

Bill No. CS for CS for SB 354

Amendment No. ____ Barcode 241868

CHAMBER ACTION

Senate

House

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Senator Constantine moved the following amendment:

Senate Amendment (with title amendment)

On page 7, line 24, through
page 10, line 30, delete those lines

and insert:

Section 2. Paragraph (a) of subsection (16) and
paragraph (a) of subsection (17) of section 1001.42, Florida
Statutes, are amended to read:

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

(16) IMPLEMENT SCHOOL IMPROVEMENT AND
ACCOUNTABILITY.--Maintain a system of school improvement and
education accountability as provided by statute and State
Board of Education rule. This system of school improvement and
education accountability shall be consistent with, and
implemented through, the district's continuing system of
planning and budgeting required by this section and ss.
1008.385, 1010.01, and 1011.01. This system of school

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1 improvement and education accountability shall include, but is
2 not limited to, the following:

3 (a) School improvement plans.--Annually approve and
4 require implementation of a new, amended, or continuation
5 school improvement plan for each school in the district,
6 except that a district school board may establish a district
7 school improvement plan that includes all schools in the
8 district operating for the purpose of providing educational
9 services to youth in Department of Juvenile Justice programs.
10 Such plan shall be designed to achieve the state education
11 priorities pursuant to s. 1000.03(5) and student performance
12 standards. In addition, any school required to implement a
13 rigorous reading requirement pursuant to s. 1003.415 must
14 include such component in its school improvement plan. Each
15 plan shall also address issues relative to budget, training,
16 instructional materials, technology, staffing, student support
17 services, specific school safety and discipline strategies,
18 student health and fitness, including physical fitness,
19 parental information on student health and fitness, and indoor
20 environmental air quality, and other matters of resource
21 allocation, as determined by district school board policy, and
22 shall be based on an analysis of student achievement and other
23 school performance data.

24 (17) LOCAL-LEVEL DECISIONMAKING.--

25 (a) Adopt policies that clearly encourage and enhance
26 maximum decisionmaking appropriate to the school site. Such
27 policies must include guidelines for schools in the adoption
28 and purchase of district and school site instructional
29 materials and technology, the implementation of student health
30 and fitness standards, staff training, school advisory council
31 member training, student support services, budgeting, and the

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1 allocation of staff resources.

2 Section 3. Paragraph (b) of subsection (4) of section
3 1008.25, Florida Statutes, is amended to read:

4 1008.25 Public school student progression; remedial
5 instruction; reporting requirements.--

6 (4) ASSESSMENT AND REMEDIATION.--

7 (b) The school in which the student is enrolled must
8 develop, in consultation with the student's parent, and must
9 implement an academic improvement plan designed to assist the
10 student in meeting state and district expectations for
11 proficiency. For a student for whom a personalized middle
12 school success plan is required pursuant to s. 1003.415, the
13 middle school success plan must be incorporated in the
14 student's academic improvement plan. Beginning with the
15 2002-2003 school year, if the student has been identified as
16 having a deficiency in reading, the academic improvement plan
17 shall identify the student's specific areas of deficiency in
18 phonemic awareness, phonics, fluency, comprehension, and
19 vocabulary; the desired levels of performance in these areas;
20 and the instructional and support services to be provided to
21 meet the desired levels of performance. Schools shall also
22 provide for the frequent monitoring of the student's progress
23 in meeting the desired levels of performance. District school
24 boards shall assist schools and teachers to implement
25 research-based reading activities that have been shown to be
26 successful in teaching reading to low-performing students.
27 Remedial instruction provided during high school may not be in
28 lieu of English and mathematics credits required for
29 graduation.

30 Section 4. Paragraph (a) of subsection (3) of section
31 1012.34, Florida Statutes, is amended to read:

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1 1012.34 Assessment procedures and criteria.--

2 (3) The assessment procedure for instructional
3 personnel and school administrators must be primarily based on
4 the performance of students assigned to their classrooms or
5 schools, as appropriate. The procedures must comply with, but
6 are not limited to, the following requirements:

7 (a) An assessment must be conducted for each employee
8 at least once a year. The assessment must be based upon sound
9 educational principles and contemporary research in effective
10 educational practices. The assessment must primarily use data
11 and indicators of improvement in student performance assessed
12 annually as specified in s. 1008.22 and may consider results
13 of peer reviews in evaluating the employee's performance.
14 Student performance must be measured by state assessments
15 required under s. 1008.22 and by local assessments for
16 subjects and grade levels not measured by the state assessment
17 program. The assessment criteria must include, but are not
18 limited to, indicators that relate to the following:

- 19 1. Performance of students.
- 20 2. Ability to maintain appropriate discipline.
- 21 3. Knowledge of subject matter. The district school
22 board shall make special provisions for evaluating teachers
23 who are assigned to teach out-of-field.
- 24 4. Ability to plan and deliver instruction, including
25 implementation of the rigorous reading requirement pursuant to
26 s. 1003.415, when applicable, and the use of technology in the
27 classroom.
- 28 5. Ability to evaluate instructional needs.
- 29 6. Ability to establish and maintain a positive
30 collaborative relationship with students' families to increase
31 student achievement.

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1 7. Other professional competencies, responsibilities,
2 and requirements as established by rules of the State Board of
3 Education and policies of the district school board.

4 Section 5. Subsection (9) of section 1008.22, Florida
5 Statutes, is amended to read:

6 1008.22 Student assessment program for public
7 schools.--

8 (9) EQUIVALENCIES FOR STANDARDIZED TESTS.--

9 (a) The Commissioner of Education shall ~~determine the~~
10 ~~comparable validity of other available standardized tests,~~
11 ~~including the SAT, ACT, College Placement Test, PSAT, PLAN,~~
12 ~~and tests used for entry into the military. If such tests are~~
13 ~~deemed to be valid and reliable measures, the commissioner~~
14 ~~shall~~ approve the use of the SAT and ACT ~~such~~ tests as
15 alternative alternate assessments to the grade 10 FCAT for the
16 2003-2004 ~~2002-2003~~ school year. Students who attain scores on
17 the SAT or ACT which ~~that~~ equate to the passing scores on the
18 grade 10 FCAT for purposes of high school graduation ~~on any of~~
19 ~~the approved alternative assessments~~ shall satisfy the
20 assessment requirement for a standard high school diploma as
21 provided in s. 1003.43(5)(a) for the 2003-2004 ~~2002-2003~~
22 school year graduating class if the students meet the
23 requirement in paragraph (b). ~~Prior to the application of~~
24 ~~these alternative assessments in subsequent school years, the~~
25 ~~Legislature shall review the continued use of these~~
26 ~~alternative tests.~~

27 (b) A student must take the grade 10 FCAT for a total
28 of three times without earning a passing score in order to use
29 the scores on the alternative assessments in paragraph (a).

30 Section 6. Subsection (1) of section 1003.433, Florida
31 Statutes, is amended to read:

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1 1003.433 Learning opportunities for out-of-state and
 2 out-of-country transfer students and students needing
 3 additional instruction to meet high school graduation
 4 requirements.--

5 (1) Students who enter a Florida public school at the
 6 eleventh or twelfth grade from out of state or from a foreign
 7 country shall not be required to spend additional time in a
 8 Florida public school in order to meet the high school course
 9 requirements if the student has met all requirements of the
 10 school district, state, or country from which he or she is
 11 transferring. Such students who are not proficient in English
 12 should receive immediate and intensive instruction in English
 13 language acquisition. However, to receive a standard high
 14 school diploma, a transfer student must:

15 (a) Earn a 2.0 grade point average; and

16 (b) Pass the grade 10 FCAT required in s. 1008.22(3),
 17 if the student is an eleventh grade student; or

18 (c) Beginning in the 2004-2005 school year, attain
 19 scores on the SAT or ACT which equate to the passing scores on
 20 the grade 10 FCAT, if the student is a twelfth grade student
 21 an alternate assessment as described in s. 1008.22(9).

22 Section 7. Section 1008.301, Florida Statutes, as
 23 created by section 2 of chapter 2003-80, Laws of Florida, is
 24 repealed.

