge the employee a fee  
3462 not to exceed the amount charged by the Department of Education  
3463 for such services. Each district school board shall retain a  
3464 portion of the fee as defined in the rules of the State Board of  
3465 Education. The portion sent to the department shall be used for  
3466 maintenance of the technology system, the web application, and  
3467 posting and mailing of the certificate.

3468 Section 47. Subsection (2), paragraph (b) of subsection  
3469 (3), and subsections (5), (6),(7), (8), (9), (10), and (11) of  
3470 section 1012.98, Florida Statutes, are amended to read:

3471 1012.98 School Community Professional Development Act.--



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3472           (2) The school community includes students and parents,  
3473 administrative personnel, managers, instructional personnel,  
3474 support personnel, members of district school boards, members of  
3475 school advisory councils, ~~parents~~, business partners, and  
3476 personnel that provide health and social services to students  
3477 ~~school children. School districts may identify and include~~  
3478 ~~additional members of the school community in the professional~~  
3479 ~~development activities required by this section.~~

3480           (3) The activities designed to implement this section  
3481 must:

3482           (b) Assist the school community in providing stimulating,  
3483 scientifically research-based educational activities that  
3484 encourage and motivate students to achieve at the highest levels  
3485 and to become active learners.

3486           ~~(5)(a) The Department of Education shall provide a system~~  
3487 ~~for the recruitment, preparation, and professional development~~  
3488 ~~of school administrative personnel. This system shall:~~

3489           ~~1. Identify the knowledge, competencies, and skills~~  
3490 ~~necessary for effective school management and instructional~~  
3491 ~~leadership that align with student performance standards and~~  
3492 ~~accountability measures.~~

3493           ~~2. Include performance evaluation methods.~~

3494           ~~3. Provide for alternate means for preparation of school~~  
3495 ~~administrative personnel which may include programs designed by~~  
3496 ~~school districts and postsecondary educational institutions~~  
3497 ~~pursuant to guidelines developed by the commissioner. Such~~  
3498 ~~preparation programs shall be approved by the Department of~~  
3499 ~~Education.~~

3500           ~~4. Provide for the hiring of qualified out-of-state school~~  
3501 ~~administrative personnel.~~



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3502 ~~5. Provide advanced educational opportunities for school-~~  
3503 ~~based instructional leaders.~~

3504 ~~(b) The Commissioner of Education shall appoint a task~~  
3505 ~~force that includes a district school superintendent, a district~~  
3506 ~~school board member, a principal, an assistant principal, a~~  
3507 ~~teacher, a dean of a college of education, and parents. The task~~  
3508 ~~force shall convene periodically to provide recommendations to~~  
3509 ~~the department in the areas of recruitment, certification,~~  
3510 ~~preparation, professional development, and evaluation of school~~  
3511 ~~administrators.~~

3512 (5)~~(6)~~ Each district school board shall provide funding  
3513 for the professional development system as required by s.  
3514 1011.62 and the General Appropriations Act, and shall direct  
3515 expenditures from other funding sources to strengthen the system  
3516 and make it uniform and coherent. A school district may  
3517 coordinate its professional development program with that of  
3518 another district, with an educational consortium, or with a  
3519 community college or university, especially in preparing and  
3520 educating personnel. Each district school board shall make  
3521 available inservice activities to instructional personnel of  
3522 nonpublic schools in the district and the state certified  
3523 teachers who are not employed by the district school board on a  
3524 fee basis not to exceed the cost of the activity per all  
3525 participants.

3526 (6)~~(7)~~ An organization of private schools which has no  
3527 fewer than 10 member schools in this state, which publishes and  
3528 files with the Department of Education copies of its standards,  
3529 and the member schools of which comply with the provisions of  
3530 part II of chapter 1003, relating to compulsory school  
3531 attendance, may also develop a professional development system



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3532 that includes a master plan for inservice activities. The system  
3533 and inservice plan must be submitted to the commissioner for  
3534 approval pursuant to rules of the State Board of Education.

3535 (7)~~(8)~~ The Department of Education shall design methods by  
3536 which the state and district school boards may evaluate and  
3537 improve the professional development system. The evaluation must  
3538 include an annual assessment of data that indicate progress or  
3539 lack of progress of all students. If the review of the data  
3540 indicates progress, the department shall identify the best  
3541 practices that contributed to the progress. If the review of the  
3542 data indicates a lack of progress, the department shall  
3543 investigate the causes of the lack of progress, provide  
3544 technical assistance, and require the school district to employ  
3545 a different approach to professional development. The department  
3546 shall report annually to the State Board of Education and the  
3547 Legislature any school district that, in the determination of  
3548 the department, has failed to provide an adequate professional  
3549 development system. This report must include the results of the  
3550 department's investigation and of any intervention provided.

