

By the Committee on Education; and Senator Constantine

304-1247C-04

1 A bill to be entitled
2 An act relating to corrections to the school
3 code rewrite; saving s. 17.076(5), F.S.,
4 relating to confidentiality of direct deposit
5 records, from reversion on July 1, 2004;
6 amending s. 20.055, F.S.; deleting a reference
7 to the Board of Regents; saving s. 112.215(2),
8 F.S., relating to the definition of the term
9 "employee" for purposes of the deferred
10 compensation program, from reversion on July 1,
11 2004; amending s. 145.19, F.S.; adding
12 cross-reference; providing for the
13 superintendent's annual performance salary
14 incentive and special qualification salary to
15 be added to the adjusted salary rate; amending
16 s. 159.27, F.S.; redesignating a developmental
17 research school as a lab school; amending s.
18 212.055, F.S.; deleting references to the
19 Florida Frugal Schools Program; amending s.
20 216.136, F.S.; deleting reference to Executive
21 Director of the State Board of Community
22 Colleges and State Board of Nonpublic Career
23 Education; providing that the executive
24 director of the Commission for Independent
25 Education is a member of the Workforce
26 Estimating Conference; saving s. 287.064(1),
27 (2), (3), (4), (5), and (6), F.S., relating to
28 the consolidated equipment financing program,
29 from reversion on July 1, 2004; amending s.
30 316.615, F.S.; replacing reference to the
31 Commissioner of Education with State Board of

1 Education for purpose of rulemaking; amending
2 s. 402.305, F.S.; replacing reference to the
3 Department of Education with State Board of
4 Education for purpose of rulemaking; saving s.
5 440.38(6), F.S., relating to entities deemed
6 self-insurers for purposes of workers'
7 compensation, from reversion on July 1, 2004;
8 amending s. 445.0124, F.S.; deleting references
9 to the State Board of Community Colleges and
10 the Department of Education; amending ss.
11 455.2125 and 456.028, F.S.; deleting reference
12 to the State Board of Independent Colleges and
13 Universities, the State Board of Nonpublic
14 Career Education, and the State Board of
15 Community Colleges; requiring consultation with
16 the Commission for Independent Education and
17 the State Board of Education; amending s.
18 458.347, F.S.; replacing a reference to State
19 Board of Community Colleges with State Board of
20 Education; amending s. 467.009, F.S.; deleting
21 a reference to the licensing authority of the
22 State Board of Nonpublic Career Education;
23 providing licensing authority of the Commission
24 for Independent Education; amending s. 488.01,
25 F.S.; deleting a reference to the State Board
26 of Nonpublic Career Education; providing for
27 licensure by the Commission for Independent
28 Education to operate certain driver's schools;
29 amending s. 489.125, F.S.; replacing a
30 reference to the Commissioner of Education with
31 State Board of Education for purpose of

1 rulemaking; amending s. 784.081, F.S.;
2 redesignating a developmental research school
3 as a lab school; amending ss. 817.566 and
4 817.567, F.S.; correcting cross-references;
5 deleting a reference to the State Board of
6 Independent Colleges and Universities;
7 providing licensing authority of the Commission
8 for Independent Education; amending s. 943.17,
9 F.S.; replacing a reference to the Department
10 of Education with State Board of Education for
11 purpose of rulemaking; amending s. 1000.04,
12 F.S.; correcting reference to technical
13 centers; amending s. 1001.26, F.S.; correcting
14 a cross-reference; amending s. 1001.32, F.S.;
15 deleting a reference to the rulemaking
16 authority of the Commissioner of Education;
17 amending ss. 1001.372 and 1001.42, F.S.;
18 correcting cross-references; amending s.
19 1001.47, F.S.; providing a calculation
20 methodology for the salary for elected district
21 school superintendents based on county
22 population; amending s. 1001.50, F.S.;
23 eliminating age as a criterion of compensation
24 for district school superintendents; amending
25 s. 1001.51, F.S.; deleting a reference to
26 patrons; amending ss. 1001.74, 1002.01, and
27 1002.20, F.S.; correcting cross-references;
28 amending s. 1002.32, F.S.; redesignating a
29 developmental research school as a lab school;
30 correcting a cross-reference; amending s.
31 1002.33, F.S.; requiring certain compliance for

1 transportation of charter school students;
2 amending s. 1002.42, F.S.; correcting
3 cross-references; amending s. 1002.43, F.S.;
4 providing a reference to regular school
5 attendance; correcting a cross-reference;
6 amending s. 1003.22, F.S.; requiring
7 prekindergarten students to meet school-entry
8 health requirements; amending s. 1003.43, F.S.;
9 deleting a reference to waiver authority of the
10 State Board of Education; correcting the date
11 and name of the Korean Conflict; amending s.
12 1003.52, F.S.; correcting a cross-reference;
13 amending s. 1003.63, F.S.; deleting reference
14 to the waiver authority of the State Board of
15 Education; amending s. 1004.24, F.S.; deleting
16 an obsolete reference to postaudit of financial
17 accounts; providing for a financial audit
18 pursuant to s. 11.45, F.S.; amending s.
19 1004.26, F.S.; conforming university oversight
20 of student government; amending s. 1004.445,
21 F.S.; deleting an obsolete reference to
22 postaudit of financial accounts; providing for
23 a financial audit pursuant to s. 11.45, F.S.;
24 amending s. 1005.04, F.S.; correcting
25 punctuation; amending s. 1006.14, F.S.;
26 correcting punctuation; amending s. 1006.21,
27 F.S.; omitting references to regulations;
28 amending s. 1007.21, F.S.; conforming
29 references to parent or guardian; amending s.
30 1008.22, F.S.; revising provisions relating to
31 passing scores for students taking the FCAT for

1 the first time; amending s. 1008.29, F.S.;
2 eliminating an incorrect cross-reference;
3 amending s. 1008.32, F.S.; requiring the
4 Commissioner of Education to report
5 determinations of probable cause; amending s.
6 1008.37, F.S.; correcting a reporting date;
7 amending s. 1009.29, F.S.; correcting a
8 reference to the number of state universities;
9 amending s. 1009.531, F.S.; correcting
10 terminology; amending s. 1009.532, F.S.;
11 providing for a one-time restoration of a
12 scholarship award; amending ss. 1009.534 and
13 1009.535, F.S.; replacing a reference to the
14 Department of Education with the State Board of
15 Education for purpose of rulemaking; providing
16 for a one-time restoration of a scholarship
17 award; amending s. 1009.536, F.S., relating to
18 the Florida Gold Seal Vocational Scholars
19 award, to conform; amending ss. 1009.58 and
20 1009.61, F.S.; redesignating a developmental
21 research school as a lab school; amending ss.
22 1009.765 and 1009.77, F.S.; replacing a
23 reference to the Department of Education with
24 the State Board of Education for purpose of
25 rulemaking; amending s. 1010.215, F.S.;
26 replacing a reference to revenues with funds;
27 amending s. 1010.75, F.S.; providing for
28 disbursement of fees from the Teacher
29 Certification Examination Trust Fund; amending
30 ss. 1011.24 and 1011.47, F.S.; redesignating
31 developmental research schools as lab schools;

1 amending s. 1011.60, F.S.; deleting a
2 nonexistent cross-reference; amending s.
3 1011.62, F.S.; redesignating a developmental
4 research school as a lab school; deleting a
5 reference to high school competency test;
6 providing a reference to performance grade
7 category; amending s. 1011.70, F.S.; changing
8 references from the Department of Education to
9 the Agency for Health Care Administration;
10 redesignating developmental research schools as
11 lab schools; authorizing lab schools to
12 participate in the Medicaid certified school
13 match program on the same basis as school
14 districts; amending s. 1012.585, F.S.;
15 correcting the name of a trust fund; correcting
16 a cross-reference; amending ss. 1012.62 and
17 1012.79, F.S.; correcting cross-references;
18 amending s. 1012.795, F.S.; designating an
19 appointed representative of the district school
20 superintendent to receive records concerning
21 certain offenses; amending s. 1012.796, F.S.;
22 correcting a cross-reference; amending s.
23 1012.98, F.S.; requiring consultation with
24 state university faculty; amending ss. 1013.73
25 and 1013.74, F.S.; correcting cross-references;
26 repealing s. 445.049(2)(g) and (h), F.S.,
27 relating to the executive director of the State
28 Board of Community Colleges and the executive
29 director of the State Board for Career
30 Education as members of the Digital Divide
31 Council; repealing s. 1002.33(24), F.S.,

1 relating to the conversion charter school pilot
2 program; repealing s. 1006.57, F.S., relating
3 to certain books furnished by the Clerk of the
4 Supreme Court; repealing s. 1010.10(10), F.S.,
5 relating to the repeal of the Florida Uniform
6 Management of Institutional Funds Act;
7 providing an effective date.
8

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

10
11 Section 1. Notwithstanding the provisions of section 6
12 of chapter 2003-399, Laws of Florida, subsection (5) of
13 section 17.076, Florida Statutes, as amended by section 5 of
14 chapter 2003-399, Laws of Florida, shall not revert on July 1,
15 2004, and shall continue in full force and effect.

16 Section 2. Paragraph (a) of subsection (1) of section
17 20.055, Florida Statutes, is amended to read:

18 20.055 Agency inspectors general.--

19 (1) For the purposes of this section:

20 (a) "State agency" means each department created
21 pursuant to this chapter, and also includes the Executive
22 Office of the Governor, the Department of Military Affairs,
23 ~~the Board of Regents,~~ the Fish and Wildlife Conservation
24 Commission, the Office of Insurance Regulation of the
25 Financial Services Commission, the Office of Financial
26 Regulation of the Financial Services Commission, the Public
27 Service Commission, and the state courts system.

28 Section 3. Notwithstanding the provisions of section 8
29 of chapter 2003-399, Laws of Florida, subsection (2) of
30 section 112.215, Florida Statutes, as amended by section 7 of
31

1 chapter 2003-399, Laws of Florida, shall not revert on July 1,
2 2004, and shall continue in full force and effect.

3 Section 4. Subsection (2) of section 145.19, Florida
4 Statutes, is amended to read:

5 145.19 Annual percentage increases based on increase
6 for state career service employees; limitation.--

7 (2) Each fiscal year, the salaries of all officials
8 listed in this chapter and s. 1001.47 shall be adjusted ~~by the~~
9 ~~annual factor. The Department of Management Services shall~~
10 ~~certify the annual factor and the cumulative annual factors.~~

11 The adjusted salary rate shall be the product, rounded to the
12 nearest dollar, of the salary rate granted by the appropriate
13 section of this chapter or s. 1001.47 multiplied first by the
14 initial factor, then by the cumulative annual factor, and
15 finally by the annual factor. The Department of Management
16 Services shall certify the annual factor and the cumulative
17 annual factors. Any special qualification salary received
18 under this chapter, s. 1001.47, or the annual performance
19 salary incentive available to elected superintendents under s.
20 1001.47 shall be added to such adjusted salary rate. The
21 ~~which~~ special qualification salary shall be \$2,000, but shall
22 not exceed \$2,000.

