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1 A bill to be entitled

2 An act relating to education; amending s. 17.076, F.S.;  
3 providing an exception to a public-records exemption;  
4 amending s. 20.055, F.S.; deleting a reference to the  
5 Board of Regents; amending s. 24.121, F.S.; correcting a  
6 cross-reference; amending s. 110.161, F.S.; including  
7 employees of state universities in a definition for  
8 purposes of a pretax benefits program; amending s.  
9 112.215, F.S.; including employees of state university  
10 boards of trustees in definition for purposes of the  
11 deferred compensation program; amending s. 145.19, F.S.;  
12 adding a cross-reference; providing for superintendent's  
13 annual performance salary incentive to be added to  
14 adjusted salary rate; amending s. 159.27, F.S.;  
15 redesignating a developmental research school as a lab  
16 school; amending s. 212.055, F.S.; deleting references to  
17 the Florida Frugal Schools Program; amending s. 216.136,  
18 F.S.; deleting reference to Chancellor of the State  
19 University System, Executive Director of the State Board  
20 of Community Colleges, and State Board of Nonpublic Career  
21 Education; providing that the executive director of the  
22 Commission for Independent Education is a member of the  
23 Workforce Estimating Conference; amending s. 250.10, F.S.;  
24 deleting a reference to the State Board of Community  
25 Colleges; amending s. 287.064, F.S.; authorizing state  
26 universities to continue to participate in the  
27 consolidated equipment financing program; amending s.  
28 316.615, F.S.; replacing reference to the Commissioner of  
29 Education with State Board of Education for purpose of  
30 rulemaking; amending s. 402.305, F.S.; replacing reference



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31 to the Department of Education with State Board of  
 32 Education for purpose of rulemaking; amending s. 409.1451,  
 33 F.S.; correcting a cross-reference; amending s. 440.38,  
 34 F.S.; including state universities as self-insurers for  
 35 purposes of workers compensation; amending ss. 445.012 and  
 36 445.0122, F.S.; deleting a reference to the Articulation  
 37 Coordinating Committee; providing for agreement of the  
 38 State Board of Education; amending s. 445.0123, F.S.;  
 39 deleting a reference to the State Board of Independent  
 40 Colleges and Universities and the State Board of Nonpublic  
 41 Career Education; requiring licensure of certain  
 42 postsecondary education institutions by the Commission for  
 43 Independent Education for determining eligibility for  
 44 certain students; amending s. 445.0124, F.S.; deleting a  
 45 reference to the Articulation Coordinating Committee;  
 46 providing for agreement of the State Board of Education;  
 47 amending ss. 455.2125 and 456.028, F.S.; deleting  
 48 reference to the State Board of Independent Colleges and  
 49 Universities, the State Board of Nonpublic Career  
 50 Education, and the State Board of Community Colleges;  
 51 requiring consultation with the Commission for Independent  
 52 Education and the State Board of Education; amending s.  
 53 458.347, F.S.; replacing a reference to State Board of  
 54 Community Colleges with State Board of Education; amending  
 55 s. 467.009, F.S.; deleting a reference to the licensing  
 56 authority of the State Board of Nonpublic Career  
 57 Education; providing licensing authority of the Commission  
 58 for Independent Education; amending s. 488.01, F.S.;  
 59 deleting a reference to the State Board of Nonpublic  
 60 Career Education; requiring a license from the Commission



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61 for Independent Education for operating certain driver's  
62 schools; amending s. 489.125, F.S.; replacing a reference  
63 to the Commissioner of Education with State Board of  
64 Education for purpose of rulemaking; amending s. 784.081,  
65 F.S.; redesignating a developmental research school as a  
66 lab school; amending ss. 817.566 and 817.567, F.S.;  
67 correcting cross-references; deleting a reference to the  
68 State Board of Independent Colleges and Universities;  
69 providing licensing authority of the Commission for  
70 Independent Education; amending s. 943.17, F.S.; replacing  
71 a reference to the Department of Education with State  
72 Board of Education for purpose of rulemaking; amending s.  
73 943.22, F.S.; replacing a reference to accreditation by  
74 the Accrediting Commission for Independent Colleges and  
75 Schools with the Accrediting Council for Independent  
76 Colleges and Schools; amending s. 1000.04, F.S.;  
77 correcting reference to technical centers; amending s.  
78 1001.26, F.S.; correcting a cross-reference; amending s.  
79 1001.32, F.S.; deleting a reference to the rulemaking  
80 authority of the Commissioner of Education; amending s.  
81 1001.372, F.S.; correcting a cross-reference; amending s.  
82 1001.42, F.S.; correcting a cross-reference; amending s.  
83 1001.47, F.S.; providing calculation methodology for  
84 salary for elected district school superintendents based  
85 on county population; amending s. 1001.50, F.S.;  
86 eliminating age as a criterion of compensation for  
87 district school superintendents; amending s. 1001.51,  
88 F.S.; deleting a reference to patrons; amending s.  
89 1001.74, F.S.; adding a cross-reference relating to pretax  
90 benefits for state university employees; amending ss.



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91 1002.01 and 1002.20, F.S.; correcting a cross-reference;  
92 amending s. 1002.32, F.S.; redesignating a developmental  
93 research school as a lab school; correcting a cross-  
94 reference; amending s. 1002.33, F.S.; correcting a  
95 reference to federal law; deleting conflicting provisions  
96 relating to charter school facilities; requiring certain  
97 compliance for transportation of charter school students;  
98 deleting provisions governing an obsolete pilot program;  
99 amending s. 1002.42, F.S.; correcting cross-references;  
100 amending s. 1002.43, F.S.; providing a reference to  
101 regular school attendance; correcting a cross-reference;  
102 amending s. 1003.22, F.S.; providing a reference to  
103 prekindergarten; amending s. 1003.43, F.S.; deleting a  
104 reference to waiver authority of the State Board of  
105 Education; correcting date and name of the Korean  
106 Conflict; amending s. 1003.52, F.S.; correcting a cross-  
107 reference; amending s. 1003.63, F.S.; deleting reference  
108 to the waiver authority of the State Board of Education;  
109 amending s. 1004.24, F.S.; deleting an obsolete reference  
110 to postaudit of financial accounts; providing for a  
111 financial audit pursuant to s. 11.45, F.S.; amending s.  
112 1004.26, F.S.; conforming university oversight of student  
113 government; amending s. 1004.445, F.S.; deleting an  
114 obsolete reference to postaudit of financial accounts;  
115 providing for a financial audit pursuant to s. 11.45,  
116 F.S.; amending s. 1005.04, F.S.; correcting punctuation;  
117 amending s. 1006.14, F.S.; correcting punctuation;  
118 amending s. 1006.21, F.S.; omitting references to  
119 regulations; amending s. 1007.21, F.S.; conforming  
120 references to parent or guardian; amending s. 1008.22,



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121 F.S.; revising provisions relating to passing scores for  
122 students taking the FCAT for the first time; amending s.  
123 1008.25, F.S.; providing an exemption from retention for  
124 certain grade 3 students with disabilities; revising a  
125 reporting date; amending s. 1008.32, F.S.; requiring the  
126 Commissioner of Education to report determinations of  
127 probable cause; amending s. 1008.37, F.S.; correcting a  
128 reporting date; amending s. 1009.21, F.S.; revising  
129 provisions relating to determination of resident status  
130 for tuition purposes; providing for reclassification;  
131 amending s. 1009.24, F.S.; providing that nonresident  
132 student fees must be sufficient to defray costs of  
133 undergraduate education; amending s. 1009.29, F.S.;  
134 correcting a reference to the number of state  
135 universities; amending s. 1009.531, F.S.; including  
136 International General Certificate of Secondary Education  
137 and Advanced International Certificate of Education  
138 courses in courses that are weighted for purposes of  
139 determining initial eligibility for a Florida Bright  
140 Futures Scholarship; amending s. 1009.532, F.S.; providing  
141 for a one-time restoration of a scholarship award;  
142 amending ss. 1009.534 and 1009.535, F.S.; including  
143 Advanced International Certificate of Education students  
144 as eligible for a Florida Academic Scholars award or a  
145 Florida Medallion Scholars award; amending s. 1009.536,  
146 F.S., relating to the Florida Gold Seal Vocational  
147 Scholars award, to conform; amending ss. 1009.58 and  
148 1009.61, F.S.; redesignating a developmental research  
149 school as a lab school; amending ss. 1009.765 and 1009.77,  
150 F.S.; replacing a reference to the Department of Education



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151 with the State Board of Education for purpose of  
152 rulemaking; creating s. 1010.10, F.S.; creating the  
153 Florida Uniform Management of Institutional Funds Act;  
154 providing definitions; providing for expenditure of  
155 endowment funds by a governing board; providing for a  
156 standard of conduct; providing investment authority;  
157 providing for delegation of investment management;  
158 providing for investment costs; providing for release of  
159 restrictions on use or investment; providing for  
160 uniformity of application and construction; providing for  
161 retroactive effect; amending s. 1010.215, F.S.; replacing  
162 a reference to revenues with funds; amending s. 1010.75,  
163 F.S.; providing for disbursement of fees from the Teacher  
164 Certification Examination Trust Fund; amending ss. 1011.24  
165 and 1011.47, F.S.; redesignating developmental research  
166 schools as lab schools; amending s. 1011.60, F.S.;  
167 deleting a nonexistent cross-reference; authorizing a  
168 decrease in days of instruction for certain students;  
169 amending s. 1011.62, F.S.; redesignating a developmental  
170 research school as a lab school; deleting a reference to  
171 high school competency test; providing a reference to  
172 performance grade category; amending s. 1011.70, F.S.;  
173 changing references from the Department of Education to  
174 the Agency for Health Care Administration; redesignating  
175 developmental research schools as lab schools; authorizing  
176 lab schools to participate in Medicaid certified school  
177 match program on the same basis as school districts;  
178 amending s. 1011.765, F.S.; requiring the Consortium of  
179 Florida Education Foundations to administer funds  
180 appropriated to the Florida Academic Improvement Trust



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181 Fund; amending s. 1011.94, F.S., relating to the Trust  
 182 Fund for University Major Gifts; revising provisions  
 183 relating to use of proceeds; replacing references to the  
 184 State Board of Education with the Board of Governors;  
 185 providing limitations on matching funds; amending s.  
 186 1012.21, F.S.; providing references to the Department of  
 187 Education; amending s. 1012.585, F.S.; correcting the name  
 188 of a trust fund; correcting a cross-reference; amending s.  
 189 1012.61, F.S.; defining the term "educational support  
 190 employee"; amending ss. 1012.62, 1012.74, and 1012.79,  
 191 F.S.; correcting cross-references; amending s. 1012.795,  
 192 F.S.; designating an appointed representative of the  
 193 district school superintendent to receive records  
 194 concerning certain offenses; amending s. 1012.796, F.S.;  
 195 correcting a cross-reference; amending s. 1012.98, F.S.;  
 196 requiring consultation with state university faculty;  
 197 amending s. 1013.31, F.S.; deleting a reference to the  
 198 Division of Colleges and Universities; requiring the  
 199 Department of Education to validate university surveys in  
 200 accordance with State Board of Education approval of needs  
 201 and enrollment cycle; amending s. 1013.62, F.S.;  
 202 clarifying provisions relating to charter school  
 203 eligibility for capital outlay funding; amending ss.  
 204 1013.73 and 1013.74, F.S.; correcting cross-references;  
 205 amending s. 1005.31, F.S.; revising provisions relating to  
 206 licensure of institutions by the Commission for  
 207 Independent Education; amending s. 1005.32, F.S.;  
 208 providing for revocation or denial of license for  
 209 violation of provisions relating to discipline; amending  
 210 s. 1005.38, F.S.; providing for licensure activities of



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211 the commission during certain investigations or  
212 prosecution; amending s. 1009.531, F.S.; correcting a  
213 cross-reference; repealing s. 445.049(2)(g) and (h), F.S.,  
214 relating to the executive director of the State Board of  
215 Community Colleges and the executive director of the State  
216 Board for Career Education as members of the Digital  
217 Divide Council; repealing s. 1006.20(10), F.S., relating  
218 to reporting requirements; repealing s. 1006.57, F.S.,  
219 relating to certain books furnished by the Clerk of the  
220 Supreme Court; providing for construction of the act in  
221 pari materia with laws enacted during the Regular Session  
222 of the Legislature; providing effective dates.

223

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

225

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

228 17.076 Direct deposit of funds.--

229 (5) All direct deposit records made prior to October 1,  
230 1986, are exempt from the provisions of s. 119.07(1). With  
231 respect to direct deposit records made on or after October 1,  
232 1986, the names of the authorized financial institutions and the  
233 account numbers of the beneficiaries are confidential and exempt  
234 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the  
235 State Constitution. Notwithstanding this exemption and the  
236 provisions of s. 119.07(3)(dd), the department may provide a  
237 state university, upon request, with that university's employee  
238 or vendor direct deposit authorization information on file with  
239 the department in order to accommodate the transition to the  
240 university accounting system. The state university shall





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241 maintain the confidentiality of all such information provided by  
 242 the department.

243 Section 2. Paragraph (a) of subsection (1) of section  
 244 20.055, Florida Statutes, is amended to read:

245 20.055 Agency inspectors general.--

246 (1) For the purposes of this section:

247 (a) "State agency" means each department created pursuant  
 248 to this chapter, and also includes the Executive Office of the  
 249 Governor, the Department of Military Affairs, ~~the Board of~~  
 250 ~~Regents~~, the Fish and Wildlife Conservation Commission, the  
 251 Public Service Commission, and the state courts system.

252 Section 3. Paragraph (d) of subsection (5) of section  
 253 24.121, Florida Statutes, is amended to read:

254 24.121 Allocation of revenues and expenditure of funds for  
 255 public education.--

256 (5)

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

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

268 110.161 State employees; pretax benefits program.--

269 (2) As used in this section, "employee" means any  
 270 individual filling an authorized and established position in the



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271 executive, legislative, or judicial branch of the state,  
272 including the employees of the State Board of Administration and  
273 state universities.

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

276 112.215 Government employees; deferred compensation  
277 program.--

278 (2) For the purposes of this section, the term "employee"  
279 means any person, whether appointed, elected, or under contract,  
280 providing services for the state; any state agency or county or  
281 other political subdivision of the state; any municipality; any  
282 state university board of trustees; or any constitutional county  
283 officer under s. 1(d), Art. VIII of the State Constitution for  
284 which compensation or statutory fees are paid.

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

287 145.19 Annual percentage increases based on increase for  
288 state career service employees; limitation.--

289 (2) Each fiscal year, the salaries of all officials listed  
290 in this chapter and s. 1001.47 shall be adjusted by the annual  
291 factor. The Department of Management Services shall certify the  
292 annual factor and the cumulative annual factors. The adjusted  
293 salary rate shall be the product, rounded to the nearest dollar,  
294 of the salary rate granted by the appropriate section of this  
295 chapter or s. 1001.47 multiplied first by the initial factor,  
296 then by the cumulative annual factor, and finally by the annual  
297 factor. Any special qualification salary received under this  
298 chapter or annual performance salary incentive available to  
299 elected superintendents under s. 1001.47 shall be added to such  
300 adjusted salary rate, which special qualification salary shall



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301 be \$2,000, but shall not exceed \$2,000.

302 Section 7. Paragraph (b) of subsection (22) of section  
303 159.27, Florida Statutes, is amended to read:

304 159.27 Definitions.--The following words and terms, unless  
305 the context clearly indicates a different meaning, shall have  
306 the following meanings:

307 (22) "Educational facility" means:

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

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

330 212.055 Discretionary sales surtaxes; legislative intent;



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331 authorization and use of proceeds.--It is the legislative intent  
 332 that any authorization for imposition of a discretionary sales  
 333 surtax shall be published in the Florida Statutes as a  
 334 subsection of this section, irrespective of the duration of the  
 335 levy. Each enactment shall specify the types of counties  
 336 authorized to levy; the rate or rates which may be imposed; the  
 337 maximum length of time the surtax may be imposed, if any; the  
 338 procedure which must be followed to secure voter approval, if  
 339 required; the purpose for which the proceeds may be expended;  
 340 and such other requirements as the Legislature may provide.  
 341 Taxable transactions and administrative procedures shall be as  
 342 provided in s. 212.054.

343 (6) SCHOOL CAPITAL OUTLAY SURTAX.--

344 (b) The resolution shall include a statement that provides  
 345 a brief and general description of the school capital outlay  
 346 projects to be funded by the surtax. ~~If applicable, the~~  
 347 ~~resolution must state that the district school board has been~~  
 348 ~~recognized by the State Board of Education as having a Florida~~  
 349 ~~Frugal Schools Program.~~ The statement shall conform to the  
 350 requirements of s. 101.161 and shall be placed on the ballot by  
 351 the governing body of the county. The following question shall  
 352 be placed on the ballot:  
 353

354 \_\_\_\_\_FOR THE \_\_\_\_\_CENTS TAX  
 \_\_\_\_\_AGAINST THE \_\_\_\_\_CENTS TAX

355 (c) The resolution providing for the imposition of the  
 356 surtax shall set forth a plan for use of the surtax proceeds for  
 357 fixed capital expenditures or fixed capital costs associated  
 358 with the construction, reconstruction, or improvement of school  
 359



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360 facilities and campuses which have a useful life expectancy of 5  
 361 or more years, and any land acquisition, land improvement,  
 362 design, and engineering costs related thereto. Additionally, the  
 363 plan shall include the costs of retrofitting and providing for  
 364 technology implementation, including hardware and software, for  
 365 the various sites within the school district. Surtax revenues  
 366 may be used for the purpose of servicing bond indebtedness to  
 367 finance projects authorized by this subsection, and any interest  
 368 accrued thereto may be held in trust to finance such projects.  
 369 Neither the proceeds of the surtax nor any interest accrued  
 370 thereto shall be used for operational expenses. ~~If the district~~  
 371 ~~school board has been recognized by the State Board of Education~~  
 372 ~~as having a Florida Frugal Schools Program, the district's plan~~  
 373 ~~for use of the surtax proceeds must be consistent with this~~  
 374 ~~subsection and with uses assured under the Florida Frugal~~  
 375 ~~Schools Program.~~

376 Section 9. Paragraph (b) of subsection (9) of section  
 377 216.136, Florida Statutes, is amended to read:

378 216.136 Consensus estimating conferences; duties and  
 379 principals.--

380 (9) WORKFORCE ESTIMATING CONFERENCE.--

381 (b) Principals.--The Commissioner of Education, the  
 382 Executive Office of the Governor, the director of the Office of  
 383 Tourism, Trade, and Economic Development, the director of the  
 384 Agency for Workforce Innovation, the executive director of the  
 385 Commission for Independent Education, ~~the Chancellor of the~~  
 386 ~~State University System, the Executive Director of the State~~  
 387 ~~Board of Community Colleges, the chair of the State Board of~~  
 388 ~~Nonpublic Career Education,~~ the chair of Workforce Florida,  
 389 Inc., the coordinator of the Office of Economic and Demographic



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390 Research, or their designees, and professional staff from the  
 391 Senate and the House of Representatives who have forecasting and  
 392 substantive expertise, are the principals of the Workforce  
 393 Estimating Conference. In addition to the designated principals  
 394 of the conference, nonprincipal participants of the conference  
 395 shall include a representative of the Florida Chamber of  
 396 Commerce and other interested parties. The principal  
 397 representing the Executive Office of the Governor shall preside  
 398 over the sessions of the conference.

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

401 250.10 Appointment and duties of the Adjutant General.--

402 (7) The Adjutant General and representatives of the Board  
 403 of Regents, ~~the State Board of Community Colleges,~~ and the State  
 404 Board of Education shall design and develop a tuition assistance  
 405 program for members in good standing of the active Florida  
 406 National Guard who enroll in a public institution of higher  
 407 learning in the state in accordance with the provisions of  
 408 subsection (8).

409 (a) The program shall set forth application requirements  
 410 which include, but are not limited to, requirements that the  
 411 applicant shall:

- 412 1. Be 17 years of age or older.
- 413 2. Be presently domiciled in the state.
- 414 3. Be a member in good standing in the active Florida  
 415 National Guard at the beginning of and throughout the entire  
 416 academic term for which benefits are received.
- 417 4. Maintain continuous satisfactory participation in the  
 418 active Florida National Guard for any school term for which  
 419 exemption benefits are received.



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420           5. Agree in writing to serve in the active Florida  
421 National Guard for 3 years after completion of the studies for  
422 which an exemption is granted.