3551 (8)~~(9)~~ The State Board of Education may adopt rules  
3552 pursuant to ss. 120.536(1) and 120.54 to administer this  
3553 section.

3554 (9)~~(10)~~ This section does not limit or discourage a  
3555 district school board from contracting with independent entities  
3556 for professional development services and inservice education if  
3557 the district school board can demonstrate to the Commissioner of  
3558 Education ~~believes~~ that, through such a contract, a better  
3559 product can be acquired or its goals for education improvement  
3560 can be better met.





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3561        (10)~~(11)~~ For teachers, managers, and administrative  
 3562 personnel who have been evaluated as less than satisfactory, a  
 3563 district school board shall require participation in specific  
 3564 professional development programs as part of the improvement  
 3565 prescription.

3566            Section 48. Paragraph (b) of subsection (1) of section  
 3567 1009.531, Florida Statutes, is amended to read:

3568            1009.531 Florida Bright Futures Scholarship Program;  
 3569 student eligibility requirements for initial awards.--

3570            (1) To be eligible for an initial award from any of the  
 3571 three types of scholarships under the Florida Bright Futures  
 3572 Scholarship Program, a student must:

3573            (b) Earn a standard Florida high school diploma or its  
 3574 equivalent as described in s. 1003.429, s. 1003.43, or s.  
 3575 1003.435 ~~1003.45~~ unless:

3576            1. The student is enrolled full time in the early  
 3577 admission program of an eligible postsecondary education  
 3578 institution or completes a home education program according to  
 3579 s. 1002.41; or

3580            2. The student earns a high school diploma from a non-  
 3581 Florida school while living with a parent or guardian who is on  
 3582 military or public service assignment away from Florida.

3583            Section 49. Part VIII of chapter 159, Florida Statutes,  
 3584 consisting of sections 159.831, 159.832, 159.833, 159.834, and  
 3585 159.835, is created to read:

3586            159.831 Short title.--This part may be cited as the  
 3587 "Florida Qualified Public Educational Facilities Private  
 3588 Activity Bond Allocation Act."

3589            159.832 Purpose.--The purpose of this part is to allocate  
 3590 the state volume limitation imposed by s. 142(k)(5)(A) of the



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3591 code on private activity bonds to finance qualified public  
 3592 educational facilities. No private activity bond subject to the  
 3593 limitation in s. 142(k)(5)(A) of the code shall be issued in  
 3594 this state unless a written confirmation therefor is issued  
 3595 pursuant to this part.

3596 159.833 Definitions.--As used in this part, the term:

3597 (1) "Board" means the State Board of Education, created  
 3598 pursuant to Section 2, Article IX of the State Constitution.

3599 (2) "Code" means the Internal Revenue Code of 1986, as  
 3600 amended, and the regulations and rulings issued thereunder.

3601 (3) "Commissioner" means the Commissioner of Education.

3602 (4) "Department" means the Department of Education,  
 3603 created pursuant to s. 20.15.

3604 (5) "Issued" has the same meaning as in the code.

3605 (6) "Private activity bond" means any bond described in s.  
 3606 141 of the code.

3607 (7) "Qualified Public Educational Facility" means a  
 3608 facility described in s. 142(k)(1) of the code.

3609 159.834 Allocation of state volume limitation.--

3610 (1) By February 1, 2004, the board shall establish a  
 3611 program for allocating the state volume limitation imposed by s.  
 3612 142(k)(5)(A) of the code on private activity bonds to finance  
 3613 qualified public educational facilities. Such program shall  
 3614 include objective criteria to be considered in determining  
 3615 whether to grant a request for such volume limitation,  
 3616 including, but not limited to, the need for a qualified public  
 3617 educational facility in the area proposed in the application,  
 3618 the number of students to be served by such facility, and the  
 3619 cost effectiveness of the proposed facility. The program shall  
 3620 be administered by the department.



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3621       (2) The department shall annually determine the amount of  
 3622 private activity bonds for qualified public educational  
 3623 facilities permitted to be issued in this state under s. 142  
 3624 (k)(5) of the code and shall make such information available  
 3625 upon request to any person or agency.

3626       (3) The department shall ensure that any volume limitation  
 3627 unused at the end of each calendar year is carried forward  
 3628 pursuant to s. 142(k)(5)(B)(ii) of the code.

3629       (4) The commissioner shall sign any certificate required  
 3630 by the code relating to the allocation of the state volume  
 3631 limitation on private activity bonds to finance qualified public  
 3632 educational facilities.