23 Section 5. Paragraph (b) of subsection (22) of section
24 159.27, Florida Statutes, is amended to read:

25 159.27 Definitions.--The following words and terms,
26 unless the context clearly indicates a different meaning,
27 shall have the following meanings:

28 (22) "Educational facility" means:

29 (b) Property that comprises the buildings and
30 equipment, structures, and special education use areas that
31 are built, installed, or established to serve primarily the

1 educational purposes of operating any nonprofit private
2 preschool, kindergarten, elementary school, middle school, or
3 high school that is established under chapter 617 or chapter
4 623, or that is owned or operated by an organization described
5 in s. 501(c)(3) of the United States Internal Revenue Code, or
6 operating any preschool, kindergarten, elementary school,
7 middle school, or high school that is owned or operated as
8 part of the state's system of public education, including, but
9 not limited to, a charter school or a lab developmental
10 ~~research~~ school operated under chapter 1002. The requirements
11 of this part for the financing of projects through local
12 agencies shall also apply to such schools. Bonds issued under
13 the provisions of this part for such schools shall not be
14 deemed to constitute a debt, liability, or obligation of the
15 state or any political subdivision thereof, or a pledge of the
16 faith and credit of the state or of any such political
17 subdivision, but shall be payable solely from the revenues
18 provided therefor.

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

21 212.055 Discretionary sales surtaxes; legislative
22 intent; authorization and use of proceeds.--It is the
23 legislative intent that any authorization for imposition of a
24 discretionary sales surtax shall be published in the Florida
25 Statutes as a subsection of this section, irrespective of the
26 duration of the levy. Each enactment shall specify the types
27 of counties authorized to levy; the rate or rates which may be
28 imposed; the maximum length of time the surtax may be imposed,
29 if any; the procedure which must be followed to secure voter
30 approval, if required; the purpose for which the proceeds may
31 be expended; and such other requirements as the Legislature

1 may provide. Taxable transactions and administrative
2 procedures shall be as provided in s. 212.054.
3 (6) SCHOOL CAPITAL OUTLAY SURTAX.--
4 (b) The resolution shall include a statement that
5 provides a brief and general description of the school capital
6 outlay projects to be funded by the surtax. ~~If applicable, the~~
7 ~~resolution must state that the district school board has been~~
8 ~~recognized by the State Board of Education as having a Florida~~
9 ~~Frugal Schools Program.~~The statement shall conform to the
10 requirements of s. 101.161 and shall be placed on the ballot
11 by the governing body of the county. The following question
12 shall be placed on the ballot:
13 _____ FOR THE _____ CENTS TAX
14 _____ AGAINST THE _____ CENTS TAX
15 (c) The resolution providing for the imposition of the
16 surtax shall set forth a plan for use of the surtax proceeds
17 for fixed capital expenditures or fixed capital costs
18 associated with the construction, reconstruction, or
19 improvement of school facilities and campuses which have a
20 useful life expectancy of 5 or more years, and any land
21 acquisition, land improvement, design, and engineering costs
22 related thereto. Additionally, the plan shall include the
23 costs of retrofitting and providing for technology
24 implementation, including hardware and software, for the
25 various sites within the school district. Surtax revenues may
26 be used for the purpose of servicing bond indebtedness to
27 finance projects authorized by this subsection, and any
28 interest accrued thereto may be held in trust to finance such
29 projects. Neither the proceeds of the surtax nor any interest
30 accrued thereto shall be used for operational expenses. ~~If the~~
31 ~~district school board has been recognized by the State Board~~

1 ~~of Education as having a Florida Frugal Schools Program, the~~
2 ~~district's plan for use of the surtax proceeds must be~~
3 ~~consistent with this subsection and with uses assured under~~
4 ~~the Florida Frugal Schools Program.~~

5 Section 7. Paragraph (b) of subsection (9) of section
6 216.136, Florida Statutes, is amended to read:

7 216.136 Consensus estimating conferences; duties and
8 principals.--

9 (9) WORKFORCE ESTIMATING CONFERENCE.--

10 (b) Principals.--The Commissioner of Education, the
11 Executive Office of the Governor, the director of the Office
12 of Tourism, Trade, and Economic Development, the director of
13 the Agency for Workforce Innovation, the executive director of
14 the Commission for Independent Education, the Chancellor of
15 the State University System, ~~the Executive Director of the~~
16 ~~State Board of Community Colleges~~, the chair of the State
17 ~~Board of Nonpublic Career Education~~, the chair of Workforce
18 Florida, Inc., the coordinator of the Office of Economic and
19 Demographic Research, or their designees, and professional
20 staff from the Senate and the House of Representatives who
21 have forecasting and substantive expertise, are the principals
22 of the Workforce Estimating Conference. In addition to the
23 designated principals of the conference, nonprincipal
24 participants of the conference shall include a representative
25 of the Florida Chamber of Commerce and other interested
26 parties. The principal representing the Executive Office of
27 the Governor shall preside over the sessions of the
28 conference.

29 Section 8. Notwithstanding the provisions of section
30 10 of chapter 2003-399, Laws of Florida, subsections (1)-(6)
31 of section 287.064, Florida Statutes, as amended by section 9

1 of chapter 2003-399, Laws of Florida, shall not revert on July
2 1, 2004, and shall continue in full force and effect.

3 Section 9. Subsection (3) of section 316.615, Florida
4 Statutes, is amended to read:

5 316.615 School buses; physical requirements of
6 drivers.--

7 (3) A person may not operate or cause to be operated a
8 motor vehicle covered by subsection (1) or subsection (2) when
9 transporting school children unless the operator has met the
10 physical examination requirements established by law and by
11 rule of adopted by the State Board ~~Commissioner~~ of Education.
12 The operator of such a motor vehicle shall pass an annual
13 physical examination and have posted in the vehicle a
14 certificate to drive the vehicle.

15 Section 10. Paragraph (b) of subsection (1) and
16 paragraph (b) of subsection (7) of section 402.305, Florida
17 Statutes, are amended to read:

18 402.305 Licensing standards; child care facilities.--

19 (1) LICENSING STANDARDS.--The department shall
20 establish licensing standards that each licensed child care
21 facility must meet regardless of the origin or source of the
22 fees used to operate the facility or the type of children
23 served by the facility.

24 (b) All standards established under ss.
25 402.301-402.319 must be consistent with the rules adopted by
26 the State Fire Marshal for child care facilities. However, if
27 the facility is operated in a public school, the department
28 shall use the public school fire code, as provided in the
29 rules of the State Board ~~Department~~ of Education, as the
30 minimum standard for firesafety.

31 (7) SANITATION AND SAFETY.--

1 (b) In the case of a child care program for school-age
2 children attending before and after school programs on the
3 public school site, the department shall use the public school
4 fire code, as adopted ~~promulgated~~ in the rules of the State
5 Board ~~Department~~ of Education, as the minimum standard for
6 fire safety. In the case of a child care program for
7 school-age children attending before-school and after-school
8 programs on a site operated by a municipality, the department
9 shall adopt rules for such site and intended use.

10 Section 11. Notwithstanding the provisions of section
11 12 of chapter 2003-399, Laws of Florida, subsection (6) of
12 section 440.38, Florida Statutes, as amended by section 11 of
13 chapter 2003-399, Laws of Florida, shall not revert on July 1,
14 2004, and shall continue in full force and effect.

15 Section 12. Subsection (4) of section 445.0124,
16 Florida Statutes, is amended to read:

17 445.0124 Eligible programs.--

18 (4) Eligible career education programs are those
19 programs in the following business sectors: information
20 technology/telecommunications, biomedical technology,
21 manufacturing-electronics, aviation/transportation, and
22 skilled building trades. Workforce Florida, Inc., must
23 determine eligible programs within these sectors annually in
24 cooperation with the State Board of ~~Community Colleges and the~~
25 ~~Department~~ of Education.

26 Section 13. Section 455.2125, Florida Statutes, is
27 amended to read:

28 455.2125 Consultation with postsecondary education
29 boards prior to adoption of changes to training
30 requirements.--Any state agency or board that has jurisdiction
31 over the regulation of a profession or occupation shall

1 consult with the Commission for Independent Education State
2 ~~Board of Independent Colleges and Universities, the State~~
3 ~~Board of Nonpublic Career Education~~, the Board of Regents, and
4 the State Board of Education Community Colleges prior to
5 adopting any changes to training requirements relating to
6 entry into the profession or occupation. This consultation
7 must allow the educational board to provide advice regarding
8 the impact of the proposed changes in terms of the length of
9 time necessary to complete the training program and the fiscal
10 impact of the changes. The educational board must be consulted
11 only when an institution offering the training program falls
12 under its jurisdiction.

13 Section 14. Section 456.028, Florida Statutes, is
14 amended to read:

15 456.028 Consultation with postsecondary education
16 boards prior to adoption of changes to training
17 requirements.--Any state agency or board that has jurisdiction
18 over the regulation of a profession or occupation shall
19 consult with the Commission for Independent Education State
20 ~~Board of Independent Colleges and Universities, the State~~
21 ~~Board of Nonpublic Career Education~~, the Board of Regents, and
22 the State Board of Education Community Colleges prior to
23 adopting any changes to training requirements relating to
24 entry into the profession or occupation. This consultation
25 must allow the educational board to provide advice regarding
26 the impact of the proposed changes in terms of the length of
27 time necessary to complete the training program and the fiscal
28 impact of the changes. The educational board must be consulted
29 only when an institution offering the training program falls
30 under its jurisdiction.

31

1 Section 15. Paragraph (c) of subsection (6) of section
2 458.347, Florida Statutes, is amended to read:

3 458.347 Physician assistants.--

4 (6) PROGRAM APPROVAL.--

5 (c) Any community college with the approval of the
6 State Board of Education ~~Community Colleges~~ may conduct a
7 physician assistant program which shall apply for national
8 accreditation through the American Medical Association's
9 Committee on Allied Health, Education, and Accreditation, or
10 its successor organization, and which may admit unlicensed
11 physicians, as authorized in subsection (7), who are graduates
12 of foreign medical schools listed with the World Health
13 Organization. The unlicensed physician must have been a
14 resident of this state for a minimum of 12 months immediately
15 prior to admission to the program. An evaluation of knowledge
16 base by examination shall be required to grant advanced
17 academic credit and to fulfill the necessary requirements to
18 graduate. A minimum of one 16-week semester of supervised
19 clinical and didactic education, which may be completed
20 simultaneously, shall be required before graduation from the
21 program. All other provisions of this section shall remain in
22 effect.

23 Section 16. Subsection (8) of section 467.009, Florida
24 Statutes, is amended to read:

25 467.009 Midwifery programs; education and training
26 requirements.--

27 (8) Nonpublic educational institutions that conduct
28 approved midwifery programs shall be accredited by a member of
29 the Commission on Recognition of Postsecondary Accreditation
30 and shall be licensed by the Commission for Independent
31 Education ~~State Board of Nonpublic Career Education~~.

1 Section 17. Section 488.01, Florida Statutes, is
2 amended to read:

3 488.01 License to engage in business of operating a
4 driver's school required.--The Department of Highway Safety
5 and Motor Vehicles shall oversee and license all commercial
6 driver's schools except truck driving schools. All commercial
7 truck driving schools shall be required to be licensed
8 pursuant to chapter 1005, and additionally shall be subject to
9 the provisions of ss. 488.04 and 488.05. No person, group,
10 organization, institution, business entity, or corporate
11 entity may engage in the business of operating a driver's
12 school without first obtaining a license therefor from the
13 Department of Highway Safety and Motor Vehicles pursuant to
14 this chapter or from the Commission for Independent Education
15 ~~State Board of Nonpublic Career Education~~ pursuant to chapter
16 1005.