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

425           1. When a member of the active Florida National Guard  
426 receives an exemption from tuition and fees for any academic  
427 term and fails to maintain satisfactory participation in the  
428 Florida National Guard during such academic term, the exemption  
429 shall immediately be forfeited and the member shall be required  
430 to pay to the institution all tuition charges and student fees  
431 for the current academic term for which the exemption has been  
432 granted.

433           2. When a member of the active Florida National Guard  
434 leaves the Florida National Guard during the 3-year period such  
435 member had agreed to serve after completing the courses for  
436 which exemptions were granted, the member shall be required to  
437 reimburse the state for all tuition charges and student fees for  
438 which such member received exemptions, unless the Adjutant  
439 General determines there are justifiable extenuating  
440 circumstances.

441           3. If the service of a member of the active Florida  
442 National Guard is terminated or the member is placed on  
443 scholastic probation while receiving exemption benefits, the  
444 exemption shall be immediately forfeited and the member shall  
445 pay to the institution all tuition charges and student fees for  
446 the current academic term for which the member has received an  
447 exemption.

448           (c) The program shall define those members of the active  
449 Florida National Guard ineligible to participate in the program



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450 and those courses of study not authorized for the program.

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

452 a. Any member, commissioned officer or warrant officer or  
453 enlisted person, who has a baccalaureate degree.

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

456 c. Any member who has not completed basic military  
457 training.

458 2. Courses not authorized include noncredit courses,  
459 courses which do not meet degree requirements, or courses which  
460 do not meet requirements for completion of vocational-technical  
461 training.

462 (d) The Adjutant General, together with the Board of  
463 Regents, ~~the State Board of Community Colleges,~~ and the State  
464 Board of Education, shall promulgate rules for the overall  
465 policy, guidance, administration, implementation, and proper  
466 utilization of the program. Such rules shall include, but not be  
467 limited to, guidelines for certification by the Adjutant General  
468 of a guard member's eligibility, procedures for notification to  
469 an institution of a guard member's termination of eligibility,  
470 and procedures for restitution when a guard member fails to  
471 comply with the penalties described in paragraph (b).

472 Section 11. Subsections (1) through (6) of section  
473 287.064, Florida Statutes, are amended to read:

474 287.064 Consolidated financing of deferred-payment  
475 purchases.--

476 (1) The Division of Bond Finance of the State Board of  
477 Administration and the Comptroller shall plan and coordinate  
478 deferred-payment purchases made by or on behalf of the state or  
479 its agencies or by or on behalf of state universities or state





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480 community colleges participating under this section pursuant to  
 481 s. 1001.74(5) or s. 1001.64(26), respectively. The Division of  
 482 Bond Finance shall negotiate and the Comptroller shall execute  
 483 agreements and contracts to establish master equipment financing  
 484 agreements for consolidated financing of deferred-payment,  
 485 installment sale, or lease purchases with a financial  
 486 institution or a consortium of financial institutions. As used  
 487 in this act, the term "deferred-payment" includes installment  
 488 sale and lease-purchase.

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

492 (b) Repayment of the whole or a part of the funds drawn  
 493 pursuant to the master equipment financing agreement may  
 494 continue beyond the period established pursuant to paragraph  
 495 (a).

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

508 (2) Unless specifically exempted by the Comptroller, all  
 509 deferred-payment purchases, including those made by a state



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510 university or community college that is participating under this  
511 section, shall be acquired by funding through master equipment  
512 financing agreements. The Comptroller is authorized to exempt  
513 any purchases from consolidated financing when, in his or her  
514 judgment, alternative financing would be cost-effective or  
515 otherwise beneficial to the state.

516 (3) The Comptroller may require agencies to enter into  
517 interagency agreements and may require participating state  
518 universities or community colleges to enter into systemwide  
519 agreements for the purpose of carrying out the provisions of  
520 this act.

521 (a) The term of any interagency or systemwide agreement  
522 shall expire on June 30 of each fiscal year but shall  
523 automatically be renewed annually subject to appropriations and  
524 deferred-payment schedules. The period of any interagency or  
525 systemwide agreement shall not exceed the useful life of the  
526 equipment for which the agreement was made as determined by the  
527 Comptroller.

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

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

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

538 (6) There is created the Consolidated Payment Trust Fund  
539 in the Comptroller's office for the purpose of implementing the



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540 provisions of this act. All funds debited from each agency,  
 541 state university, and ~~each~~ community college may be deposited in  
 542 the trust fund and shall be used to meet the financial  
 543 obligations incurred pursuant to this act. Any income from the  
 544 investment of funds may be used to fund administrative costs  
 545 associated with this program.

546 Section 12. Subsection (3) of section 316.615, Florida  
 547 Statutes, is amended to read:

548 316.615 School buses; physical requirements of drivers.--

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

557 Section 13. Paragraph (b) of subsection (1) and paragraph  
 558 (b) of subsection (7) of section 402.305, Florida Statutes, are  
 559 amended to read:

560 402.305 Licensing standards; child care facilities.--

561 (1) LICENSING STANDARDS.--The department shall establish  
 562 licensing standards that each licensed child care facility must  
 563 meet regardless of the origin or source of the fees used to  
 564 operate the facility or the type of children served by the  
 565 facility.

566 (b) All standards established under ss. 402.301-402.319  
 567 must be consistent with the rules adopted by the State Fire  
 568 Marshal for child care facilities. However, if the facility is  
 569 operated in a public school, the department shall use the public



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570 school fire code, as provided in the rules of the State Board  
 571 ~~Department~~ of Education, as the minimum standard for firesafety.

572 (7) SANITATION AND SAFETY.--

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

582 Section 14. Paragraph (b) of subsection (5) of section  
 583 409.1451, Florida Statutes, is amended to read:

584 409.1451 Independent living transition services.--

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

592 (b) Road-to-Independence Scholarship Program.--

593 1. The Road-to-Independence Scholarship Program is  
 594 intended to help eligible students who are former foster  
 595 children in this state to receive the educational and vocational  
 596 training needed to achieve independence. The amount of the award  
 597 shall equal the earnings that the student would have been  
 598 eligible to earn working a 40-hour-a-week federal minimum wage  
 599 job, after considering other grants and scholarships that are in



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600 excess of the educational institutions' fees and costs, and  
 601 contingent upon available funds. Students eligible for the Road-  
 602 to-Independence Scholarship Program may also be eligible for  
 603 educational fee waivers for workforce development postsecondary  
 604 programs, community colleges, and universities, pursuant to s.  
 605 1009.25(2)(c).

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

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

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

614 c. Is a resident of this state as defined in s. 1009.40;  
 615 and

616 d. Meets one of the following qualifications:

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

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

626 (III) Is enrolled full time in an accredited adult  
 627 education program designed to provide the student with a high  
 628 school diploma or its equivalent, is making satisfactory  
 629 progress in that program as certified by the program, and is



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630 within 2 years of graduation.

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

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

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

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

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

650 f. Scholarship funds awarded to any eligible young adult  
651 under this program are in addition to any other services  
652 provided to the young adult by the department through its  
653 independent living transition services.

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

658 h. Scholarship funds shall be terminated when the young  
659 adult has attained a bachelor of arts or bachelor of science



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660 degree, or equivalent undergraduate degree, or reaches 23 years  
661 of age, whichever occurs earlier.

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

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

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

676 j. Scholarship funds may be terminated during the interim  
677 between an award and the evaluation for a renewal award if the  
678 department determines that the award recipient is no longer  
679 enrolled in an educational institution as defined in sub-  
680 subparagraph 2.d., or is no longer a state resident. The  
681 department shall notify a student who is terminated and inform  
682 the student of his or her right to appeal.

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



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690 scholarship program.

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

694 Section 15. Subsection (6) of section 440.38, Florida  
695 Statutes, is amended to read:

696 440.38 Security for compensation; insurance carriers and  
697 self-insurers.--

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

705 Section 16. Subsection (5) of section 445.012, Florida  
706 Statutes, is amended to read:

707 445.012 Careers for Florida's Future Incentive Grant  
708 Program.--

709 (5) A recipient who is pursuing a baccalaureate degree  
710 shall receive \$100 for each lower-division credit hour in which  
711 the student is enrolled at an eligible college or university, up  
712 to a maximum of \$1,500 per semester, and \$200 for each upper-  
713 division credit hour in which the student is enrolled at an  
714 eligible college or university, up to a maximum of \$3,000 per  
715 semester. For purposes of this section, a student is pursuing a  
716 baccalaureate degree if he or she is in a program that  
717 articulates into a baccalaureate degree program by agreement of  
718 the State Board of Education ~~Articulation Coordinating~~  
719 ~~Committee~~. A student in an applied technology diploma program, a





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720 certificate career education program, or a degree career  
 721 education program that does not articulate into a baccalaureate  
 722 degree program shall receive \$2 for each vocational contact  
 723 hour, or the equivalent, for certificate programs, or \$60 for  
 724 each credit hour, or the equivalent, for degree career education  
 725 programs and applied technology programs for which the student  
 726 is enrolled at an eligible college, technical center, or  
 727 nonpublic career education school.

728 Section 17. Subsection (5) of section 445.0122, Florida  
 729 Statutes, is amended to read:

730 445.0122 Student eligibility requirements for renewal  
 731 awards.--

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

743 Section 18. Subsections (4) and (5) of section 445.0123,  
 744 Florida Statutes, are amended to read:

745 445.0123 Eligible postsecondary education institutions.--A  
 746 student is eligible for an award or the renewal of an award from  
 747 the Careers for Florida's Future Incentive Grant Program if the  
 748 student meets the requirements for the program as described in  
 749 ss. 445.012-445.0125 and is enrolled in a postsecondary



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750 education institution that meets the description of any one of  
 751 the following:

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

756 (a) Shows evidence of sound financial condition; and

757 (b) Has operated in this state for at least 3 years  
 758 without having its approval, accreditation, or license placed on  
 759 probation.

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

763 (a) Has a program-completion and placement rate of at  
 764 least the rate required by current state law, the Florida  
 765 Administrative Code, or the Department of Education for an  
 766 institution at its level;

767 (b) Shows evidence of sound financial condition; and

768 (c)1. Is accredited at the institutional level by an  
 769 accrediting agency recognized by the United States Department of  
 770 Education and has operated in this state for at least 3 years  
 771 during which there has been no complaint for which probable  
 772 cause has been found; or

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

776 Section 19. Subsections (2) and (4) of section 445.0124,  
 777 Florida Statutes, are amended to read:

778 445.0124 Eligible programs.--

779 (2) Eligible lower-division programs are those programs



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

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

794 Section 20. Section 455.2125, Florida Statutes, is amended  
 795 to read:

796 455.2125 Consultation with postsecondary education boards  
 797 prior to adoption of changes to training requirements.--Any  
 798 state agency or board that has jurisdiction over the regulation  
 799 of a profession or occupation shall consult with the Commission  
 800 for Independent Education ~~State Board of Independent Colleges~~  
 801 ~~and Universities, the State Board of Nonpublic Career Education,~~  
 802 the Board of Regents, and the State Board of Education ~~Community~~  
 803 ~~Colleges~~ prior to adopting any changes to training requirements  
 804 relating to entry into the profession or occupation. This  
 805 consultation must allow the educational board to provide advice  
 806 regarding the impact of the proposed changes in terms of the  
 807 length of time necessary to complete the training program and  
 808 the fiscal impact of the changes. The educational board must be  
 809 consulted only when an institution offering the training program



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810 falls under its jurisdiction.

811 Section 21. Section 456.028, Florida Statutes, is amended  
812 to read:

813 456.028 Consultation with postsecondary education boards  
814 prior to adoption of changes to training requirements.--Any  
815 state agency or board that has jurisdiction over the regulation  
816 of a profession or occupation shall consult with the Commission  
817 for Independent Education ~~State Board of Independent Colleges~~  
818 ~~and Universities, the State Board of Nonpublic Career Education,~~  
819 the Board of Regents, and the State Board of Education ~~Community~~  
820 ~~Colleges~~ prior to adopting any changes to training requirements  
821 relating to entry into the profession or occupation. This  
822 consultation must allow the educational board to provide advice  
823 regarding the impact of the proposed changes in terms of the  
824 length of time necessary to complete the training program and  
825 the fiscal impact of the changes. The educational board must be  
826 consulted only when an institution offering the training program  
827 falls under its jurisdiction.

828 Section 22. Paragraph (c) of subsection (6) of section  
829 458.347, Florida Statutes, is amended to read:

830 458.347 Physician assistants.--

831 (6) PROGRAM APPROVAL.--

832 (c) Any community college with the approval of the State  
833 Board of Education ~~Community Colleges~~ may conduct a physician  
834 assistant program which shall apply for national accreditation  
835 through the American Medical Association's Committee on Allied  
836 Health, Education, and Accreditation, or its successor  
837 organization, and which may admit unlicensed physicians, as  
838 authorized in subsection (7), who are graduates of foreign  
839 medical schools listed with the World Health Organization. The



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840 unlicensed physician must have been a resident of this state for  
841 a minimum of 12 months immediately prior to admission to the  
842 program. An evaluation of knowledge base by examination shall be  
843 required to grant advanced academic credit and to fulfill the  
844 necessary requirements to graduate. A minimum of one 16-week  
845 semester of supervised clinical and didactic education, which  
846 may be completed simultaneously, shall be required before  
847 graduation from the program. All other provisions of this  
848 section shall remain in effect.

849 Section 23. Subsection (8) of section 467.009, Florida  
850 Statutes, is amended to read:

851 467.009 Midwifery programs; education and training  
852 requirements.--

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

858 Section 24. Section 488.01, Florida Statutes, is amended  
859 to read:

860 488.01 License to engage in business of operating a  
861 driver's school required.--The Department of Highway Safety and  
862 Motor Vehicles shall oversee and license all commercial driver's  
863 schools except truck driving schools. All commercial truck  
864 driving schools shall be required to be licensed pursuant to  
865 chapter 1005, and additionally shall be subject to the  
866 provisions of ss. 488.04 and 488.05. No person, group,  
867 organization, institution, business entity, or corporate entity  
868 may engage in the business of operating a driver's school  
869 without first obtaining a license therefor from the Department



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870 of Highway Safety and Motor Vehicles pursuant to this chapter or  
 871 from the Commission for Independent Education ~~State Board of~~  
 872 ~~Nonpublic Career Education~~ pursuant to chapter 1005.

873 Section 25. Section 489.125, Florida Statutes, is amended  
 874 to read:

875 489.125 Prequalification of certificateholders.--Any  
 876 person holding a certificate shall be prequalified to bid by a  
 877 district school board pursuant to uniform prequalification of  
 878 contractors criteria adopted by rule of the State Board  
 879 ~~Commissioner~~ of Education. This section does not supersede any  
 880 small, woman-owned or minority-owned business enterprise  
 881 preference program adopted by a district school board. A  
 882 district school board may not modify or supplement the uniform  
 883 prequalification criteria adopted by rule. A person holding a  
 884 certificate must apply to each board for prequalification  
 885 consideration.

886 Section 26. Section 784.081, Florida Statutes, is amended  
 887 to read:

888 784.081 Assault or battery on specified officials or  
 889 employees; reclassification of offenses.--Whenever a person is  
 890 charged with committing an assault or aggravated assault or a  
 891 battery or aggravated battery upon any elected official or  
 892 employee of: a school district; a private school; the Florida  
 893 School for the Deaf and the Blind; a university lab  
 894 ~~developmental research~~ school; a state university or any other  
 895 entity of the state system of public education, as defined in s.  
 896 1000.04; an employee or protective investigator of the  
 897 Department of Children and Family Services; or an employee of a  
 898 lead community-based provider and its direct service contract  
 899 providers, when the person committing the offense knows or has



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900 reason to know the identity or position or employment of the  
 901 victim, the offense for which the person is charged shall be  
 902 reclassified as follows:

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

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

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

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

911 Section 27. Section 817.566, Florida Statutes, is amended  
 912 to read:

913 817.566 Misrepresentation of association with, or academic  
 914 standing at, postsecondary educational institution.--Any person  
 915 who, with intent to defraud, misrepresents his or her  
 916 association with, or academic standing or other progress at, any  
 917 postsecondary educational institution by falsely making,  
 918 altering, simulating, or forging a document, degree,  
 919 certificate, diploma, award, record, letter, transcript, form,  
 920 or other paper; or any person who causes or procures such a  
 921 misrepresentation; or any person who utters and publishes or  
 922 otherwise represents such a document, degree, certificate,  
 923 diploma, award, record, letter, transcript, form, or other paper  
 924 as true, knowing it to be false, is guilty of a misdemeanor of  
 925 the first degree, punishable as provided in s. 775.082 or s.  
 926 775.083. Individuals who present a religious academic degree  
 927 from any college, university, seminary, or institution which is  
 928 not licensed by the Commission for Independent Education ~~State~~  
 929 ~~Board of Independent Colleges and Universities~~ or which is not



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930 exempt pursuant to the provisions of s. 1005.06(1)(e) ~~246.085~~  
 931 shall disclose the religious nature of the degree upon  
 932 presentation.

933 Section 28. Subsection (1) of section 817.567, Florida  
 934 Statutes, is amended to read:

935 817.567 Making false claims of academic degree or title.--

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

941 (a) Accredited by a regional or professional accrediting  
 942 agency recognized by the United States Department of Education  
 943 or the Commission on Recognition of Postsecondary Accreditation;

944 (b) Provided, operated, and supported by a state  
 945 government or any of its political subdivisions or by the  
 946 Federal Government;

947 (c) A school, institute, college, or university chartered  
 948 outside the United States, the academic degree from which has  
 949 been validated by an accrediting agency approved by the United  
 950 States Department of Education as equivalent to the  
 951 baccalaureate or postbaccalaureate degree conferred by a  
 952 regionally accredited college or university in the United  
 953 States;

954 (d) Licensed by the Commission for Independent Education  
 955 ~~State Board of Independent Colleges and Universities~~ pursuant to  
 956 ss. 1005.01-1005.38 or exempt from licensure pursuant to s.  
 957 1005.06(1)(e) ~~s. 246.085~~; or

958 (e) A religious seminary, institute, college, or  
 959 university which offers only educational programs that prepare





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960 students for a religious vocation, career, occupation,  
 961 profession, or lifework, and the nomenclature of whose  
 962 certificates, diplomas, or degrees clearly identifies the  
 963 religious character of the educational program.

964 Section 29. Subsection (4) of section 943.17, Florida  
 965 Statutes, is amended to read:

966 943.17 Basic recruit, advanced, and career development  
 967 training programs; participation; cost; evaluation.--The  
 968 commission shall, by rule, design, implement, maintain,  
 969 evaluate, and revise entry requirements and job-related  
 970 curricula and performance standards for basic recruit, advanced,  
 971 and career development training programs and courses. The rules  
 972 shall include, but are not limited to, a methodology to assess  
 973 relevance of the subject matter to the job, student performance,  
 974 and instructor competency.

975 (4) The commission may, by rule, establish a sponsorship  
 976 program for prospective officers. The rule shall specify the  
 977 provisions of s. 943.13 that must be satisfied prior to the  
 978 prospective officer's enrollment in a basic recruit training  
 979 course. However, the rule shall not conflict with any laws or  
 980 rules of the State Board ~~Department~~ of Education relating to  
 981 student enrollment.

982 Section 30. Paragraph (a) of subsection (1) of section  
 983 943.22, Florida Statutes, is amended to read:

984 943.22 Salary incentive program for full-time officers.--

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

986 (a) "Accredited college, university, or community college"  
 987 means a college, university, or community college which has been  
 988 accredited by the Southern Association of Colleges and Schools,  
 989 another regional accrediting agency, or the Accrediting Council



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990 ~~Commission~~ for Independent Colleges and Schools.

991 Section 31. Subsection (1) of section 1000.04, Florida  
 992 Statutes, is amended to read:

993 1000.04 Components for the delivery of public education  
 994 within the Florida K-20 education system.--Florida's K-20  
 995 education system provides for the delivery of public education  
 996 through publicly supported and controlled K-12 schools,  
 997 community colleges, state universities and other postsecondary  
 998 educational institutions, other educational institutions, and  
 999 other educational services as provided or authorized by the  
 1000 Constitution and laws of the state.

1001 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools include  
 1002 charter schools and consist of kindergarten classes; elementary,  
 1003 middle, and high school grades and special classes; workforce  
 1004 development education; ~~area~~ technical centers; adult, part-time,  
 1005 career and technical, and evening schools, courses, or classes,  
 1006 as authorized by law to be operated under the control of  
 1007 district school boards; and lab schools operated under the  
 1008 control of state universities.