3633       159.835 Rules.--The board and the department shall adopt  
 3634 any rules necessary to ensure the orderly implementation and  
 3635 administration of this act.

3636       Section 50. Paragraph (c) of subsection (1) of section  
 3637 1012.22, Florida Statutes, is amended to read:

3638       1012.22 Public school personnel; powers and duties of the  
 3639 district school board.--The district school board shall:

3640       (1) Designate positions to be filled, prescribe  
 3641 qualifications for those positions, and provide for the  
 3642 appointment, compensation, promotion, suspension, and dismissal  
 3643 of employees as follows, subject to the requirements of this  
 3644 chapter:

3645       (c) Compensation and salary schedules.--

3646       1. The district school board shall adopt a salary schedule  
 3647 or salary schedules designed to furnish incentives for  
 3648 improvement in training and for continued efficient service to  
 3649 be used as a basis for paying all school employees and fix and



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3650 authorize the compensation of school employees on the basis  
3651 thereof.

3652 2. A district school board, in determining the salary  
3653 schedule for instructional personnel, must base a portion of  
3654 each employee's compensation on performance demonstrated under  
3655 s. 1012.34, must consider the prior teaching experience of a  
3656 person who has been designated state teacher of the year by any  
3657 state in the United States, and must consider prior professional  
3658 experience in the field of education gained in positions in  
3659 addition to district level instructional and administrative  
3660 positions.

3661 3. In developing the salary schedule, the district school  
3662 board shall seek input from parents, teachers, and  
3663 representatives of the business community.

3664 4. Beginning with the 2002-2003 fiscal year, each district  
3665 school board must adopt a performance-pay policy for school  
3666 administrators and instructional personnel. The district's  
3667 performance-pay policy is subject to negotiation as provided in  
3668 chapter 447; however, the adopted salary schedule must allow  
3669 school administrators and instructional personnel who  
3670 demonstrate outstanding performance, as measured under s.  
3671 1012.34, to earn a 5-percent supplement in addition to their  
3672 individual, negotiated salary. The supplements shall be funded  
3673 from the performance-pay reserve funds adopted in the salary  
3674 schedule. Beginning with the 2004-2005 academic year, the  
3675 district's 5-percent performance-pay policy must provide for the  
3676 evaluation of classroom teachers within each level of the salary  
3677 career ladder provided in s. 1012.231. The Commissioner of  
3678 Education shall determine whether the district school board's  
3679 adopted salary schedule complies with the requirement for



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3680 performance-based pay. If the district school board fails to  
3681 comply with this section, the commissioner shall withhold  
3682 disbursements from the Educational Enhancement Trust Fund to the  
3683 district until compliance is verified.

3684 Section 51. Section 1012.987, Florida Statutes, is created  
3685 to read:

3686 1012.987 Education leadership development.--The State  
3687 Board of Education shall adopt rules through which school  
3688 principals may earn a principal leadership designation based on  
3689 teacher retention, overall student performance, and school  
3690 grade.

3691 Section 52. (1) In order to ensure that the construction  
3692 of new and expanded education facilities provides the best long-  
3693 term value, school districts shall compare the following life-  
3694 cycle costs of materials used by competing providers when  
3695 constructing or expanding school capacity:

- 3696 (a) The anticipated annual energy consumption;  
3697 (b) The relative resistance to damage by wind loads and  
3698 associated debris;  
3699 (c) The resistance to wood-destroying organisms;  
3700 (d) The perpetual maintenance costs;  
3701 (e) The resistance to fire; and  
3702 (f) A comparison of the annual insurance costs.

3703 (2) School districts may rely on the information provided  
3704 by contractors if the contractor's analysis is based on the best  
3705 currently available methods, including those of the National  
3706 Institute of Standards and Technology, the Department of Housing  
3707 and Urban Development, and other federal and state agencies and  
3708 technical or professional societies.



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3709       Section 53. If any provision of this act or its  
3710 application to any person or circumstance is held invalid, the  
3711 invalidity does not affect other provisions or applications of  
3712 the act which can be given effect without the invalid provision  
3713 or application, and to this end the provisions of this act are  
3714 severable.

3715       Section 54. If any law that is amended by this act was  
3716 also amended by a law enacted at the 2003 Regular Session of the  
3717 Legislature, such laws shall be construed as if they had been  
3718 enacted during the same session of the Legislature, and full  
3719 effect should be given to each if that is possible.

3720       Section 55. Except as otherwise expressly provided in this  
3721 act, this act shall take effect July 1, 2003, and the changes  
3722 effected by this act to the Deferred Retirement Option Program  
3723 shall take effect June 1, 2003.