17 Section 18. Section 489.125, Florida Statutes, is
18 amended to read:

19 489.125 Prequalification of certificateholders.--Any
20 person holding a certificate shall be prequalified to bid by a
21 district school board pursuant to uniform prequalification of
22 contractors criteria adopted by rule of the State Board
23 ~~Commissioner~~ of Education. This section does not supersede any
24 small, woman-owned or minority-owned business enterprise
25 preference program adopted by a district school board. A
26 district school board may not modify or supplement the uniform
27 prequalification criteria adopted by rule. A person holding a
28 certificate must apply to each board for prequalification
29 consideration.

30 Section 19. Section 784.081, Florida Statutes, is
31 amended to read:

1 784.081 Assault or battery on specified officials or
2 employees; reclassification of offenses.--Whenever a person is
3 charged with committing an assault or aggravated assault or a
4 battery or aggravated battery upon any elected official or
5 employee of: a school district; a private school; the Florida
6 School for the Deaf and the Blind; a university lab
7 ~~developmental research~~ school; a state university or any other
8 entity of the state system of public education, as defined in
9 s. 1000.04; an employee or protective investigator of the
10 Department of Children and Family Services; or an employee of
11 a lead community-based provider and its direct service
12 contract providers, when the person committing the offense
13 knows or has reason to know the identity or position or
14 employment of the victim, the offense for which the person is
15 charged shall be reclassified as follows:

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

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

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

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

24 Section 20. Section 817.566, Florida Statutes, is
25 amended to read:

26 817.566 Misrepresentation of association with, or
27 academic standing at, postsecondary educational
28 institution.--Any person who, with intent to defraud,
29 misrepresents his or her association with, or academic
30 standing or other progress at, any postsecondary educational
31 institution by falsely making, altering, simulating, or

1 forging a document, degree, certificate, diploma, award,
2 record, letter, transcript, form, or other paper; or any
3 person who causes or procures such a misrepresentation; or any
4 person who utters and publishes or otherwise represents such a
5 document, degree, certificate, diploma, award, record, letter,
6 transcript, form, or other paper as true, knowing it to be
7 false, is guilty of a misdemeanor of the first degree,
8 punishable as provided in s. 775.082 or s. 775.083.
9 Individuals who present a religious academic degree from any
10 college, university, seminary, or institution which is not
11 licensed by the Commission for Independent Education State
12 ~~Board of Independent Colleges and Universities~~ or which is not
13 exempt pursuant to the provisions of s. 1005.06 ~~s. 246.085~~
14 shall disclose the religious nature of the degree upon
15 presentation.

16 Section 21. Subsection (1) of section 817.567, Florida
17 Statutes, is amended to read:

18 817.567 Making false claims of academic degree or
19 title.--

20 (1) No person in the state may claim, either orally or
21 in writing, to possess an academic degree, as defined in s.
22 1005.02, or the title associated with said degree, unless the
23 person has, in fact, been awarded said degree from an
24 institution that is:

25 (a) Accredited by a regional or professional
26 accrediting agency recognized by the United States Department
27 of Education or the Commission on Recognition of Postsecondary
28 Accreditation;

29 (b) Provided, operated, and supported by a state
30 government or any of its political subdivisions or by the
31 Federal Government;

1 (c) A school, institute, college, or university
2 chartered outside the United States, the academic degree from
3 which has been validated by an accrediting agency approved by
4 the United States Department of Education as equivalent to the
5 baccalaureate or postbaccalaureate degree conferred by a
6 regionally accredited college or university in the United
7 States;

8 (d) Licensed by the Commission for Independent
9 Education State Board of Independent Colleges and Universities
10 pursuant to ss. 1005.01-1005.38 or exempt from licensure
11 pursuant to chapter 1005 ~~s. 246.085~~; or

12 (e) A religious seminary, institute, college, or
13 university which offers only educational programs that prepare
14 students for a religious vocation, career, occupation,
15 profession, or lifework, and the nomenclature of whose
16 certificates, diplomas, or degrees clearly identifies the
17 religious character of the educational program.

18 Section 22. Subsection (4) of section 943.17, Florida
19 Statutes, is amended to read:

20 943.17 Basic recruit, advanced, and career development
21 training programs; participation; cost; evaluation.--The
22 commission shall, by rule, design, implement, maintain,
23 evaluate, and revise entry requirements and job-related
24 curricula and performance standards for basic recruit,
25 advanced, and career development training programs and
26 courses. The rules shall include, but are not limited to, a
27 methodology to assess relevance of the subject matter to the
28 job, student performance, and instructor competency.

29 (4) The commission may, by rule, establish a
30 sponsorship program for prospective officers. The rule shall
31 specify the provisions of s. 943.13 that must be satisfied

1 prior to the prospective officer's enrollment in a basic
2 recruit training course. However, the rule shall not conflict
3 with any laws or rules of the State Board ~~Department~~ of
4 Education relating to student enrollment.

5 Section 23. Subsection (1) of section 1000.04, Florida
6 Statutes, is amended to read:

7 1000.04 Components for the delivery of public
8 education within the Florida K-20 education system.--Florida's
9 K-20 education system provides for the delivery of public
10 education through publicly supported and controlled K-12
11 schools, community colleges, state universities and other
12 postsecondary educational institutions, other educational
13 institutions, and other educational services as provided or
14 authorized by the Constitution and laws of the state.

15 (1) PUBLIC K-12 SCHOOLS.--The public K-12 schools
16 include charter schools and consist of kindergarten classes;
17 elementary, middle, and high school grades and special
18 classes; workforce development education; ~~area~~ technical
19 centers; adult, part-time, career and technical, and evening
20 schools, courses, or classes, as authorized by law to be
21 operated under the control of district school boards; and lab
22 schools operated under the control of state universities.

23 Section 24. Paragraph (a) of subsection (2) of section
24 1001.26, Florida Statutes, is amended to read:

25 1001.26 Public broadcasting program system.--

26 (2)(a) The Department of Education is responsible for
27 implementing the provisions of this section pursuant to s.
28 282.102 ~~part III of chapter 287~~ and may employ personnel,
29 acquire equipment and facilities, and perform all duties
30 necessary for carrying out the purposes and objectives of this
31 section.

1 Section 25. Subsection (1) of section 1001.32, Florida
2 Statutes, is amended to read:

3 1001.32 Management, control, operation,
4 administration, and supervision.--The district school system
5 must be managed, controlled, operated, administered, and
6 supervised as follows:

7 (1) DISTRICT SYSTEM.--The district school system shall
8 be considered as a part of the state system of public
9 education. All actions of district school officials shall be
10 consistent and in harmony with state laws and with rules and
11 minimum standards of the state board ~~and the commissioner~~.
12 District school officials, however, shall have the authority
13 to provide additional educational opportunities, as desired,
14 which are authorized, but not required, by law or by the
15 district school board.

16 Section 26. Subsection (3) of section 1001.372,
17 Florida Statutes, is amended to read:

18 1001.372 District school board meetings.--

19 (3) REMOVAL OF PERSONS INTERFERING WITH MEETINGS.--The
20 presiding officer of any district school board may order the
21 removal, from a public meeting held by the district school
22 board, of any person interfering with the expeditious or
23 orderly process of such meeting, provided such officer has
24 first issued a warning that continued interference with the
25 orderly processes of the meeting will result in removal. Any
26 law enforcement authority or a sergeant-at-arms designated by
27 the officer shall remove any person ordered removed pursuant
28 to this subsection ~~section~~.

29 Section 27. Paragraph (m) of subsection (4) of section
30 1001.42, Florida Statutes, is amended to read:

31

1 1001.42 Powers and duties of district school
2 board.--The district school board, acting as a board, shall
3 exercise all powers and perform all duties listed below:

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

8 (m) Alternative education programs for students in
9 residential care facilities.--Provide, in accordance with the
10 provisions of s. 1003.58 ~~chapter 1006~~, educational programs
11 according to rules of the State Board of Education to students
12 who reside in residential care facilities operated by the
13 Department of Children and Family Services.

14 Section 28. Subsection (2) of section 1001.47, Florida
15 Statutes, is amended, subsections (3), (4), and (5) are
16 renumbered as subsections (4), (5), and (6), respectively, and
17 a new subsection (3) is added to that section, to read:

18 1001.47 District school superintendent; salary.--

19 (2) Each elected district school superintendent shall
20 receive a base salary, the amounts indicated in this
21 subsection, based on the population of the county the elected
22 superintendent serves. In addition, compensation shall be made
23 for population increments over the minimum for each population
24 group, which shall be determined by multiplying the population
25 in excess of the minimum for the group times the group rate.
26 The product of such calculation shall be added to the base
27 salary to determine the adjusted base salary. Laws that
28 increase the base salary provided in this subsection shall
29 contain provisions on no other subject.

30
31 Pop. Group County Pop. Range Base Salary Group Rate

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

8
9 ~~Notwithstanding the provisions of chapter 145 to the contrary,~~
10 ~~the annual salaries of elected district school superintendents~~
11 ~~for 1993 and each year thereafter shall be established at the~~
12 ~~same amounts as the district school superintendents were paid~~
13 ~~for fiscal year 1991-1992, adjusted by each annual increase~~
14 ~~provided for in chapter 145.~~

15 (3) The adjusted base salaries of elected district
16 school superintendents shall be increased annually as provided
17 for in s. 145.19. Any salary previously paid to elected
18 superintendents, including the salary calculated for fiscal
19 years 2002-2003 and 2003-2004, which was consistent with
20 chapter 145 and s. 230.303, Florida Statutes (2001), is hereby
21 ratified and validated.

22 Section 29. Paragraph (f) of subsection (3) of section
23 1001.50, Florida Statutes, is amended to read:

24 1001.50 Superintendents employed under Art. IX of the
25 State Constitution.--

26 (3) The district school board of each such district
27 shall pay to the district school superintendent a reasonable
28 annual salary. In determining the amount of compensation to be
29 paid, the board shall take into account such factors as:

30
31

1 (f) The educational qualifications and, professional
2 experience, ~~and age~~ of the candidate for the position of
3 district school superintendent.

4 Section 30. Subsection (16) of section 1001.51,
5 Florida Statutes, is amended to read:

6 1001.51 Duties and responsibilities of district school
7 superintendent.--The district school superintendent shall
8 exercise all powers and perform all duties listed below and
9 elsewhere in the law, provided that, in so doing, he or she
10 shall advise and counsel with the district school board. The
11 district school superintendent shall perform all tasks
12 necessary to make sound recommendations, nominations,
13 proposals, and reports required by law to be acted upon by the
14 district school board. All such recommendations, nominations,
15 proposals, and reports by the district school superintendent
16 shall be either recorded in the minutes or shall be made in
17 writing, noted in the minutes, and filed in the public records
18 of the district school board. It shall be presumed that, in
19 the absence of the record required in this section, the
20 recommendations, nominations, and proposals required of the
21 district school superintendent were not contrary to the action
22 taken by the district school board in such matters.

23 (16) VISITATION OF SCHOOLS.--Visit the schools;
24 observe the management and instruction; give suggestions for
25 improvement; and advise supervisors, principals, teachers,
26 ~~patrons~~, and other citizens with the view of promoting
27 interest in education and improving the school conditions of
28 the district.