1009 Section 32. Paragraph (a) of subsection (2) of section  
 1010 1001.26, Florida Statutes, is amended to read:

1011 1001.26 Public broadcasting program system.--

1012 (2)(a) The Department of Education is responsible for  
 1013 implementing the provisions of this section pursuant to s.  
 1014 282.102 ~~part III of chapter 287~~ and may employ personnel,  
 1015 acquire equipment and facilities, and perform all duties  
 1016 necessary for carrying out the purposes and objectives of this  
 1017 section.

1018 Section 33. Subsection (1) of section 1001.32, Florida  
 1019 Statutes, is amended to read:



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1020 1001.32 Management, control, operation, administration,  
1021 and supervision.--The district school system must be managed,  
1022 controlled, operated, administered, and supervised as follows:

1023 (1) DISTRICT SYSTEM.--The district school system shall be  
1024 considered as a part of the state system of public education.  
1025 All actions of district school officials shall be consistent and  
1026 in harmony with state laws and with rules and minimum standards  
1027 of the state board ~~and the commissioner~~. District school  
1028 officials, however, shall have the authority to provide  
1029 additional educational opportunities, as desired, which are  
1030 authorized, but not required, by law or by the district school  
1031 board.

1032 Section 34. Subsection (3) of section 1001.372, Florida  
1033 Statutes, is amended to read:

1034 1001.372 District school board meetings.--

1035 (3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The  
1036 presiding officer of any district school board may order the  
1037 removal, from a public meeting held by the district school  
1038 board, of any person interfering with the expeditious or orderly  
1039 process of such meeting, provided such officer has first issued  
1040 a warning that continued interference with the orderly processes  
1041 of the meeting will result in removal. Any law enforcement  
1042 authority or a sergeant-at-arms designated by the officer shall  
1043 remove any person ordered removed pursuant to this subsection  
1044 ~~section~~.

1045 Section 35. Paragraph (m) of subsection (4) of section  
1046 1001.42, Florida Statutes, is amended to read:

1047 1001.42 Powers and duties of district school board.--The  
1048 district school board, acting as a board, shall exercise all  
1049 powers and perform all duties listed below:



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1050 (4) ESTABLISHMENT, ORGANIZATION, AND OPERATION OF  
 1051 SCHOOLS.--Adopt and provide for the execution of plans for the  
 1052 establishment, organization, and operation of the schools of the  
 1053 district, including, but not limited to, the following:

1054 (m) Alternative education programs for students in  
 1055 residential care facilities.--Provide, in accordance with the  
 1056 provisions of s. 1003.58 ~~chapter 1006~~, educational programs  
 1057 according to rules of the State Board of Education to students  
 1058 who reside in residential care facilities operated by the  
 1059 Department of Children and Family Services.

1060 Section 36. Subsection (2) of section 1001.47, Florida  
 1061 Statutes, is amended, subsections(3), (4), and (5) are  
 1062 renumbered as subsections (4), (5), and (6), respectively, and a  
 1063 new subsection (3) is added to that section, to read:

1064 1001.47 District school superintendent; salary.--

1065 (2) Each elected district school superintendent shall  
 1066 receive a base salary, the amounts indicated below, based on the  
 1067 population of the county the elected superintendent serves. In  
 1068 addition, compensation shall be made for population increments  
 1069 over the minimum for each population group, which shall be  
 1070 determined by multiplying the population in excess of the  
 1071 minimum for the group times the group rate. The product of such  
 1072 calculation shall be added to the base salary to determine the  
 1073 adjusted base salary. Laws that increase the base salary  
 1074 provided in this subsection shall contain provisions on no other  
 1075 subject.

1076

<u>Pop. Group</u>	<u>County Pop.</u>	<u>Base Salary</u>	<u>Group Rate</u>
	<u>Range</u>		

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	<u>Minimum</u>	<u>Maximum</u>		
1078 I	<u>-0-</u>	<u>49,999</u>	<u>\$21,250</u>	<u>\$0.07875</u>
1079 II	<u>50,000</u>	<u>99,999</u>	<u>24,400</u>	<u>0.06300</u>
1080 III	<u>100,000</u>	<u>199,999</u>	<u>27,550</u>	<u>0.02625</u>
1081 IV	<u>200,000</u>	<u>399,999</u>	<u>30,175</u>	<u>0.01575</u>
1082 V	<u>400,000</u>	<u>999,999</u>	<u>33,325</u>	<u>0.00525</u>
1083 VI	<u>1,000,000</u>		<u>36,475</u>	<u>0.00400</u>

1084  
 1085 ~~Notwithstanding the provisions of chapter 145 to the contrary,~~  
 1086 ~~the annual salaries of elected district school superintendents~~  
 1087 ~~for 1993 and each year thereafter shall be established at the~~  
 1088 ~~same amounts as the district school superintendents were paid~~  
 1089 ~~for fiscal year 1991-1992, adjusted by each annual increase~~  
 1090 ~~provided for in chapter 145.~~

1091 (3) The adjusted base salaries of elected district school  
 1092 superintendents shall be increased annually as provided for in  
 1093 s. 145.19. Any salary previously paid to elected  
 1094 superintendents, including the salary calculated for fiscal year  
 1095 2002-2003, which was consistent with chapter 145 and s. 230.303,  
 1096 Florida Statutes (2001), is hereby ratified and validated.

1097 Section 37. Paragraph (f) of subsection (3) of section  
 1098 1001.50, Florida Statutes, is amended to read:

1099 1001.50 Superintendents employed under Art. IX of the  
 1100 State Constitution.--

1101 (3) The district school board of each such district shall  
 1102 pay to the district school superintendent a reasonable annual  
 1103 salary. In determining the amount of compensation to be paid,



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1104 the board shall take into account such factors as:

1105 (f) The educational qualifications and, professional  
 1106 experience, ~~and age~~ of the candidate for the position of  
 1107 district school superintendent.

1108 Section 38. Subsection (16) of section 1001.51, Florida  
 1109 Statutes, is amended to read:

1110 1001.51 Duties and responsibilities of district school  
 1111 superintendent.--The district school superintendent shall  
 1112 exercise all powers and perform all duties listed below and  
 1113 elsewhere in the law, provided that, in so doing, he or she  
 1114 shall advise and counsel with the district school board. The  
 1115 district school superintendent shall perform all tasks necessary  
 1116 to make sound recommendations, nominations, proposals, and  
 1117 reports required by law to be acted upon by the district school  
 1118 board. All such recommendations, nominations, proposals, and  
 1119 reports by the district school superintendent shall be either  
 1120 recorded in the minutes or shall be made in writing, noted in  
 1121 the minutes, and filed in the public records of the district  
 1122 school board. It shall be presumed that, in the absence of the  
 1123 record required in this section, the recommendations,  
 1124 nominations, and proposals required of the district school  
 1125 superintendent were not contrary to the action taken by the  
 1126 district school board in such matters.

1127 (16) VISITATION OF SCHOOLS.--Visit the schools; observe  
 1128 the management and instruction; give suggestions for  
 1129 improvement; and advise supervisors, principals, teachers,  
 1130 ~~patrons~~, and other citizens with the view of promoting interest  
 1131 in education and improving the school conditions of the  
 1132 district.

1133 Section 39. Subsection (19) of section 1001.74, Florida



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1134 Statutes, is amended to read:

1135 1001.74 Powers and duties of university boards of  
1136 trustees.--

1137 (19) Each board of trustees shall establish the personnel  
1138 program for all employees of the university, including the  
1139 president, pursuant to the provisions of chapter 1012 and, in  
1140 accordance with rules and guidelines of the State Board of  
1141 Education, including: compensation and other conditions of  
1142 employment, recruitment and selection, nonreappointment,  
1143 standards for performance and conduct, evaluation, benefits and  
1144 hours of work, leave policies, recognition and awards,  
1145 inventions and works, travel, learning opportunities, exchange  
1146 programs, academic freedom and responsibility, promotion,  
1147 assignment, demotion, transfer, tenure and permanent status,  
1148 ethical obligations and conflicts of interest, restrictive  
1149 covenants, disciplinary actions, complaints, appeals and  
1150 grievance procedures, and separation and termination from  
1151 employment. The Department of Management Services shall retain  
1152 authority over state university employees for programs  
1153 established in ss. 110.123, 110.1232, 110.1234, ~~and~~ 110.1238,  
1154 and 110.161 and in chapters 121, 122, and 238.

1155 Section 40. Subsection (2) of section 1002.01, Florida  
1156 Statutes, is amended to read:

1157 1002.01 Definitions.--

1158 (2) A "private school" is a nonpublic school defined as an  
1159 individual, association, copartnership, or corporation, or  
1160 department, division, or section of such organizations, that  
1161 designates itself as an educational center that includes  
1162 kindergarten or a higher grade or as an elementary, secondary,  
1163 business, technical, or trade school below college level or any



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1164 organization that provides instructional services that meet the  
 1165 intent of s. 1003.01(13) ~~1003.01(14)~~ or that gives preemployment  
 1166 or supplementary training in technology or in fields of trade or  
 1167 industry or that offers academic, literary, or career and  
 1168 technical training below college level, or any combination of  
 1169 the above, including an institution that performs the functions  
 1170 of the above schools through correspondence or extension, except  
 1171 those licensed under the provisions of chapter 1005. A private  
 1172 school may be a parochial, religious, denominational, for-  
 1173 profit, or nonprofit school. This definition does not include  
 1174 home education programs conducted in accordance with s. 1002.41.

1175 Section 41. Paragraph (b) of subsection (2) of section  
 1176 1002.20, Florida Statutes, is amended to read:

1177 1002.20 K-12 student and parent rights.--K-12 students and  
 1178 their parents are afforded numerous statutory rights including,  
 1179 but not limited to, the following:

1180 (2) ATTENDANCE.--

1181 (b) Regular school attendance.--Parents of students who  
 1182 have attained the age of 6 years by February 1 of any school  
 1183 year but who have not attained the age of 16 years must comply  
 1184 with the compulsory school attendance laws. Parents have the  
 1185 option to comply with the school attendance laws by attendance  
 1186 of the student in a public school; a parochial, religious, or  
 1187 denominational school; a private school; a home education  
 1188 program; or a private tutoring program, in accordance with the  
 1189 provisions of s. 1003.01(13) ~~1003.01(14)~~.

1190 Section 42. Paragraph (a) of subsection (3) and paragraph  
 1191 (a) of subsection (11) of section 1002.32, Florida Statutes, are  
 1192 amended to read:

1193 1002.32 Developmental research (laboratory) schools.--





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1194 (3) MISSION.--The mission of a lab school shall be the  
 1195 provision of a vehicle for the conduct of research,  
 1196 demonstration, and evaluation regarding management, teaching,  
 1197 and learning. Programs to achieve the mission of a lab school  
 1198 shall embody the goals and standards established pursuant to ss.  
 1199 1000.03(5) and 1001.23(2) and shall ensure an appropriate  
 1200 education for its students.

1201 (a) Each lab school shall emphasize mathematics, science,  
 1202 computer science, and foreign languages. The primary goal of a  
 1203 lab school is to enhance instruction and research in such  
 1204 specialized subjects by using the resources available on a state  
 1205 university campus, while also providing an education in  
 1206 nonspecialized subjects. Each lab school shall provide  
 1207 sequential elementary and secondary instruction where  
 1208 appropriate. A lab school may not provide instruction at grade  
 1209 levels higher than grade 12 without authorization from the State  
 1210 Board of Education. Each lab ~~developmental research~~ school shall  
 1211 develop and implement a school improvement plan pursuant to s.  
 1212 1003.02(3).

1213 (11) EXCEPTIONS TO LAW.--To encourage innovative practices  
 1214 and facilitate the mission of the lab schools, in addition to  
 1215 the exceptions to law specified in s. 1001.23(2), the following  
 1216 exceptions shall be permitted for lab schools:

1217 (a) The methods and requirements of the following statutes  
 1218 shall be held in abeyance: ss. 316.75; 1001.30; 1001.31;  
 1219 1001.32; 1001.33; 1001.34; 1001.35; 1001.36; 1001.361; 1001.362;  
 1220 1001.363; 1001.37; 1001.371; 1001.372; 1001.38; 1001.39;  
 1221 1001.395; 1001.40; 1001.41; 1001.44; 1001.453; 1001.46;  
 1222 1001.461; 1001.462; 1001.463; 1001.464; 1001.47; 1001.48;  
 1223 1001.49; 1001.50; 1001.51; 1006.12(1); 1006.21(3), (4); 1006.23;



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1224 1010.07(2); 1010.40; 1010.41; 1010.42; 1010.43; 1010.44;  
 1225 1010.45; 1010.46; 1010.47; 1010.48; 1010.49; 1010.50; 1010.51;  
 1226 1010.52; 1010.53; 1010.54; 1010.55; 1011.02(1)-(3), (5);  
 1227 1011.04; 1011.20; 1011.21; 1011.22; 1011.23; 1011.71; 1011.72;  
 1228 1011.73; and 1011.74; ~~and 1013.77.~~

1229 Section 43. Paragraph (c) of subsection (18), paragraphs  
 1230 (c), (d), and (e) of subsection(19), paragraph (c) of subsection  
 1231 (21), and subsections (25) and (26) of section 1002.33, Florida  
 1232 Statutes, are amended to read:

1233 1002.33 Charter schools.--

1234 (18) FUNDING.--Students enrolled in a charter school,  
 1235 regardless of the sponsorship, shall be funded as if they are in  
 1236 a basic program or a special program, the same as students  
 1237 enrolled in other public schools in the school district. Funding  
 1238 for a charter lab school shall be as provided in s. 1002.32.

1239 (c) If the district school board is providing programs or  
 1240 services to students funded by federal funds, any eligible  
 1241 students enrolled in charter schools in the school district  
 1242 shall be provided federal funds for the same level of service  
 1243 provided students in the schools operated by the district school  
 1244 board. Pursuant to provisions of 20 U.S.C. ss. 8061-8066 ~~20~~  
 1245 ~~U.S.C. 8061 s. 10306~~, all charter schools shall receive all  
 1246 federal funding for which the school is otherwise eligible,  
 1247 including Title I funding, not later than 5 months after the  
 1248 charter school first opens and within 5 months after any  
 1249 subsequent expansion of enrollment.

1250 (19) FACILITIES.--

1251 ~~(c) Charter school facilities shall utilize facilities~~  
 1252 ~~which comply with the Florida Building Code, pursuant to chapter~~  
 1253 ~~553, and the Florida Fire Prevention Code, pursuant to chapter~~



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1254 ~~633.~~

1255        ~~(c)~~(d) Charter school facilities are exempt from  
1256 assessments of fees for building permits, except as provided in  
1257 s. 553.80, and from assessments of impact fees or service  
1258 availability fees.

1259        ~~(d)~~(e) If a district school board facility or property is  
1260 available because it is surplus, marked for disposal, or  
1261 otherwise unused, it shall be provided for a charter school's  
1262 use on the same basis as it is made available to other public  
1263 schools in the district. A charter school receiving property  
1264 from the school district may not sell or dispose of such  
1265 property without written permission of the school district.  
1266 Similarly, for an existing public school converting to charter  
1267 status, no rental or leasing fee for the existing facility or  
1268 for the property normally inventoried to the conversion school  
1269 may be charged by the district school board to the parents and  
1270 teachers organizing the charter school. The charter organizers  
1271 shall agree to reasonable maintenance provisions in order to  
1272 maintain the facility in a manner similar to district school  
1273 board standards. The Public Education Capital Outlay maintenance  
1274 funds or any other maintenance funds generated by the facility  
1275 operated as a conversion school shall remain with the conversion  
1276 school.

1277        (21) SERVICES.--

1278        (c) Transportation of charter school students shall be  
1279 provided by the charter school consistent with the requirements  
1280 of subpart I.e. of chapter 1006 and s. 1012.45. The governing  
1281 body of the charter school may provide transportation through an  
1282 agreement or contract with the district school board, a private  
1283 provider, or parents. The charter school and the sponsor shall



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1284 cooperate in making arrangements that ensure that transportation  
1285 is not a barrier to equal access for all students residing  
1286 within a reasonable distance of the charter school as determined  
1287 in its charter.

1288 ~~(25) CONVERSION CHARTER SCHOOL PILOT PROGRAM.--~~

1289 ~~(a) The conversion charter school pilot program is hereby~~  
1290 ~~established with the intent to provide incentives for local~~  
1291 ~~school districts to approve conversion charter schools.~~

1292 ~~(b) The conversion charter school pilot program shall be a~~  
1293 ~~statewide pilot program in which 10 schools shall be selected~~  
1294 ~~based on a competitive application process in accordance with~~  
1295 ~~this section.~~

1296 ~~(c) The purpose of the pilot program is to produce~~  
1297 ~~significant improvements in student achievement and school~~  
1298 ~~management, to encourage and measure the use of innovative~~  
1299 ~~learning methods, and to make the school the unit for~~  
1300 ~~improvement.~~

1301 ~~(d) Each school principal or a majority of the parents of~~  
1302 ~~students attending the school, a majority of the school's~~  
1303 ~~teachers, or a majority of the members of the school advisory~~  
1304 ~~council may apply to the school district to participate in this~~  
1305 ~~pilot program on forms which shall be provided by the Department~~  
1306 ~~of Education. The forms shall include acknowledgment by the~~  
1307 ~~school principal of applicable provisions of this section and s.~~  
1308 ~~1013.62. For purposes of this paragraph, "a majority of the~~  
1309 ~~parents of students attending the school" means more than 50~~  
1310 ~~percent of the parents voting whose children are enrolled at the~~  
1311 ~~school, provided that a majority of the parents eligible to vote~~  
1312 ~~participate in the ballot process; and "a majority of the~~  
1313 ~~school's teachers" means more than 50 percent of the teachers~~



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1314 ~~employed at the school, according to procedures established by~~  
1315 ~~rule of the State Board of Education pursuant to subsections (3)~~  
1316 ~~and (4).~~

1317 ~~(e) A person or group who has applied to participate in~~  
1318 ~~the pilot program created by this section, pursuant to paragraph~~  
1319 ~~(d), shall not be subject to an unlawful reprisal, as defined by~~  
1320 ~~paragraph (4)(a), as a consequence of such application. The~~  
1321 ~~procedures established by subsections (3) and (4) shall apply to~~  
1322 ~~any alleged unlawful reprisal which occurs as a consequence of~~  
1323 ~~such application.~~

1324 ~~(f) A district school board shall receive and review all~~  
1325 ~~applications by school principals, parents, teachers, or school~~  
1326 ~~advisory council members to participate in the pilot project;~~  
1327 ~~shall select the best applications; and shall submit these~~  
1328 ~~applications, together with the district school board's letter~~  
1329 ~~of endorsement and commitment of support and cooperation toward~~  
1330 ~~the success of program implementation, for review by the~~  
1331 ~~statewide selection panel established pursuant to paragraph (g).~~

1332 ~~(g) A conversion charter school pilot program statewide~~  
1333 ~~selection panel is established. The panel shall be comprised of~~  
1334 ~~the following nine members who are not elected public officials:~~

1335 ~~1. Three members shall be appointed by the Governor.~~

1336 ~~2. Two members shall be appointed by the Commissioner of~~  
1337 ~~Education.~~

1338 ~~3. Two members shall be appointed by the President of the~~  
1339 ~~Senate.~~

1340 ~~4. Two members shall be appointed by the Speaker of the~~  
1341 ~~House of Representatives.~~

1342

1343 ~~The panel shall review the conversion charter school pilot~~



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1344 ~~program applications submitted by the district school boards and~~  
1345 ~~shall select the 10 applications which the panel deems best~~  
1346 ~~comply with the purpose of the program pursuant to paragraph~~  
1347 ~~(e).~~

1348 ~~(h) Each district school board in which there is a school~~  
1349 ~~selected by the statewide panel for participation in the pilot~~  
1350 ~~program shall receive a grant as provided in the General~~  
1351 ~~Appropriations Act:~~

1352 ~~1. One hundred thousand dollars for planning and~~  
1353 ~~development for each conversion charter school selected; and~~

1354 ~~2.a. Eighty thousand dollars for each conversion charter~~  
1355 ~~school selected with 500 or fewer students;~~

1356 ~~b. One hundred thousand dollars for each conversion~~  
1357 ~~charter school selected with more than 500 but fewer than 1,001~~  
1358 ~~students; or~~

1359 ~~c. One hundred twenty thousand dollars for each conversion~~  
1360 ~~charter school selected with more than 1,000 students.~~

1361  
1362 ~~The Commissioner of Education may reduce the district's FEFP~~  
1363 ~~funding entitlement by the amount of the grant awarded under~~  
1364 ~~this subsection if he or she determines that the district has~~  
1365 ~~failed to comply with its letter of endorsement and commitment~~  
1366 ~~of support and cooperation submitted under paragraph (f).~~

1367 ~~(i) Each conversion charter school selected for~~  
1368 ~~participation in the pilot program shall make annual progress~~  
1369 ~~reports to the district school board and the Commissioner of~~  
1370 ~~Education detailing the school's progress in achieving the~~  
1371 ~~purpose of the program as described in paragraph (e).~~

1372 ~~(25)(26)~~ RULEMAKING.--The Department of Education, after  
1373 consultation with school districts and charter school directors,



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1374 shall recommend that the State Board of Education adopt rules to  
1375 implement specific subsections of this section. Such rules shall  
1376 require minimum paperwork and shall not limit charter school  
1377 flexibility authorized by statute.