25 Section 8. Effective July 1, 2004, section 1003.429,
 26 Florida Statutes, is amended to read:

27 1003.429 Accelerated high school graduation options.--

28 (1) Students who enter the 9th grade in the 2004-2005
 29 school year Beginning with the 2003-2004 school year, all
 30 students scheduled to graduate in 2004 and thereafter may
 31 select, upon receipt of each consent required by this section,

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1 one of the following two ~~three~~ high school graduation options:

2 (a) Completion of the general requirements for high
3 school graduation pursuant to s. 1003.43; or

4 (b) Completion of a 3-year standard college
5 preparatory program requiring successful completion of a
6 minimum of 18 academic credits in grades 9 through 12. At
7 least 6 of the 18 credits required for completion of this
8 program must be received in classes offered pursuant to the
9 International Baccalaureate Program administered by the
10 International Baccalaureate Office or the Advanced Placement
11 Program administered by the College Board. The 18 credits
12 required for completion of this program shall be primary
13 requirements and shall be distributed as follows:

14 1. Four credits in English, with major concentration
15 in composition and literature;

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

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

21 4. Three credits in social sciences, one of which must
22 include instruction regarding democracy and the history and
23 principles of the United States of America;

24 5. Two credits in the same second language unless the
25 student is a native speaker of or can otherwise demonstrate
26 competency in a language other than English. If the student
27 demonstrates competency in another language, the student may
28 replace the language requirement with two credits in other
29 academic courses; and

30 6. Three credits in electives. ~~;~~ or

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1 Prior to selecting the program described in this paragraph, a
2 student and the student's parent must meet with designated
3 school personnel to receive an explanation of the relative
4 requirements, advantages, and disadvantages of each program
5 option, and the student must also receive the written consent
6 of the student's high school principal, high school guidance
7 counselor, and parent.

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

12 ~~1. Four credits in English, with major concentration~~
13 ~~in composition and literature;~~

14 ~~2. Three credits in mathematics, one of which must be~~
15 ~~Algebra I;~~

16 ~~3. Three credits in natural science, two of which must~~
17 ~~have a laboratory component;~~

18 ~~4. Three credits in social sciences;~~

19 ~~5. Two credits in the same second language unless the~~
20 ~~student is a native speaker of or can otherwise demonstrate~~
21 ~~competency in a language other than English. If the student~~
22 ~~demonstrates competency in another language, the student may~~
23 ~~replace the language requirement with two credits in other~~
24 ~~academic courses; and~~

25 ~~6. Three credits in electives.~~

26 (2) Beginning with the 2004-2005 ~~2003-2004~~ school
27 year, each district school board shall provide each student in
28 grades 6 through 9 ~~12~~ and their parents with information
29 concerning the 3-year and 4-year high school graduation
30 options listed in subsection (1), including the respective
31 curriculum requirements for those options, so that with

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1 ~~curriculum~~ for the students and their parents ~~may to~~ select
2 the program ~~postsecondary education or career plan~~ that best
3 fits their needs. The information must ~~options shall~~ include a
4 timeframe for achieving each graduation option. Any student
5 who selected an accelerated graduation program before July 1,
6 2004, may continue that program, and all statutory program
7 requirements that were applicable when the student made the
8 program choice shall remain applicable to the student as long
9 as the student continues that program.

10 (3) Selection of one of the graduation options listed
11 in subsection (1) must be completed prior to the end of a
12 student's 9th-grade year and is exclusively up to the student
13 and parent, subject to the receipt of each consent required
14 from school personnel. Each district school board shall
15 establish policies for extending this deadline to the end of a
16 student's first semester of 10th grade for a student who
17 entered a Florida public school after the 9th grade upon
18 transfer from a private school or another state or who was
19 prevented from choosing a graduation option due to illness
20 during the 9th grade. If the student and parent fail to select
21 a graduation option, the student shall be considered to have
22 selected the general requirements for high school graduation
23 pursuant to paragraph (1)(a).

24 (4) District school boards ~~may shall~~ not establish
25 requirements for the accelerated 3-year high school graduation
26 option ~~options~~ in excess of the requirements in paragraph
27 paragraphs (1)(b) ~~and (c)~~.

28 (5) Students pursuing the accelerated 3-year high
29 school graduation option ~~options~~ pursuant to paragraph (1)(b)
30 ~~or paragraph (1)(c)~~ are required to:

31 (a) Earn passing scores on the FCAT as defined in s.

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1 1008.22(3)(c).

2 (b)~~1~~. Achieve a cumulative grade point average of 3.5
3 ~~2.0~~ on a 4.0 scale, or its equivalent, in the courses required
4 for the by the chosen accelerated 3-year standard college
5 preparatory program under high school graduation option
6 pursuant to paragraph (1)(b); and or paragraph (1)(c).

7 2. Receive a grade no lower than a "B" or its
8 equivalent, representing at least 3.0 points on a 4.0 scale,
9 in any course taken in connection with the accelerated 3-year
10 standard college preparatory program under paragraph (1)(b).
11 If any student participating in the accelerated 3-year
12 standard college preparatory program does not meet this
13 requirement, the student shall be required to complete the
14 general requirements for high school graduation pursuant to s.
15 1003.43.

16 (c) Achieve at least an FCAT reading achievement level
17 of 3, an FCAT mathematics achievement level of 3, and an FCAT
18 writing score of 3 on the most recent assessments taken by the
19 student prior to selecting a program described in paragraph
20 (1)(b).

21 (6) A student who selects the accelerated 3-year
22 standard college preparatory graduation program may change at
23 any time to the 4-year program set forth in s. 1003.43.

24 (7) If, at the end of the 10th grade, a student is not
25 on track to meet the course, testing, grade, or
26 grade-point-average requirements of the accelerated graduation
27 option, the student shall default to the standard 4-year
28 graduation option.

29 (8)~~(6)~~ A student who meets all requirements prescribed
30 in subsections (1) and (5) shall be awarded a standard diploma
31 in a form prescribed by the State Board of Education.

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1 (9) A student who seeks academic graduation honors
2 such as being named valedictorian or salutatorian of a high
3 school graduating class must select the option set forth in
4 paragraph (1)(a) and complete the general requirements for
5 high school graduation pursuant to s. 1003.43.

6 Section 9. Section 1004.451, Florida Statutes, is
7 created to read:

8 1004.451 Center for the Performing Arts direct-support
9 organization.--

10 (1) Florida State University shall create a
11 direct-support organization for the Florida State University
12 Center for the Performing Arts for the purposes described in
13 this section. The board of directors of the direct-support
14 organization shall consist of eleven members. The core
15 members of the board of directors shall be the President of
16 Florida State University, the Chair of the Board of Trustees
17 for Florida State University, the Dean of Florida State
18 University School of Theater, the Dean of Florida State
19 University School of Visual Arts and Dance, the Director of
20 Florida State University Conservatory for Actor Training in
21 Sarasota, and two members nominated by Asolo Theater, Inc.,
22 and approved by the President of Florida State University.
23 The seven core members of the board shall appoint two
24 additional members to serve on the board of directors with the
25 approval of the President of Florida State University. The
26 President of Florida State University shall appoint two
27 members from the Sarasota community, or, at the President's
28 discretion, may appoint two members nominated by the Sarasota
29 Ballet, Inc. Upon appointment of all members of the board of
30 directors, the direct-support organization shall develop a
31 charter and bylaws to govern its operation, provided that all

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1 decisions by its board of directors shall be taken by at least
2 six-vote majorities. The charter, bylaws, and any
3 modifications of such, shall be subject to approval by Florida
4 State University.

5 (2) The direct-support organization, operating under
6 its charter and bylaws, shall acquire from Florida State
7 University, own and operate the Florida State University
8 Center for the Performing Arts, and shall promote a resident
9 professional repertory program to work in conjunction with,
10 complement and support the Conservatory's graduate educational
11 theater program of Florida State University in Sarasota. It
12 shall engage in fundraising to support its activities and
13 support the independent fundraising efforts of the Asolo and
14 the Conservatory. The direct-support organization shall
15 operate and maintain the building in coordination with the
16 Florida State University Ringling Cultural Center. All
17 agreements between the University and Asolo in force on the
18 effective date of this statute shall remain binding on the
19 parties.

20 (3) The direct support organization shall provide for
21 an annual financial audit in accordance with s. 1004.28(5).
22 The audit shall be addressed to the direct support
23 organization, Florida State University, the Asolo and, if it
24 has members serving on the Board of Directors, the Ballet,
25 each of whom are authorized to require and receive from the
26 direct-support organization, or from its independent auditor,
27 any detail or supplemental data relative to the operation of
28 such organization.

29 (4) An employee or member of the direct-support
30 organization may not receive, nor any member of their
31 immediate family receive, a commission, fee, or financial

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1 benefit in connection with services or goods associated with
2 the direct-support organization and may not be a business
3 associate of any individual, firm, or organization involved in
4 the sale or exchange of goods or services within the
5 direct-support organization.

6 (5) In all other respects, the direct-support
7 organization shall act as a direct-support organization
8 authorized and governed by the provisions of s. 1004.28.

9 (6) Florida State University shall transfer the Center
10 for the Performing Arts to the direct-support organization
11 when Florida State University has approved the charter and
12 bylaws of the direct-support organization.