29 Section 31. Subsection (8) of section 1001.74, Florida
30 Statutes, is amended to read:

31

1 1001.74 Powers and duties of university boards of
2 trustees.--

3 (8) Each board of trustees is authorized to create
4 divisions of sponsored research pursuant to the provisions of
5 s. 1004.22 ~~s. 1011.411~~ to serve the function of administration
6 and promotion of the programs of research.

7 Section 32. Subsection (2) of section 1002.01, Florida
8 Statutes, is amended to read:

9 1002.01 Definitions.--

10 (2) A "private school" is a nonpublic school defined
11 as an individual, association, copartnership, or corporation,
12 or department, division, or section of such organizations,
13 that designates itself as an educational center that includes
14 kindergarten or a higher grade or as an elementary, secondary,
15 business, technical, or trade school below college level or
16 any organization that provides instructional services that
17 meet the intent of s. 1003.01(13)~~1003.01(14)~~ or that gives
18 preemployment or supplementary training in technology or in
19 fields of trade or industry or that offers academic, literary,
20 or career and technical training below college level, or any
21 combination of the above, including an institution that
22 performs the functions of the above schools through
23 correspondence or extension, except those licensed under the
24 provisions of chapter 1005. A private school may be a
25 parochial, religious, denominational, for-profit, or nonprofit
26 school. This definition does not include home education
27 programs conducted in accordance with s. 1002.41.

28 Section 33. Paragraph (b) of subsection (2) of section
29 1002.20, Florida Statutes, is amended to read:

30 1002.20 K-12 student and parent rights.--Parents of
31 public school students must receive accurate and timely

1 information regarding their child's academic progress and must
2 be informed of ways they can help their child to succeed in
3 school. K-12 students and their parents are afforded numerous
4 statutory rights including, but not limited to, the following:

5 (2) ATTENDANCE.--

6 (b) Regular school attendance.--Parents of students
7 who have attained the age of 6 years by February 1 of any
8 school year but who have not attained the age of 16 years must
9 comply with the compulsory school attendance laws. Parents
10 have the option to comply with the school attendance laws by
11 attendance of the student in a public school; a parochial,
12 religious, or denominational school; a private school; a home
13 education program; or a private tutoring program, in
14 accordance with the provisions of s. 1003.01(13)~~s.~~
15 ~~1003.01(14)~~.

16 Section 34. Paragraph (a) of subsection (3) and
17 paragraph (a) of subsection (11) of section 1002.32, Florida
18 Statutes, are amended to read:

19 1002.32 Developmental research (laboratory) schools.--

20 (3) MISSION.--The mission of a lab school shall be the
21 provision of a vehicle for the conduct of research,
22 demonstration, and evaluation regarding management, teaching,
23 and learning. Programs to achieve the mission of a lab school
24 shall embody the goals and standards established pursuant to
25 ss. 1000.03(5) and 1001.23(2) and shall ensure an appropriate
26 education for its students.

27 (a) Each lab school shall emphasize mathematics,
28 science, computer science, and foreign languages. The primary
29 goal of a lab school is to enhance instruction and research in
30 such specialized subjects by using the resources available on
31 a state university campus, while also providing an education

1 in nonspecialized subjects. Each lab school shall provide
2 sequential elementary and secondary instruction where
3 appropriate. A lab school may not provide instruction at grade
4 levels higher than grade 12 without authorization from the
5 State Board of Education. Each lab ~~developmental research~~
6 school shall develop and implement a school improvement plan
7 pursuant to s. 1003.02(3).

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

12 (a) The methods and requirements of the following
13 statutes shall be held in abeyance: ss. 316.75; 1001.30;
14 1001.31; 1001.32; 1001.33; 1001.34; 1001.35; 1001.36;
15 1001.361; 1001.362; 1001.363; 1001.37; 1001.371; 1001.372;
16 1001.38; 1001.39; 1001.395; 1001.40; 1001.41; 1001.44;
17 1001.453; 1001.46; 1001.461; 1001.462; 1001.463; 1001.464;
18 1001.47; 1001.48; 1001.49; 1001.50; 1001.51; 1006.12(1);
19 1006.21(3), (4); 1006.23; 1010.07(2); 1010.40; 1010.41;
20 1010.42; 1010.43; 1010.44; 1010.45; 1010.46; 1010.47; 1010.48;
21 1010.49; 1010.50; 1010.51; 1010.52; 1010.53; 1010.54; 1010.55;
22 1011.02(1)-(3), (5); 1011.04; 1011.20; 1011.21; 1011.22;
23 1011.23; 1011.71; 1011.72; 1011.73; and 1011.74; ~~and 1013.77.~~

24 Section 35. Paragraph (c) of subsection (20) of
25 section 1002.33, Florida Statutes, is amended to read:

26 1002.33 Charter schools.--

27 (20) SERVICES.--

28 (c) Transportation of charter school students shall be
29 provided by the charter school consistent with the
30 requirements of subpart I.e. of chapter 1006 and s. 1012.45.
31 The governing body of the charter school may provide

1 transportation through an agreement or contract with the
2 district school board, a private provider, or parents. The
3 charter school and the sponsor shall cooperate in making
4 arrangements that ensure that transportation is not a barrier
5 to equal access for all students residing within a reasonable
6 distance of the charter school as determined in its charter.

7 Section 36. Subsections (7) and (14) of section
8 1002.42, Florida Statutes, are amended to read:

9 1002.42 Private schools.--

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

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

18 Section 37. Subsection (1) of section 1002.43, Florida
19 Statutes, is amended to read:

20 1002.43 Private tutoring programs.--

21 (1) Regular school attendance as defined in s.
22 1003.01(13)~~1003.01(14)~~may be achieved by attendance in a
23 private tutoring program if the person tutoring the student
24 meets the following requirements:

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

27 (b) Keeps all records and makes all reports required
28 by the state and district school board and makes regular
29 reports on the attendance of students in accordance with the
30 provisions of s. 1003.23(2).

31

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

3 Section 38. Subsections (4) and (7) of section
4 1003.22, Florida Statutes, are amended to read:

5 1003.22 School-entry health examinations; immunization
6 against communicable diseases; exemptions; duties of
7 Department of Health.--

8 (4) Each district school board and the governing
9 authority of each private school shall establish and enforce
10 as policy that, prior to admittance to or attendance in a
11 public or private school, grades kindergarten through 12, or
12 any other initial entrance into a Florida public or private
13 school, each child present or have on file with the school a
14 certification of immunization for the prevention of those
15 communicable diseases for which immunization is required by
16 the Department of Health and further shall provide for
17 appropriate screening of its students for scoliosis at the
18 proper age. Such certification shall be made on forms approved
19 and provided by the Department of Health and shall become a
20 part of each student's permanent record, to be transferred
21 when the student transfers, is promoted, or changes schools.
22 The transfer of such immunization certification by Florida
23 public schools shall be accomplished using the Florida
24 Automated System for Transferring Education Records and shall
25 be deemed to meet the requirements of this section.

26 (7) The parents of any child admitted to or in
27 attendance at a Florida public or private school, grades
28 prekindergarten ~~kindergarten~~ through 12, are responsible for
29 assuring that the child is in compliance with the provisions
30 of this section.

31

1 Section 39. Paragraph (c) of subsection (1) and
2 subsection (13) of section 1003.43, Florida Statutes, are
3 amended to read:

4 1003.43 General requirements for high school
5 graduation.--

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

10 (c) Three credits in science, two of which must have a
11 laboratory component. ~~The State Board of Education may grant~~
12 ~~an annual waiver of the laboratory requirement to a district~~
13 ~~school board that certifies that its laboratory facilities are~~
14 ~~inadequate, provided the district school board submits a~~
15 ~~capital outlay plan to provide adequate facilities and makes~~
16 ~~the funding of this plan a priority of the district school~~
17 ~~board.~~ Agriscience Foundations I, the core course in secondary
18 Agriscience and Natural Resources programs, counts as one of
19 the science credits.

20
21 District school boards may award a maximum of one-half credit
22 in social studies and one-half elective credit for student
23 completion of nonpaid voluntary community or school service
24 work. Students choosing this option must complete a minimum of
25 75 hours of service in order to earn the one-half credit in
26 either category of instruction. Credit may not be earned for
27 service provided as a result of court action. District school
28 boards that approve the award of credit for student volunteer
29 service shall develop guidelines regarding the award of the
30 credit, and school principals are responsible for approving
31 specific volunteer activities. A course designated in the

1 Course Code Directory as grade 9 through grade 12 that is
2 taken below the 9th grade may be used to satisfy high school
3 graduation requirements or Florida Academic Scholars award
4 requirements as specified in a district school board's student
5 progression plan. A student shall be granted credit toward
6 meeting the requirements of this subsection for equivalent
7 courses, as identified pursuant to s. 1007.271(6), taken
8 through dual enrollment.

9 (13) The Commissioner of Education may award a
10 standard high school diploma to honorably discharged veterans
11 who started high school between 1946 and 1950 and were
12 scheduled to graduate between 1950 and 1954, but were inducted
13 into the United States Armed Forces between June 27, 1950, and
14 January 31, 1955 ~~1954~~, and served during the Korean Conflict
15 ~~War~~ prior to completing the necessary high school graduation
16 requirements. Upon the recommendation of the commissioner, the
17 State Board of Education may develop criteria and guidelines
18 for awarding such diplomas.

19 Section 40. Subsection (4) of section 1003.52, Florida
20 Statutes, is amended to read:

21 1003.52 Educational services in Department of Juvenile
22 Justice programs.--

23 (4) Educational services shall be provided at times of
24 the day most appropriate for the juvenile justice program.
25 School programming in juvenile justice detention, commitment,
26 and rehabilitation programs shall be made available by the
27 local school district during the juvenile justice school year,
28 as defined in s. 1003.01(11) ~~1003.01(12)~~.

29 Section 41. Paragraph (a) of subsection (7) of section
30 1003.63, Florida Statutes, is amended to read:

31 1003.63 Deregulated public schools pilot program.--

1 (7) EXEMPTION FROM STATUTES.--

2 (a) A deregulated public school shall operate in
3 accordance with its proposal and shall be exempt from all
4 statutes of the Florida K-20 Education Code, except those
5 pertaining to civil rights and student health, safety, and
6 welfare, or as otherwise required by this section. A
7 deregulated public school shall not be exempt from the
8 following statutes: chapter 119, relating to public records,
9 ~~and s. 286.011, relating to public meetings and records,~~
10 public inspection, and penalties, and chapters 1010 and 1011
11 if exemption. ~~The school district, upon request of a~~
12 ~~deregulated public school, may apply to the State Board of~~
13 ~~Education for a waiver of provisions of law applicable to~~
14 ~~deregulated public schools under this section, except that the~~
15 ~~provisions of chapter 1010 or chapter 1011 shall not be~~
16 ~~eligible for waiver if the waiver would affect funding~~
17 ~~allocations or create inequity in public school funding. The~~
18 ~~State Board of Education may grant the waiver if necessary to~~
19 ~~implement the school program.~~

20 Section 42. Subsection (5) of section 1004.24, Florida
21 Statutes, is amended to read:

22 1004.24 State Board of Education authorized to secure
23 liability insurance.--

24 (5) Each self-insurance program council shall make
25 provision for an annual financial audit pursuant to s. 11.45
26 ~~postaudit~~ of its ~~financial~~ accounts to be conducted by an
27 independent certified public accountant. The annual audit
28 report must include a management letter and shall be submitted
29 to the State Board of Education for review. The State Board of
30 Education shall have the authority to require and receive from
31 the self-insurance program council or from its independent

1 auditor any detail or supplemental data relative to the
2 operation of the self-insurance program.