1378 Section 44. Subsections (7) and (14) of section 1002.42,  
1379 Florida Statutes, are amended to read:

1380 1002.42 Private schools.--

1381 (7) ATTENDANCE REQUIREMENTS.--Attendance of a student at a  
1382 private, parochial, religious, or denominational school  
1383 satisfies the attendance requirements of ss. 1003.01(13)  
1384 ~~1003.01(14)~~ and 1003.21(1).

1385 (14) BUS DRIVER TRAINING.--Private school bus drivers may  
1386 participate in a district school board's bus driver training  
1387 program, if the district school board makes the program  
1388 available pursuant to s. 1012.45(4) ~~1006.26~~.

1389 Section 45. Subsection (1) of section 1002.43, Florida  
1390 Statutes, is amended to read:

1391 1002.43 Private tutoring programs.--

1392 (1) Regular school attendance as defined in s. 1003.01(13)  
1393 ~~1003.01(14)~~ may be achieved by attendance in a private tutoring  
1394 program if the person tutoring the student meets the following  
1395 requirements:

1396 (a) Holds a valid Florida certificate to teach the  
1397 subjects or grades in which instruction is given.

1398 (b) Keeps all records and makes all reports required by  
1399 the state and district school board and makes regular reports on  
1400 the attendance of students in accordance with the provisions of  
1401 s. 1003.23(2).

1402 (c) Requires students to be in actual attendance for the  
1403 minimum length of time prescribed by s. 1011.60(2).



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1404 Section 46. Subsection (4) of section 1003.22, Florida  
1405 Statutes, is amended to read:

1406 1003.22 School-entry health examinations; immunization  
1407 against communicable diseases; exemptions; duties of Department  
1408 of Health.--

1409 (4) Each district school board and the governing authority  
1410 of each private school shall establish and enforce as policy  
1411 that, prior to admittance to or attendance in a public or  
1412 private school, grades prekindergarten ~~kindergarten~~ through 12,  
1413 each child present or have on file with the school a  
1414 certification of immunization for the prevention of those  
1415 communicable diseases for which immunization is required by the  
1416 Department of Health and further shall provide for appropriate  
1417 screening of its students for scoliosis at the proper age. Such  
1418 certification shall be made on forms approved and provided by  
1419 the Department of Health and shall become a part of each  
1420 student's permanent record, to be transferred when the student  
1421 transfers, is promoted, or changes schools. The transfer of such  
1422 immunization certification by Florida public schools shall be  
1423 accomplished using the Florida Automated System for Transferring  
1424 Education Records and shall be deemed to meet the requirements  
1425 of this section.

1426 Section 47. Paragraph (c) of subsection (1) and subsection  
1427 (12) of section 1003.43, Florida Statutes, are amended to read:

1428 1003.43 General requirements for high school graduation.--

1429 (1) Graduation requires successful completion of either a  
1430 minimum of 24 academic credits in grades 9 through 12 or an  
1431 International Baccalaureate curriculum. The 24 credits shall be  
1432 distributed as follows:

1433 (c) Three credits in science, two of which must have a





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1434 laboratory component. ~~The State Board of Education may grant an~~  
1435 ~~annual waiver of the laboratory requirement to a district school~~  
1436 ~~board that certifies that its laboratory facilities are~~  
1437 ~~inadequate, provided the district school board submits a capital~~  
1438 ~~outlay plan to provide adequate facilities and makes the funding~~  
1439 ~~of this plan a priority of the district school board.~~

1440 Agriscience Foundations I, the core course in secondary  
1441 Agriscience and Natural Resources programs, counts as one of the  
1442 science credits.

1443

1444 District school boards may award a maximum of one-half credit in  
1445 social studies and one-half elective credit for student  
1446 completion of nonpaid voluntary community or school service  
1447 work. Students choosing this option must complete a minimum of  
1448 75 hours of service in order to earn the one-half credit in  
1449 either category of instruction. Credit may not be earned for  
1450 service provided as a result of court action. District school  
1451 boards that approve the award of credit for student volunteer  
1452 service shall develop guidelines regarding the award of the  
1453 credit, and school principals are responsible for approving  
1454 specific volunteer activities. A course designated in the Course  
1455 Code Directory as grade 9 through grade 12 that is taken below  
1456 the 9th grade may be used to satisfy high school graduation  
1457 requirements or Florida Academic Scholars award requirements as  
1458 specified in a district school board's student progression plan.  
1459 A student shall be granted credit toward meeting the  
1460 requirements of this subsection for equivalent courses, as  
1461 identified pursuant to s. 1007.271(6), taken through dual  
1462 enrollment.

1463 (12) The Commissioner of Education may award a standard



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1464 high school diploma to honorably discharged veterans who started  
 1465 high school between 1946 and 1950 and were scheduled to graduate  
 1466 between 1950 and 1954, but were inducted into the United States  
 1467 Armed Forces between June 27, 1950, and January 31, 1954, and  
 1468 served during the Korean Conflict ~~War~~ prior to completing the  
 1469 necessary high school graduation requirements. Upon the  
 1470 recommendation of the commissioner, the State Board of Education  
 1471 may develop criteria and guidelines for awarding such diplomas.

1472 Section 48. Subsection (4) of section 1003.52, Florida  
 1473 Statutes, is amended to read:

1474 1003.52 Educational services in Department of Juvenile  
 1475 Justice programs.--

1476 (4) Educational services shall be provided at times of the  
 1477 day most appropriate for the juvenile justice program. School  
 1478 programming in juvenile justice detention, commitment, and  
 1479 rehabilitation programs shall be made available by the local  
 1480 school district during the juvenile justice school year, as  
 1481 defined in s. 1003.01(11) ~~1003.01(12)~~.

1482 Section 49. Paragraph (a) of subsection (7) of section  
 1483 1003.63, Florida Statutes, is amended to read:

1484 1003.63 Deregulated public schools pilot program.--

1485 (7) EXEMPTION FROM STATUTES.--

1486 (a) A deregulated public school shall operate in  
 1487 accordance with its proposal and shall be exempt from all  
 1488 statutes of the Florida K-20 Education Code, except those  
 1489 pertaining to civil rights and student health, safety, and  
 1490 welfare, or as otherwise required by this section. A deregulated  
 1491 public school shall not be exempt from the following statutes:  
 1492 chapter 119, relating to public records, ~~and~~ s. 286.011,  
 1493 relating to public meetings and records, public inspection, and



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1494 ~~penalties, and chapters 1010 and 1011 if exemption. The school~~  
 1495 ~~district, upon request of a deregulated public school, may apply~~  
 1496 ~~to the State Board of Education for a waiver of provisions of~~  
 1497 ~~law applicable to deregulated public schools under this section,~~  
 1498 ~~except that the provisions of chapter 1010 or chapter 1011 shall~~  
 1499 ~~not be eligible for waiver if the waiver would affect funding~~  
 1500 ~~allocations or create inequity in public school funding. The~~  
 1501 ~~State Board of Education may grant the waiver if necessary to~~  
 1502 ~~implement the school program.~~

1503 Section 50. Subsection (5) of section 1004.24, Florida  
 1504 Statutes, is amended to read:

1505 1004.24 State Board of Education authorized to secure  
 1506 liability insurance.--

1507 (5) Each self-insurance program council shall make  
 1508 provision for an annual financial audit pursuant to s. 11.45  
 1509 ~~postaudit~~ of its ~~financial~~ accounts to be conducted by an  
 1510 independent certified public accountant. The annual audit report  
 1511 must include a management letter and shall be submitted to the  
 1512 State Board of Education for review. The State Board of  
 1513 Education shall have the authority to require and receive from  
 1514 the self-insurance program council or from its independent  
 1515 auditor any detail or supplemental data relative to the  
 1516 operation of the self-insurance program.

1517 Section 51. Subsections (1) and (5) of section 1004.26,  
 1518 Florida Statutes, are amended to read:

1519 1004.26 University student governments.--

1520 (1) A student government is created on the main campus of  
 1521 each state university. In addition, each university board of  
 1522 trustees may establish a student government on any branch campus  
 1523 or center. Each student government is a part of the university



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1524 at which it is established.

1525 ~~(5) Each student government is a part of the university at~~  
 1526 ~~which it is established. If an internal procedure of the~~  
 1527 ~~university student government is disapproved by the university~~  
 1528 ~~president under s. 229.0082(15), a member of the university~~  
 1529 ~~board of trustees may request a review of the disapproved~~  
 1530 ~~procedure at the next meeting of the board of trustees.~~

1531 Section 52. Paragraph (d) of subsection (3) of section  
 1532 1004.445, Florida Statutes, is amended to read:

1533 1004.445 Florida Alzheimer's Center and Research  
 1534 Institute.--

1535 (3) The State Board of Education shall provide in the  
 1536 agreement with the not-for-profit corporation for the following:

1537 (d) Preparation of an annual financial audit pursuant to  
 1538 s. 11.45 ~~postaudit~~ of the not-for-profit corporation's ~~financial~~  
 1539 ~~accounts~~ and the ~~financial~~ accounts of any subsidiaries to be  
 1540 conducted by an independent certified public accountant. The  
 1541 annual audit report shall include management letters and shall  
 1542 be submitted to the Auditor General and the State Board of  
 1543 Education for review. The State Board of Education, the Auditor  
 1544 General, and the Office of Program Policy Analysis and  
 1545 Government Accountability shall have the authority to require  
 1546 and receive from the not-for-profit corporation and any  
 1547 subsidiaries, or from their independent auditor, any detail or  
 1548 supplemental data relative to the operation of the not-for-  
 1549 profit corporation or subsidiary.

1550 Section 53. Subsection (1) of section 1005.04, Florida  
 1551 Statutes, is amended to read:

1552 1005.04 Fair consumer practices.--

1553 (1) Every institution that is under the jurisdiction of



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1554 the commission or is exempt from the jurisdiction or purview of  
1555 the commission pursuant to s. 1005.06(1)(c) or (f) and that  
1556 either directly or indirectly solicits for enrollment any  
1557 student shall:

1558 (a) Disclose to each prospective student a statement of  
1559 the purpose of such institution, its educational programs and  
1560 curricula, a description of its physical facilities, its status  
1561 regarding licensure, its fee schedule and policies regarding  
1562 retaining student fees if a student withdraws, and a statement  
1563 regarding the transferability of credits to and from other  
1564 institutions. The institution shall make the required  
1565 disclosures in writing at least 1 week prior to enrollment or  
1566 collection of any tuition from the prospective student. The  
1567 required disclosures may be made in the institution's current  
1568 catalog;~~;~~

1569 (b) Use a reliable method to assess, before accepting a  
1570 student into a program, the student's ability to complete  
1571 successfully the course of study for which he or she has  
1572 applied;

1573 (c) Inform each student accurately about financial  
1574 assistance and obligations for repayment of loans; describe any  
1575 employment placement services provided and the limitations  
1576 thereof; and refrain from promising or implying guaranteed  
1577 placement, market availability, or salary amounts;

1578 (d) Provide to prospective and enrolled students accurate  
1579 information regarding the relationship of its programs to state  
1580 licensure requirements for practicing related occupations and  
1581 professions in Florida;

1582 (e) Ensure that all advertisements are accurate and not  
1583 misleading;



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1584 (f) Publish and follow an equitable prorated refund policy  
1585 for all students, and follow both the federal refund guidelines  
1586 for students receiving federal financial assistance and the  
1587 minimum refund guidelines set by commission rule;

1588 (g) Follow the requirements of state and federal laws that  
1589 require annual reporting with respect to crime statistics and  
1590 physical plant safety and make those reports available to the  
1591 public; and

1592 (h) Publish and follow procedures for handling student  
1593 complaints, disciplinary actions, and appeals.

1594 Section 54. Subsection (5) of section 1006.14, Florida  
1595 Statutes, is amended to read:

1596 1006.14 Secret societies prohibited in public K-12  
1597 schools.--

1598 (5) It is unlawful for any student enrolled in any public  
1599 K-12 school to be a member of, to join or to become a member of  
1600 or to pledge himself or herself to become a member of any secret  
1601 fraternity, sorority, or group wholly or partly formed from the  
1602 membership of students attending public K-12 schools or to take  
1603 part in the organization or formation of any such fraternity,  
1604 sorority, or secret society; provided that this does not prevent  
1605 any student from belonging to any organization fostered and  
1606 promoted by the school authorities, + or approved and accepted by  
1607 the school authorities and whose membership is selected on the  
1608 basis of good character, good scholarship, leadership ability,  
1609 and achievement.

1610 Section 55. Subsections (1) and (2) of section 1006.21,  
1611 Florida Statutes, are amended to read:

1612 1006.21 Duties of district school superintendent and  
1613 district school board regarding transportation.--



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1614 (1) The district school superintendent shall ascertain  
 1615 which students should be transported to school or to school  
 1616 activities, determine the most effective arrangement of  
 1617 transportation routes to accommodate these students; recommend  
 1618 such routing to the district school board; recommend plans and  
 1619 procedures for providing facilities for the economical and safe  
 1620 transportation of students; recommend such rules ~~and regulations~~  
 1621 as may be necessary and see that all rules ~~and regulations~~  
 1622 relating to the transportation of students approved by the  
 1623 district school board, as well as rules ~~regulations~~ of the State  
 1624 Board of Education ~~state board~~, are properly carried into  
 1625 effect, as prescribed in this chapter.

1626 (2) After considering recommendations of the district  
 1627 school superintendent, the district school board shall make  
 1628 provision for the transportation of students to the public  
 1629 schools or school activities they are required or expected to  
 1630 attend; authorize transportation routes arranged efficiently and  
 1631 economically; provide the necessary transportation facilities,  
 1632 and, when authorized under rules of the State Board of Education  
 1633 and if more economical to do so, provide limited subsistence in  
 1634 lieu thereof; and adopt the necessary rules ~~and regulations~~ to  
 1635 ensure safety, economy, and efficiency in the operation of all  
 1636 buses, as prescribed in this chapter.

1637 Section 56. Subsection (1) and paragraphs (a) and (b) of  
 1638 subsection (2) of section 1007.21, Florida Statutes, are amended  
 1639 to read:

1640 1007.21 Readiness for postsecondary education and the  
 1641 workplace.--

1642 (1) It is the intent of the Legislature that students and  
 1643 parents set early achievement and career goals for the student's



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1644 post-high school experience. This section sets forth a model  
 1645 which schools, through their school advisory councils, may  
 1646 choose to implement to ensure that students are ready for  
 1647 postsecondary education and the workplace. If such a program is  
 1648 adopted, students and their parents shall have the option of  
 1649 participating in this model to plan the student's secondary  
 1650 level course of study. Parents and students are to become  
 1651 partners with school personnel in educational choice. Clear  
 1652 academic course expectations shall be made available to all  
 1653 students by allowing both student and parent ~~or guardian~~ choice.

1654 (2)(a) Students entering the 9th grade and their parents  
 1655 shall be active participants in choosing an end-of-high-school  
 1656 student destination based upon both student and parent ~~or~~  
 1657 ~~guardian~~ goals. Four or more destinations should be available  
 1658 with bridges between destinations to enable students to shift  
 1659 destinations should they choose to change goals. The  
 1660 destinations shall accommodate the needs of students served in  
 1661 exceptional education programs to the extent appropriate for  
 1662 individual students. Exceptional education students may continue  
 1663 to follow the courses outlined in the district school board  
 1664 student progression plan. Participating students and their  
 1665 parents shall choose among destinations, which must include:

- 1666 1. Four-year college or university, community college plus
- 1667 university, or military academy.
- 1668 2. Two-year postsecondary degree.
- 1669 3. Postsecondary career and technical certificate.
- 1670 4. Immediate employment or entry-level military.

1671 (b) The student progression model toward a chosen  
 1672 destination shall include:

- 1673 1. A "path" of core courses leading to each of the





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1674 destinations provided in paragraph (a).

1675         2. A recommended group of electives which shall help  
1676 define each path.

1677         3. Provisions for a teacher, school administrator, other  
1678 school staff member, or community volunteer to be assigned to a  
1679 student as an "academic advocate" if parental ~~or guardian~~  
1680 involvement is lacking.

1681         Section 57. Paragraph (c) of subsection (3) of section  
1682 1008.22, Florida Statutes, is amended to read:

1683         1008.22 Student assessment program for public schools.--

1684         (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner shall  
1685 design and implement a statewide program of educational  
1686 assessment that provides information for the improvement of the  
1687 operation and management of the public schools, including  
1688 schools operating for the purpose of providing educational  
1689 services to youth in Department of Juvenile Justice programs.  
1690 Pursuant to the statewide assessment program, the commissioner  
1691 shall:

1692         (c) Develop and implement a student achievement testing  
1693 program known as the Florida Comprehensive Assessment Test  
1694 (FCAT) as part of the statewide assessment program, to be  
1695 administered annually in grades 3 through 10 to measure reading,  
1696 writing, science, and mathematics. Other content areas may be  
1697 included as directed by the commissioner. The testing program  
1698 must be designed so that:

1699         1. The tests measure student skills and competencies  
1700 adopted by the State Board of Education as specified in  
1701 paragraph (a). The tests must measure and report student  
1702 proficiency levels in reading, writing, mathematics, and  
1703 science. The commissioner shall provide for the tests to be



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1704 developed or obtained, as appropriate, through contracts and  
1705 project agreements with private vendors, public vendors, public  
1706 agencies, postsecondary educational institutions, or school  
1707 districts. The commissioner shall obtain input with respect to  
1708 the design and implementation of the testing program from state  
1709 educators and the public.

1710 2. The testing program will include a combination of norm-  
1711 referenced and criterion-referenced tests and include, to the  
1712 extent determined by the commissioner, questions that require  
1713 the student to produce information or perform tasks in such a  
1714 way that the skills and competencies he or she uses can be  
1715 measured.

1716 3. Each testing program, whether at the elementary,  
1717 middle, or high school level, includes a test of writing in  
1718 which students are required to produce writings that are then  
1719 scored by appropriate methods.

1720 4. A score is designated for each subject area tested,  
1721 below which score a student's performance is deemed inadequate.  
1722 The school districts shall provide appropriate remedial  
1723 instruction to students who score below these levels.

1724 5. Students must earn a passing score on the grade 10  
1725 assessment test described in this paragraph in reading, writing,  
1726 and mathematics to qualify for a regular high school diploma.  
1727 The State Board of Education shall designate a passing score for  
1728 each part of the grade 10 assessment test. In establishing  
1729 passing scores, the state board shall consider any possible  
1730 negative impact of the test on minority students. All students  
1731 who took the grade 10 FCAT during the 2000-2001 school year  
1732 shall be required to earn the passing scores in reading and  
1733 mathematics established by the State Board of Education for the



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1734 March 2001 test administration. Such students who did not earn  
1735 the established passing scores and must repeat the grade 10 FCAT  
1736 are required to earn the passing scores established for the  
1737 March 2001 test administration. All students who take the grade  
1738 10 FCAT for the first time in March 2002 ~~and thereafter~~ shall be  
1739 required to earn the passing scores in reading and mathematics  
1740 established by the State Board of Education for the March 2002  
1741 test administration. The State Board of Education shall adopt  
1742 rules which specify the passing scores for the grade 10 FCAT.  
1743 Any such rules, which have the effect of raising the required  
1744 passing scores, shall only apply to students taking the grade 10  
1745 FCAT for the first time after such rules are adopted by the  
1746 State Board of Education.