13 Section 10. Subsection (1) of section 1013.735,
14 Florida Statutes, is amended to read:

15 1013.735 Classrooms for Kids Program.--

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

24 (a) Twenty-five percent of the appropriation shall be
25 prorated to the districts based on each district's percentage
26 of K-12 base capital outlay full-time equivalent membership,
27 and 65 percent shall be based on each district's percentage of
28 K-12 growth capital outlay full-time equivalent membership as
29 specified for the allocation of funds from the Public
30 Education Capital Outlay and Debt Service Trust Fund by s.
31 1013.64(3).

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1 (b) Ten percent of the appropriation must be allocated
2 among district school boards according to the allocation
3 formula in s. 1013.64(1)(a), excluding adult vocational
4 technical facilities.

5 Section 11. Effective July 1, 2004, subsection (7) is
6 added to section 121.35, Florida Statutes, to read:

7 121.35 Optional retirement program for the State
8 University System.--

9 (7) MAINTENANCE AND ADMINISTRATION OF
10 PROGRAM.--Effective July 1, 2004, a state university, as
11 defined in s. 1000.21, may irrevocably assume responsibility
12 for the independent maintenance and administration of the
13 optional retirement program described in this section with
14 respect to all former, present, and future eligible employees
15 of such university and their beneficiaries. If eight state
16 universities assume that responsibility in accordance with
17 this subsection, each of the remaining state universities
18 must, within 1 year, also assume that responsibility. When a
19 state university implements the independent optional
20 retirement program, the provisions of this section shall
21 apply, except to the extent that such provisions are
22 superseded by the following:

23 (a) All employer and employee contributions under the
24 program shall be made either directly by the state university
25 or by its program administrator to the designated provider
26 companies that are contracting pursuant to subsection (1) for
27 the accumulation and payment of benefits to the program
28 participant, provided that a program administrator may not
29 also be a designated provider company or affiliate thereof and
30 shall be engaged solely for the purpose of facilitating the
31 payment of contributions to designated provider companies as

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1 selected by the participant employee upon enrollment with such
2 provider companies or their local representatives.

3 (b) The state university may authorize the deposit
4 into a participant's account or accounts contributions in the
5 form of rollovers or direct trustee-to-trustee transfers by or
6 on behalf of participants who are reasonably determined by the
7 state university to be eligible for rollover or transfer to
8 its optional retirement program pursuant to the Internal
9 Revenue Code and any applicable requirements of the state
10 university. Accounting for such contributions by the
11 designated provider companies shall be in accordance with the
12 applicable requirements of the Internal Revenue Code and the
13 state university.

14 (c) The state university may deduct from its employer
15 contribution on behalf of each program participant an amount
16 approved by the state university's board of trustees to
17 provide for the administration of its optional retirement
18 program.

19 (d) Benefits shall be paid by the provider company or
20 companies in accordance with law, the provisions of the
21 contract, and any applicable state university rule or policy.

22 (e) All aspects of the administration of the program
23 as set forth in subsection (6), including the selection of
24 provider companies, investment products, and contracts offered
25 through the optional retirement program, written program
26 description, and an annual accounting of contributions made by
27 and on behalf of each participant, shall be the sole
28 responsibility of the state university.

29 (f) For purposes of administering the Florida
30 Retirement System, the state university shall continue to
31 report required information to the division on a monthly

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1 basis.

2 (g) This section does not terminate or otherwise
3 modify contracts entered into prior to July 1, 2004, between
4 the current designated provider companies and the Division of
5 Retirement or the Department of Management Services. Any
6 rights under such contracts which are exercisable by the
7 division or department shall be exercisable by each university
8 assuming responsibility for its own optional retirement
9 program pursuant to this section as the successor governmental
10 entity with respect to such contracts.

11 Section 12. Effective July 1, 2004, subsection (7) is
12 added to section 121.122, Florida Statutes, to read:

13 121.122 Renewed membership in system.--Except as
14 provided in s. 121.053, effective July 1, 1991, any retiree of
15 a state-administered retirement system who is employed in a
16 regularly established position with a covered employer shall
17 be enrolled as a compulsory member of the Regular Class of the
18 Florida Retirement System or, effective July 1, 1997, any
19 retiree of a state-administered retirement system who is
20 employed in a position included in the Senior Management
21 Service Class shall be enrolled as a compulsory member of the
22 Senior Management Service Class of the Florida Retirement
23 System as provided in s. 121.055, and shall be entitled to
24 receive an additional retirement benefit, subject to the
25 following conditions:

26 (7) Effective July 1, 2004, any retiree of a
27 state-administered retirement system who is employed in a
28 regularly established position is eligible to participate in
29 an optional retirement program as established in s. 121.35 or
30 s. 121.051(2)(c), subject to the provisions of those sections.

31 Section 13. Effective July 1, 2004, subsection (19) of

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1 section 1001.74, Florida Statutes, is amended to read:

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

4 (19)(a) Each board of trustees shall establish the
5 personnel program for all employees of the university,
6 including the president, pursuant to the provisions of chapter
7 1012 and, in accordance with rules and guidelines of the State
8 Board of Education, including: compensation and other
9 conditions of employment, recruitment and selection,
10 nonreappointment, standards for performance and conduct,
11 evaluation, benefits and hours of work, leave policies,
12 recognition and awards, inventions and works, travel, learning
13 opportunities, exchange programs, academic freedom and
14 responsibility, promotion, assignment, demotion, transfer,
15 tenure and permanent status, ethical obligations and conflicts
16 of interest, restrictive covenants, disciplinary actions,
17 complaints, appeals and grievance procedures, and separation
18 and termination from employment. The Department of Management
19 Services shall retain authority over state university
20 employees for programs established in ss. 110.123, 110.161,
21 110.1232, 110.1234, and 110.1238 and in chapters 121, 122, and
22 238, except as otherwise provided in paragraph (b).

23 (b) Boards of trustees administering optional
24 retirement programs pursuant to s. 121.35(7) may enter into
25 consortia with other boards of trustees for this purpose.

26 Section 14. Sections 14-17 of this act may be cited as
27 the "Healthy Achievers Act."

28 Section 15. (1) The Department of Education shall
29 conduct a study to determine the status of physical education
30 instruction in the public schools and shall develop detailed
31 recommendations for changes to physical education programs. As

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1 a part of the study, the Department of Education shall:

2 (a) Determine the number of public schools in the
3 state which have eliminated or reduced physical education
4 instruction;

5 (b) Assess current issues concerning personnel who
6 teach physical education and determine appropriate roles for
7 all personnel in expanding both physical education and other
8 physical activity for students;

9 (c) Determine the average length and frequency of
10 physical education classes in elementary, middle, and high
11 school, respectively, by school district;

12 (d) Determine the percent of physical education
13 classes taught by certified physical education instructors;

14 (e) Assess the degree to which individual schools
15 within a school district are allowed to add to or modify
16 district requirements for physical education;

17 (f) Assess the availability of fitness assessment
18 programs, such as the President's Challenge Physical Fitness
19 Program, which could be adopted by schools or an entire school
20 district in order to provide information regarding and
21 encourage student fitness;

22 (g) Determine the methods of providing feedback to a
23 parent through a student assessment report that would
24 summarize a student's results and the school's results as set
25 forth in an assessment tool, such as the Fitnessgram or the
26 School Health Index of the Centers for Disease Control and
27 Prevention; and

28 (h) Develop recommendations for the most efficient
29 ways to substantially increase the level of physical education
30 and physical activity for students in grades prekindergarten
31 through grade 5, grades 6 through 8, and grades 9 through 12,

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1 by group.

2

3 The study results must also contain an assessment developed by
4 the Department of Education of the fiscal impact of any
5 recommended changes. The Department of Education shall submit
6 a report on the study to the Governor and the Legislature by
7 February 1, 2005.

8 (2) The Department of Education shall select or
9 develop by March 1, 2005, a physical fitness assessment
10 instrument that school districts may use in assessing and
11 reporting individual student fitness and a standard report
12 form for this information which may be provided to parents.

13 (3) By December 1, 2004, the Department of Education
14 shall develop support materials and distribute the materials
15 to each school district to enable implementation of fitness
16 assessment programs recommended pursuant to subsection (2).
17 The support materials must include the necessary instructions,
18 procedures, and forms to implement and successfully administer
19 the programs or reports. The department may develop and
20 distribute other support or informational materials it
21 determines may assist schools or school districts in improving
22 student health and fitness through local action.

23 (4) This section shall take effect July 1, 2004.

24 Section 16. Effective July 1, 2004, section 1003.455,
25 Florida Statutes, is created to read:

26 1003.455 Physical education; assessment.--

27 (1) It is the responsibility of each district school
28 board to develop a physical education program that stresses
29 physical fitness and encourages healthy, active lifestyles and
30 to encourage all students in prekindergarten through grade 12
31 to participate in physical education. Physical education shall

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1 consist of physical activities of at least a moderate
2 intensity level and for a duration sufficient to provide a
3 significant health benefit to students, subject to the
4 differing capabilities of students.