3 Section 43. Subsections (1) and (5) of section
4 1004.26, Florida Statutes, are amended to read:

5 1004.26 University student governments.--

6 (1) A student government is created on the main campus
7 of each state university. In addition, each university board
8 of trustees may establish a student government on any branch
9 campus or center. Each student government is a part of the
10 university at which it is established.

11 ~~(5) Each student government is a part of the~~
12 ~~university at which it is established. If an internal~~
13 ~~procedure of the university student government is disapproved~~
14 ~~by the university president under s. 229.0082(15), a member of~~
15 ~~the university board of trustees may request a review of the~~
16 ~~disapproved procedure at the next meeting of the board of~~
17 ~~trustees.~~

18 Section 44. Paragraph (d) of subsection (3) of section
19 1004.445, Florida Statutes, is amended to read:

20 1004.445 Florida Alzheimer's Center and Research
21 Institute.--

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

25 (d) Preparation of an annual financial audit pursuant
26 to s. 11.45 ~~postaudit~~ of the not-for-profit corporation's
27 ~~financial~~ accounts and the ~~financial~~ accounts of any
28 subsidiaries to be conducted by an independent certified
29 public accountant. The annual audit report shall include
30 management letters and shall be submitted to the Auditor
31 General and the State Board of Education for review. The State

1 Board of Education, the Auditor General, and the Office of
2 Program Policy Analysis and Government Accountability shall
3 have the authority to require and receive from the
4 not-for-profit corporation and any subsidiaries, or from their
5 independent auditor, any detail or supplemental data relative
6 to the operation of the not-for-profit corporation or
7 subsidiary.

8 Section 45. Subsection (1) of section 1005.04, Florida
9 Statutes, is amended to read:

10 1005.04 Fair consumer practices.--

11 (1) Every institution that is under the jurisdiction
12 of the commission or is exempt from the jurisdiction or
13 purview of the commission pursuant to s. 1005.06(1)(c) or (f)
14 and that either directly or indirectly solicits for enrollment
15 any student shall:

16 (a) Disclose to each prospective student a statement
17 of the purpose of such institution, its educational programs
18 and curricula, a description of its physical facilities, its
19 status regarding licensure, its fee schedule and policies
20 regarding retaining student fees if a student withdraws, and a
21 statement regarding the transferability of credits to and from
22 other institutions. The institution shall make the required
23 disclosures in writing at least 1 week prior to enrollment or
24 collection of any tuition from the prospective student. The
25 required disclosures may be made in the institution's current
26 catalog;~~;~~

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

31

1 (c) Inform each student accurately about financial
2 assistance and obligations for repayment of loans; describe
3 any employment placement services provided and the limitations
4 thereof; and refrain from promising or implying guaranteed
5 placement, market availability, or salary amounts;

6 (d) Provide to prospective and enrolled students
7 accurate information regarding the relationship of its
8 programs to state licensure requirements for practicing
9 related occupations and professions in Florida;

10 (e) Ensure that all advertisements are accurate and
11 not misleading;

12 (f) Publish and follow an equitable prorated refund
13 policy for all students, and follow both the federal refund
14 guidelines for students receiving federal financial assistance
15 and the minimum refund guidelines set by commission rule;

16 (g) Follow the requirements of state and federal laws
17 that require annual reporting with respect to crime statistics
18 and physical plant safety and make those reports available to
19 the public; and

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

22 Section 46. Subsection (5) of section 1006.14, Florida
23 Statutes, is amended to read:

24 1006.14 Secret societies prohibited in public K-12
25 schools.--

26 (5) It is unlawful for any student enrolled in any
27 public K-12 school to be a member of, to join or to become a
28 member of or to pledge himself or herself to become a member
29 of any secret fraternity, sorority, or group wholly or partly
30 formed from the membership of students attending public K-12
31 schools or to take part in the organization or formation of

1 any such fraternity, sorority, or secret society; provided
2 that this does not prevent any student from belonging to any
3 organization fostered and promoted by the school authorities,
4 ~~for~~ approved and accepted by the school authorities and whose
5 membership is selected on the basis of good character, good
6 scholarship, leadership ability, and achievement.

7 Section 47. Subsections (1) and (2) of section
8 1006.21, Florida Statutes, are amended to read:

9 1006.21 Duties of district school superintendent and
10 district school board regarding transportation.--

11 (1) The district school superintendent shall ascertain
12 which students should be transported to school or to school
13 activities, determine the most effective arrangement of
14 transportation routes to accommodate these students; recommend
15 such routing to the district school board; recommend plans and
16 procedures for providing facilities for the economical and
17 safe transportation of students; recommend such rules ~~and~~
18 ~~regulations~~ as may be necessary and see that all rules ~~and~~
19 ~~regulations~~ relating to the transportation of students
20 approved by the district school board, as well as rules
21 ~~regulations~~ of the State Board of Education ~~state board~~, are
22 properly carried into effect, as prescribed in this chapter.

23 (2) After considering recommendations of the district
24 school superintendent, the district school board shall make
25 provision for the transportation of students to the public
26 schools or school activities they are required or expected to
27 attend; authorize transportation routes arranged efficiently
28 and economically; provide the necessary transportation
29 facilities, and, when authorized under rules of the State
30 Board of Education and if more economical to do so, provide
31 limited subsistence in lieu thereof; and adopt the necessary

1 rules ~~and regulations~~ to ensure safety, economy, and
2 efficiency in the operation of all buses, as prescribed in
3 this chapter.

4 Section 48. Subsection (1) and paragraphs (a) and (b)
5 of subsection (2) of section 1007.21, Florida Statutes, are
6 amended to read:

7 1007.21 Readiness for postsecondary education and the
8 workplace.--

9 (1) It is the intent of the Legislature that students
10 and parents set early achievement and career goals for the
11 student's post-high school experience. This section sets forth
12 a model which schools, through their school advisory councils,
13 may choose to implement to ensure that students are ready for
14 postsecondary education and the workplace. If such a program
15 is adopted, students and their parents shall have the option
16 of participating in this model to plan the student's secondary
17 level course of study. Parents and students are to become
18 partners with school personnel in educational choice. Clear
19 academic course expectations shall be made available to all
20 students by allowing both student and parent ~~or guardian~~
21 choice.

22 (2)(a) Students entering the 9th grade and their
23 parents shall be active participants in choosing an
24 end-of-high-school student destination based upon both student
25 and parent ~~or guardian~~ goals. Four or more destinations should
26 be available with bridges between destinations to enable
27 students to shift destinations should they choose to change
28 goals. The destinations shall accommodate the needs of
29 students served in exceptional education programs to the
30 extent appropriate for individual students. Exceptional
31 education students may continue to follow the courses outlined

1 in the district school board student progression plan.

2 Participating students and their parents shall choose among
3 destinations, which must include:

4 1. Four-year college or university, community college
5 plus university, or military academy.

6 2. Two-year postsecondary degree.

7 3. Postsecondary career and technical certificate.

8 4. Immediate employment or entry-level military.

9 (b) The student progression model toward a chosen
10 destination shall include:

11 1. A "path" of core courses leading to each of the
12 destinations provided in paragraph (a).

13 2. A recommended group of electives which shall help
14 define each path.

15 3. Provisions for a teacher, school administrator,
16 other school staff member, or community volunteer to be
17 assigned to a student as an "academic advocate" if parental ~~or~~
18 ~~guardian~~ involvement is lacking.

19 Section 49. Paragraph (c) of subsection (3) of section
20 1008.22, Florida Statutes, is amended to read:

21 1008.22 Student assessment program for public
22 schools.--

23 (3) STATEWIDE ASSESSMENT PROGRAM.--The commissioner
24 shall design and implement a statewide program of educational
25 assessment that provides information for the improvement of
26 the operation and management of the public schools, including
27 schools operating for the purpose of providing educational
28 services to youth in Department of Juvenile Justice programs.
29 Pursuant to the statewide assessment program, the commissioner
30 shall:

31

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

8 1. The tests measure student skills and competencies
9 adopted by the State Board of Education as specified in
10 paragraph (a). The tests must measure and report student
11 proficiency levels in reading, writing, mathematics, and
12 science. The commissioner shall provide for the tests to be
13 developed or obtained, as appropriate, through contracts and
14 project agreements with private vendors, public vendors,
15 public agencies, postsecondary educational institutions, or
16 school districts. The commissioner shall obtain input with
17 respect to the design and implementation of the testing
18 program from state educators and the public.

19 2. The testing program will include a combination of
20 norm-referenced and criterion-referenced tests and include, to
21 the extent determined by the commissioner, questions that
22 require the student to produce information or perform tasks in
23 such a way that the skills and competencies he or she uses can
24 be measured.

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

29 4. A score is designated for each subject area tested,
30 below which score a student's performance is deemed
31

1 inadequate. The school districts shall provide appropriate
2 remedial instruction to students who score below these levels.

3 5. Except as provided in s. 1003.43(11)(b), students
4 must earn a passing score on the grade 10 assessment test
5 described in this paragraph or on an alternate assessment as
6 described in subsection (9) in reading, writing, and
7 mathematics to qualify for a regular high school diploma. The
8 State Board of Education shall designate a passing score for
9 each part of the grade 10 assessment test. In establishing
10 passing scores, the state board shall consider any possible
11 negative impact of the test on minority students. All students
12 who took the grade 10 FCAT during the 2000-2001 school year
13 shall be required to earn the passing scores in reading and
14 mathematics established by the State Board of Education for
15 the March 2001 test administration. Such students who did not
16 earn the established passing scores and must repeat the grade
17 10 FCAT are required to earn the passing scores established
18 for the March 2001 test administration. All students who take
19 the grade 10 FCAT for the first time in March 2002 ~~and~~
20 ~~thereafter~~ shall be required to earn the passing scores in
21 reading and mathematics established by the State Board of
22 Education for the March 2002 test administration. The State
23 Board of Education shall adopt rules which specify the passing
24 scores for the grade 10 FCAT. Any such rules, which have the
25 effect of raising the required passing scores, shall only
26 apply to students taking the grade 10 FCAT for the first time
27 after such rules are adopted by the State Board of Education.

28 6. Participation in the testing program is mandatory
29 for all students attending public school, including students
30 served in Department of Juvenile Justice programs, except as
31 otherwise prescribed by the commissioner. If a student does

1 not participate in the statewide assessment, the district must
2 notify the student's parent and provide the parent with
3 information regarding the implications of such
4 nonparticipation. If modifications are made in the student's
5 instruction to provide accommodations that would not be
6 permitted on the statewide assessment tests, the district must
7 notify the student's parent of the implications of such
8 instructional modifications. A parent must provide signed
9 consent for a student to receive instructional modifications
10 that would not be permitted on the statewide assessments and
11 must acknowledge in writing that he or she understands the
12 implications of such accommodations. The State Board of
13 Education shall adopt rules, based upon recommendations of the
14 commissioner, for the provision of test accommodations and
15 modifications of procedures as necessary for students in
16 exceptional education programs and for students who have
17 limited English proficiency. Accommodations that negate the
18 validity of a statewide assessment are not allowable.