1747         6. Participation in the testing program is mandatory for  
1748 all students attending public school, including students served  
1749 in Department of Juvenile Justice programs, except as otherwise  
1750 prescribed by the commissioner. If a student does not  
1751 participate in the statewide assessment, the district must  
1752 notify the student's parent and provide the parent with  
1753 information regarding the implications of such nonparticipation.  
1754 If modifications are made in the student's instruction to  
1755 provide accommodations that would not be permitted on the  
1756 statewide assessment tests, the district must notify the  
1757 student's parent of the implications of such instructional  
1758 modifications. A parent must provide signed consent for a  
1759 student to receive instructional modifications that would not be  
1760 permitted on the statewide assessments and must acknowledge in  
1761 writing that he or she understands the implications of such  
1762 accommodations. The State Board of Education shall adopt rules,  
1763 based upon recommendations of the commissioner, for the



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1764 provision of test accommodations and modifications of procedures  
1765 as necessary for students in exceptional education programs and  
1766 for students who have limited English proficiency.  
1767 Accommodations that negate the validity of a statewide  
1768 assessment are not allowable.

1769 7. A student seeking an adult high school diploma must  
1770 meet the same testing requirements that a regular high school  
1771 student must meet.

1772 8. District school boards must provide instruction to  
1773 prepare students to demonstrate proficiency in the skills and  
1774 competencies necessary for successful grade-to-grade progression  
1775 and high school graduation. If a student is provided with  
1776 accommodations or modifications that are not allowable in the  
1777 statewide assessment program, as described in the test manuals,  
1778 the district must inform the parent in writing and must provide  
1779 the parent with information regarding the impact on the  
1780 student's ability to meet expected proficiency levels in  
1781 reading, writing, and math. The commissioner shall conduct  
1782 studies as necessary to verify that the required skills and  
1783 competencies are part of the district instructional programs.

1784 9. The Department of Education must develop, or select,  
1785 and implement a common battery of assessment tools that will be  
1786 used in all juvenile justice programs in the state. These tools  
1787 must accurately measure the skills and competencies established  
1788 in the Florida Sunshine State Standards.

1789  
1790 The commissioner may design and implement student testing  
1791 programs, for any grade level and subject area, necessary to  
1792 effectively monitor educational achievement in the state.

1793 Section 58. Paragraph (b) of subsection (6) and paragraph



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1794 (b) subsection (7) of section 1008.25, Florida Statutes, are  
1795 amended to read:

1796 1008.25 Public school student progression; remedial  
1797 instruction; reporting requirements.--

1798 (6) ELIMINATION OF SOCIAL PROMOTION.--

1799 (b) The district school board may only exempt students  
1800 from mandatory retention, as provided in paragraph (5)(b), for  
1801 good cause. Good cause exemptions shall be limited to the  
1802 following:

1803 1. Limited English proficient students who have had less  
1804 than 2 years of instruction in an English for Speakers of Other  
1805 Languages program.

1806 2. Students with disabilities whose individual education  
1807 plan indicates that participation in the statewide assessment  
1808 program is not appropriate, consistent with the requirements of  
1809 State Board of Education rule.

1810 3. Students who demonstrate an acceptable level of  
1811 performance on an alternative standardized reading assessment  
1812 approved by the State Board of Education.

1813 4. Students who demonstrate, through a student portfolio,  
1814 that the student is reading on grade level as evidenced by  
1815 demonstration of mastery of the Sunshine State Standards in  
1816 reading equal to at least a Level 2 performance on the FCAT.

1817 5. Students with disabilities who participate in the FCAT  
1818 and who have an individual education plan or a Section 504 plan  
1819 that reflects that the student has received the intensive  
1820 remediation in reading, as required by paragraph(4)(b), for more  
1821 than 2 years but still demonstrates a deficiency in reading and  
1822 was previously retained in kindergarten, grade 1, ~~or~~ grade 2, or  
1823 grade 3.



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1824           6. Students who have received the intensive remediation in  
 1825 reading as required by paragraph (4)(b) for 2 or more years but  
 1826 still demonstrate a deficiency in reading and who were  
 1827 previously retained in kindergarten, grade 1, or grade 2 for a  
 1828 total of 2 years. Intensive reading instruction for students so  
 1829 promoted must include an altered instructional day based upon an  
 1830 academic improvement plan that includes specialized diagnostic  
 1831 information and specific reading strategies for each student.  
 1832 The district school board shall assist schools and teachers to  
 1833 implement reading strategies that research has shown to be  
 1834 successful in improving reading among low performing readers.

1835           (7) ANNUAL REPORT.--

1836           (b) Beginning with the 2001-2002 school year, each  
 1837 district school board must annually publish in the local  
 1838 newspaper, and report in writing to the State Board of Education  
 1839 by October 1 ~~September 1~~ of each year, the following information  
 1840 on the prior school year:

1841           1. The provisions of this section relating to public  
 1842 school student progression and the district school board's  
 1843 policies and procedures on student retention and promotion.

1844           2. By grade, the number and percentage of all students in  
 1845 grades 3 through 10 performing at Levels 1 and 2 on the reading  
 1846 portion of the FCAT.

1847           3. By grade, the number and percentage of all students  
 1848 retained in grades 3 through 10.

1849           4. Information on the total number of students who were  
 1850 promoted for good cause, by each category of good cause as  
 1851 specified in paragraph (6)(b).

1852           5. Any revisions to the district school board's policy on  
 1853 student retention and promotion from the prior year.



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1854 Section 59. Subsection (2) of section 1008.32, Florida  
 1855 Statutes, is amended to read:

1856 1008.32 State Board of Education oversight enforcement  
 1857 authority.--The State Board of Education shall oversee the  
 1858 performance of district school boards and public postsecondary  
 1859 educational institution boards in enforcement of all laws and  
 1860 rules. District school boards and public postsecondary  
 1861 educational institution boards shall be primarily responsible  
 1862 for compliance with law and state board rule.

1863 (2) The Commissioner of Education may investigate  
 1864 allegations of noncompliance with law or state board rule and  
 1865 determine probable cause.7 The commissioner shall report  
 1866 determinations of probable cause to the State Board of Education  
 1867 which shall require the district school board or public  
 1868 postsecondary educational institution board to document  
 1869 compliance with law or state board rule.

1870 Section 60. Subsection (2) of section 1008.37, Florida  
 1871 Statutes, is amended to read:

1872 1008.37 Postsecondary feedback of information to high  
 1873 schools.--

1874 (2) The Commissioner of Education shall report, by high  
 1875 school, to the State Board of Education and the Legislature, no  
 1876 later than November 30 ~~31~~ of each year, on the number of prior  
 1877 year Florida high school graduates who enrolled for the first  
 1878 time in public postsecondary education in this state during the  
 1879 previous summer, fall, or spring term, indicating the number of  
 1880 students whose scores on the common placement test indicated the  
 1881 need for remediation through college-preparatory or vocational-  
 1882 preparatory instruction pursuant to s. 1004.91 or s. 1008.30.

1883 Section 61. Paragraphs (a) and (b) of subsection (2) of



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1884 section 1009.21, Florida Statutes, are amended, and paragraph  
 1885 (d) is added to that subsection, to read:

1886 1009.21 Determination of resident status for tuition  
 1887 purposes.--Students shall be classified as residents or  
 1888 nonresidents for the purpose of assessing tuition in community  
 1889 colleges and state universities.

1890 (2)(a) To qualify as a resident for tuition purposes:

1891 1. A person or, if that person is a dependent child, his  
 1892 or her parent or parents must have established legal residence  
 1893 in this state and must have maintained legal residence in this  
 1894 state for at least 12 months immediately prior to his or her  
 1895 initial enrollment at a Florida postsecondary educational  
 1896 institution. For purposes of this section, the term "initial  
 1897 enrollment" is defined as the first day of class ~~qualification~~.

1898 2. Every applicant for admission to an institution of  
 1899 higher education shall be required to make a statement as to his  
 1900 or her length of residence in the state and, further, shall  
 1901 establish that his or her presence or, if the applicant is a  
 1902 dependent child, the presence of his or her parent or parents in  
 1903 the state currently is, and during the requisite 12-month  
 1904 qualifying period was, for the purpose of maintaining a bona  
 1905 fide domicile, rather than for the purpose of maintaining a mere  
 1906 temporary residence or abode incident to enrollment in an  
 1907 institution of higher education.

1908 (b) However, with respect to a dependent child living with  
 1909 an adult relative other than the child's parent, such child may  
 1910 qualify as a resident for tuition purposes if the adult relative  
 1911 is a legal resident who has maintained legal residence in this  
 1912 state for at least 12 months immediately prior to the child's  
 1913 initial enrollment at a Florida postsecondary educational





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1914 institution ~~qualification~~, provided the child has resided  
 1915 continuously with such relative for the 5 years immediately  
 1916 prior to the child's initial enrollment ~~qualification~~, during  
 1917 which time the adult relative has exercised day-to-day care,  
 1918 supervision, and control of the child.

1919 (d) A person who is classified as a nonresident for  
 1920 tuition purposes may become eligible for reclassification as a  
 1921 resident for tuition purposes if that person, or if that person  
 1922 is a dependent child, his or her parent, presents documentation  
 1923 that supports permanent residency in this state, such as  
 1924 documentation of permanent full-time employment for the previous  
 1925 12 months or the purchase of a home in this state and residence  
 1926 therein for the prior 12 months.

1927 Section 62. Subsection (3) of section 1009.24, Florida  
 1928 Statutes, is amended to read:

1929 1009.24 State university student fees.--

1930 (3) Within proviso in the General Appropriations Act and  
 1931 law, each board of trustees shall set university tuition and  
 1932 fees. The sum of the activity and service, health, and athletic  
 1933 fees a student is required to pay to register for a course shall  
 1934 not exceed 40 percent of the tuition established in law or in  
 1935 the General Appropriations Act. No university shall be required  
 1936 to lower any fee in effect on the effective date of this act in  
 1937 order to comply with this subsection. Within the 40 percent cap,  
 1938 universities may not increase the aggregate sum of activity and  
 1939 service, health, and athletic fees more than 5 percent per year  
 1940 unless specifically authorized in law or in the General  
 1941 Appropriations Act. This subsection does not prohibit a  
 1942 university from increasing or assessing optional fees related to  
 1943 specific activities if payment of such fees is not required as a



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1944 part of registration for courses. Except as otherwise provided  
1945 by law, the sum of nonresident tuition and out-of-state fees  
1946 charged to undergraduates shall be sufficient to defray the full  
1947 cost of undergraduate education.

1948 Section 63. Subsection (1) of section 1009.29, Florida  
1949 Statutes, is amended to read:

1950 1009.29 Increased fees for funding financial aid  
1951 program.--

1952 (1) Student tuition and registration fees at each state  
1953 university and community college shall include up to \$4.68 per  
1954 quarter, or \$7.02 per semester, per full-time student, or the  
1955 per-student credit hour equivalents of such amounts. The fees  
1956 provided for by this section shall be adjusted from time to  
1957 time, as necessary, to comply with the debt service coverage  
1958 requirements of the student loan revenue bonds issued pursuant  
1959 to s. 1009.79. If the Division of Bond Finance of the State  
1960 Board of Education and the Commissioner of Education determine  
1961 that such fees are no longer required as security for revenue  
1962 bonds issued pursuant to ss. 1009.78-1009.88, moneys previously  
1963 collected pursuant to this section which are held in escrow,  
1964 after administrative expenses have been met and up to \$150,000  
1965 has been used to establish a financial aid data processing  
1966 system for the state universities incorporating the necessary  
1967 features to meet the needs of all 11 ~~nine~~ universities for  
1968 application through disbursement processing, shall be  
1969 reallocated to the generating institutions to be used for  
1970 student financial aid programs, including, but not limited to,  
1971 scholarships and grants for educational purposes. Upon such  
1972 determination, such fees shall no longer be assessed and  
1973 collected.



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1974 Section 64. Paragraph (e) of subsection (1) and paragraph  
 1975 (a) of subsection (3) of section 1009.531, Florida Statutes, are  
 1976 amended to read:

1977 1009.531 Florida Bright Futures Scholarship Program;  
 1978 student eligibility requirements for initial awards.--

1979 (1) To be eligible for an initial award from any of the  
 1980 three types of scholarships under the Florida Bright Futures  
 1981 Scholarship Program, a student must:

1982 (e) Not have been found guilty of, or pled ~~plead~~ nolo  
 1983 contendere to, a felony charge, unless the student has been  
 1984 granted clemency by the Governor and Cabinet sitting as the  
 1985 Executive Office of Clemency.

1986 (3) For purposes of calculating the grade point average to  
 1987 be used in determining initial eligibility for a Florida Bright  
 1988 Futures Scholarship, the department shall assign additional  
 1989 weights to grades earned in the following courses:

1990 (a) Courses identified in the course code directory as  
 1991 Advanced Placement, pre-International Baccalaureate, ~~or~~  
 1992 International Baccalaureate, International General Certificate  
 1993 of Secondary Education, or Advanced International Certificate of  
 1994 Education.

1995  
 1996 The department may assign additional weights to courses, other  
 1997 than those described in paragraphs (a) and (b), that are  
 1998 identified by the Department of Education as containing rigorous  
 1999 academic curriculum and performance standards. The additional  
 2000 weight assigned to a course pursuant to this subsection shall  
 2001 not exceed 0.5 per course. The weighted system shall be  
 2002 developed and distributed to all high schools in the state prior  
 2003 to January 1, 1998. The department may determine a student's



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2004 eligibility status during the senior year before graduation and  
2005 may inform the student of the award at that time.

2006 Section 65. Paragraph (b) of subsection (1) of section  
2007 1009.532, Florida Statutes, is amended to read:

2008 1009.532 Florida Bright Futures Scholarship Program;  
2009 student eligibility requirements for renewal awards.--

2010 (1) To be eligible to renew a scholarship from any of the  
2011 three types of scholarships under the Florida Bright Futures  
2012 Scholarship Program, a student must:

2013 (b) Maintain the cumulative grade point average required  
2014 by the scholarship program, except that:

2015 1. If a recipient's grades fall beneath the average  
2016 required to renew a Florida Academic Scholarship, but are  
2017 sufficient to renew a Florida Medallion Scholarship or a Florida  
2018 Gold Seal Vocational Scholarship, the Department of Education  
2019 may grant a renewal from one of those other scholarship  
2020 programs, if the student meets the renewal eligibility  
2021 requirements; or

2022 2. If, at any time during the eligibility period, a  
2023 student's grades are insufficient to renew the scholarship, the  
2024 student may restore eligibility by improving the grade point  
2025 average to the required level. A student is eligible for such a  
2026 restoration one time ~~reinstatement only once~~. The Legislature  
2027 encourages education institutions to assist students to  
2028 calculate whether or not it is possible to raise the grade point  
2029 average during the summer term. If the institution determines  
2030 that it is possible, the education institution may so inform the  
2031 department, which may reserve the student's award if funds are  
2032 available. The renewal, however, must not be granted until the  
2033 student achieves the required cumulative grade point average. If



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2034 the summer term is not sufficient to raise the grade point  
 2035 average to the required renewal level, the student's next  
 2036 opportunity for renewal is the fall semester of the following  
 2037 academic year.

2038 Section 66. Paragraphs (b), (c), and (e) of subsection (1)  
 2039 of section 1009.534, Florida Statutes, are amended, paragraph  
 2040 (f) is added to that subsection, and subsection (3) of that  
 2041 section is amended, to read:

2042 1009.534 Florida Academic Scholars award.--

2043 (1) A student is eligible for a Florida Academic Scholars  
 2044 award if the student meets the general eligibility requirements  
 2045 for the Florida Bright Futures Scholarship Program and the  
 2046 student:

2047 (b) Has attended a home education program according to s.  
 2048 1002.41 during grades 11 and 12 or has completed the  
 2049 International Baccalaureate curriculum but failed to earn the  
 2050 International Baccalaureate Diploma or has completed the  
 2051 Advanced International Certificate of Education curriculum but  
 2052 failed to earn the Advanced International Certificate of  
 2053 Education Diploma, and has attained at least the score  
 2054 identified by rules of the State Board ~~Department~~ of Education  
 2055 on the combined verbal and quantitative parts of the Scholastic  
 2056 Aptitude Test, the Scholastic Assessment Test, or the recentered  
 2057 Scholastic Assessment Test of the College Entrance Examination,  
 2058 or an equivalent score on the ACT Assessment Program; or

2059 (c) Has been awarded an International Baccalaureate  
 2060 Diploma from the International Baccalaureate Organization  
 2061 ~~Office~~; or

2062 (e) Has been recognized by the National Hispanic  
 2063 Recognition Program as a scholar recipient; or



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2064 (f) Has been awarded an Advanced International Certificate  
 2065 of Education Diploma from the University of Cambridge  
 2066 International Examinations Office.

2067  
 2068 A student must complete a program of community service work, as  
 2069 approved by the district school board or the administrators of a  
 2070 nonpublic school, which shall include a minimum of 75 hours of  
 2071 service work and require the student to identify a social  
 2072 problem that interests him or her, develop a plan for his or her  
 2073 personal involvement in addressing the problem, and, through  
 2074 papers or other presentations, evaluate and reflect upon his or  
 2075 her experience.

2076 (3) To be eligible for a renewal award as a Florida  
 2077 Academic Scholar, a student must maintain the equivalent of a  
 2078 cumulative grade point average of 3.0 on a 4.0 scale with an  
 2079 opportunity for restoration one time ~~one reinstatement~~ as  
 2080 provided in this chapter.

2081 Section 67. Paragraph (b) of subsection (1) and subsection  
 2082 (3) of section 1009.535, Florida Statutes, are amended to read:  
 2083 1009.535 Florida Medallion Scholars award.--

2084 (1) A student is eligible for a Florida Medallion Scholars  
 2085 award if the student meets the general eligibility requirements  
 2086 for the Florida Bright Futures Scholarship Program and the  
 2087 student:

2088 (b) Has attended a home education program according to s.  
 2089 1002.41 during grades 11 and 12 or has completed the  
 2090 International Baccalaureate curriculum but failed to earn the  
 2091 International Baccalaureate Diploma or has completed the  
 2092 Advanced International Certificate of Education curriculum but  
 2093 failed to earn the Advanced International Certificate of



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2094 Education Diploma, and has attained at least the score  
 2095 identified by rules of the State Board ~~Department~~ of Education  
 2096 on the combined verbal and quantitative parts of the Scholastic  
 2097 Aptitude Test, the Scholastic Assessment Test, or the recentered  
 2098 Scholastic Assessment Test of the College Entrance Examination,  
 2099 or an equivalent score on the ACT Assessment Program; or

2100 (3) To be eligible for a renewal award as a Florida  
 2101 Medallion Scholar, a student must maintain the equivalent of a  
 2102 cumulative grade point average of 2.75 on a 4.0 scale with an  
 2103 opportunity for restoration ~~reinstatement~~ one time as provided  
 2104 in this chapter.

2105 Section 68. Subsection (3) of section 1009.536, Florida  
 2106 Statutes, is amended to read:

2107 1009.536 Florida Gold Seal Vocational Scholars award.--The  
 2108 Florida Gold Seal Vocational Scholars award is created within  
 2109 the Florida Bright Futures Scholarship Program to recognize and  
 2110 reward academic achievement and career and technical preparation  
 2111 by high school students who wish to continue their education.

2112 (3) To be eligible for a renewal award as a Florida Gold  
 2113 Seal Vocational Scholar, a student must maintain the equivalent  
 2114 of a cumulative grade point average of 2.75 on a 4.0 scale with  
 2115 an opportunity for restoration ~~reinstatement~~ one time as  
 2116 provided in this chapter.

2117 Section 69. Subsection (2) of section 1009.58, Florida  
 2118 Statutes, is amended to read:

2119 1009.58 Critical teacher shortage tuition reimbursement  
 2120 program.--

2121 (2) The State Board of Education shall adopt rules to  
 2122 implement the critical teacher shortage tuition reimbursement  
 2123 program. Any full-time public school employee or lab



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2124 ~~developmental-research~~ school employee certified to teach in  
 2125 this state is eligible for the program. For the purposes of this  
 2126 program, tuition reimbursement shall be limited to courses in  
 2127 critical teacher shortage areas as determined by the State Board  
 2128 of Education. Such courses shall be:

2129 (a) Graduate-level courses leading to a master's,  
 2130 specialist, or doctoral degree;

2131 (b) Graduate-level courses leading to a new certification  
 2132 area; or

2133 (c) State-approved undergraduate courses leading to an  
 2134 advanced degree or new certification area.