5 (2) Each district school board shall, no later than
6 December 1, 2004, adopt a written physical education policy
7 that details the school district's physical education program
8 and expected program outcomes. Each district school board
9 shall provide a copy of its written policy to the Department
10 of Education by December 15, 2004.

11 (3) Any district that does not adopt a physical
12 education policy by December 1, 2004, shall, at a minimum,
13 implement a mandatory physical education program for
14 kindergarten through grade 5 which provides students with 30
15 minutes of physical education each day, 3 days a week.

16 Section 17. Effective July 1, 2004, paragraph (d) is
17 added to subsection (4) of section 1012.98, Florida Statutes,
18 to read:

19 1012.98 School Community Professional Development
20 Act.--

21 (4) The Department of Education, school districts,
22 schools, community colleges, and state universities share the
23 responsibilities described in this section. These
24 responsibilities include the following:

25 (d) The Department of Education shall approve a public
26 state university having an approved physical education teacher
27 preparation program within its college of education to develop
28 and implement an Internet-based clearinghouse for physical
29 education professional development programs that may be
30 accessed and used by all instructional personnel. The
31 development of these programs shall be financed primarily by

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1 private funds and shall be available for use no later than
2 August 1, 2005.

3 Section 18. Effective July 1, 2004, paragraphs (d),
4 (o), and (q) of subsection (3) of section 1000.21, Florida
5 Statutes, are amended to read:

6 1000.21 Systemwide definitions.--As used in the
7 Florida K-20 Education Code:

8 (3) "Community college," except as otherwise
9 specifically provided, includes the following institutions and
10 any branch campuses, centers, or other affiliates of the
11 institution:

12 (d) Chipola ~~Junior~~ College.

13 (o) Miami Dade ~~Miami-Dade~~ Community College.

14 (q) Okaloosa-Walton ~~Community~~ College.

15 Section 19. Effective July 1, 2004, subsections (1),
16 (2), and (8) of section 1001.64, Florida Statutes, are amended
17 to read:

18 1001.64 Community college boards of trustees; powers
19 and duties.--

20 (1) The boards of trustees shall be responsible for
21 cost-effective policy decisions appropriate to the community
22 college's mission, the implementation and maintenance of
23 high-quality education programs within law and rules of the
24 State Board of Education, the measurement of performance, the
25 reporting of information, and the provision of input regarding
26 state policy, budgeting, and education standards. Community
27 colleges may grant baccalaureate degrees pursuant to s.
28 1007.33 and shall remain under the authority of the State
29 Board of Education for planning, coordination, oversight,
30 budget, and accountability responsibilities.

31 (2) Each board of trustees is vested with the

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1 responsibility to govern its respective community college and
2 with such necessary authority as is needed for the proper
3 operation and improvement thereof in accordance with rules of
4 the State Board of Education. This authority includes serving
5 as the governing board for purposes of granting baccalaureate
6 degrees as authorized pursuant to s. 1007.33 and approved by
7 the State Board of Education.

8 (8) Each board of trustees has authority for policies
9 related to students, enrollment of students, student records,
10 student activities, financial assistance, and other student
11 services.

12 (a) Each board of trustees shall govern admission of
13 students pursuant to s. 1007.263 and rules of the State Board
14 of Education. A board of trustees may establish additional
15 admissions criteria, which shall be included in the district
16 interinstitutional articulation agreement developed according
17 to s. 1007.235, to ensure student readiness for postsecondary
18 instruction. Each board of trustees may consider the past
19 actions of any person applying for admission or enrollment and
20 may deny admission or enrollment to an applicant because of
21 misconduct if determined to be in the best interest of the
22 community college.

23 (b) Each board of trustees shall adopt rules
24 establishing student performance standards for the award of
25 degrees and certificates pursuant to s. 1004.68. The board of
26 trustees of a community college authorized to grant a
27 baccalaureate degree pursuant to s. 1007.33 may continue to
28 award degrees, diplomas, and certificates as authorized for
29 the college, and in the name of the college, until the college
30 receives any necessary changes to its accreditation.

31 (c) Each board of trustees shall establish tuition and

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1 out-of-state fees for approved baccalaureate degree programs,
2 consistent with law and proviso in the General Appropriations
3 Act. However, each board of trustees shall not increase
4 tuition and out-of-state fees as authorized in s. 1009.23(4).

5 ~~(d)(c)~~ Boards of trustees are authorized to establish
6 intrainstitutional and interinstitutional programs to maximize
7 articulation pursuant to s. 1007.22.

8 ~~(e)(d)~~ Boards of trustees shall identify their core
9 curricula, which shall include courses required by the State
10 Board of Education, pursuant to the provisions of s.
11 1007.25(6).

12 ~~(f)(e)~~ Each board of trustees must adopt a written
13 antihazing policy, provide a program for the enforcement of
14 such rules, and adopt appropriate penalties for violations of
15 such rules pursuant to the provisions of s. 1006.63(1)-(3).

16 ~~(g)(f)~~ Each board of trustees may establish a uniform
17 code of conduct and appropriate penalties for violation of its
18 rules by students and student organizations, including rules
19 governing student academic honesty. Such penalties, unless
20 otherwise provided by law, may include fines, the withholding
21 of diplomas or transcripts pending compliance with rules or
22 payment of fines, and the imposition of probation, suspension,
23 or dismissal.

24 ~~(h)(g)~~ Each board of trustees pursuant to s. 1006.53
25 shall adopt a policy in accordance with rules of the State
26 Board of Education that reasonably accommodates the religious
27 observance, practice, and belief of individual students in
28 regard to admissions, class attendance, and the scheduling of
29 examinations and work assignments.

30 (i) Each board of trustees shall adopt a policy
31 ensuring that faculty who teach upper-division courses that

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1 are a component part of a baccalaureate program must adhere to
2 the requirements of s. 1012.82.

3 Section 20. Effective July 1, 2004, subsections (7)
4 and (9) of section 1004.65, Florida Statutes, are amended to
5 read:

6 1004.65 Community colleges; definition, mission, and
7 responsibilities.--

8 (7) A separate and secondary role for community
9 colleges includes:

10 (a) Providing upper level instruction and awarding
11 baccalaureate degrees as specifically authorized by law.
12 Community colleges that are approved to offer baccalaureate
13 degree programs shall maintain the primary mission pursuant to
14 subsection (6) and may not terminate associate in arts or
15 associate in science degree programs as a result of the
16 authorization to offer baccalaureate degree programs.

17 (b) The offering of programs in:

18 1. Community services that are not directly related to
19 academic or occupational advancement.

20 2. Adult general education.

21 3. Recreational and leisure services.

22 (9) Community colleges are authorized to offer such
23 programs and courses as are necessary to fulfill their mission
24 and are authorized to grant associate in arts degrees,
25 associate in science degrees, associate in applied science
26 degrees, certificates, awards, and diplomas. Each community
27 college is also authorized to make provisions for the General
28 Educational Development test. Each community college may
29 provide access to and award baccalaureate degrees in
30 accordance with law.

31 Section 21. Effective July 1, 2004, section 1007.33,

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1 Florida Statutes, is amended to read:

2 1007.33 Site-determined baccalaureate degree access.--

3 (1) The Legislature recognizes that public and private
4 postsecondary educational institutions play essential roles in
5 improving the quality of life and economic well-being of the
6 state and its residents. The Legislature also recognizes that
7 economic development needs and the educational needs of
8 place-bound, nontraditional students have increased the demand
9 for local access to baccalaureate degree programs. In some,
10 but not all, geographic regions, baccalaureate degree programs
11 are being delivered successfully at the local community
12 college through agreements between the community college and
13 4-year postsecondary institutions within or outside of the
14 state. It is therefore the intent of the Legislature to
15 further expand access to baccalaureate degree programs through
16 the use of community colleges to provide programs that meet
17 critical workforce needs.

18 (2) A community college may enter into a formal
19 agreement pursuant to the provisions of s. 1007.22 for the
20 delivery of specified baccalaureate degree programs.

21 (3) A community college may develop a proposal to
22 deliver specified baccalaureate degree programs in its
23 district to meet local workforce needs; expand access to
24 postsecondary education particularly to diverse,
25 nontraditional, and geographically bound students; enhance
26 articulation particularly in program areas where articulation
27 is limited; or provide the means of obtaining a baccalaureate
28 degree in a manner that is most cost-efficient to the student
29 and the state. The proposal must be submitted to the State
30 Board of Education requesting a formal assessment by the
31 department and for approval, in accordance with timeframes and

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1 guidelines adopted by the State Board of Education. The
2 community college's proposal must include a statement of
3 determination by the college that ~~the following information:~~

4 (a) Demand for the baccalaureate degree program is
5 identified by the workforce development board, local
6 businesses and industry, local chambers of commerce, and
7 potential students.