19 7. A student seeking an adult high school diploma must
20 meet the same testing requirements that a regular high school
21 student must meet.

22 8. District school boards must provide instruction to
23 prepare students to demonstrate proficiency in the skills and
24 competencies necessary for successful grade-to-grade
25 progression and high school graduation. If a student is
26 provided with accommodations or modifications that are not
27 allowable in the statewide assessment program, as described in
28 the test manuals, the district must inform the parent in
29 writing and must provide the parent with information regarding
30 the impact on the student's ability to meet expected
31 proficiency levels in reading, writing, and math. The

1 commissioner shall conduct studies as necessary to verify that
2 the required skills and competencies are part of the district
3 instructional programs.

4 9. The Department of Education must develop, or
5 select, and implement a common battery of assessment tools
6 that will be used in all juvenile justice programs in the
7 state. These tools must accurately measure the skills and
8 competencies established in the Florida Sunshine State
9 Standards.

10

11 The commissioner may design and implement student testing
12 programs, for any grade level and subject area, necessary to
13 effectively monitor educational achievement in the state.

14 Section 50. Subsection (1) of section 1008.29, Florida
15 Statutes, is amended to read:

16 1008.29 College-level communication and mathematics
17 skills examination (CLAST).--

18 (1) It is the intent of the Legislature that the
19 examination of college-level communication and mathematics
20 skills ~~provided in s. 1008.345(3)~~serve as a mechanism for
21 students to demonstrate that they have mastered the academic
22 competencies prerequisite to upper-division undergraduate
23 instruction. It is further intended that the examination
24 serve as both a summative evaluation instrument prior to
25 student enrollment in upper-division programs and as a source
26 of information for student advisers. It is not intended that
27 student passage of the examination supplant the need for a
28 student to complete the general education curriculum
29 prescribed by an institution.

30 Section 51. Subsection (2) of section 1008.32, Florida
31 Statutes, is amended to read:

1 1008.32 State Board of Education oversight enforcement
2 authority.--The State Board of Education shall oversee the
3 performance of district school boards and public postsecondary
4 educational institution boards in enforcement of all laws and
5 rules. District school boards and public postsecondary
6 educational institution boards shall be primarily responsible
7 for compliance with law and state board rule.

8 (2) The Commissioner of Education may investigate
9 allegations of noncompliance with law or state board rule and
10 determine probable cause.7The commissioner shall report
11 determinations of probable cause to the State Board of
12 Education which shall require the district school board or
13 public postsecondary educational institution board to document
14 compliance with law or state board rule.

15 Section 52. Subsection (2) of section 1008.37, Florida
16 Statutes, is amended to read:

17 1008.37 Postsecondary feedback of information to high
18 schools.--

19 (2) The Commissioner of Education shall report, by
20 high school, to the State Board of Education and the
21 Legislature, no later than November 30 ~~31~~ of each year, on the
22 number of prior year Florida high school graduates who
23 enrolled for the first time in public postsecondary education
24 in this state during the previous summer, fall, or spring
25 term, indicating the number of students whose scores on the
26 common placement test indicated the need for remediation
27 through college-preparatory or vocational-preparatory
28 instruction pursuant to s. 1004.91 or s. 1008.30.

29 Section 53. Subsection (1) of section 1009.29, Florida
30 Statutes, is amended to read:

31

1 1009.29 Increased fees for funding financial aid
2 program.--

3 (1) Student tuition and registration fees at each
4 state university and community college shall include up to
5 \$4.68 per quarter, or \$7.02 per semester, per full-time
6 student, or the per-student credit hour equivalents of such
7 amounts. The fees provided for by this section shall be
8 adjusted from time to time, as necessary, to comply with the
9 debt service coverage requirements of the student loan revenue
10 bonds issued pursuant to s. 1009.79. If the Division of Bond
11 Finance of the State Board of Education and the Commissioner
12 of Education determine that such fees are no longer required
13 as security for revenue bonds issued pursuant to ss.

14 1009.78-1009.88, moneys previously collected pursuant to this
15 section which are held in escrow, after administrative
16 expenses have been met and up to \$150,000 has been used to
17 establish a financial aid data processing system for the state
18 universities incorporating the necessary features to meet the
19 needs of all 11 ~~nine~~ universities for application through
20 disbursement processing, shall be reallocated to the
21 generating institutions to be used for student financial aid
22 programs, including, but not limited to, scholarships and
23 grants for educational purposes. Upon such determination, such
24 fees shall no longer be assessed and collected.

25 Section 54. Paragraph (e) of subsection (1) of section
26 1009.531, Florida Statutes, is amended to read:

27 1009.531 Florida Bright Futures Scholarship Program;
28 student eligibility requirements for initial awards.--

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

1 (e) Not have been found guilty of, or entered a plea
2 of plead nolo contendere to, a felony charge, unless the
3 student has been granted clemency by the Governor and Cabinet
4 sitting as the Executive Office of Clemency.

5 Section 55. Paragraph (b) of subsection (1) of section
6 1009.532, Florida Statutes, is amended to read:

7 1009.532 Florida Bright Futures Scholarship Program;
8 student eligibility requirements for renewal awards.--

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

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

14 1. If a recipient's grades fall beneath the average
15 required to renew a Florida Academic Scholarship, but are
16 sufficient to renew a Florida Medallion Scholarship or a
17 Florida Gold Seal Vocational Scholarship, the Department of
18 Education may grant a renewal from one of those other
19 scholarship programs, if the student meets the renewal
20 eligibility requirements;

21 2. If, at any time during the eligibility period, a
22 student's grades are insufficient to renew the scholarship,
23 the student may restore eligibility by improving the grade
24 point average to the required level. A student is eligible for
25 such a restoration one time ~~reinstatement only once~~. The
26 Legislature encourages education institutions to assist
27 students to calculate whether or not it is possible to raise
28 the grade point average during the summer term. If the
29 institution determines that it is possible, the education
30 institution may so inform the department, which may reserve
31 the student's award if funds are available. The renewal,

1 however, must not be granted until the student achieves the
2 required cumulative grade point average. If the summer term is
3 not sufficient to raise the grade point average to the
4 required renewal level, the student's next opportunity for
5 renewal is the fall semester of the following academic year;
6 or

7 3. If a student is receiving a Florida Bright Futures
8 Scholarship, is a servicemember of the Florida National Guard
9 or United States Reserves while attending a postsecondary
10 institution, is called to active duty or state active duty, as
11 defined in s. 250.01, prior to completing his or her degree,
12 and meets all other requirements for the scholarship, the
13 student shall be eligible to continue the scholarship for 2
14 years after completing active duty or state active duty.

15 Section 56. Subsections (1) and (3) of section
16 1009.534, Florida Statutes, are amended to read:

17 1009.534 Florida Academic Scholars award.--

18 (1) A student is eligible for a Florida Academic
19 Scholars award if the student meets the general eligibility
20 requirements for the Florida Bright Futures Scholarship
21 Program and the student:

22 (a) Has achieved a 3.5 weighted grade point average as
23 calculated pursuant to s. 1009.531, or its equivalent, in high
24 school courses that are designated by the State Board of
25 Education as college-preparatory academic courses; and has
26 attained at least the score identified by rules of the State
27 Board of Education on the combined verbal and quantitative
28 parts of the Scholastic Aptitude Test, the Scholastic
29 Assessment Test, or the recentered Scholastic Assessment Test
30 of the College Entrance Examination, or an equivalent score on
31 the ACT Assessment Program; or

1 (b) Has attended a home education program according to
2 s. 1002.41 during grades 11 and 12 or has completed the
3 International Baccalaureate curriculum but failed to earn the
4 International Baccalaureate Diploma, and has attained at least
5 the score identified by rules of the State Board ~~Department~~ of
6 Education on the combined verbal and quantitative parts of the
7 Scholastic Aptitude Test, the Scholastic Assessment Test, or
8 the recentered Scholastic Assessment Test of the College
9 Entrance Examination, or an equivalent score on the ACT
10 Assessment Program; or

11 (c) Has been awarded an International Baccalaureate
12 Diploma from the International Baccalaureate Office; or

13 (d) Has been recognized by the merit or achievement
14 programs of the National Merit Scholarship Corporation as a
15 scholar or finalist; or

16 (e) Has been recognized by the National Hispanic
17 Recognition Program as a scholar recipient.

18
19 A student must complete a program of community service work,
20 as approved by the district school board or the administrators
21 of a nonpublic school, which shall include a minimum of 75
22 hours of service work and require the student to identify a
23 social problem that interests him or her, develop a plan for
24 his or her personal involvement in addressing the problem,
25 and, through papers or other presentations, evaluate and
26 reflect upon his or her experience.

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

1 Section 57. Subsections (1) and (3) of section
2 1009.535, Florida Statutes, are amended to read:

3 1009.535 Florida Medallion Scholars award.--

4 (1) A student is eligible for a Florida Medallion
5 Scholars award if the student meets the general eligibility
6 requirements for the Florida Bright Futures Scholarship
7 Program and the student:

8 (a) Has achieved a weighted grade point average of 3.0
9 as calculated pursuant to s. 1009.531, or the equivalent, in
10 high school courses that are designated by the State Board of
11 Education as college-preparatory academic courses; and has
12 attained at least the score identified by rules of the State
13 Board of Education on the combined verbal and quantitative
14 parts of the Scholastic Aptitude Test, the Scholastic
15 Assessment Test, or the recentered Scholastic Assessment Test
16 of the College Entrance Examination, or an equivalent score on
17 the ACT Assessment Program; or

18 (b) Has attended a home education program according to
19 s. 1002.41 during grades 11 and 12 or has completed the
20 International Baccalaureate curriculum but failed to earn the
21 International Baccalaureate Diploma, and has attained at least
22 the score identified by rules of the State Board ~~Department~~ of
23 Education on the combined verbal and quantitative parts of the
24 Scholastic Aptitude Test, the Scholastic Assessment Test, or
25 the recentered Scholastic Assessment Test of the College
26 Entrance Examination, or an equivalent score on the ACT
27 Assessment Program; or

28 (c) Has been recognized by the merit or achievement
29 program of the National Merit Scholarship Corporation as a
30 scholar or finalist but has not completed a program of
31 community service as provided in s. 1009.534; or

1 (d) Has been recognized by the National Hispanic
2 Recognition Program as a scholar, but has not completed a
3 program of community service as provided in s. 1009.534.

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

9 Section 58. Subsection (3) of section 1009.536,
10 Florida Statutes, is amended to read:

11 1009.536 Florida Gold Seal Vocational Scholars
12 award.--The Florida Gold Seal Vocational Scholars award is
13 created within the Florida Bright Futures Scholarship Program
14 to recognize and reward academic achievement and career and
15 technical preparation by high school students who wish to
16 continue their education.

17 (3) To be eligible for a renewal award as a Florida
18 Gold Seal Vocational Scholar, a student must maintain the
19 equivalent of a cumulative grade point average of 2.75 on a
20 4.0 scale with an opportunity for restoration ~~reinstatement~~
21 one time as provided in this chapter.