2135 Section 70. Section 1009.61, Florida Statutes, is amended  
 2136 to read:

2137 1009.61 Teacher/Quest Scholarship Program.--The  
 2138 Teacher/Quest Scholarship Program is created for the purpose of  
 2139 providing teachers with the opportunity to enhance their  
 2140 knowledge of science, mathematics, and computer applications in  
 2141 business, industry, and government. A school district or lab  
 2142 ~~developmental-research~~ school may propose that one or more  
 2143 teachers be granted a Teacher/Quest Scholarship by submitting to  
 2144 the Department of Education:

2145 (1) A project proposal specifying activities a teacher  
 2146 will carry out to improve his or her:

2147 (a) Understanding of mathematical, scientific, or  
 2148 computing concepts;

2149 (b) Ability to apply and demonstrate such concepts through  
 2150 instruction;

2151 (c) Knowledge of career and technical requirements for  
 2152 competency in mathematics, science, and computing; and

2153 (d) Ability to integrate and apply technological concepts





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2154 from all three fields; and

2155 (2) A contractual agreement with a private corporation or  
2156 governmental agency that implements the project proposal and  
2157 guarantees employment to the teacher during a summer or other  
2158 period when schools are out of session. The agreement must  
2159 stipulate a salary rate that does not exceed regular rates of  
2160 pay and a gross salary amount consistent with applicable  
2161 statutory and contractual provisions for the teacher's  
2162 employment. The teacher's compensation shall be provided for on  
2163 an equally matched basis by funds from the employing corporation  
2164 or agency.

2165 Section 71. Section 1009.765, Florida Statutes, is amended  
2166 to read:

2167 1009.765 Ethics in Business scholarships for community  
2168 colleges and independent postsecondary educational  
2169 institutions.--When the Department of Insurance receives a \$6  
2170 million settlement as specified in the Consent Order of the  
2171 Treasurer and Insurance Commissioner, case number 18900-96-c,  
2172 that portion of the \$6 million not used to satisfy the  
2173 requirements of section 18 of the Consent Order must be  
2174 transferred from the Insurance Commissioner's Regulatory Trust  
2175 Fund to the State Student Financial Assistance Trust Fund is  
2176 appropriated from the State Student Financial Assistance Trust  
2177 Fund to provide Ethics in Business scholarships to students  
2178 enrolled in public community colleges and independent  
2179 postsecondary educational institutions eligible to participate  
2180 in the William L. Boyd, IV, Florida Resident Access Grant  
2181 Program under s. 1009.89. The funds shall be allocated to  
2182 institutions for scholarships in the following ratio: Two-thirds  
2183 for community colleges and one-third for eligible independent



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2184 institutions. The Department of Education shall administer the  
 2185 scholarship program for students attending community colleges  
 2186 and independent institutions. These funds must be allocated to  
 2187 institutions that provide an equal amount of matching funds  
 2188 generated by private donors for the purpose of providing Ethics  
 2189 in Business scholarships. Public funds may not be used to  
 2190 provide the match, nor may funds collected for other purposes.  
 2191 Notwithstanding any other provision of law, the State Board of  
 2192 Administration shall have the authority to invest the funds  
 2193 appropriated under this section. The State Board ~~Department~~ of  
 2194 Education may adopt rules for administration of the program.

2195 Section 72. Subsection (7) of section 1009.77, Florida  
 2196 Statutes, is amended to read:

2197 1009.77 Florida Work Experience Program.--

2198 (7) The State Board ~~Department~~ of Education shall  
 2199 prescribe such rules for the program as are necessary for its  
 2200 administration, for the determination of eligibility and  
 2201 selection of institutions to receive funds for students, to  
 2202 ensure the proper expenditure of funds, and to provide an  
 2203 equitable distribution of funds between students at public and  
 2204 independent colleges and universities.

2205 Section 73. Effective upon this act becoming a law and  
 2206 operating retroactively to January 7, 2003, section 1010.10,  
 2207 Florida Statutes, is created to read:

2208 1010.10 Florida Uniform Management of Institutional Funds  
 2209 Act.--

2210 (1) POPULAR NAME.--This section shall be known by the  
 2211 popular name the "Florida Uniform Management of Institutional  
 2212 Funds Act."

2213 (2) DEFINITIONS.--As used in this section:



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2214 (a) "Endowment fund" means an institutional fund, or any  
 2215 part thereof, not wholly expendable by the institution on a  
 2216 current basis under the terms of the applicable gift instrument.

2217 (b) "Governing board" means the body responsible for the  
 2218 management of an institution or an institutional fund.

2219 (c) "Institution" means an incorporated or unincorporated  
 2220 organization organized and operated exclusively for the  
 2221 advancement of educational purposes, or a governmental entity to  
 2222 the extent that it holds funds exclusively for educational  
 2223 purposes.

2224 (d) "Institutional fund" means a fund held by an  
 2225 institution for its exclusive use, benefit, or purposes. The  
 2226 term excludes a fund held for an institution by a trustee that  
 2227 is not an institution. The term also excludes a fund in which a  
 2228 beneficiary that is not an institution has an interest other  
 2229 than possible rights that could arise upon violation or failure  
 2230 of the purposes of the fund.

2231 (e) "Instrument" means a will, deed, grant, conveyance,  
 2232 agreement, memorandum, electronic record, writing, or other  
 2233 governing document, including the terms of any institutional  
 2234 solicitations from which an institutional fund resulted, under  
 2235 which property is transferred to or held by an institution as an  
 2236 institutional fund.

2237 (3) EXPENDITURE OF ENDOWMENT FUNDS.--

2238 (a) A governing board may expend so much of an endowment  
 2239 fund as the governing board determines to be prudent for the  
 2240 uses and purposes for which the endowment fund is established,  
 2241 consistent with the goal of conserving the purchasing power of  
 2242 the endowment fund. In making its determination, the governing  
 2243 board shall use reasonable care, skill, and caution in



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2244 considering the following:

2245 1. Purposes of the institution.

2246 2. Intent of the donors of the endowment fund.

2247 3. Terms of the applicable instrument.

2248 4. Long-term and short-term needs of the institution in  
2249 carrying out its purposes.

2250 5. General economic conditions.

2251 6. Possible effect of inflation or deflation.

2252 7. Other resources of the institution.

2253 8. Perpetuation of the endowment.

2254

2255 Expenditures made under this paragraph will be considered to be  
2256 prudent if the amount expended is consistent with the goal of  
2257 preserving the purchasing power of the endowment fund.

2258 (b) A restriction upon the expenditure of an endowment  
2259 fund may not be implied from a designation of a gift as an  
2260 endowment, or from a direction or authorization in the  
2261 instrument to use only "income," "interest," "dividends," or  
2262 "rents, issues, or profits," or "to preserve the principal  
2263 intact," or words of similar import.

2264 (c) The provisions of paragraph (a) shall not apply to an  
2265 instrument if the instrument so indicates by stating, "I direct  
2266 that the expenditure provision of paragraph (a) of subsection  
2267 (3) of the Florida Uniform Management of Institutional Funds Act  
2268 not apply to this gift" or words of similar import.

2269 (d) This subsection does not limit the authority of a  
2270 governing board to expend funds as permitted under other law,  
2271 the terms of the instrument, or the charter of the institution.

2272 (e) Except as otherwise provided, this subsection applies  
2273 to instruments executed or in effect before or after the



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2274 effective date of this section.

2275 (4) STANDARD OF CONDUCT.--

2276 (a) Members of a governing board shall invest and manage  
2277 an institutional fund as a prudent investor would by considering  
2278 the purposes, distribution requirements, and other circumstances  
2279 of the fund. In satisfying this standard, the governing board  
2280 shall exercise reasonable care, skill, and caution.

2281 (b) A governing board's investment and management  
2282 decisions about individual assets shall be made not in isolation  
2283 but in the context of the institutional fund's portfolio of  
2284 investments as a whole and as a part of an overall investment  
2285 strategy having risk and return objectives reasonably suited to  
2286 the fund and to the institution.

2287 (c) Among circumstances that a governing board shall  
2288 consider are:

2289 1. Long-term and short-term needs of the institution in  
2290 carrying out its purposes.

2291 2. Its present and anticipated financial resources.

2292 3. General economic conditions.

2293 4. Possible effect of inflation or deflation.

2294 5. Expected tax consequences, if any, of investment  
2295 decisions or strategies.

2296 6. The role that each investment or course of action plays  
2297 within the overall investment portfolio of the institutional  
2298 fund.

2299 7. Expected total return from income and appreciation of  
2300 its investments.

2301 8. Other resources of the institution.

2302 9. Needs of the institution and the institutional fund for  
2303 liquidity, regularity of income, and preservation or



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2304 appreciation of capital.

2305 10. An asset's special relationship or special value, if  
2306 any, to the purposes of the applicable gift instrument or to the  
2307 institution.

2308 (d) A governing board shall make a reasonable effort to  
2309 verify the facts relevant to the investment and management of  
2310 institutional fund assets.

2311 (e) A governing board shall diversify the investments of  
2312 an institutional fund unless the board reasonably determines  
2313 that, because of special circumstances, the purposes of the fund  
2314 are better served without diversifying.

2315 (f) A governing board shall invest and manage the assets  
2316 of an institutional fund solely in the interest of the  
2317 institution.

2318 (5) INVESTMENT AUTHORITY.--In addition to an investment  
2319 otherwise authorized by law or by the applicable gift  
2320 instrument, and without restriction to investments a fiduciary  
2321 may make, the governing board, subject to any specific  
2322 limitations set forth in the applicable gift instrument or in  
2323 the applicable law other than law relating to investments by a  
2324 fiduciary:

2325 (a) Within a reasonable time after receiving property,  
2326 shall review the property and make and implement decisions  
2327 concerning the retention and disposition of the assets in order  
2328 to bring the portfolio of the institutional fund into compliance  
2329 with the purposes, terms, distribution requirements, and other  
2330 circumstances of the institution and with the requirements of  
2331 this section.

2332 (b) May invest in any kind of property or type of  
2333 investment consistent with the standards of this section.



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2334 (c) May include all or any part of an institutional fund  
2335 in any pooled or common fund maintained by the institution.

2336 (d) May invest all or any part of the institutional fund  
2337 in any other pooled or common fund available for investment,  
2338 including shares or interests in regulated investment companies,  
2339 mutual funds, common trust funds, investment partnerships, real  
2340 estate investment trusts, or similar organizations in which  
2341 funds are commingled and investment determinations are made by  
2342 persons other than the governing board.

2343 (6) DELEGATION OF INVESTMENT MANAGEMENT.--

2344 (a) Except as otherwise provided by applicable law  
2345 relating to governmental institutions or funds, a governing  
2346 board may delegate investment and management functions that a  
2347 prudent governing body could properly delegate under the  
2348 circumstances. A governing board shall exercise reasonable care,  
2349 skill, and caution in:

2350 1. Selecting an agent.

2351 2. Establishing the scope and terms of the delegation  
2352 consistent with the purposes of the institutional fund.

2353 3. Periodically reviewing the agent's actions in order to  
2354 monitor the agent's performance and the agent's compliance with  
2355 the terms of the delegation.

2356 (b) In performing a delegated function, an agent owes a  
2357 duty to the governing board to exercise reasonable care to  
2358 comply with the terms of the delegation.

2359 (c) The members of a governing board who comply with the  
2360 requirements of paragraph (a) are not liable for the decisions  
2361 or actions of the agent to whom the function was delegated.

2362 (d) By accepting the delegation of an investment or  
2363 management function from a governing board of an institution



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2364 that is subject to the laws of this state, an agent submits to  
2365 the jurisdiction of the courts of this state in all actions  
2366 arising from the delegation.

2367 (7) INVESTMENT COSTS.--In investing and managing trust  
2368 assets, a governing board may only incur costs that are  
2369 appropriate and reasonable in relation to the assets and the  
2370 purposes of the institution.

2371 (8) RELEASE OF RESTRICTIONS ON USE OR INVESTMENT.--

2372 (a) With the written consent of the donor, a governing  
2373 board may release, in whole or in part, a restriction imposed by  
2374 the applicable instrument on the use or investment of an  
2375 institutional fund.

2376 (b) If written consent of the donor cannot be obtained by  
2377 reason of the donor's death, disability, unavailability, or  
2378 impossibility of identification, a governing board may release,  
2379 in whole or in part, a restriction imposed by the applicable  
2380 instrument on the use or investment of an institutional fund if  
2381 the fund has a total value of less than \$100,000 and if the  
2382 governing board, in its fiduciary judgment, concludes that the  
2383 value of the fund is insufficient to justify the cost of  
2384 administration as a separate institutional fund.

2385 (c) If written consent of the donor cannot be obtained by  
2386 reason of the donor's death, disability, unavailability, or  
2387 impossibility of identification, a governing board may apply in  
2388 the name of the institution to the circuit court of the county  
2389 in which the institution is located for release of a restriction  
2390 imposed by the applicable instrument on the use or investment of  
2391 an institutional fund. The Attorney General shall be notified of  
2392 the application and shall be given an opportunity to be heard.

2393 If the court finds that the restriction is unlawful,





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2394 impracticable, impossible to achieve, or wasteful, it may by  
 2395 order release the restriction in whole or in part. A release  
 2396 under this subsection may not change an endowment fund to a fund  
 2397 that is not an endowment fund.

2398 (d) A release under this subsection may not allow a fund  
 2399 to be used for purposes other than the educational purposes of  
 2400 the institution affected.

2401 (e) This subsection does not limit the application of the  
 2402 doctrine of cy pres.

2403 (9) UNIFORMITY OF APPLICATION AND CONSTRUCTION.--This act  
 2404 shall be so applied and construed as to effectuate its general  
 2405 purpose to make uniform the law with respect to the subject of  
 2406 this act among those states which enact it.

2407 Section 74. Subsection (5) of section 1010.215, Florida  
 2408 Statutes, is amended to read:

2409 1010.215 Educational funding accountability.--

2410 (5) The annual school public accountability report  
 2411 required by ss. 1001.42(16) and 1008.345 must include a school  
 2412 financial report. The purpose of the school financial report is  
 2413 to better inform parents and the public concerning how funds  
 2414 ~~revenues~~ were spent to operate the school during the prior  
 2415 fiscal year. Each school's financial report must follow a  
 2416 uniform, districtwide format that is easy to read and  
 2417 understand.

2418 (a) Total revenue must be reported at the school,  
 2419 district, and state levels. The revenue sources that must be  
 2420 addressed are state and local funds, other than lottery funds;  
 2421 lottery funds; federal funds; and private donations.

2422 (b) Expenditures must be reported as the total  
 2423 expenditures per unweighted full-time equivalent student at the



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2424 school level and the average expenditures per full-time  
 2425 equivalent student at the district and state levels in each of  
 2426 the following categories and subcategories:

2427 1. Teachers, excluding substitute teachers, and education  
 2428 paraprofessionals who provide direct classroom instruction to  
 2429 students enrolled in programs classified by s. 1011.62 as:

- 2430 a. Basic programs;
- 2431 b. Students-at-risk programs;
- 2432 c. Special programs for exceptional students;
- 2433 d. Career education programs; and
- 2434 e. Adult programs.

2435 2. Substitute teachers.

2436 3. Other instructional personnel, including school-based  
 2437 instructional specialists and their assistants.

2438 4. Contracted instructional services, including training  
 2439 for instructional staff and other contracted instructional  
 2440 services.

2441 5. School administration, including school-based  
 2442 administrative personnel and school-based education support  
 2443 personnel.

2444 6. The following materials, supplies, and operating  
 2445 capital outlay:

- 2446 a. Textbooks;
- 2447 b. Computer hardware and software;
- 2448 c. Other instructional materials;
- 2449 d. Other materials and supplies; and
- 2450 e. Library media materials.

2451 7. Food services.

2452 8. Other support services.

2453 9. Operation and maintenance of the school plant.



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2454 (c) The school financial report must also identify the  
 2455 types of district-level expenditures that support the school's  
 2456 operations. The total amount of these district-level  
 2457 expenditures must be reported and expressed as total  
 2458 expenditures per full-time equivalent student.

2459 Section 75. Section 1010.75, Florida Statutes, is amended  
 2460 to read:

2461 1010.75 Teacher Certification Examination Trust Fund.--The  
 2462 proceeds for the certification examination fee levied pursuant  
 2463 to s. 1012.59 shall be remitted by the Department of Education  
 2464 to the Treasurer for deposit into and disbursed from ~~for~~ the  
 2465 "Teacher Certification Examination Trust Fund" as re-created by  
 2466 chapter 99-28, Laws of Florida.

2467 Section 76. Section 1011.24, Florida Statutes, is amended  
 2468 to read:

2469 1011.24 Special district units.--For the purposes of  
 2470 funding through this chapter and chapter 1013, lab developmental  
 2471 ~~research~~ schools shall be designated as special school  
 2472 districts. Such districts shall be accountable to the Department  
 2473 of Education for budget requests and reports on expenditures.

2474 Section 77. Subsection (2) of section 1011.47, Florida  
 2475 Statutes, is amended to read:

2476 1011.47 Auxiliary enterprises; contracts, grants, and  
 2477 donations.--As used in s. 19(f)(3), Art. III of the State  
 2478 Constitution, the term:

2479 (2) "Contracts, grants, and donations" includes  
 2480 noneducational and general funding sources in support of  
 2481 research, public services, and training. The term includes  
 2482 grants and donations, sponsored-research contracts, and  
 2483 Department of Education funding for lab developmental ~~research~~



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2484 schools and other activities for which the funds are deposited  
2485 outside the State Treasury.

2486 Section 78. Subsection (2) of section 1011.60, Florida  
2487 Statutes, is amended to read:

2488 1011.60 Minimum requirements of the Florida Education  
2489 Finance Program.--Each district which participates in the state  
2490 appropriations for the Florida Education Finance Program shall  
2491 provide evidence of its effort to maintain an adequate school  
2492 program throughout the district and shall meet at least the  
2493 following requirements:

2494 (2) MINIMUM TERM.--Operate all schools for a term of at  
2495 least 180 actual teaching days ~~as prescribed in s. 1003.01(14)~~  
2496 or the equivalent on an hourly basis as specified by rules of  
2497 the State Board of Education each school year. The State Board  
2498 of Education may prescribe procedures for altering, and, upon  
2499 written application, may alter, this requirement during a  
2500 national, state, or local emergency as it may apply to an  
2501 individual school or schools in any district or districts if, in  
2502 the opinion of the board, it is not feasible to make up lost  
2503 days, and the apportionment may, at the discretion of the  
2504 Commissioner of Education and if the board determines that the  
2505 reduction of school days is caused by the existence of a bona  
2506 fide emergency, be reduced for such district or districts in  
2507 proportion to the decrease in the length of term in any such  
2508 school or schools. A strike, as defined in s. 447.203(6), by  
2509 employees of the school district may not be considered an  
2510 emergency. The State Board of Education may authorize a decrease  
2511 in the minimum number of days of instruction by up to 4 days for  
2512 grade 12 students for purposes of graduation without  
2513 proportionate reduction in funding.



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2514 Section 79. Paragraphs (f) and (h) of subsection (1) of  
2515 section 1011.62, Florida Statutes, are amended to read:

2516 1011.62 Funds for operation of schools.--If the annual  
2517 allocation from the Florida Education Finance Program to each  
2518 district for operation of schools is not determined in the  
2519 annual appropriations act or the substantive bill implementing  
2520 the annual appropriations act, it shall be determined as  
2521 follows:

2522 (1) COMPUTATION OF THE BASIC AMOUNT TO BE INCLUDED FOR  
2523 OPERATION.--The following procedure shall be followed in  
2524 determining the annual allocation to each district for  
2525 operation:

2526 (f) Supplemental academic instruction; categorical fund.--

2527 1. There is created a categorical fund to provide  
2528 supplemental academic instruction to students in kindergarten  
2529 through grade 12. This paragraph may be cited as the  
2530 "Supplemental Academic Instruction Categorical Fund."

2531 2. Categorical funds for supplemental academic instruction  
2532 shall be allocated annually to each school district in the  
2533 amount provided in the General Appropriations Act. These funds  
2534 shall be in addition to the funds appropriated on the basis of  
2535 FTE student membership in the Florida Education Finance Program  
2536 and shall be included in the total potential funds of each  
2537 district. These funds shall be used to provide supplemental  
2538 academic instruction to students enrolled in the K-12 program.  
2539 Supplemental instruction strategies may include, but are not  
2540 limited to: modified curriculum, reading instruction, after-  
2541 school instruction, tutoring, mentoring, class size reduction,  
2542 extended school year, intensive skills development in summer  
2543 school, and other methods for improving student achievement.



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2544 Supplemental instruction may be provided to a student in any  
2545 manner and at any time during or beyond the regular 180-day term  
2546 identified by the school as being the most effective and  
2547 efficient way to best help that student progress from grade to  
2548 grade and to graduate.