8 (b) Unmet need for graduates of the proposed degree
9 program is substantiated.

10 (c) The community college has the facilities and
11 academic resources to deliver the program.

12 (d) Innovative and alternative options have been
13 considered, such as distance learning and university
14 partnerships, and found less cost-effective for the student,
15 the community, and the state.

16
17 The State Board of Education shall review the formal
18 assessment and approve, deny, or require revisions to
19 proposals, in accordance with timeframes and guidelines
20 adopted by the State Board of Education. The State Board of
21 Education may approve only those proposals that fully comply
22 with the requirements of this subsection and s. 1004.03(2) and
23 represent the most efficient and cost-effective manner to
24 provide access to the degree. The proposal must be submitted
25 to the Council for Education Policy Research and Improvement
26 for review and comment.

27 (4) Upon approval of the State Board of Education for
28 the specific degree program or programs, the community college
29 shall pursue regional accreditation by the Commission on
30 Colleges of the Southern Association of Colleges and Schools.
31 Any additional baccalaureate degree programs the community

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1 college wishes to offer must be approved by the State Board of
 2 Education pursuant to the process outlined in this section.
 3 Approved programs shall be implemented in accordance with
 4 joint letters of agreement between the State Board of
 5 Education and colleges approved by the State Board pursuant to
 6 this section.

7 (5) The State Board of Education shall adopt by rule
 8 policies that address the baccalaureate degree programs at
 9 community colleges approved pursuant to this section,
 10 including reporting policies and performance accountability
 11 requirements for both upper-division and lower-division
 12 programs.

13 ~~(6)(4)~~ A community college may not terminate its
 14 associate in arts or associate in science degree programs as a
 15 result of the authorization provided in subsection (3). The
 16 Legislature intends that the primary mission of a community
 17 college, including a community college that offers
 18 baccalaureate degree programs, continues to be the provision
 19 of associate degrees that provide access to a university.

20 (7) A community college may not offer graduate
 21 programs.

22 (8) The State Board of Education may adopt rules to
 23 administer this section.

24 Section 22. Effective July 1, 2004, subsections (1),
 25 (2), (3), and (11) of section 1009.23, Florida Statutes, are
 26 amended to read:

27 1009.23 Community college student fees.--

28 (1) Unless otherwise provided, the provisions of this
 29 section apply only to fees charged for college credit
 30 instruction leading to an associate in arts degree, an
 31 associate in applied science degree, ~~or~~ an associate in

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1 science degree, or a baccalaureate degree authorized by the
2 State Board of Education pursuant to s. 1007.33, and for
3 noncollege credit college-preparatory courses defined in s.
4 1004.02.

5 (2)(a) All students shall be charged fees except
6 students who are exempt from fees or students whose fees are
7 waived.

8 (b) Tuition and out-of-state fees for upper-division
9 courses must reflect the fact that the college has a less
10 expensive cost structure than that of a state university.
11 Therefore, the board of trustees shall establish tuition and
12 out-of-state fees for upper-division courses consistent with
13 law and proviso in the General Appropriations Act. However,
14 the board of trustees shall not increase tuition and
15 out-of-state fees as authorized in subsection (4).

16 (3) The State Board of Education shall adopt by
17 December 31 of each year a resident fee schedule for the
18 following fall for advanced and professional, associate in
19 science degree, baccalaureate degree programs authorized by
20 the State Board of Education pursuant to s. 1007.33, and
21 college-preparatory programs that produce revenues in the
22 amount of 25 percent of the full prior year's cost of these
23 programs. Fees for courses in college-preparatory programs and
24 associate in arts and associate in science degree programs may
25 be established at the same level. In the absence of a
26 provision to the contrary in an appropriations act, the fee
27 schedule shall take effect and the colleges shall expend the
28 funds on instruction. If the Legislature provides for an
29 alternative fee schedule in an appropriations act, the fee
30 schedule shall take effect the subsequent fall semester.

31 (11)(a) Each community college board of trustees may

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1 establish a separate fee for capital improvements, technology
2 enhancements, or equipping student buildings which may not
3 exceed 10 percent of tuition for resident students or 10
4 percent of the sum of tuition and out-of-state fees for
5 nonresident students. The fee for resident students shall be
6 limited to an increase of \$2 per credit hour over the prior
7 year. \$1 per credit hour or credit-hour equivalent for
8 residents and which equals or exceeds \$3 per credit hour for
9 nonresidents. Funds collected by community colleges through
10 these fees may be bonded only as provided in this subsection,
11 for the purpose of financing or refinancing new construction
12 and equipment, renovation, or remodeling of educational
13 facilities. The fee shall be collected as a component part of
14 the tuition and fees, paid into a separate account, and
15 expended only to construct and equip, maintain, improve, or
16 enhance the educational facilities of the community college.
17 Projects funded through the use of the capital improvement fee
18 shall meet the survey and construction requirements of chapter
19 1013. Pursuant to s. 216.0158, each community college shall
20 identify each project, including maintenance projects,
21 proposed to be funded in whole or in part by such fee.

22 (b) Capital improvement fee revenues may be pledged by
23 a board of trustees as a dedicated revenue source to the
24 repayment of debt, including lease-purchase agreements with an
25 overall term, including renewals, extensions, and refundings,
26 of not more than 7 years and revenue bonds, with a term not to
27 exceed 20 annual maturities ~~years~~, and not to exceed the
28 useful life of the asset being financed, only for the
29 financing or refinancing or new construction and equipment,
30 renovation, or remodeling of educational facilities. ~~Community~~
31 ~~colleges may use the services of the Division of Bond Finance~~

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1 ~~of the State Board of Administration to issue any Bonds~~
2 ~~authorized through the provisions of this subsection shall be.~~
3 ~~Any such bonds~~ issued by the Division of Bond Finance upon the
4 request of the community college board of trustees shall be in
5 compliance with the provisions of s. 11(d), Art. VII of the
6 State Constitution and the State Bond Act. The Division of
7 State Bond Finance may pledge fees collected by one or more
8 community colleges to secure such bonds. Any project included
9 in the approved educational plant survey pursuant to chapter
10 1013 is approved pursuant to s. 11(d), Art. VII of the State
11 Constitution.

12 (c) The state does hereby covenant with the holders of
13 the bonds issued under this subsection that it will not take
14 any action that will materially and adversely affect the
15 rights of such holders so long as the bonds authorized by this
16 subsection are outstanding.

17 (d) Any validation of the bonds ~~Bonds issued pursuant~~
18 ~~to the State Bond Act~~ shall be ~~validated~~ in the manner
19 provided by chapter 75. Only the initial series of bonds is
20 required to be validated. The complaint for such validation
21 shall be filed in the circuit court of the county where the
22 seat of state government is situated, the notice required to
23 be published by s. 75.06 shall be published only in the county
24 where the complaint is filed, and the complaint and order of
25 the circuit court shall be served only on the state attorney
26 of the circuit in which the action is pending.

27 (e) A maximum of 15 percent ~~cents per credit hour~~ may
28 be allocated from the capital improvement fee for child care
29 centers conducted by the community college. The use of capital
30 improvement fees for such purpose shall be subordinate to the
31 payment of any bonds secured by the fees.

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1 Section 23. Effective July 1, 2004, section 1011.83,
2 Florida Statutes, is amended to read:

3 1011.83 Financial support of community colleges.--

4 (1) Each community college that has been approved by
5 the Department of Education and meets the requirements of law
6 and rules of the State Board of Education shall participate in
7 the Community College Program Fund. However, funds to support
8 workforce development programs conducted by community colleges
9 shall be provided by the Workforce Development Education Fund
10 pursuant to s. 1011.80. Community colleges shall fund the
11 nonrecurring costs related to the initiation of a new
12 baccalaureate degree program pursuant to s. 1007.33 without
13 new state appropriations, unless special grant funds are
14 designated by the State Board of Education, subject to funding
15 by the Legislature for this purpose. However, a new
16 baccalaureate program may not accept students without a
17 recurring legislative appropriation for this purpose.
18 Recurring operational funding for a community college
19 authorized to grant baccalaureate degrees pursuant to s.
20 1007.33 shall be funded as follows:

21 (a) As a community college for its workforce
22 development education programs and for its lower-division
23 level college credit courses and programs funded in the
24 community college program fund pursuant to this section.

25 (b) As a baccalaureate-degree-level institution for
26 its upper-division level courses and programs. State support
27 for these programs should not exceed 85 percent of the amount
28 of state support per full-time equivalent student in a
29 comparable state university program. Funds appropriated for
30 this purpose may be used only for the baccalaureate degree
31 programs.