22 Section 59. Subsection (2) of section 1009.58, Florida
23 Statutes, is amended to read:

24 1009.58 Critical teacher shortage tuition
25 reimbursement program.--

26 (2) The State Board of Education shall adopt rules to
27 implement the critical teacher shortage tuition reimbursement
28 program. Any full-time public school employee or lab
29 ~~developmental research~~ school employee certified to teach in
30 this state is eligible for the program. For the purposes of
31 this program, tuition reimbursement shall be limited to

1 courses in critical teacher shortage areas as determined by
2 the State Board of Education. Such courses shall be:

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

5 (b) Graduate-level courses leading to a new
6 certification area; or

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

9 Section 60. Section 1009.61, Florida Statutes, is
10 amended to read:

11 1009.61 Teacher/Quest Scholarship Program.--The
12 Teacher/Quest Scholarship Program is created for the purpose
13 of providing teachers with the opportunity to enhance their
14 knowledge of science, mathematics, and computer applications
15 in business, industry, and government. A school district or
16 lab developmental research school may propose that one or more
17 teachers be granted a Teacher/Quest Scholarship by submitting
18 to the Department of Education:

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

21 (a) Understanding of mathematical, scientific, or
22 computing concepts;

23 (b) Ability to apply and demonstrate such concepts
24 through instruction;

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

27 (d) Ability to integrate and apply technological
28 concepts from all three fields; and

29 (2) A contractual agreement with a private corporation
30 or governmental agency that implements the project proposal
31 and guarantees employment to the teacher during a summer or

1 other period when schools are out of session. The agreement
2 must stipulate a salary rate that does not exceed regular
3 rates of pay and a gross salary amount consistent with
4 applicable statutory and contractual provisions for the
5 teacher's employment. The teacher's compensation shall be
6 provided for on an equally matched basis by funds from the
7 employing corporation or agency.

8 Section 61. Section 1009.765, Florida Statutes, is
9 amended to read:

10 1009.765 Ethics in Business scholarships for community
11 colleges and independent postsecondary educational
12 institutions.--When the Department of Insurance or the Office
13 of Insurance Regulation of the Financial Services Commission
14 receives a \$6 million settlement as specified in the Consent
15 Order of the Treasurer and Insurance Commissioner, case number
16 18900-96-c, that portion of the \$6 million not used to satisfy
17 the requirements of section 18 of the Consent Order must be
18 transferred from the Insurance Regulatory Trust Fund to the
19 State Student Financial Assistance Trust Fund is appropriated
20 from the State Student Financial Assistance Trust Fund to
21 provide Ethics in Business scholarships to students enrolled
22 in public community colleges and independent postsecondary
23 educational institutions eligible to participate in the
24 William L. Boyd, IV, Florida Resident Access Grant Program
25 under s. 1009.89. The funds shall be allocated to institutions
26 for scholarships in the following ratio: Two-thirds for
27 community colleges and one-third for eligible independent
28 institutions. The Department of Education shall administer the
29 scholarship program for students attending community colleges
30 and independent institutions. These funds must be allocated to
31 institutions that provide an equal amount of matching funds

1 generated by private donors for the purpose of providing
2 Ethics in Business scholarships. Public funds may not be used
3 to provide the match, nor may funds collected for other
4 purposes. Notwithstanding any other provision of law, the
5 State Board of Administration shall have the authority to
6 invest the funds appropriated under this section. The State
7 Board ~~Department~~ of Education may adopt rules for
8 administration of the program.

9 Section 62. Subsection (7) of section 1009.77, Florida
10 Statutes, is amended to read:

11 1009.77 Florida Work Experience Program.--

12 (7) The State Board ~~Department~~ of Education shall
13 prescribe such rules for the program as are necessary for its
14 administration, for the determination of eligibility and
15 selection of institutions to receive funds for students, to
16 ensure the proper expenditure of funds, and to provide an
17 equitable distribution of funds between students at public and
18 independent colleges and universities.

19 Section 63. Subsection (5) of section 1010.215,
20 Florida Statutes, is amended to read:

21 1010.215 Educational funding accountability.--

22 (5) The annual school public accountability report
23 required by ss. 1001.42(16) and 1008.345 must include a school
24 financial report. The purpose of the school financial report
25 is to better inform parents and the public concerning how
26 funds ~~revenues~~ were spent to operate the school during the
27 prior fiscal year. Each school's financial report must follow
28 a uniform, districtwide format that is easy to read and
29 understand.

30 (a) Total revenue must be reported at the school,
31 district, and state levels. The revenue sources that must be

1 addressed are state and local funds, other than lottery funds;
2 lottery funds; federal funds; and private donations.

3 (b) Expenditures must be reported as the total
4 expenditures per unweighted full-time equivalent student at
5 the school level and the average expenditures per full-time
6 equivalent student at the district and state levels in each of
7 the following categories and subcategories:

8 1. Teachers, excluding substitute teachers, and
9 education paraprofessionals who provide direct classroom
10 instruction to students enrolled in programs classified by s.
11 1011.62 as:

12 a. Basic programs;

13 b. Students-at-risk programs;

14 c. Special programs for exceptional students;

15 d. Career education programs; and

16 e. Adult programs.

17 2. Substitute teachers.

18 3. Other instructional personnel, including
19 school-based instructional specialists and their assistants.

20 4. Contracted instructional services, including
21 training for instructional staff and other contracted
22 instructional services.

23 5. School administration, including school-based
24 administrative personnel and school-based education support
25 personnel.

26 6. The following materials, supplies, and operating
27 capital outlay:

28 a. Textbooks;

29 b. Computer hardware and software;

30 c. Other instructional materials;

31 d. Other materials and supplies; and

1 e. Library media materials.

2 7. Food services.

3 8. Other support services.

4 9. Operation and maintenance of the school plant.

5 (c) The school financial report must also identify the
6 types of district-level expenditures that support the school's
7 operations. The total amount of these district-level
8 expenditures must be reported and expressed as total
9 expenditures per full-time equivalent student.

10 Section 64. Section 1010.75, Florida Statutes, is
11 amended to read:

12 1010.75 Teacher Certification Examination Trust
13 Fund.--The proceeds for the certification examination fee
14 levied pursuant to s. 1012.59 shall be remitted by the
15 Department of Education to the Chief Financial Officer for
16 deposit into and disbursed from ~~for~~ the "Teacher Certification
17 Examination Trust Fund" as re-created by chapter 99-28, Laws
18 of Florida.

19 Section 65. Section 1011.24, Florida Statutes, is
20 amended to read:

21 1011.24 Special district units.--For the purposes of
22 funding through this chapter and chapter 1013, lab
23 ~~developmental research~~ schools shall be designated as special
24 school districts. Such districts shall be accountable to the
25 Department of Education for budget requests and reports on
26 expenditures.

27 Section 66. Subsection (2) of section 1011.47, Florida
28 Statutes, is amended to read:

29 1011.47 Auxiliary enterprises; contracts, grants, and
30 donations.--As used in s. 19(f)(3), Art. III of the State
31 Constitution, the term:

1 (2) "Contracts, grants, and donations" includes
2 noneducational and general funding sources in support of
3 research, public services, and training. The term includes
4 grants and donations, sponsored-research contracts, and
5 Department of Education funding for lab ~~developmental research~~
6 schools and other activities for which the funds are deposited
7 outside the State Treasury.

8 Section 67. Subsection (2) of section 1011.60, Florida
9 Statutes, is amended to read:

10 1011.60 Minimum requirements of the Florida Education
11 Finance Program.--Each district which participates in the
12 state appropriations for the Florida Education Finance Program
13 shall provide evidence of its effort to maintain an adequate
14 school program throughout the district and shall meet at least
15 the following requirements:

16 (2) MINIMUM TERM.--Operate all schools for a term of
17 at least 180 actual teaching days ~~as prescribed in s.~~
18 ~~1003.01(14)~~ or the equivalent on an hourly basis as specified
19 by rules of the State Board of Education each school year. The
20 State Board of Education may prescribe procedures for
21 altering, and, upon written application, may alter, this
22 requirement during a national, state, or local emergency as it
23 may apply to an individual school or schools in any district
24 or districts if, in the opinion of the board, it is not
25 feasible to make up lost days, and the apportionment may, at
26 the discretion of the Commissioner of Education and if the
27 board determines that the reduction of school days is caused
28 by the existence of a bona fide emergency, be reduced for such
29 district or districts in proportion to the decrease in the
30 length of term in any such school or schools. A strike, as
31

1 defined in s. 447.203(6), by employees of the school district
2 may not be considered an emergency.

3 Section 68. Paragraphs (f) and (h) of subsection (1)
4 of section 1011.62, Florida Statutes, are amended to read:

5 1011.62 Funds for operation of schools.--If the annual
6 allocation from the Florida Education Finance Program to each
7 district for operation of schools is not determined in the
8 annual appropriations act or the substantive bill implementing
9 the annual appropriations act, it shall be determined as
10 follows:

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

15 (f) Supplemental academic instruction; categorical
16 fund.--

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

21 2. Categorical funds for supplemental academic
22 instruction shall be allocated annually to each school
23 district in the amount provided in the General Appropriations
24 Act. These funds shall be in addition to the funds
25 appropriated on the basis of FTE student membership in the
26 Florida Education Finance Program and shall be included in the
27 total potential funds of each district. These funds shall be
28 used to provide supplemental academic instruction to students
29 enrolled in the K-12 program. Supplemental instruction
30 strategies may include, but are not limited to: modified
31 curriculum, reading instruction, after-school instruction,

1 tutoring, mentoring, class size reduction, extended school
2 year, intensive skills development in summer school, and other
3 methods for improving student achievement. Supplemental
4 instruction may be provided to a student in any manner and at
5 any time during or beyond the regular 180-day term identified
6 by the school as being the most effective and efficient way to
7 best help that student progress from grade to grade and to
8 graduate.

9 3. Effective with the 1999-2000 fiscal year, funding
10 on the basis of FTE membership beyond the 180-day regular term
11 shall be provided in the FEFP only for students enrolled in
12 juvenile justice education programs. Funding for instruction
13 beyond the regular 180-day school year for all other K-12
14 students shall be provided through the supplemental academic
15 instruction categorical fund and other state, federal, and
16 local fund sources with ample flexibility for schools to
17 provide supplemental instruction to assist students in
18 progressing from grade to grade and graduating.

19 4. The Florida State University School, as a lab
20 ~~developmental-research~~ school, is authorized to expend from
21 its FEFP or Lottery Enhancement Trust Fund allocation the cost
22 to the student of remediation in reading, writing, or
23 mathematics for any graduate who requires remediation at a
24 postsecondary educational institution.

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

29 (h) Small, isolated high schools.--Districts which
30 levy the maximum nonvoted discretionary millage, exclusive of
31 millage for capital outlay purposes levied pursuant to s.

1 1011.71(2), may calculate full-time equivalent students for
2 small, isolated high schools by multiplying the number of
3 unweighted full-time equivalent students times 2.75; provided
4 the school has attained a performance grade category "C" or
5 better, pursuant to s. 1008.34, for the previous year
6 ~~percentage of students at such school passing both parts of~~
7 ~~the high school competency test, as defined by law and rule,~~
8 ~~has been equal to or higher than such percentage for the state~~
9 ~~or district, whichever is greater.~~ For the purpose of this
10 section, the term "small, isolated high school" means any high
11 school which is located no less than 28 miles by the shortest
12 route from another high school; which has been serving
13 students primarily in basic studies provided by
14 sub-subparagraphs (c)1.b. and c. and may include subparagraph
15 (c)4.; and which has a membership of no more than 100
16 students, but no fewer than 28 students, in grades 9 through
17 12.