2549 3. Effective with the 1999-2000 fiscal year, funding on  
2550 the basis of FTE membership beyond the 180-day regular term  
2551 shall be provided in the FEFP only for students enrolled in  
2552 juvenile justice education programs. Funding for instruction  
2553 beyond the regular 180-day school year for all other K-12  
2554 students shall be provided through the supplemental academic  
2555 instruction categorical fund and other state, federal, and local  
2556 fund sources with ample flexibility for schools to provide  
2557 supplemental instruction to assist students in progressing from  
2558 grade to grade and graduating.

2559 4. The Florida State University School, as a lab  
2560 ~~developmental research~~ school, is authorized to expend from its  
2561 FEFP or Lottery Enhancement Trust Fund allocation the cost to  
2562 the student of remediation in reading, writing, or mathematics  
2563 for any graduate who requires remediation at a postsecondary  
2564 educational institution.

2565 5. Beginning in the 1999-2000 school year, dropout  
2566 prevention programs as defined in ss. 1003.52, 1003.53(1)(a),  
2567 (b), and (c), and 1003.54 shall be included in group 1 programs  
2568 under subparagraph (d)3.

2569 (h) Small, isolated high schools.--Districts which levy  
2570 the maximum nonvoted discretionary millage, exclusive of millage  
2571 for capital outlay purposes levied pursuant to s. 1011.71(2),  
2572 may calculate full-time equivalent students for small, isolated  
2573 high schools by multiplying the number of unweighted full-time



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2574 equivalent students times 2.75; provided the school has attained  
 2575 a performance grade category "C" or better, pursuant to s.  
 2576 1008.34, for the previous year percentage of students at such  
 2577 ~~school passing both parts of the high school competency test, as~~  
 2578 ~~defined by law and rule, has been equal to or higher than such~~  
 2579 ~~percentage for the state or district, whichever is greater.~~ For  
 2580 the purpose of this section, the term "small, isolated high  
 2581 school" means any high school which is located no less than 28  
 2582 miles by the shortest route from another high school; which has  
 2583 been serving students primarily in basic studies provided by  
 2584 sub-subparagraphs (c)1.b. and c. and may include subparagraph  
 2585 (c)4.; and which has a membership of no more than 100 students,  
 2586 but no fewer than 28 students, in grades 9 through 12.

2587 Section 80. Subsections (2) and (5) of section 1011.70,  
 2588 Florida Statutes, are amended to read:

2589 1011.70 Medicaid certified school funding maximization.--

2590 (2) The Agency for Health Care Administration ~~Department~~  
 2591 ~~of Education~~ shall monitor compliance of each participating  
 2592 school district with the Medicaid provider agreements. In  
 2593 addition, the Agency for Health Care Administration ~~department~~  
 2594 shall develop standardized recordkeeping procedures for the  
 2595 school districts that meet Medicaid requirements for audit  
 2596 purposes.

2597 (5) Lab Developmental research ~~research~~ schools, as authorized  
 2598 under s. 1002.32, shall be authorized to participate in the  
 2599 Medicaid certified school match program on the same basis as  
 2600 school districts subject to the provisions of subsections (1)-  
 2601 (4) and ss. 409.9071 and 409.908(21).

2602 Section 81. Paragraphs (a) and (c) of subsection (2) and  
 2603 paragraph (a) of subsection (3) of section 1011.765, Florida



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2604 Statutes, are amended to read:

2605 1011.765 Florida Academic Improvement Trust Fund matching  
2606 grants.--

2607 (2) ALLOCATION OF THE TRUST FUND.--Funds appropriated to  
2608 the Florida Academic Improvement Trust Fund shall be allocated  
2609 by the Consortium of Florida Education Foundations ~~Department of~~  
2610 ~~Education~~ in the following manner:

2611 (a) For every year in which there is a legislative  
2612 appropriation to the trust fund, an equal amount of the annual  
2613 appropriation, to be determined by dividing the total  
2614 legislative appropriation by the number of local education  
2615 foundations as well as the Florida School for the Deaf and the  
2616 Blind, must be reserved for each public school district  
2617 education foundation and the Florida School for the Deaf and the  
2618 Blind Endowment Fund to provide each foundation and the Florida  
2619 School for the Deaf and the Blind with an opportunity to receive  
2620 and match appropriated funds. Trust funds that remain unmatched  
2621 by contribution on January 15 ~~April 1~~ of any year shall be made  
2622 available for matching by any public school district education  
2623 foundation and by the Florida School for the Deaf and the Blind  
2624 which shall have an opportunity to apply for excess trust funds  
2625 prior to the award of such funds.

2626 (c) Funds sufficient to provide the match shall be  
2627 transferred from the state trust fund to the Consortium of  
2628 Florida Education Foundations ~~public school education foundation~~  
2629 ~~or to the Florida School for the Deaf and the Blind Endowment~~  
2630 ~~Fund~~ upon certification ~~notification~~ that a proportionate amount  
2631 has been received and deposited by the individual foundation or  
2632 the Florida School for the Deaf and the Blind ~~school into its~~  
2633 ~~own trust fund.~~





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2634 (3) GRANT ADMINISTRATION.--

2635 (a) Each public school district education foundation and  
 2636 the Florida School for the Deaf and the Blind participating in  
 2637 the Florida Academic Improvement Trust Fund shall separately  
 2638 account for all funds received pursuant to this section, and may  
 2639 establish its own academic improvement trust fund as a  
 2640 depository for the private contributions, state matching funds,  
 2641 and earnings on investments of such funds. State matching funds  
 2642 shall be administered by the Consortium of Florida Education  
 2643 Foundations and transferred to the public school district  
 2644 education foundation or to the Florida School for the Deaf and  
 2645 the Blind Endowment Fund upon certification ~~notification~~ that  
 2646 the foundation or school has received and deposited private  
 2647 contributions that meet the criteria for matching as provided in  
 2648 this section. The public school district education foundations  
 2649 and the Florida School for the Deaf and the Blind are  
 2650 responsible for the maintenance, investment, and administration  
 2651 of their academic improvement trust funds.

2652 Section 82. Section 1011.94, Florida Statutes, is amended  
 2653 to read:

2654 1011.94 Trust Fund for University Major Gifts.--

2655 (1) There is established a Trust Fund for University Major  
 2656 Gifts. The purpose of the trust fund is to enable each  
 2657 university and New College to provide donors with an incentive  
 2658 in the form of matching grants for donations for the  
 2659 establishment of permanent endowments and sales tax exemption  
 2660 matching funds received pursuant to s. 212.08(5)(j), which must  
 2661 be invested, with the proceeds of the investment used to support  
 2662 university priorities as established by the university board of  
 2663 trustees ~~libraries and instruction and research programs, as~~



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2664 ~~defined by the State Board of Education.~~ All funds appropriated  
2665 for the challenge grants, new donors, major gifts, sales tax  
2666 exemption matching funds pursuant to s. 212.08(5)(j), or eminent  
2667 scholars program must be deposited into the trust fund and  
2668 invested pursuant to s. 18.125 until the Board of Governors  
2669 ~~State Board of Education~~ allocates the funds to universities to  
2670 match private donations. Notwithstanding s. 216.301 and pursuant  
2671 to s. 216.351, any undisbursed balance remaining in the trust  
2672 fund and interest income accruing to the portion of the trust  
2673 fund which is not matched and distributed to universities must  
2674 remain in the trust fund and be used to increase the total funds  
2675 available for challenge grants. Funds deposited in the trust  
2676 fund for the sales tax exemption matching program authorized in  
2677 s. 212.08(5)(j), and interest earnings thereon, shall be  
2678 maintained in a separate account within the Trust Fund for  
2679 University Major Gifts, and may be used only to match qualified  
2680 sales tax exemptions that a certified business designates for  
2681 use by state universities and community colleges to support  
2682 research and development projects requested by the certified  
2683 business. The Board of Governors ~~State Board of Education~~ may  
2684 authorize any university to encumber the state matching portion  
2685 of a challenge grant from funds available under s. 1011.45.

2686 (2) The Board of Governors ~~State Board of Education~~ shall  
2687 specify the process for submission, documentation, and approval  
2688 of requests for matching funds, accountability for endowments  
2689 and proceeds of endowments, allocations to universities,  
2690 restrictions on the use of the proceeds from endowments, and  
2691 criteria used in determining the value of donations.

2692 (3)(a) The Board of Governors ~~State Board of Education~~  
2693 shall allocate the amount appropriated to the trust fund to each



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2694 university and New College based on the amount of the donation  
 2695 and the restrictions applied to the donation.

2696 (b) Donations for a specific purpose must be matched in  
 2697 the following manner:

2698 1. Each university that raises at least \$100,000 but no  
 2699 more than \$599,999 from a private source must receive a matching  
 2700 grant equal to 50 percent of the private contribution.

2701 2. Each university that raises a contribution of at least  
 2702 \$600,000 but no more than \$1 million from a private source must  
 2703 receive a matching grant equal to 70 percent of the private  
 2704 contribution.

2705 3. Each university that raises a contribution in excess of  
 2706 \$1 million but no more than \$1.5 million from a private source  
 2707 must receive a matching grant equal to 75 percent of the private  
 2708 contribution.

2709 4. Each university that raises a contribution in excess of  
 2710 \$1.5 million but no more than \$2 million from a private source  
 2711 must receive a matching grant equal to 80 percent of the private  
 2712 contribution.

2713 5. Each university that raises a contribution in excess of  
 2714 \$2 million from a private source must receive a matching grant  
 2715 equal to 100 percent of the private contribution.

2716 6. The amount of matching funds used to match a single  
 2717 gift in any given year shall be limited to \$3 million. The total  
 2718 amount of matching funds available for any single gift shall be  
 2719 limited to \$15 million, to be distributed in equal amounts of \$3  
 2720 million per year over a period of 5 years.

2721 (c) The Board of Governors ~~State Board of Education~~ shall  
 2722 encumber state matching funds for any pledged contributions, pro  
 2723 rata, based on the requirements for state matching funds as



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2724 specified for the particular challenge grant and the amount of  
 2725 the private donations actually received by the university for  
 2726 the respective challenge grant.

2727 (4) Matching funds may be provided for contributions  
 2728 encumbered or pledged under the Eminent Scholars Act prior to  
 2729 July 1, 1994, and for donations or pledges of any amount equal  
 2730 to or in excess of the prescribed minimums which are pledged for  
 2731 the purpose of this section.

2732 (5)(a) Each university foundation and New College  
 2733 Foundation shall establish a challenge grant account for each  
 2734 challenge grant as a depository for private contributions and  
 2735 state matching funds to be administered on behalf of the Board  
 2736 of Governors ~~State Board of Education~~, the university, or New  
 2737 College. State matching funds must be transferred to a  
 2738 university foundation or New College Foundation upon  
 2739 notification that the university or New College has received and  
 2740 deposited the amount specified in this section in a foundation  
 2741 challenge grant account.

2742 (b) The foundation serving a university and New College  
 2743 Foundation each has the responsibility for the maintenance and  
 2744 investment of its challenge grant account and for the  
 2745 administration of the program on behalf of the university or New  
 2746 College, pursuant to procedures specified by the Board of  
 2747 Governors ~~State Board of Education~~. Each foundation shall  
 2748 include in its annual report to the Board of Governors ~~State~~  
 2749 ~~Board of Education~~ information concerning collection and  
 2750 investment of matching gifts and donations and investment of the  
 2751 account.

2752 (c) A donation of at least \$600,000 and associated state  
 2753 matching funds may be used to designate an Eminent Scholar



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2754 Endowed Chair pursuant to procedures specified by the Board of  
 2755 Governors State Board of Education.

2756 (6) The donations, state matching funds, or proceeds from  
 2757 endowments established under this section may not be expended  
 2758 for the construction, renovation, or maintenance of facilities  
 2759 or for the support of intercollegiate athletics.

2760 Section 83. Subsections (1) and (3) of section 1012.21,  
 2761 Florida Statutes, are amended to read:

2762 1012.21 Department of Education duties; K-12 personnel.--

2763 (1) PERIODIC CRIMINAL HISTORY RECORD CHECKS.--In  
 2764 cooperation with the Florida Department of Law Enforcement, the  
 2765 department ~~of Education~~ may periodically perform criminal  
 2766 history record checks on individuals who hold a certificate  
 2767 pursuant to s. 1012.56 or s. 1012.57.

2768 (3) SUSPENSION OR DENIAL OF TEACHING CERTIFICATE DUE TO  
 2769 CHILD SUPPORT DELINQUENCY.--The department ~~of Education~~ shall  
 2770 allow applicants for new or renewal certificates and renewal  
 2771 certificate holders to be screened by the Title IV-D child  
 2772 support agency pursuant to s. 409.2598 to assure compliance with  
 2773 an obligation for support, as defined in s. 409.2554. The  
 2774 purpose of this section is to promote the public policy of this  
 2775 state as established in s. 409.2551. The department shall, when  
 2776 directed by the court, deny the application of any applicant  
 2777 found to have a delinquent support obligation. The department  
 2778 shall issue or reinstate the certificate without additional  
 2779 charge to the certificate holder when notified by the court that  
 2780 the certificate holder has complied with the terms of the court  
 2781 order. The department shall not be held liable for any  
 2782 certificate denial or suspension resulting from the discharge of  
 2783 its duties under this section.



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2784 Section 84. Paragraph (a) of subsection (1) and paragraph  
2785 (a) of subsection (3) of section 1012.585, Florida Statutes, are  
2786 amended to read:

2787 1012.585 Process for renewal of professional  
2788 certificates.--

2789 (1)(a) District school boards in this state shall renew  
2790 state-issued professional certificates as follows:

2791 1. Each district school board shall renew state-issued  
2792 professional certificates for individuals who hold a  
2793 professional certificate by this state and are employed by that  
2794 district pursuant to criteria established in subsections (2),  
2795 (3), and (4) and rules of the State Board of Education.

2796 2. The employing school district may charge the individual  
2797 an application fee not to exceed the amount charged by the  
2798 Department of Education for such services, including associated  
2799 late renewal fees. Each district school board shall transmit  
2800 monthly to the department a fee in an amount established by the  
2801 State Board of Education for each renewed certificate. The fee  
2802 shall not exceed the actual cost for maintenance and operation  
2803 of the statewide certification database and for the actual costs  
2804 incurred in printing and mailing such renewed certificates. As  
2805 defined in current rules of the state board, the department  
2806 shall contribute a portion of such fee for purposes of funding  
2807 the Educator Recovery Network established in s. 1012.798. The  
2808 department shall deposit all funds into the Educational  
2809 Certification and Service Trust Fund for use as specified in s.  
2810 1012.59.

2811 (3) For the renewal of a professional certificate, the  
2812 following requirements must be met:

2813 (a) The applicant must earn a minimum of 6 college credits



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2814 or 120 inservice points or a combination thereof. For each area  
 2815 of specialization to be retained on a certificate, the applicant  
 2816 must earn at least 3 of the required credit hours or equivalent  
 2817 inservice points in the specialization area. Education in  
 2818 "clinical educator" training pursuant to s. 1004.04(5)(b) and  
 2819 credits or points that provide training in the area of  
 2820 exceptional student education, normal child development, and the  
 2821 disorders of development may be applied toward any  
 2822 specialization area. Credits or points that provide training in  
 2823 the areas of drug abuse, child abuse and neglect, strategies in  
 2824 teaching students having limited proficiency in English, or  
 2825 dropout prevention, or training in areas identified in the  
 2826 educational goals and performance standards adopted pursuant to  
 2827 ss. 1000.03(5) and 1008.345 ~~1001.23~~ may be applied toward any  
 2828 specialization area. Credits or points earned through approved  
 2829 summer institutes may be applied toward the fulfillment of these  
 2830 requirements. Inservice points may also be earned by  
 2831 participation in professional growth components approved by the  
 2832 State Board of Education and specified pursuant to s. 1012.98 in  
 2833 the district's approved master plan for inservice educational  
 2834 training, including, but not limited to, serving as a trainer in  
 2835 an approved teacher training activity, serving on an  
 2836 instructional materials committee or a state board or commission  
 2837 that deals with educational issues, or serving on an advisory  
 2838 council created pursuant to s. 1001.452.

2839 Section 85. Paragraph (a) of subsection (2) of section  
 2840 1012.61, Florida Statutes, is amended to read:

2841 1012.61 Sick leave.--

2842 (2) PROVISIONS GOVERNING SICK LEAVE.--The following  
 2843 provisions shall govern sick leave:



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2844 (a) Extent of leave.--

2845 1. Each member of the instructional staff employed on a  
2846 full-time basis is entitled to 4 days of sick leave as of the  
2847 first day of employment of each contract year and shall  
2848 thereafter earn 1 day of sick leave for each month of  
2849 employment, which shall be credited to the member at the end of  
2850 that month and which may not be used before it is earned and  
2851 credited to the member. Each other employee shall be credited  
2852 with 4 days of sick leave at the end of the first month of  
2853 employment of each contract year and shall thereafter be  
2854 credited for 1 day of sick leave for each month of employment,  
2855 which shall be credited to the employee at the end of the month  
2856 and which may not be used before it is earned and credited to  
2857 the employee. However, each member of the instructional staff  
2858 and each other employee is entitled to earn no more than 1 day  
2859 of sick leave times the number of months of employment during  
2860 the year of employment. If the employee terminates his or her  
2861 employment and has not accrued the 4 days of sick leave  
2862 available to him or her, the district school board may withhold  
2863 the average daily amount for the days of sick leave used but  
2864 unearned by the employee. Such leave may be taken only when  
2865 necessary because of sickness as prescribed in this section. The  
2866 sick leave shall be cumulative from year to year. There shall be  
2867 no limit on the number of days of sick leave which a member of  
2868 the instructional staff or an educational support employee may  
2869 accrue, except that at least one-half of this cumulative leave  
2870 must be established within the district granting such leave.

2871 2. A district school board may establish policies and  
2872 prescribe standards to permit an employee to be absent 6 days  
2873 each school year for personal reasons. However, such absences





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2874 for personal reasons must be charged only to accrued sick leave,  
2875 and leave for personal reasons is noncumulative.

2876 3. District school boards may adopt rules permitting the  
2877 annual payment for accumulated sick leave that is earned for  
2878 that year and that is unused at the end of the school year,  
2879 based on the daily rate of pay of the employee multiplied by up  
2880 to 80 percent. Days for which such payment is received shall be  
2881 deducted from the accumulated leave balance. Such annual payment  
2882 may apply only to instructional staff and educational support  
2883 employees.

2884 4. A district school board may establish policies to  
2885 provide terminal pay for accumulated sick leave to instructional  
2886 staff and educational support employees of the district school  
2887 board. If termination of employment is by death of the employee,  
2888 any terminal pay to which the employee may have been entitled  
2889 may be made to his or her beneficiary. However, such terminal  
2890 pay may not exceed an amount determined as follows:

2891 a. During the first 3 years of service, the daily rate of  
2892 pay multiplied by 35 percent times the number of days of  
2893 accumulated sick leave.

2894 b. During the next 3 years of service, the daily rate of  
2895 pay multiplied by 40 percent times the number of days of  
2896 accumulated sick leave.

2897 c. During the next 3 years of service, the daily rate of  
2898 pay multiplied by 45 percent times the number of days of  
2899 accumulated sick leave.

2900 d. During the next 3 years of service, the daily rate of  
2901 pay multiplied by 50 percent times the number of days of  
2902 accumulated sick leave.

2903 e. During and after the 13th year of service, the daily



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2904 rate of pay multiplied by 100 percent times the number of days  
 2905 of accumulated sick leave.

2906 5. A district school board may establish policies to  
 2907 provide terminal pay for accumulated sick leave to any full-time  
 2908 employee of the district school board other than instructional  
 2909 staff or educational support employees ~~as defined in this~~  
 2910 ~~section~~. If termination of the employee is by death of the  
 2911 employee, any terminal pay to which the employee may have been  
 2912 entitled may be made to the employee's beneficiary.

2913 a. Terminal pay may not exceed one-fourth of all unused  
 2914 sick leave accumulated on or after July 1, 2001, and may not  
 2915 exceed a maximum of 60 days of actual payment. This limit does  
 2916 not impair any contractual agreement established before July 1,  
 2917 2001; however, a previously established contract renewed on or  
 2918 after July 1, 2001, constitutes a new contract.

2919 b. For unused sick leave accumulated before July 1, 2001,  
 2920 terminal payment shall be made pursuant to a district school  
 2921 board's policies, contracts, or rules that are in effect on June  
 2922 30, 2001.