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1 (2) Community colleges that grant baccalaureate
2 degrees shall maintain reporting and funding distinctions
3 between any baccalaureate degree program approved pursuant to
4 s. 1007.33 and other baccalaureate degree programs involving
5 traditional concurrent-use partnerships.

6 Section 24. Effective July 1, 2004, subsection (2) of
7 section 1013.60, Florida Statutes, is amended to read:

8 1013.60 Legislative capital outlay budget request.--

9 (2) The commissioner shall submit to the Governor and
10 to the Legislature an integrated, comprehensive budget request
11 for educational facilities construction and fixed capital
12 outlay needs for school districts, community colleges, and
13 universities, pursuant to the provisions of s. 1013.64 and
14 applicable provisions of chapter 216. Each community college
15 board of trustees and each university board of trustees shall
16 submit to the commissioner a 3-year plan and data required in
17 the development of the annual capital outlay budget. Community
18 college boards of trustees may request funding for all
19 authorized programs, including approved baccalaureate degree
20 programs. Enrollment in approved baccalaureate degree programs
21 shall be computed into the survey of need for facilities. No
22 further disbursements shall be made from the Public Education
23 Capital Outlay and Debt Service Trust Fund to a board of
24 trustees that fails to timely submit the required data until
25 such board of trustees submits the data.

26 Section 25. Effective July 1, 2004, paragraph (g) of
27 subsection (5) of section 288.8175, Florida Statutes, is
28 amended to read:

29 288.8175 Linkage institutes between postsecondary
30 institutions in this state and foreign countries.--

31 (5) The institutes are:

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1 (g) Florida-France Institute (New College of the
2 University of South Florida, Miami Dade ~~Miami-Dade Community~~
3 College, and Florida State University).

4 Section 26. Effective July 1, 2004, paragraph (a) of
5 subsection (2) of section 1002.35, Florida Statutes, is
6 amended to read:

7 1002.35 New World School of the Arts.--

8 (2)(a) For purposes of governance, the New World
9 School of the Arts is assigned to Miami Dade ~~Miami-Dade~~
10 ~~Community~~ College, the Dade County School District, and one or
11 more universities designated by the State Board of Education.
12 The State Board of Education shall assign to the New World
13 School of the Arts a university partner or partners. In this
14 selection, the State Board of Education shall consider the
15 accreditation status of the core programs. Florida
16 International University, in its capacity as the provider of
17 university services to Dade County, shall be a partner to
18 serve the New World School of the Arts, upon meeting the
19 accreditation criteria. The respective boards shall appoint
20 members to an executive board for administration of the
21 school. The executive board may include community members and
22 shall reflect proportionately the participating institutions.
23 Miami Dade ~~Miami-Dade Community~~ College shall serve as fiscal
24 agent for the school.

25 Section 27. Effective July 1, 2004, subsection (2) of
26 section 1004.76, Florida Statutes, is amended to read:

27 1004.76 Florida Martin Luther King, Jr., Institute for
28 Nonviolence.--

29 (2) There is hereby created the Florida Martin Luther
30 King, Jr., Institute for Nonviolence to be established at
31 Miami Dade ~~Miami-Dade Community~~ College. The institute shall

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1 have an advisory board consisting of 13 members as follows:
2 the Attorney General, the Commissioner of Education, and 11
3 members to be appointed by the Governor, such members to
4 represent the population of the state based on its ethnic,
5 gender, and socioeconomic diversity. Of the members appointed
6 by the Governor, one shall be a member of the Senate appointed
7 by the Governor on the recommendation of the President of the
8 Senate; one shall be a member of the Senate appointed by the
9 Governor on the recommendation of the minority leader; one
10 shall be a member of the House of Representatives appointed by
11 the Governor on the recommendation of the Speaker of the House
12 of Representatives; one shall be a member of the House of
13 Representatives appointed by the Governor on the
14 recommendation of the minority leader; and seven shall be
15 members appointed by the Governor, no more than three of whom
16 shall be members of the same political party. The following
17 groups shall be represented by the seven members: the Florida
18 Sheriffs Association; the Florida Association of Counties; the
19 Florida League of Cities; state universities human services
20 agencies; community relations or human relations councils; and
21 youth. A chairperson shall be elected by the members and shall
22 serve for a term of 3 years. Members of the board shall serve
23 the following terms of office which shall be staggered:

24 (a) A member of the Legislature appointed to the board
25 shall serve for a single term not to exceed 5 years and shall
26 serve as a member only while he or she is a member of the
27 Legislature.

28 (b) Of the seven members who are not members of the
29 Legislature, three shall serve for terms of 4 years, two shall
30 serve for terms of 3 years, and one shall serve for a term of
31 1 year. Thereafter, each member, except for a member appointed

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1 to fill an unexpired term, shall serve for a 5-year term. No
2 member shall serve on the board for more than 10 years.

3
4 In the event of a vacancy occurring in the office of a member
5 of the board by death, resignation, or otherwise, the Governor
6 shall appoint a successor to serve for the balance of the
7 unexpired term.

8 Section 28. Effective July 1, 2004, subsections (11)
9 through (22) of section 1002.20, Florida Statutes, are
10 renumbered as subsections (12) through (23), respectively, and
11 a new subsection (11) is added to that section to read:

12 1002.20 K-12 student and parent rights.--Parents of
13 public school students must receive accurate and timely
14 information regarding their child's academic progress and must
15 be informed of ways they can help their child to succeed in
16 school. K-12 students and their parents are afforded numerous
17 statutory rights including, but not limited to, the following:

18 (11) STUDENTS WITH READING DEFICIENCIES.--Each
19 elementary school shall regularly assess the reading ability
20 of each K-3 student. The parent of any K-3 student who
21 exhibits a reading deficiency shall be immediately notified of
22 the student's deficiency with a description and explanation,
23 in terms understandable to the parent, of the exact nature of
24 the student's difficulty in learning and lack of achievement
25 in reading; shall be consulted in the development of a
26 detailed academic improvement plan, as described in s.
27 1008.25(4)(b); and shall be informed that the student will be
28 given intensive reading instruction until the deficiency is
29 corrected. This subsection operates in addition to the
30 remediation and notification provisions contained in s.
31 1008.25 and in no way reduces the rights of a parent or the

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1 responsibilities of a school district under that section.

2 Section 29. Effective July 1, 2004, subsection (5) and
3 paragraph (b) of subsection (6) of section 1008.25, Florida
4 Statutes, are amended, subsections (7), (8), and (9) are
5 renumbered as subsections (8), (9), and (10), respectively,
6 and a new subsection (7) is added to that section, to read:

7 1008.25 Public school student progression; remedial
8 instruction; reporting requirements.--

9 (5) READING DEFICIENCY AND PARENTAL NOTIFICATION.--

10 (a) It is the ultimate goal of the Legislature that
11 every student read at or above grade level. Any student who
12 exhibits a substantial deficiency in reading, based upon
13 locally determined or statewide assessments conducted in
14 kindergarten or grade 1, grade 2, or grade 3, or through
15 teacher observations, must be given intensive reading
16 instruction immediately following the identification of the
17 reading deficiency. The student's reading proficiency must be
18 reassessed by locally determined assessments or through
19 teacher observations at the beginning of the grade following
20 the intensive reading instruction. The student must continue
21 to be provided with intensive reading instruction until the
22 reading deficiency is remedied.

23 (b) Beginning with the 2002-2003 school year, if the
24 student's reading deficiency, as identified in paragraph (a),
25 is not remedied by the end of grade 3, as demonstrated by
26 scoring at Level 2 or higher on the statewide assessment test
27 in reading for grade 3, the student must be retained.

28 (c) ~~Beginning with the 2002-2003 school year,~~ The
29 parent of any student who exhibits a substantial deficiency in
30 reading, as described in paragraph (a), must be notified in
31 writing of the following:

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1 1. That his or her child has been identified as having
2 a substantial deficiency in reading.

3 2. A description of the current services that are
4 provided to the child.

5 3. A description of the proposed supplemental
6 instructional services and supports that will be provided to
7 the child that are designed to remediate the identified area
8 of reading deficiency.

9 4. That if the child's reading deficiency is not
10 remediated by the end of grade 3, the child must be retained
11 unless he or she is exempt from mandatory retention for good
12 cause.

13 5. Strategies for parents to use in helping their
14 child succeed in reading proficiency.

15 6. That the Florida Comprehensive Assessment Test
16 (FCAT) is not the sole determiner of promotion and that
17 additional evaluations, portfolio reviews, and assessments are
18 available to the child to assist parents and the school
19 district in knowing when a child is reading at or above grade
20 level and ready for grade promotion.