18 Section 69. Subsections (2) and (5) of section
19 1011.70, Florida Statutes, are amended to read:

20 1011.70 Medicaid certified school funding
21 maximization.--

22 (2) The Agency for Health Care Administration
23 ~~Department of Education~~ shall monitor compliance of each
24 participating school district with the Medicaid provider
25 agreements. In addition, the Agency for Health Care
26 Administration ~~department~~ shall develop standardized
27 recordkeeping procedures for the school districts that meet
28 Medicaid requirements for audit purposes.

29 (5) Lab ~~Developmental research~~ schools, as authorized
30 under s. 1002.32, shall be authorized to participate in the
31 Medicaid certified school match program on the same basis as

1 school districts subject to the provisions of subsections
2 (1)-(4) and ss. 409.9071 and 409.908(21).

3 Section 70. Paragraph (a) of subsection (1) and
4 paragraph (a) of subsection (3) of section 1012.585, Florida
5 Statutes, are amended to read:

6 1012.585 Process for renewal of professional
7 certificates.--

8 (1)(a) District school boards shall renew state-issued
9 professional certificates as follows:

10 1. Each district school board shall renew state-issued
11 professional certificates for individuals who hold a
12 state-issued professional certificate and are employed by that
13 district pursuant to criteria established in subsections (2),
14 (3), and (4) and rules of the State Board of Education.

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

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

1 (a) The applicant must earn a minimum of 6 college
2 credits or 120 inservice points or a combination thereof. For
3 each area of specialization to be retained on a certificate,
4 the applicant must earn at least 3 of the required credit
5 hours or equivalent inservice points in the specialization
6 area. Education in "clinical educator" training pursuant to s.
7 1004.04(6)(b) and credits or points that provide training in
8 the area of scientifically researched, knowledge-based reading
9 literacy and computational skills acquisition, exceptional
10 student education, normal child development, and the disorders
11 of development may be applied toward any specialization area.
12 Credits or points that provide training in the areas of drug
13 abuse, child abuse and neglect, strategies in teaching
14 students having limited proficiency in English, or dropout
15 prevention, or training in areas identified in the educational
16 goals and performance standards adopted pursuant to ss.
17 1000.03(5) and 1008.345 ~~1001.23~~ may be applied toward any
18 specialization area. Credits or points earned through approved
19 summer institutes may be applied toward the fulfillment of
20 these requirements. Inservice points may also be earned by
21 participation in professional growth components approved by
22 the State Board of Education and specified pursuant to s.
23 1012.98 in the district's approved master plan for inservice
24 educational training, including, but not limited to, serving
25 as a trainer in an approved teacher training activity, serving
26 on an instructional materials committee or a state board or
27 commission that deals with educational issues, or serving on
28 an advisory council created pursuant to s. 1001.452.

29 Section 71. Section 1012.62, Florida Statutes, is
30 amended to read:

31

1 1012.62 Transfer of sick leave and annual leave.--In
2 implementing the provisions of ss. 402.22(1)(d) and
3 1001.42(4)(m)~~1001.42(4)(n)~~, educational personnel in
4 Department of Children and Family Services residential care
5 facilities who are employed by a district school board may
6 request, and the district school board shall accept, a
7 lump-sum transfer of accumulated sick leave for such personnel
8 to the maximum allowed by policies of the district school
9 board, notwithstanding the provisions of s. 110.122.
10 Educational personnel in Department of Children and Family
11 Services residential care facilities who are employed by a
12 district school board under the provisions of s. 402.22(1)(d)
13 may request, and the district school board shall accept, a
14 lump-sum transfer of accumulated annual leave for each person
15 employed by the district school board in a position in the
16 district eligible to accrue vacation leave under policies of
17 the district school board.

18 Section 72. Paragraph (b) of subsection (7) of section
19 1012.79, Florida Statutes, is amended to read:

20 1012.79 Education Practices Commission;
21 organization.--

22 (7) The duties and responsibilities of the commission
23 are to:

24 (b) Revoke or suspend a certificate or take other
25 appropriate action as provided in ss. 1012.795 ~~1012.56~~ and
26 1012.796.

27 Section 73. Subsection (2) of section 1012.795,
28 Florida Statutes, is amended to read:

29 1012.795 Education Practices Commission; authority to
30 discipline.--

31

1 (2) The plea of guilty in any court, the decision of
2 guilty by any court, the forfeiture by the teaching
3 certificateholder of a bond in any court of law, or the
4 written acknowledgment, duly witnessed, of offenses listed in
5 subsection (1) to the district school superintendent or a duly
6 appointed representative of such superintendent or to the
7 district school board shall be prima facie proof of grounds
8 for revocation of the certificate as listed in subsection (1)
9 in the absence of proof by the certificateholder that the plea
10 of guilty, forfeiture of bond, or admission of guilt was
11 caused by threats, coercion, or fraudulent means.

12 Section 74. Paragraph (c) of subsection (1) of section
13 1012.796, Florida Statutes, amended to read:

14 1012.796 Complaints against teachers and
15 administrators; procedure; penalties.--

16 (1)

17 (c) Each school district shall file in writing with
18 the department all legally sufficient complaints within 30
19 days after the date on which subject matter of the complaint
20 comes to the attention of the school district. The school
21 district shall include all information relating to the
22 complaint which is known to the school district at the time of
23 filing. Each district school board shall develop policies and
24 procedures to comply with this reporting requirement. The
25 district school board policies and procedures shall include
26 appropriate penalties for all personnel of the district school
27 board for nonreporting and procedures for promptly informing
28 the district school superintendent of each legally sufficient
29 complaint. The district school superintendent is charged with
30 knowledge of these policies and procedures. If the district
31 school superintendent has knowledge of a legally sufficient

1 complaint and does not report the complaint, or fails to
2 enforce the policies and procedures of the district school
3 board, and fails to comply with the requirements of this
4 subsection, in addition to other actions against
5 certificateholders authorized by law, the district school
6 superintendent shall be subject to penalties as specified in
7 s. 1001.51(12)~~1001.51(13)~~. This paragraph does not limit or
8 restrict the power and duty of the department to investigate
9 complaints as provided in paragraphs (a) and (b), regardless
10 of the school district's untimely filing, or failure to file,
11 complaints and followup reports.

12 Section 75. Paragraph (b) of subsection (4) of section
13 1012.98, Florida Statutes, is amended to read:

14 1012.98 School Community Professional Development
15 Act.--

16 (4) The Department of Education, school districts,
17 schools, community colleges, and state universities share the
18 responsibilities described in this section. These
19 responsibilities include the following:

20 (b) Each school district shall develop a professional
21 development system. The system shall be developed in
22 consultation with teachers and representatives of community
23 college and state university faculty, community agencies, and
24 other interested citizen groups to establish policy and
25 procedures to guide the operation of the district professional
26 development program. The professional development system
27 must:

28 1. Be approved by the department. All substantial
29 revisions to the system shall be submitted to the department
30 for review for continued approval.

31

1 2. Require the use of student achievement data; school
2 discipline data; school environment surveys; assessments of
3 parental satisfaction; performance appraisal data of teachers,
4 managers, and administrative personnel; and other performance
5 indicators to identify school and student needs that can be
6 met by improved professional performance.

7 3. Provide inservice activities coupled with followup
8 support that are appropriate to accomplish district-level and
9 school-level improvement goals and standards. The inservice
10 activities for instructional personnel shall primarily focus
11 on subject content and teaching methods, including technology,
12 as related to the Sunshine State Standards, assessment and
13 data analysis, classroom management, parent involvement, and
14 school safety.

15 4. Include a master plan for inservice activities,
16 pursuant to rules of the State Board of Education, for all
17 district employees from all fund sources. The master plan
18 shall be updated annually by September 1 using criteria for
19 continued approval as specified by rules of the State Board of
20 Education. Written verification that the inservice plan meets
21 all requirements of this section must be submitted annually to
22 the commissioner by October 1.

23 5. Require each school principal to establish and
24 maintain an individual professional development plan for each
25 instructional employee assigned to the school. The individual
26 professional development plan must:

27 a. Be related to specific performance data for the
28 students to whom the teacher is assigned.

29 b. Define the inservice objectives and specific
30 measurable improvements expected in student performance as a
31 result of the inservice activity.

1 c. Include an evaluation component that determines the
2 effectiveness of the professional development plan.

3 6. Include inservice activities for school
4 administrative personnel that address updated skills necessary
5 for effective school management and instructional leadership.

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

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

12 9. Provide for the continuous evaluation of the
13 quality and effectiveness of professional development programs
14 in order to eliminate ineffective programs and strategies and
15 to expand effective ones. Evaluations must consider the impact
16 of such activities on the performance of participating
17 educators and their students' achievement and behavior.

18 Section 76. Subsection (6) of section 1013.73, Florida
19 Statutes, is amended to read:

20 1013.73 Effort index grants for school district
21 facilities.--

22 (6) A school district may receive a distribution for
23 use pursuant to paragraph (3)(a) only if the district school
24 board certifies to the Commissioner of Education that the
25 district has no unmet need for permanent classroom facilities
26 in its 5-year capital outlay work plan. If the work plan
27 contains such unmet needs, the district must use its
28 distribution for the payment of bonds under paragraph (3)(b)
29 ~~(2)(b)~~. If the district does not require its full bonded
30 distribution to eliminate such unmet needs, it may bond only
31 that portion of its allocation necessary to meet the needs.

1 Section 77. Subsection (1) of section 1013.74, Florida
2 Statutes, is amended to read:

3 1013.74 University authorization for fixed capital
4 outlay projects.--

5 (1) Notwithstanding the provisions of chapter 216,
6 including s. 216.351, a university may accomplish fixed
7 capital outlay projects consistent with the provisions of this
8 section. Projects authorized by this section shall not require
9 educational plant survey approval as prescribed in this
10 chapter ~~235~~.

11 Section 78. Paragraphs (g) and (h) of subsection (2)
12 of section 445.049, subsection (24) of section 1002.33, and
13 section 1006.57, Florida Statutes, are repealed.

14 Section 79. Effective upon this act becoming a law and
15 applicable retroactive to June 30, 2004, subsection (10) of
16 section 1010.10, Florida Statutes, as created by section 13 of
17 chapter 2003-399, Laws of Florida, is repealed.

18 Section 80. This act shall take effect upon becoming a
19 law.

1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 340
4 The committee substitute is a technical cleanup bill of
5 chapter 2002-387, Laws of Florida, the school code rewrite.
6 The committee substitute:
7 eliminates obsolete boards;
8 corrects cross-references;
9 corrects the names of certain trust funds and entities;
10 consolidates rulemaking authority in the State Board of
11 Education;
12 eliminates the authority of the State Board of Education
13 to waive law;
14 makes permanent the university provisions relating to
15 deferred compensation, the consolidated equipment
16 financing program, and self-insurance for purposes
17 of workers' compensation, and Uniform Management of
18 Institutional Funds Act that were adopted in chapter
19 2003-399, Laws of Florida;
20 reconciles bills passed during the 2002 Legislative
21 Session with the school code rewrite;
22 updates the Florida Education Finance Program provisions
23 relating to certain, small, isolated high schools by
24 substituting an equivalent score on the Florida
25 Comprehensive Assessment Test for the obsolete High
26 School Competency Test; and
27 restores and codifies existing practice with respect to
28 calculating elected district school superintendent
29 salaries.
30
31