2923 c. If an employee has an accumulated sick leave balance of  
 2924 60 days of actual payment or more prior to July 1, 2001, sick  
 2925 leave earned after that date may not be accumulated for terminal  
 2926 pay purposes until the accumulated leave balance for leave  
 2927 earned before July 1, 2001, is less than 60 days.

2928  
 2929 For purposes of this section, an educational support employee  
 2930 means any person employed by a district school board as a  
 2931 teacher assistant; an education paraprofessional; a member of  
 2932 the transportation, operations, maintenance, or food service  
 2933 department; a secretary; or a clerical employee.



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2934 Section 86. Section 1012.62, Florida Statutes, is amended  
 2935 to read:

2936 1012.62 Transfer of sick leave and annual leave.--In  
 2937 implementing the provisions of ss. 402.22(1)(d) and  
 2938 1001.42(4)(m) ~~1001.42(4)(n)~~, educational personnel in Department  
 2939 of Children and Family Services residential care facilities who  
 2940 are employed by a district school board may request, and the  
 2941 district school board shall accept, a lump-sum transfer of  
 2942 accumulated sick leave for such personnel to the maximum allowed  
 2943 by policies of the district school board, notwithstanding the  
 2944 provisions of s. 110.122. Educational personnel in Department of  
 2945 Children and Family Services residential care facilities who are  
 2946 employed by a district school board under the provisions of s.  
 2947 402.22(1)(d) may request, and the district school board shall  
 2948 accept, a lump-sum transfer of accumulated annual leave for each  
 2949 person employed by the district school board in a position in  
 2950 the district eligible to accrue vacation leave under policies of  
 2951 the district school board.

2952 Section 87. Paragraphs (b) and (c) of subsection (2) of  
 2953 section 1012.74, Florida Statutes, are amended to read:

2954 1012.74 Florida educators professional liability insurance  
 2955 protection.--

2956 (2)

2957 (b) Educator professional liability coverage shall be  
 2958 extended at cost to all instructional personnel, as defined by  
 2959 s. 1012.01(2) ~~1012.01(3)~~, who are part-time personnel, as  
 2960 defined by the district school board policy, and choose to  
 2961 participate in the state-provided program.

2962 (c) Educator professional liability coverage shall be  
 2963 extended at cost to all administrative personnel, as defined by



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2964 s. 1012.01(3) ~~1012.01(2)~~, who choose to participate in the  
 2965 state-provided program.

2966 Section 88. Paragraph (b) of subsection (7) of section  
 2967 1012.79, Florida Statutes, is amended to read:

2968 1012.79 Education Practices Commission; organization.--

2969 (7) The duties and responsibilities of the commission are  
 2970 to:

2971 (b) Revoke or suspend a certificate or take other  
 2972 appropriate action as provided in ss. 1012.795 ~~1012.56~~ and  
 2973 1012.796.

2974 Section 89. Subsection (2) of section 1012.795, Florida  
 2975 Statutes, is amended to read:

2976 1012.795 Education Practices Commission; authority to  
 2977 discipline.--

2978 (2) The plea of guilty in any court, the decision of  
 2979 guilty by any court, the forfeiture by the teaching certificate  
 2980 holder of a bond in any court of law, or the written  
 2981 acknowledgment, duly witnessed, of offenses listed in subsection  
 2982 (1) to the district school superintendent or a duly appointed  
 2983 representative of such superintendent or to the district school  
 2984 board shall be prima facie proof of grounds for revocation of  
 2985 the certificate as listed in subsection (1) in the absence of  
 2986 proof by the certificate holder that the plea of guilty,  
 2987 forfeiture of bond, or admission of guilt was caused by threats,  
 2988 coercion, or fraudulent means.

2989 Section 90. Paragraph (c) of subsection (1) of section  
 2990 1012.796, Florida Statutes, amended to read:

2991 1012.796 Complaints against teachers and administrators;  
 2992 procedure; penalties.--

2993 (1)



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2994 (c) Each school district shall file in writing with the  
 2995 department all legally sufficient complaints within 30 days  
 2996 after the date on which subject matter of the complaint comes to  
 2997 the attention of the school district. The school district shall  
 2998 include all information relating to the complaint which is known  
 2999 to the school district at the time of filing. Each district  
 3000 school board shall develop policies and procedures to comply  
 3001 with this reporting requirement. The district school board  
 3002 policies and procedures shall include appropriate penalties for  
 3003 all personnel of the district school board for nonreporting and  
 3004 procedures for promptly informing the district school  
 3005 superintendent of each legally sufficient complaint. The  
 3006 district school superintendent is charged with knowledge of  
 3007 these policies and procedures. If the district school  
 3008 superintendent has knowledge of a legally sufficient complaint  
 3009 and does not report the complaint, or fails to enforce the  
 3010 policies and procedures of the district school board, and fails  
 3011 to comply with the requirements of this subsection, in addition  
 3012 to other actions against certificate holders authorized by law,  
 3013 the district school superintendent shall be subject to penalties  
 3014 as specified in s. 1001.51(12) ~~1001.51(13)~~. This paragraph does  
 3015 not limit or restrict the power and duty of the department to  
 3016 investigate complaints as provided in paragraphs(a) and (b),  
 3017 regardless of the school district's untimely filing, or failure  
 3018 to file, complaints and followup reports.

3019 Section 91. Paragraph (b) of subsection (4) of section  
 3020 1012.98, Florida Statutes, is amended to read:

3021 1012.98 School Community Professional Development Act.--

3022 (4) The Department of Education, school districts,  
 3023 schools, community colleges, and state universities share the



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3024 responsibilities described in this section. These  
3025 responsibilities include the following:

3026 (b) Each school district shall develop a professional  
3027 development system. The system shall be developed in  
3028 consultation with teachers and representatives of community  
3029 college and state university faculty, community agencies, and  
3030 other interested citizen groups to establish policy and  
3031 procedures to guide the operation of the district professional  
3032 development program. The professional development system must:

3033 1. Be approved by the department. All substantial  
3034 revisions to the system shall be submitted to the department for  
3035 review for continued approval.

3036 2. Require the use of student achievement data; school  
3037 discipline data; school environment surveys; assessments of  
3038 parental satisfaction; performance appraisal data of teachers,  
3039 managers, and administrative personnel; and other performance  
3040 indicators to identify school and student needs that can be met  
3041 by improved professional performance.

3042 3. Provide inservice activities coupled with followup  
3043 support that are appropriate to accomplish district-level and  
3044 school-level improvement goals and standards. The inservice  
3045 activities for instructional personnel shall primarily focus on  
3046 subject content and teaching methods, including technology, as  
3047 related to the Sunshine State Standards, assessment and data  
3048 analysis, classroom management, and school safety.

3049 4. Include a master plan for inservice activities,  
3050 pursuant to rules of the State Board of Education, for all  
3051 district employees from all fund sources. The master plan shall  
3052 be updated annually by September 1 using criteria for continued  
3053 approval as specified by rules of the State Board of Education.



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3054 Written verification that the inservice plan meets all  
3055 requirements of this section must be submitted annually to the  
3056 commissioner by October 1.

3057 5. Require each school principal to establish and maintain  
3058 an individual professional development plan for each  
3059 instructional employee assigned to the school. The individual  
3060 professional development plan must:

3061 a. Be related to specific performance data for the  
3062 students to whom the teacher is assigned.

3063 b. Define the inservice objectives and specific measurable  
3064 improvements expected in student performance as a result of the  
3065 inservice activity.

3066 c. Include an evaluation component that determines the  
3067 effectiveness of the professional development plan.

3068 6. Include inservice activities for school administrative  
3069 personnel that address updated skills necessary for effective  
3070 school management and instructional leadership.

3071 7. Provide for systematic consultation with regional and  
3072 state personnel designated to provide technical assistance and  
3073 evaluation of local professional development programs.

3074 8. Provide for delivery of professional development by  
3075 distance learning and other technology-based delivery systems to  
3076 reach more educators at lower costs.

3077 9. Provide for the continuous evaluation of the quality  
3078 and effectiveness of professional development programs in order  
3079 to eliminate ineffective programs and strategies and to expand  
3080 effective ones. Evaluations must consider the impact of such  
3081 activities on the performance of participating educators and  
3082 their students' achievement and behavior.

3083 Section 92. Paragraph (b) of subsection (1) of section



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3084 1013.31, Florida Statutes, is amended to read:

3085 1013.31 Educational plant survey; localized need  
 3086 assessment; PECO project funding.--

3087 (1) At least every 5 years, each board shall arrange for  
 3088 an educational plant survey, to aid in formulating plans for  
 3089 housing the educational program and student population, faculty,  
 3090 administrators, staff, and auxiliary and ancillary services of  
 3091 the district or campus, including consideration of the local  
 3092 comprehensive plan. The Office of Workforce and Economic  
 3093 Development shall document the need for additional career and  
 3094 adult education programs and the continuation of existing  
 3095 programs before facility construction or renovation related to  
 3096 career or adult education may be included in the educational  
 3097 plant survey of a school district or community college that  
 3098 delivers career or adult education programs. Information used by  
 3099 the Office of Workforce and Economic Development to establish  
 3100 facility needs must include, but need not be limited to, labor  
 3101 market data, needs analysis, and information submitted by the  
 3102 school district or community college.

3103 (b) Required need assessment criteria for district,  
 3104 community college, ~~college~~ and state university plant  
 3105 surveys.--Educational plant surveys must use uniform data  
 3106 sources and criteria specified in this paragraph. Each revised  
 3107 educational plant survey and each new educational plant survey  
 3108 supersedes previous surveys.

3109 1. The school district's survey must be submitted as a  
 3110 part of the district educational facilities plan defined in s.  
 3111 1013.35. To ensure that the data reported to the Department of  
 3112 Education as required by this section is correct, the department  
 3113 shall annually conduct an onsite review of 5 percent of the





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3114 facilities reported for each school district completing a new  
3115 survey that year. If the department's review finds the data  
3116 reported by a district is less than 95 percent accurate, within  
3117 1 year from the time of notification by the department the  
3118 district must submit revised reports correcting its data. If a  
3119 district fails to correct its reports, the commissioner may  
3120 direct that future fixed capital outlay funds be withheld until  
3121 such time as the district has corrected its reports so that they  
3122 are not less than 95 percent accurate.

3123 2. Each survey of a special facility, joint-use facility,  
3124 or cooperative career and technical education facility must be  
3125 based on capital outlay full-time equivalent student enrollment  
3126 data prepared by the department for school districts, community  
3127 colleges, ~~colleges~~, and universities. A survey of space needs of  
3128 a joint-use facility shall be based upon the respective space  
3129 needs of the school districts, community colleges, ~~colleges~~, and  
3130 universities, as appropriate. Projections of a school district's  
3131 facility space needs may not exceed the norm space and occupant  
3132 design criteria established by the State Requirements for  
3133 Educational Facilities.

3134 3. Each community college's survey must reflect the  
3135 capacity of existing facilities as specified in the inventory  
3136 maintained by the Department of Education. Projections of  
3137 facility space needs must comply with standards for determining  
3138 space needs as specified by rule of the State Board of  
3139 Education. The 5-year projection of capital outlay student  
3140 enrollment must be consistent with the annual report of capital  
3141 outlay full-time student enrollment prepared by the Department  
3142 of Education.

3143 4. Each ~~college~~ and state university's survey must reflect



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3144 the capacity of existing facilities as specified in the  
 3145 inventory maintained and validated by the Department of  
 3146 Education ~~Division of Colleges and Universities~~. Projections of  
 3147 facility space needs must be consistent with standards for  
 3148 determining space needs approved by the State Board of Education  
 3149 ~~Division of Colleges and Universities~~. The projected capital  
 3150 outlay full-time equivalent student enrollment must be  
 3151 consistent with the 5-year planned enrollment cycle for the  
 3152 State University System approved by the State Board of Education  
 3153 ~~Division of Colleges and Universities~~.

3154 5. The district educational facilities plan of a school  
 3155 district and the educational plant survey of a community  
 3156 college, ~~or college~~ or state university may include space needs  
 3157 that deviate from approved standards for determining space needs  
 3158 if the deviation is justified by the district or institution and  
 3159 approved by the department, as necessary for the delivery of an  
 3160 approved educational program.

3161 Section 93. Subsection (1) of section 1013.62, Florida  
 3162 Statutes, is amended to read:

3163 1013.62 Charter schools capital outlay funding.--

3164 (1) In each year in which funds are appropriated for  
 3165 charter school capital outlay purposes, the Commissioner of  
 3166 Education shall allocate the funds among eligible charter  
 3167 schools. To be eligible for a funding allocation, a charter  
 3168 school must meet the provisions of subsection (6), must have  
 3169 received final approval from its sponsor pursuant to s. 1002.33  
 3170 for operation during that fiscal year, and must serve students  
 3171 in facilities other than those ~~that are not~~ provided by the  
 3172 charter school's sponsor regardless of whether the facilities  
 3173 are provided at no charge or for a nominal fee. Prior to the



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3174 release of capital outlay funds to a school district on behalf  
3175 of the charter school, the Department of Education shall ensure  
3176 that the district school board and the charter school governing  
3177 board enter into a written agreement that includes provisions  
3178 for the reversion of any unencumbered funds and all equipment  
3179 and property purchased with public education funds to the  
3180 ownership of the district school board, as provided for in  
3181 subsection (3), in the event that the school terminates  
3182 operations. Any funds recovered by the state shall be deposited  
3183 in the General Revenue Fund. A charter school is not eligible  
3184 for a funding allocation if it was created by the conversion of  
3185 a public school and operates in facilities provided by the  
3186 charter school's sponsor for a nominal fee or at no charge or if  
3187 it is directly or indirectly operated by the school district.  
3188 Unless otherwise provided in the General Appropriations Act, the  
3189 funding allocation for each eligible charter school shall be  
3190 determined by multiplying the school's projected student  
3191 enrollment by one-fifteenth of the cost-per-student station  
3192 specified in s. 1013.64(6)(b) for an elementary, middle, or high  
3193 school, as appropriate. If the funds appropriated are not  
3194 sufficient, the commissioner shall prorate the available funds  
3195 among eligible charter schools. Funds shall be distributed on  
3196 the basis of the capital outlay full-time equivalent membership  
3197 by grade level, which shall be calculated by averaging the  
3198 results of the second and third enrollment surveys. The  
3199 Department of Education shall distribute capital outlay funds  
3200 monthly, beginning in the first quarter of the fiscal year,  
3201 based on one-twelfth of the amount the department reasonably  
3202 expects the charter school to receive during that fiscal year.  
3203 The commissioner shall adjust subsequent distributions as



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3204 necessary to reflect each charter school's actual student  
3205 enrollment as reflected in the second and third enrollment  
3206 surveys. The commissioner shall establish the intervals and  
3207 procedures for determining the projected and actual student  
3208 enrollment of eligible charter schools.

3209 Section 94. Subsection (6) of section 1013.73, Florida  
3210 Statutes, is amended to read:

3211 1013.73 Effort index grants for school district  
3212 facilities.--

3213 (6) A school district may receive a distribution for use  
3214 pursuant to paragraph (3)(a) only if the district school board  
3215 certifies to the Commissioner of Education that the district has  
3216 no unmet need for permanent classroom facilities in its 5-year  
3217 capital outlay work plan. If the work plan contains such unmet  
3218 needs, the district must use its distribution for the payment of  
3219 bonds under paragraph (3)(b) ~~(2)(b)~~. If the district does not  
3220 require its full bonded distribution to eliminate such unmet  
3221 needs, it may bond only that portion of its allocation necessary  
3222 to meet the needs.

3223 Section 95. Subsection (1) of section 1013.74, Florida  
3224 Statutes, is amended to read:

3225 1013.74 University authorization for fixed capital outlay  
3226 projects.--

3227 (1) Notwithstanding the provisions of chapter 216,  
3228 including s. 216.351, a university may accomplish fixed capital  
3229 outlay projects consistent with the provisions of this section.  
3230 Projects authorized by this section shall not require  
3231 educational plant survey approval as prescribed in this chapter  
3232 ~~235~~.

3233 Section 96. Subsections (5) through (13) of section



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3234 1005.31, Florida Statutes, are renumbered as subsections (6)  
 3235 through (14), respectively, subsection (4) of that section is  
 3236 amended, and a new subsection (5) is added to that section, to  
 3237 read:

3238 1005.31 Licensure of institutions.--

3239 (4) Approved-applicant status shall be extended to all  
 3240 institutions that have submitted a complete application, as  
 3241 defined in rule, for provisional licensure and paid all  
 3242 attendant fees. An incomplete application shall expire 1 year  
 3243 after initial filing. ~~In granting approved-applicant status, the~~  
 3244 ~~commission shall provide to commission staff and the institution~~  
 3245 ~~a list of specific omissions or deficiencies.~~ Institutions  
 3246 granted approved-applicant status may not advertise, offer  
 3247 programs of study, collect tuition or fees, or engage in any  
 3248 other activities not specifically approved by the commission. If  
 3249 the commission, or the commission staff if specifically directed  
 3250 by the commission, determines that the omissions or deficiencies  
 3251 have been provided for or corrected, the institution may be  
 3252 awarded a provisional license.

3253 (5) The commission shall ensure that applicants for  
 3254 licensure meet the standards as defined in rule through an  
 3255 investigative process. When the investigative process is not  
 3256 completed within the time set out in s. 120.60(1) and the  
 3257 commission has reason to believe that the applicant does not  
 3258 meet the criteria, the commission or commission staff may issue  
 3259 a 90-day licensure delay which shall be in writing and  
 3260 sufficient to notify the applicant of the reason for the delay.  
 3261 The provisions of this subsection shall control over any  
 3262 conflicting provisions of s. 120.60(1).

3263 Section 97. Subsection (7) of section 1005.32, Florida



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3264 Statutes, is amended to read:

3265 1005.32 Licensure by means of accreditation.--

3266 (7) A license by means of accreditation may be denied,  
3267 placed on probation, or revoked for repeated failure to comply  
3268 with the requirements of this section, or for violation of any  
3269 provision of this chapter pertaining to discipline or violation  
3270 of any rules promulgated pursuant to this chapter pertaining to  
3271 discipline. The commission shall adopt rules for these actions.  
3272 Revocation or denial of a license by means of accreditation  
3273 requires that the institution immediately obtain a provisional  
3274 ~~an annual~~ license.

3275 Section 98. Subsections (5) through (8) of section  
3276 1005.38, Florida Statutes, are renumbered as subsections (6)  
3277 through (9), respectively, and a new subsection(5) is added to  
3278 that section to read:

3279 1005.38 Actions against a licensee and other penalties.--

3280 (5) The commission may refuse to issue an initial license  
3281 to any applicant who is under investigation or prosecution in  
3282 any jurisdiction for an action that would constitute a violation  
3283 of this chapter or the professional practice acts administered  
3284 by the commission, until such time as the investigation or  
3285 prosecution is complete, and the time period in which the  
3286 licensure application must be granted or denied shall be tolled  
3287 until 15 days after the receipt of the final results of the  
3288 investigation or prosecution.

3289 Section 99. Paragraph (b) of subsection (1) of section  
3290 1009.531, Florida Statutes, is amended to read:

3291 1009.531 Florida Bright Futures Scholarship Program;  
3292 student eligibility requirements for initial awards.--

3293 (1) To be eligible for an initial award from any of the



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3294 three types of scholarships under the Florida Bright Futures  
 3295 Scholarship Program, a student must:

3296 (b) Earn a standard Florida high school diploma or its  
 3297 equivalent as described in s. 1003.43 or s. 1003.435 ~~1003.45~~  
 3298 unless:

3299 1. The student is enrolled full time in the early  
 3300 admission program of an eligible postsecondary education  
 3301 institution or completes a home education program according to  
 3302 s. 1002.41; or

3303 2. The student earns a high school diploma from a non-  
 3304 Florida school while living with a parent or guardian who is on  
 3305 military or public service assignment away from Florida.

3306 Section 100. Paragraphs (g) and (h) of subsection (2) of  
 3307 section 445.049, subsection (10) of section 1006.20, and section  
 3308 1006.57, Florida Statutes, are repealed.

3309 Section 101. If any law that is amended by this act was  
 3310 also amended by a law enacted at the 2003 Regular Session of the  
 3311 Legislature, such laws shall be construed as if they had been  
 3312 enacted during the same session of the Legislature, and full  
 3313 effect should be given to each if that is possible.

3314 Section 102. Except as otherwise expressly provided in  
 3315 this act, this act shall take effect upon becoming a law.