21 7. The district's specific criteria and policies for
22 mid-year promotion. Mid-year promotion means promotion of a
23 retained student at any time during the year of retention once
24 the student has demonstrated ability to read at grade level.

25 (6) ELIMINATION OF SOCIAL PROMOTION.--

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

30 1. Limited English proficient students who have had
31 less than 2 years of instruction in an English for Speakers of

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1 Other Languages program.

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

6 3. Students who demonstrate an acceptable level of
7 performance on an alternative standardized reading assessment
8 approved by the State Board of Education.

9 4. Students who demonstrate, through a student
10 portfolio, that the student is reading on grade level as
11 evidenced by demonstration of mastery of the Sunshine State
12 Standards in reading equal to at least a Level 2 performance
13 on the FCAT.

14 5. Students with disabilities who participate in the
15 FCAT and who have an individual education plan or a Section
16 504 plan that reflects that the student has received the
17 intensive remediation in reading, as required by paragraph
18 (4)(b), for more than 2 years but still demonstrates a
19 deficiency in reading and was previously retained in
20 kindergarten, grade 1, ~~or~~ grade 2, or grade 3.

21 6. Students who have received the intensive
22 remediation in reading as required by paragraph (4)(b) for 2
23 or more years but still demonstrate a deficiency in reading
24 and who were previously retained in kindergarten, grade 1, ~~or~~
25 grade 2, or grade 3 for a total of 2 years. Intensive reading
26 instruction for students so promoted must include an altered
27 instructional day based upon an academic improvement plan that
28 includes specialized diagnostic information and specific
29 reading strategies for each student. The district school board
30 shall assist schools and teachers to implement reading
31 strategies that research has shown to be successful in

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1 improving reading among low performing readers.

2 (7) SUCCESSFUL PROGRESSION FOR RETAINED READERS.--

3 (a) Students retained under the provisions of
4 paragraph (5)(b) must be provided intensive interventions in
5 reading to ameliorate the student's specific reading
6 deficiency, as identified by a valid and reliable diagnostic
7 assessment. This intensive intervention must include effective
8 instructional strategies, participation in the school
9 district's summer reading camp, and appropriate teaching
10 methodologies necessary to assist those students in becoming
11 successful readers, able to read at or above grade level, and
12 ready for promotion to the next grade.

13 (b) Beginning with the 2004-2005 school year, each
14 school district shall:

15 1. Conduct a review of student academic improvement
16 plans for all students who did not score above Level 1 on the
17 reading portion of the FCAT and did not meet the criteria for
18 one of the good cause exemptions in paragraph (6)(b). The
19 review shall address additional supports and services, as
20 described in this subsection, needed to remediate the
21 identified areas of reading deficiency. The school district
22 shall require a student portfolio to be completed for each
23 such student.

24 2. Provide students who are retained under the
25 provisions of paragraph (5)(b) with intensive instructional
26 services and supports to remediate the identified areas of
27 reading deficiency, including a minimum of 90 minutes of
28 daily, uninterrupted, scientifically research-based reading
29 instruction and other strategies prescribed by the school
30 district, which may include, but are not limited to:

31 a. Small group instruction.

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1 b. Reduced teacher-student ratios.
2 c. More frequent progress monitoring.
3 d. Tutoring or mentoring.
4 e. Transition classes containing 3rd and 4th grade
5 students.
6 f. Extended school day, week, or year.
7 g. Summer reading camps.
8 3. Provide written notification to the parent of any
9 student who is retained under the provisions of paragraph
10 (5)(b) that his or her child has not met the proficiency level
11 required for promotion and the reasons the child is not
12 eligible for a good cause exemption as provided in paragraph
13 (6)(b). The notification must comply with the provisions of s.
14 1002.20(14) and must include a description of proposed
15 interventions and supports that will be provided to the child
16 to remediate the identified areas of reading deficiency.
17 4. Implement a policy for the mid-year promotion of
18 any student retained under the provisions of paragraph (5)(b)
19 who can demonstrate that he or she is a successful and
20 independent reader, reading at or above grade level, and ready
21 to be promoted to grade 4. Tools that school districts may use
22 in reevaluating any student retained may include subsequent
23 assessments, alternative assessments, and portfolio reviews,
24 in accordance with rules of the State Board of Education.
25 Students promoted during the school year after November 1 must
26 demonstrate proficiency above that required to score at Level
27 2 on the grade 3 FCAT, as determined by the State Board of
28 Education. The State Board of Education shall adopt standards
29 that provide a reasonable expectation that the student's
30 progress is sufficient to master appropriate 4th grade level
31 reading skills.

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1 5. Provide students who are retained under the
2 provisions of paragraph (5)(b) with a high-performing teacher
3 as determined by student performance data and
4 above-satisfactory performance appraisals.

5 6. In addition to required reading enhancement and
6 acceleration strategies, provide parents of students to be
7 retained with at least one of the following instructional
8 options:

9 a. Supplemental tutoring in scientifically
10 research-based reading services in addition to the regular
11 reading block, including tutoring before or after school.

12 b. A "Read at Home" plan outlined in a parental
13 contract, including participation in "Families Building Better
14 Readers Workshops" and regular parent-guided home reading.

15 c. A mentor or tutor with specialized reading
16 training.

17 7. Establish a Reading Enhancement and Acceleration
18 Development (READ) Initiative. The focus of the READ
19 Initiative shall be to prevent the retention of grade 3
20 students and to offer intensive accelerated reading
21 instruction to grade 3 students who failed to meet standards
22 for promotion to grade 4 and to each K-3 student who is
23 assessed as exhibiting a reading deficiency. The READ
24 Initiative shall:

25 a. Be provided to all K-3 students at risk of
26 retention as identified by the statewide assessment system
27 used in Reading First schools. The assessment must measure
28 phonemic awareness, phonics, fluency, vocabulary, and
29 comprehension.

30 b. Be provided during regular school hours in addition
31 to the regular reading instruction.

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1 c. Provide a state-identified reading curriculum that
2 has been reviewed by the Florida Center for Reading Research
3 at Florida State University and meets, at a minimum, the
4 following specifications:

5 (I) Assists students assessed as exhibiting a reading
6 deficiency in developing the ability to read at grade level.

7 (II) Provides skill development in phonemic awareness,
8 phonics, fluency, vocabulary, and comprehension.

9 (III) Provides scientifically based and reliable
10 assessment.

11 (IV) Provides initial and ongoing analysis of each
12 student's reading progress.

13 (V) Is implemented during regular school hours.

14 (VI) Provides a curriculum in core academic subjects
15 to assist the student in maintaining or meeting proficiency
16 levels for the appropriate grade in all academic subjects.

17 8. Establish at each school, where applicable, an
18 intensive acceleration class for retained third graders who
19 subsequently score at Level 1 on the reading portion of the
20 FCAT. The focus of the intensive acceleration class shall be
21 to increase a child's reading level at least two grade levels
22 in 1 school year. The intensive acceleration class shall:

23 a. Be provided to any student in grade 3 scoring at
24 Level 1 on the reading portion of the FCAT and who was
25 retained in grade 3 the prior year because of scoring at Level
26 1 on the reading portion of the FCAT.

27 b. Have reduced teacher-student ratios.

28 c. Provide uninterrupted reading instruction for the
29 majority of student contact time each day and incorporate
30 opportunities to master the grade 4 Sunshine State Standards
31 in other core subject areas.

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1 d. Use a reading program that is scientifically
2 research-based and has proven results in accelerating student
3 reading achievement within the same school year.

4 e. Provide intensive language and vocabulary
5 instruction using a scientifically research-based program,
6 including use of a speech-language therapist.

7 f. Include weekly progress monitoring measures to
8 ensure that progress is being made.

9 g. Report to the Department of Education, in the
10 manner described by the department, the progress of these
11 students at the end of the first semester.

12 9. Report to the State Board of Education, as
13 requested, on the specific intensive reading interventions and
14 supports implemented at the school district level. The
15 Commissioner of Education shall annually prescribe the
16 required components of requested reports.

17 10. Provide a student who has been retained in grade 3
18 and has received intensive instructional services but is still
19 not ready for grade promotion, as determined by the school
20 district, the option of being placed in a transitional
21 instructional setting. Such setting shall specifically be
22 designed to produce learning gains sufficient to meet grade 4
23 performance standards while continuing to remediate the areas
24 of reading deficiency.

25 Section 30. Section 1004.63, Florida Statutes, is
26 created to read:

27 1004.63 Florida-Scripps Research Compact.--

28 (1) There is created the Florida-Scripps Research
29 Compact. The purpose of the compact is to explore facilitating
30 and maximizing Florida's postsecondary collaboration with the
31 Scripps Research Institute, including the feasibility and

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1 planning of a physical presence constituting a fully
2 operational State of Florida-Scripps Research Campus over a
3 multiyear phase-in. Such plans may include, but need not be
4 limited to, the creation of research and graduate education
5 facilities for faculty, support staff, and students of the
6 state universities, the state's historically black colleges
7 and universities, the University of Miami, and any other
8 accredited medical school in this state to collaborate with
9 the Scripps Research Institute; the acquisition of land,
10 facilities, and equipment; the potential for placement of a
11 research hospital on the campus; the placement of a
12 public-private research incubator on the campus; and any other
13 public-private partnerships and necessary physical resources
14 that would enhance the state's relationship with the Scripps
15 Research Institute. By December 31, 2004, the compact shall
16 submit a report to the Office of the Governor, the Senate, and
17 the House of Representatives outlining the potential and
18 feasibility of a Florida-Scripps Research Campus, including
19 plans for governance, operation, and phased-in budget.

20 (2) For purposes of administration and fiscal agency,
21 the compact shall be hosted by Florida Atlantic University and
22 chaired by the President of Florida Atlantic University.
23 Functions of the compact shall be overseen by a board of
24 directors whose composition shall be determined by the
25 Governor, in consultation with the Scripps Research Institute.

26 (3) A Compact Research Advisory Committee shall serve
27 as a standing committee of the board of directors. The
28 committee shall be comprised of all members of the Florida
29 Research Consortium and other members as determined by the
30 Governor. The purpose of the Compact Research Advisory
31 Committee shall be to facilitate the report as well as the

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1 future collaboration and coordination among Florida's
2 postsecondary institutions and the Scripps Research Institute.
3 Such coordination shall be for purposes of communication,
4 efficiency, priority, and nonduplication rather than as a
5 restriction on any Florida postsecondary institution and its
6 relationship with the Scripps Research Institute.

7 Section 31. There is appropriated from the General
8 Revenue Fund to the State Board of Education the sum of
9 \$250,000 in nonrecurring funds for the 2004-2005 fiscal year.
10 These funds shall be administered by the Board of Governors of
11 the State University System to support the activities of the
12 Florida-Scripps Research Compact and the Compact Research
13 Advisory Committee.

14 Section 32. Except as otherwise expressly provided in
15 this act, this act shall take effect upon becoming a law.
16
17

18 ===== T I T L E A M E N D M E N T =====

19 And the title is amended as follows:

20 On page 1, lines 2-28, delete those lines

21
22 and insert:

23 An act relating to education; creating s.
24 1003.415, F.S.; providing the popular name the
25 "Middle Grades Reform Act"; providing purpose
26 and intent; defining the term "middle grades";
27 requiring a review and recommendations relating
28 to curricula and courses; requiring
29 implementation of new or revised reading and
30 language arts courses; providing for
31 implementation of a rigorous reading

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1 requirement in certain schools; requiring the
2 Department of Education to provide technical
3 assistance; requiring a study of the academic
4 performance of middle grade students and
5 schools with recommendations for an increase in
6 performance; requiring a personalized middle
7 school success plan for certain students;
8 providing authority for State Board of
9 Education rulemaking and enforcement; amending
10 s. 1001.42, F.S.; requiring a school
11 improvement plan to include the rigorous
12 reading requirement if applicable; requiring
13 district school boards to address student
14 health and fitness in school improvement plans;
15 requiring district school boards to adopt
16 policies for implementing student health and
17 fitness standards; amending s. 1008.25, F.S.;
18 requiring a personalized middle school success
19 plan to be incorporated in a student's academic
20 improvement plan if applicable; amending s.
21 1012.34, F.S.; revising assessment criteria for
22 instructional personnel; amending s. 1008.22,
23 F.S.; delaying the date by which the
24 Commissioner of Education must approve the use
25 of specified standardized tests as an
26 alternative to the grade 10 Florida
27 Comprehensive Assessment Test (FCAT); allowing
28 passage of the alternative tests to satisfy the
29 assessment requirement for students graduating
30 from high school in the 2003-2004 school year,
31 subject to certain conditions; amending s.

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1 1003.433, F.S.; allowing passage of alternate
2 assessments in lieu of the grade 10 FCAT for
3 certain transfer students subject to certain
4 conditions beginning in the 2004-2005 school
5 year; repealing s. 1008.301, F.S., relating to
6 concordance studies by the State Board of
7 Education; amending s. 1003.429, F.S.; amending
8 requirements applicable to the selection of
9 such an accelerated option; amending required
10 courses for the 3-year standard college
11 preparatory program; deleting provisions
12 authorizing a student to select a 3-year
13 standard career preparatory program; revising
14 requirements for grades that must be earned to
15 participate in the accelerated program;
16 providing for default to the standard
17 graduation requirements in certain
18 circumstances; creating s. 1004.451, F.S.;
19 providing for creation of the Florida State
20 University Center for the Performing Arts
21 direct-support organization; providing its
22 organization, powers, and duties; amending s.
23 1013.735, F.S.; modifying the formula to be
24 used in allocating funds from the Classrooms
25 for Kids appropriation; amending s. 121.35,
26 F.S.; authorizing state universities to assume
27 certain responsibilities regarding the optional
28 retirement program; requiring remaining state
29 universities to assume those responsibilities
30 if eight universities have done so; amending s.
31 121.122, F.S.; authorizing participation by

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1 renewed members in specified optional programs;
2 amending s. 1001.74, F.S., to conform;
3 providing a short title; requiring the
4 Department of Education to conduct a study on
5 physical education in public schools; requiring
6 a report to the Governor and the Legislature;
7 requiring the Department of Education to
8 develop a physical fitness assessment
9 instrument and support materials for fitness
10 assessment programs; creating s. 1003.455,
11 F.S.; requiring district school boards to
12 develop physical education programs; requiring
13 district school boards to adopt written
14 physical education policies; requiring that the
15 policies be provided to the Department of
16 Education; requiring school districts to
17 implement mandatory physical education under
18 certain circumstances; amending s. 1012.98,
19 F.S.; providing for the development of an
20 Internet-based clearinghouse at a public state
21 university for professional development
22 programs concerning physical education;
23 amending s. 1000.21, F.S.; redesignating
24 specified community colleges to conform to
25 changes made by the act; amending s. 1001.64,
26 F.S.; providing requirements for the board of
27 trustees of a community college authorized to
28 grant baccalaureate degrees; authorizing the
29 establishment of tuition and out-of-state fees;
30 requiring that the board of trustees of each
31 community college adopt a policy ensuring that

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1 faculty who teach upper-division courses that
2 are a component part of a baccalaureate program
3 adhere to specified classroom contact hours as
4 set forth in law; amending s. 1004.65, F.S.;
5 prohibiting a community college from
6 terminating associate degree programs as a
7 result of offering baccalaureate programs;
8 amending s. 1007.33, F.S.; revising
9 requirements for a proposal by a community
10 college to deliver a baccalaureate degree
11 program; requiring the State Board of Education
12 to assess proposals; requiring a joint letter
13 of agreement to implement a proposed program;
14 requiring the State Board of Education to adopt
15 policies and requirements concerning reporting
16 and performance accountability for
17 upper-division and lower-division programs;
18 prohibiting a community college from offering
19 graduate programs; amending s. 1009.23, F.S.;
20 providing requirements for upper-division
21 tuition and fees; revising provisions relating
22 to financial matters for community colleges;
23 amending s. 1011.83, F.S.; providing for
24 funding a community college authorized to grant
25 baccalaureate degrees; amending s. 1013.60,
26 F.S.; revising requirements for the legislative
27 capital outlay budget request submitted by the
28 Commissioner of Education; providing for
29 recommendations for the expenditure of funds
30 for facilities for baccalaureate degree
31 programs at community colleges; amending ss.

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1 288.8175, 1002.35, and 1004.76, F.S.;

2 conforming terminology; amending s. 1002.20,

3 F.S.; providing certain rights to parents of

4 students with reading deficiencies; requiring

5 that parents receive understandable information

6 and are consulted regarding a child's academic

7 progress; amending s. 1008.25, F.S.; removing

8 an obsolete date; providing notification of

9 additional information to parents of students

10 who exhibit a substantial reading deficiency;

11 revising certain good cause exemptions from

12 mandatory retention; requiring school districts

13 to provide certain reading interventions to

14 students who have been retained; providing

15 school district requirements relating to

16 remediation of student reading deficiencies,

17 parental notification, implementation of a

18 mid-year promotion policy, provision of

19 instructional options for students,

20 establishment of a Reading Enhancement and

21 Acceleration Development (READ) Initiative,

22 establishment of an intensive acceleration

23 class for retained 3rd grade students, and

24 reporting; creating s. 1004.63, F.S.; creating

25 the Florida-Scripps Research Compact; providing

26 an appropriation; providing effective dates.

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